

Bill No. 118 of 1949.

A BILL RESPECTING MINES AND MINERALS.

NOTE.

This Bill enacts a new Act to be known as "*The Mines and Minerals Act.*"

This Act deals with the disposition of mineral rights, the staking of claims and all types of mining within the Province except coal mining and the drilling of wells.

The Act is divided into seven Parts. Part I deals with the administration of the Act and contains provisions of general application to all types of disposition of mineral rights and mining other than coal mining and drilling of wells.

Part II deals with quartz mining, Part III with placer mining, Part IV with coal mining, Part V with mining in road allowances, Part VI with petroleum and natural gas and Part VII with geophysical and geological exploration.

The Act commences with the usual short title, interpretation and application sections which are found in sections 1 to 8.

Part I, which deals with the administration of minerals, is found in sections 9 to 56 inclusive.

Section 9 outlines the jurisdiction of the new Department of Mines and Minerals. Sections 10 and 11 deal with appointment and duties of officers.

Sections 12 to 18 contain the powers and duties of the Minister. Sections 19 and 20 deal with the powers of the Lieutenant Governor in Council. These sections provide for the making of regulations which are required to be published in *The Alberta Gazette*.

Sections 21 to 23 outline the duties of the Mining Recorder.

Sections 24 to 31 deal generally with disposition of minerals. The general rule is that no minerals belonging to the Crown in the right of the Province shall be sold. Exceptions to this rule may be specifically provided for by Statute. In some cases, in order to consolidate mineral holdings, the Crown may exchange one of its titles for a privately owned title. In such cases the Act makes provision for the issuing of title in fee simple to minerals. Crown minerals are normally disposed of by way of lease. All dispositions of Crown minerals are subject to certain reservations to the Crown. On every disposition there is reserved to the Crown a royalty at such rate as may be prescribed by the Lieutenant Governor in Council upon the granting of the mineral rights and from time to time thereafter.

Section 32 gives a lien to the Crown for any rental or royalty which is due and deals with the enforcement of such a lien.

Sections 33 and 34 deal with seizures by the Crown in case default is made in the payment of rent, royalty, or other moneys due.

Sections 35 to 37 deal with evidence and its admissibility.

Section 38 provides that a person working minerals without an agreement made under this Act acquires no right to the mineral and may be ejected as a trespasser.

Sections 39 to 56 contain miscellaneous provisions relating to leases, licenses, permits, etc., and the general administration of the Department.

Part II deals with quartz mining.

Section 57 is the interpretation section applicable to the Part and section 58 deals with the application of the Part.

Sections 59 to 64 deal with acquisition of claims.

Sections 65 to 75 set out how a claim shall be staked.

Sections 76 to 80 prohibit any unauthorized person from removing or defacing posts used for staking claims.

Sections 81 to 91 deal with the recording of mineral claims with the Mining Recorder.

Sections 92 to 95 set out how claims shall be abandoned.

Section 96 provides for the grouping of claims.

Sections 97 to 101 deal with the representation work required to be done on mineral claims after they have been duly staked and recorded.

Sections 102 to 105 deal with disputes over the staking of or the title to mineral claims.

Sections 106 to 111 deal with the issue of a certificate of improvements to which the lawful holder of a mineral claim is entitled upon proving to the Mining Recorder that he has done the necessary work.

Sections 112 and 113 deal with the determination of adverse rights which are in dispute before a court.

Section 114 provides that every application for a mineral claim, etc. under this Act shall contain an address for service.

Sections 115 to 124 set out what the lease or entry gives to the holder of a mineral claim.

Sections 125 to 131 deal with transfers of mineral claims.

Section 132 provides for the reservation of a royalty to the Crown of such amount as may be determined and fixed from time to time by order of the Lieutenant Governor in Council.

Sections 133 to 136 prescribe the term of a lease and the rental payable.

Sections 137 to 142 require the operator of every mine to keep clear and accurate plans of his workings which are to be kept up to date and available for inspection at any time.

Sections 143 to 151 deal with mineral claims belonging to deceased persons or insane persons. Such mineral claims are exempt from the requirements of this Act as to the performance of work, etc. for the period fixed by the Minister.

Sections 152 to 155 require a party wall as a barrier to be left between adjoining mining operations with certain exceptions.

Sections 156 to 160 are miscellaneous provisions relating to quartz mining.

Part III deals with placer mining and is found in sections 161 to 196 inclusive.

Section 161 is the interpretation section applicable to the Part and section 162 deals with the application of the Part.

Section 163 deals with where and by whom claims may be acquired and the procedure to be followed.

Sections 164 to 172 set out how placer mining claims shall be staked.

Sections 173 to 181 deal with the recording of placer mining claims.

Sections 182 to 189 deal with the representation work required to be done each year.

Sections 190 and 191 provide for grouping of claims.

Section 192 deals with water rights.

Sections 193 to 195 deal with placer mining claims belonging to deceased or insane persons.

Section 196 provides for additional regulations to be made by the Lieutenant Governor in Council if necessary.

Part IV deals with coal mining and is found in sections 197 to 220 inclusive.

Sections 197 to 201 deal with coal-mining leases.

Sections 202 to 204 set out how a coal-mining location shall be staked in unsurveyed territory.

Section 205 deals with disputes over coal-mining locations and sections 206 to 208 deal with surveys.

Section 209 sets out the work required to be done.

Section 210 provides for the transfer of coal-mining leases.

Sections 211 to 213 set out the conditions of coal-mining leases.

Sections 214 to 216 deal with royalties. The royalty on coal belonging to the Crown and leased under this Act is

fixed at such rate as may be prescribed under the provisions of the Act and is collectible in the manner specified by the Minister. If the lessee fails to make prompt payment of the royalty the Minister may cancel his lease.

Section 216 deals with the royalty in the case of a certificate of title, agreement of sale, or lease conveying coal but reserving a royalty to the Crown.

Section 217 provides for barrier pillars in all coal properties.

Sections 218 to 220 contain miscellaneous provisions relating to coal-mining leases.

Part V deals with mining in road allowances and is found in sections 221 to 230.

Sections 221 to 228 deal with coal-mining leases. A lease authorizing the mining of coal in a road allowance may be granted to any person who has the coal rights on both sides of the road allowance.

Section 229 provides that no lease shall be granted to mine anything other than coal under a road allowance without the approval of the Lieutenant Governor in Council.

Section 230 provides that any lessee of minerals in a road allowance shall comply with the directions of the Minister of Public Works.

Part VI deals with petroleum and natural gas and is found in sections 231 to 275.

Sections 231 to 237 deal with petroleum and natural gas leases.

Sections 238 to 241 set out how a location shall be staked in unsurveyed territory.

Section 242 deals with disputes and sections 243 to 245 deal with surveys.

Sections 246 to 252 deal with the work required to be done on petroleum and natural gas leases. The lessee is required to have machinery on the lease within one year and to commence drilling operations.

Sections 253 to 258 set out various terms and conditions to which petroleum and natural gas leases are subject.

Sections 259 to 261 deal with transfer of rights relating to petroleum and natural gas.

Section 262 deals with unit operation of mineral rights and enables the Crown to participate in the joint development of the area allocated to a well for production purposes.

Sections 263 to 266 deal with royalties payable in respect of the production of petroleum and natural gas. The royalty is fixed from time to time by the Lieutenant Governor in Council.

Sections 267 to 271 contain miscellaneous provisions relating to petroleum and natural gas leases.

Sections 272 to 275 deal with the selection and establishment of Crown reserves.

Part VII deals with geophysical and geological exploration and is found in sections 276 to 289.

Section 276 is the interpretation section and section 277 sets out the application of the Part.

Sections 278 to 289 contain general provisions relating to geophysical and geological exploration. Any person desiring to undertake geophysical or subsurface geological exploration is required to be licensed. The Part requires certain reports on the work done to be filed with the Department.

Section 288 repeals *The Geophysical and Geological Exploration Regulation Act*, being chapter 68 of the Revised Statutes of Alberta, 1942.

The Act comes into force on the first day of April, 1949, which is the date upon which the division of the Department of Lands and Mines into two new Departments becomes effective.

KENNETH A. MCKENZIE,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 118 of 1949.

An Act Respecting Mines and Minerals.

(Assented to _____, 1949.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Mines and Minerals Act.*"

INTERPRETATION.

2.—(1) In this Act, unless the context otherwise requires,—

- (a) "adjoining claims" means those which come into contact one with the other at some point on the boundary lines, or which share a common boundary;
- (b) "agreement" means any lease, license, reservation, permit or other agreement made or entered into under the provisions of this Act;
- (c) "brine" or "saline solution" for the purpose of this Act means an aqueous solution of mineral salts occurring in a natural state, and containing more than one per cent of mineral salts in solution;
- (d) "cause" includes any suit or action;
- (e) "certificate of title" means a certificate granted pursuant to *The Land Titles Act*;
- (f) "Department" means the Department of Mines and Minerals;
- (g) "Director of Mineral Rights" means the officer of the Department of Mines and Minerals who bears the designation of Director of Mineral Rights, or any officer appointed to perform his duties for the time being;
- (h) "Director of Mines" means the officer of the Department of Mines and Minerals who bears the designation of Director of Mines, or any officer appointed to perform his duties for the time being;
- (i) "disposition" means every instrument executed pursuant to the provisions of this Act whereby any estate, right or interest in any mineral is granted to any person or by which the Crown divests itself in favour of any person of any estate, right or interest

in any such mineral and without derogating from the generality of the foregoing includes all letters patent, transfers, deeds, conveyances, notifications, assurances, leases, licenses, permits, reservations, contracts, and agreements made, entered into or issued pursuant to this Act;

- (j) "ditch" includes a flume, pipe or race, or other artificial means for conducting water by its own weight, to be used for mining purposes;
- (k) "document" means any assignment, transfer, bill of sale, or other writing, which may in any way affect the title of a mineral claim;
- (l) "grant" means letters patent under the Great Seal of Canada and notification issued pursuant to *The Provincial Lands Act* and this Act;
- (m) "judgment" includes "order" or "decree";
- (n) "legal post" means a stake or post of any kind which,—
 - (i) is of sound timber of sufficient length so that when firmly planted in the ground in an upright position, not less than four feet of the post is above ground, and if a tree of suitable size is found in position, it may be made into a post by cutting the tree off not less than four feet from the ground;
 - (ii) is of such diameter that when squared or faced for eighteen inches from the upper end, each face of the squared or faced portion is at least four inches in width across the face for the full eighteen inches;
 - (iii) has a mound of stones or earth erected around the base of the post which is not less than three feet in diameter on the ground and not less than eighteen inches high, cone-shaped and well constructed;
- (o) "lessee" means any person, male or female, who is named as a lessee and includes the next-of-kin, executors and administrators of any such person and his and their assigns respectively and includes the holder of a license, reservation, permit or other agreement;
- (p) "location" means the tract described in any agreement;
- (q) "location line" means the straight line between Posts No. 1 and No. 2;
- (r) "manager" means the person responsible for the control, management and direction of a mine or quarry, or portion of a mine, quarry or works;
- (s) the noun "mine" includes any opening or excavation in, or working of, the ground for the purpose of winning, opening up or proving any mineral or mineral-bearing substance and includes any ore body, mineral deposit, stratum, soil, rock, bed of earth, clay,

sand, gravel or cement, or place where mining is or may be carried on, and all ways, works, machinery, plant, buildings and premises below or above ground belonging to or used in connection with the mine, and also for the purpose of Parts II and III any quarry, excavation or opening in the ground made for the purpose of searching for or removal of mineral, soil, rock, quartz, limestone, earth, clay, sand, gravel or cement, and any roast-yard, smelting furnace, mill, work or place used for or in connection with crushing, reducing, smelting, refining, or treating any of said substances;

- (t) the verb "mine" and the word "mining" includes any mode or method of working whereby the soil or earth or any rock, stone or quartz may be disturbed, removed, washed, sifted, roasted, smelted, refined, crushed or dealt with for the purpose of obtaining any mineral therefrom, whether the same has been previously disturbed or not, and also for the purposes of Parts II and III of this Act all operations and workings mentioned in paragraph (s);
- (u) "mineral" means all deposits of gold, silver, uranium and all naturally occurring minerals and without derogating from the generality of the foregoing includes platinum, pitchblend and other minerals from which radium is or may be obtained, precious stones, copper, iron, tin, zinc, asbestos, salt, petroleum, oil, asphalt, tar sands, natural gas, coal, limestone, granite, slate, marble, sandstone, and any other stone which is or may be quarried for any industrial purpose, sand, gravel, gypsum, clay marl and volcanic ash, but does not include earth, gravel and sand which form a portion of the surface of any land held in fee simple;
- (v) "mineral claim" means any tract staked out and acquired under the provisions of Parts II and III of this Act;
- (w) "mining property" means any land in which any vein, lode, rock in place, or any natural stratum or bed of earth, gravel or cement is mined for any mineral, and includes every mineral claim, ditch or water right used for mining purposes, and all other things belonging to a mine or used in the working thereof;
- (x) "Mining Recorder" means an officer of the Department of Mines and Minerals who bears that designation, or an officer appointed to perform any of the duties of the Mining Recorder;
- (y) "Minister" means the Minister of Mines and Minerals;
- (z) "notification" means the direction to the Registrar of Land Titles in Form A for the issue of a certificate of title;

- (aa) "officer" means any person appointed under the provisions of *The Public Service Act* in connection with the administration of this Act;
 - (bb) "owner" when used in Parts II and III of this Act includes every person who is the immediate proprietor or lessee or occupier of a mine, or of any part thereof, or of any tract located, patented or leased for mining purposes;
 - (cc) "quarry" means any opening or excavation in the ground for the purpose of searching for or removing earth, clay, sand, gravel, rock, building-stone, limestone, marble, gypsum or marl, and any place or operation classified by the Director of Mines as a quarry pursuant to this Act; and includes all works, machinery, plant, buildings, and premises below or above ground belonging to or used in connection with a quarry;
 - (dd) "record", "register" and "registration" have the same meaning, and mean an entry in some official book kept for that purpose;
 - (ee) "Registrar" means a Registrar of Land Titles within the meaning of *The Land Titles Act*;
 - (ff) "royalty" means all royalties, dues, interest, fees, rates, charges, or other moneys payable by any person to the Crown in the right of the Province under and by virtue of any sale, lease, license, permit or privilege for the right to win and work minerals;
 - (gg) "township", "section", "half-section", "quarter-section", and "legal subdivision", respectively, mean a township, section, half-section, quarter-section, or legal subdivision, as the case may be, within the meaning of *The Alberta Surveys Act*.
- (2) Whenever the singular or masculine or neuter is used in any agreement made or entered into under the provisions of this Act, or the regulations hereunder, the same shall be construed as meaning the plural or feminine or a body politic or corporate where the context or the parties thereto so require.

APPLICATION OF ACT.

3. This Act applies generally to all mines, minerals and other related natural resources vested in or belonging to the Crown in the right of the Province and where the context so permits or requires to all mines, quarries and metallurgical works in the Province.

4. This Act applies to the gold, silver and other minerals set apart pursuant to *The Public Lands Act* as an endowment for the purposes of education, and which are designated school lands.

5.—(1) Except as otherwise provided, this Act does not apply to the working and operating of a coal mine or to any

working incidental to the extraction of coal by the removal of the overlying strata; or to any drilling and production operations of oil and natural gas wells.

(2) If any question arises other than in legal proceedings, whether a mine is a mine to which this Act, *The Coal Mines Regulation Act*, *The Oil and Gas Wells Act* or *The Oil and Gas Resources Conservation Act* applies, the question shall be referred to the Minister, whose decision thereon shall be final.

6. Nothing herein contained shall in any way apply to or affect the disposition by sale, lease, license or permit, or in any other manner of the surface of any land under *The Public Lands Act* or under any Act, regulation or order of the Lieutenant Governor in Council respecting the sale and disposal of the surface of such land.

7. Notwithstanding anything contained in any lease, license, permit, reservation, mineral claim or other agreement relating to minerals, whether made under the provisions of this Act or the *Dominion Lands Act* or *The Provincial Lands Act* and the regulations made under the said Acts, every such lease, license, permit, reservation, mineral claim or other agreement and any renewal or re-issue thereof shall be in every respect subject to the provisions of this Act and of any regulation made from time to time or at any time under the authority of this Act, and every such provision and order shall be as binding upon the lessee, licensee, permittee or other party as though the said provision and order had been contained in his lease, license, permit, reservation, mineral claim or other agreement.

DIVISION OF ACT.

8. For convenience of reference only, this Act is divided into Parts and classified under the following headings:

<i>Part</i>	<i>Section</i>
I. ADMINISTRATION OF MINERALS	9-56
Jurisdiction of Department	9
Officers	10-11
Powers and Duties of Minister	12-18
Powers of Lieutenant Governor in Council	19-20
Duties of Mining Recorder	21-23
Disposition of Minerals	24-31
Lien for Rental or Royalty	32
Seizures	33-34
Evidence	35-37
Summary Proceedings re Forfeiture and Trespass	38
Miscellaneous	39-56

<i>Part</i>	<i>Section</i>
II. QUARTZ MINING	57-160
Interpretation	57
Application of Part	58
Acquisition of Claims	59-64
How a Claim Shall be Staked	65-75
Removing or Defacing Posts	76-80
Recording Claims	81-91
Abandonment of Claims	92-95
Grouping	96
Representation Work Required to be Done	97-101
Disputes	102-105
Certificates of Improvements	106-111
Adverse Right	112-113
Address for Service	114
What Entry or Lease Conveys	115-124
Transfer of a Mineral Claim	125-131
Royalty	132
Term of Lease and Rental	133-136
Mine Plans	137-142
Claims of Deceased or Insane Miners	143-151
Party Wall	152-155
Miscellaneous	156-160
III. PLACER MINING	161-196
Interpretation	161
Application of Part	162
Acquisition of Claims	163
How a Claim Shall be Staked	164-172
Recording Claims	173-181
Representation Work Required to be Done	182-189
Grouping	190-191
Water Rights	192
Claims of Deceased or Insane Persons	193-195
Miscellaneous	196
IV. COAL MINING	197-218
Leases	197-201
How a Location Shall be Staked	202-204
Disputes	205
Surveys	206-208
Work Required to be Done	209
Transfer of Lease	210
Conditions of Lease	211-213
Royalty on Lease	214-215
General Royalty Provision	216
Miscellaneous	217-220
V. MINING IN ROAD ALLOWANCES	221-230
Coal-mining Leases	221-228
Other Leases	229
General	230
VI. PETROLEUM AND NATURAL GAS	231-275
Leases	231-237
How a Location Shall be Staked	238-241
Disputes	242

<i>Part</i>	<i>Section</i>
Surveys	243-245
Work Required to be Done	246-252
Terms and Conditions of Lease	253-258
Transfer of Rights	259-261
Unit Operation	262
Royalty	263-266
Miscellaneous	267-271
Crown Reserves	272-275
VII. GEOPHYSICAL AND GEOLOGICAL	
EXPLORATION	276-289
Interpretation	276
Application of Part	277
General	278-289

PART I.

ADMINISTRATION OF MINERALS.

JURISDICTION OF DEPARTMENT.

9. The Department of Mines and Minerals shall have jurisdiction over and shall control and administer all matters anywise connected with the application of this Act and without restricting the generality of this provision shall control and regulate, receive and administer, or invoke and enforce, as the case may be,—

- (a) all the rights, properties, interests, claims and demands of the Province in mines and minerals and their uses and dispositions for development;
- (b) all revenues and moneys of the Province arising from mines and minerals;
- (c) rules and regulations relating to operation of mines, including working conditions and any other matter incidental to the extraction of minerals;
- (d) conservation of sub-surface natural resources;
- (e) prevention of fires and explosions;
- (f) disposition of sub-surface natural resources held by the Crown by notification, sale, exchange, lease, license, permit, reservation or other agreement;
- (g) extraction, classifying, measuring, manufacturing or processing of the raw or manufactured products or by-products of sub-surface natural resources;
- (h) statutes, rules and regulations relating to the protection, management and administration of the natural resources covered by this Act;
- (i) the exploration of the mineral resources and development of any mining property;

- (j) geophysical operations including air-borne magnetic surveys and geological explorations by,—
 - (i) prohibiting any person from commencing or undertaking any geophysical operations or any examination of the sub-surface geology in the Province unless he is licensed so to do by the Minister;
 - (ii) prescribing the nature and extent of the license and the terms upon which it shall be issued;
 - (iii) prescribing the fees to be charged and cash bonds required upon the granting of the license.

OFFICERS.

10. Subject to the provisions of *The Public Service Act*, the Minister may appoint a Director of Mineral Rights, a Director of Mines, a Provincial Geologist, a Provincial Assayer, inspectors, Mining Recorders and such other officers and agents as he may deem necessary, who shall perform such duties as may be assigned to them, and the Provincial Geologist shall be *ex officio* an inspector.

11. Notwithstanding anything in *The Public Service Act*, the Minister may employ any person for any specialized service or to investigate the mineral resources of Alberta or for any work in connection with this Act and may pay him for such services at such rate as may be agreed upon, out of any money appropriated by the Legislature for that purpose.

POWERS AND DUTIES OF MINISTER.

12. The Minister may from time to time prescribe the forms to be used under this Act which he deems necessary in connection with its administration, or he may adopt or cause to be adopted any other form which he considers applicable to any special case.

13. All agreements issued or made pursuant to the provisions of this Act may be executed on behalf of the Crown by the Minister or the Deputy Minister, or by any other officer of the Department authorized in writing for the purpose by the Minister.

14. The Minister shall annually lay before the Legislative Assembly, within fifteen days after the opening of the first session in each year,—

- (a) a report of the proceedings, transactions and affairs of the Department of Mines and Minerals during the fiscal year next preceding;

(b) a copy of every regulation and order made by the Lieutenant Governor in Council under the authority of this Act.

15. The Minister may refuse or withhold the issue of a lease or a renewal thereof, and may cancel a lease issued in error and, in his discretion, may refund moneys paid in connection therewith.

16. The Minister may restrict the disposition of any specific mineral in any particular district in any manner he may consider warranted.

17. Any decision of an officer of the Department made under any of the provisions of this Act shall be subject to an appeal to the Minister.

18.—(1) Whenever it is deemed necessary in the opinion of the Minister for the proper carrying out of any of the provisions of this Act relating to the commencement of work, operating and working or abandonment of any mineral claim or location, he may at any time by notice in writing require any owner, lessee or operator to furnish cash security in such amount as he may prescribe, and such security shall be retained until the work is completed to the satisfaction of the Minister.

(2) Upon failure by such owner, lessee or operator to comply fully with the requirements of the Minister within the time prescribed and as set forth in the notice, the Minister may use the cash security or such portion thereof as may be necessary in carrying out such requirements.

POWERS OF LIEUTENANT GOVERNOR IN COUNCIL.

19. The Lieutenant Governor in Council from time to time may,—

- (a) exchange any minerals for other minerals in the Province, with any person or corporation, if the reason for the exchange is set forth in the order;
- (b) authorize the Minister to issue a lease applicable to any special case for which no provision is made by this Act;
- (c) make regulations,—
 - (i) in relation to the exploration of the mineral resources;
 - (ii) respecting development of any mining property to which this Act applies;
 - (iii) relating to the operation of mines, including working conditions and any other matter incidental to the extraction of minerals;

- (iv) for the leasing or other disposal of any minerals and for which no provision is made by this Act;
- (d) withdraw any mineral from disposition either indefinitely or for such period as may be specified in the order or until the order is cancelled, and thereupon no person shall during the continuance of the order have the right to acquire such mineral in, upon or under the lands specified in the order, or to exercise in relation to such mineral any of the rights conferred by this Act;
- (e) provide that any statement or return required by this Act or by any regulations made under it shall be verified on oath;
- (f) divide the Province into districts and prescribe the time when and the conditions upon which the mineral in any district or any part thereof shall be available for disposition;
- (g) establish a tariff of fees,—
 - (i) pertaining to any lease, license, reservation, permit, renewal or other agreement; and
 - (ii) for the registration of assignments; and
 - (iii) for the filing and discharge of mechanics' liens; and
 - (iv) for all copies of maps, plans, field notes, documents, papers or other records of the Department;
- (h) reinstate any agreement, lease, license or permit that has been relinquished, cancelled or forfeited upon such terms and conditions as may be prescribed, if the rights are available and if application for reinstatement is made within six months of the date of relinquishment, cancellation or forfeiture;
- (i) make such regulations and orders, not inconsistent with this Act, as are necessary to carry out the provisions of this Act according to their true intent, or to carry out the agreement of transfer, or to meet cases which may arise and for which no provision is made by this Act;
- (j) authorize the Minister to enter into any agreement or agreements with His Majesty in the right of Canada which transfers to Canada for National Park purposes all the right, title and interest of His Majesty in the right of the Province to any mines and minerals.

20. Regulations and orders made by the Lieutenant Governor in Council pursuant to this Act shall be published in *The Alberta Gazette* and thereupon shall have the same force and effect as if they had been enacted by this Act.

DUTIES OF MINING RECORDER.

21. Every Mining Recorder shall keep the books prescribed by the Minister to be used for the recording of applications, mineral claims, entries and locations of mining rights granted by this Act, and an extract of such applications, mineral claims and entries shall be filed with the Deputy Minister at such times as he may prescribe.

22. Every entry made in any of the Mining Recorder's books shall show the date upon which such entry is made and such books of records as authorized by the Minister, shall during office hours, be open to public inspection upon payment of a fee in connection with each search.

23. The Mining Recorder shall obtain the moneys directed to be paid to him before he makes any entry in any record book and he shall remit such moneys as he may be directed by the Minister.

DISPOSITION OF MINERALS.

24.—(1) No mineral belonging to the Crown in the right of the Province, together with the right to win, work and get the same shall be sold unless the sale is specifically authorized by the provisions of an Act of the Legislative Assembly.

(2) Upon any person becoming entitled to receive a title in fee simple to any minerals to which this Act applies, a notification in Form A in the Schedule shall be issued; and

(a) it shall be signed by the Minister or by the Deputy Minister or the person for the time being acting as Deputy Minister or by any other officer of the Department authorized for the purpose by the Minister in writing; and

(b) it shall be countersigned by the Director of Mineral rights or any person acting as Director in his absence; and

(c) it shall be forwarded to the Registrar of Land Titles for the district in which the minerals are situate.

(3) Before issue of the notification the person entitled to receive the notification shall pay to the Minister the prescribed fee payable under *The Land Titles Act*.

(4) The Minister shall forward the fee paid together with the notification to the Registrar of Land Titles for the district in which the minerals are situate.

(5) In the event of a notification issuing to or in the name of a person who is dead the notification shall not be void for that reason but the title to the minerals thereby granted or intended to be granted shall vest in the heirs, assigns, devisees or other legal representatives of the deceased per-

son according to the laws in force in the Province as if the notification had issued to or in the name of the deceased person during his lifetime.

(6) If a notification has issued to or in the name of a wrong person or contains any clerical error, misnomer, or wrong or defective description of the minerals thereby intended to be granted, or if there is in it an omission of the conditions of the grant or certificate the Minister, if there is no adverse claim, may direct the defective notification to be cancelled and a correct notification to be issued instead.

(7) The correct notification shall relate back to the date of the notification cancelled and shall have the same force and effect as if issued at the date of the cancelled notification.

25. No person shall have the right to enter, locate and prospect for minerals or stake out a mining claim upon any land owned or occupied by any person unless he has the written consent of the owner, or his agent, or of the occupant of the land.

26. An applicant for a lease shall have no right to conduct operations on the location applied for until a lease in his favour has been issued unless otherwise notified in writing by the Director of Mineral Rights.

27. If in consequence of any error in survey or other error or cause whatsoever an agreement is found to cover any mineral included in any grant, sale, lease, license, permit or other document of prior date, the later agreement shall be void in so far as it interferes with any previous grant, sale, lease, license, permit or other agreement.

28. Upon the registration of an assignment of a divided portion of a lease, license, permit, instrument or document there shall be issued to the assignee a substitutional lease, license, permit, instrument or document conforming with and subject to the provisions of this Act and any regulations made under authority of this Act in force at the time of the registration of the assignment.

29. There shall be implied in every disposition of minerals pursuant to this Act any and all reservations which are required to be made upon the disposition of any minerals belonging to the Crown in the right of the Province.

30.—(1) There shall be reserved to His Majesty on the minerals or any of them that may be won, worked or recovered pursuant to any agreement or mineral claim made under this Act, such royalty as may be prescribed from time to time by the Lieutenant Governor in Council which is applicable during the term of the agreement or mineral claim or any renewal thereof.

(2) Notwithstanding the terms, conditions and provisions of any lease or other agreement or of any sale as a result of which a certificate of title has been issued, whether made by the Crown in the right of the Dominion of Canada or by the Crown in the right of the Province, and which is subject to the payment of a royalty on the minerals or any of them, the royalty to be computed, levied and collected other than the royalty prescribed by section 216 shall be the royalty prescribed by the Lieutenant Governor in Council from time to time.

(3) The royalty shall be payable on any mineral when and where obtained, recovered or produced.

(4) The Lieutenant Governor in Council when fixing the royalty on any mineral, including any liquid hydro-carbon other than crude oil, may give consideration to the costs incurred in recovering or processing the mineral or liquid hydro-carbon and for the purpose of ascertaining the actual costs may refer the question to the Board of Public Utility Commissioners.

(5) For the purpose of this section "mineral" in addition to the meaning set out in paragraph (u) of subsection (1) of section 2, includes any hydro-carbon obtained by mining, separation, absorption or polymerization, or as a result of some operation or work, labour, study or skill, or through chemical reaction, or by means of any other process or reaction.

31.—(1) Notwithstanding the provisions of section 5, where mining has been carried on or excavations made in or upon any lands, and the work has ceased, no person shall remove or cause or permit to be removed from the land occupied in connection with the mining operations, any machinery, tools, plant, building, erections or fixtures without the written authority of the Minister first had and obtained, and any person contravening the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine of not less than five hundred dollars and costs nor more than two thousand dollars and costs.

(2) When applying for such permission, the applicant shall satisfy the Minister that all excavations on the lands have been filled or covered over in such a manner that the land is safe to travel over and that the removal, permission for which is asked, will not impair any of the supports, timbers or frameworks in such a manner as might cause the mine to fall, cave in or give way.

LIEN FOR RENTAL OR ROYALTY.

32.—(1) Where under the provisions of this Act, *The Provincial Lands Act* or the *Dominion Lands Act*, the right to any minerals has been granted by lease, license, permit, sale or any other disposition and pursuant to any such Act or

the regulations thereunder there is reserved by such disposition or otherwise to the Crown, any rental or royalty with respect to any such minerals, the Crown in the right of the Province shall have a lien or charge from the time when any such rental or royalty becomes due and owing upon the interest of the grantee in the minerals granted by any such lease, license, permit, sale or other disposition and upon all the buildings, tipples, structures, machinery, chattels, tools or equipment of every kind or description upon or under the surface of the lands described in any such lease, license, permit, sale or other disposition and used in connection with the winning or recovery of any minerals, or in the search for any minerals, irrespective of who may be the owner of same for the amount of such rental and royalty and any interest or penalty added thereto pursuant to the provisions of such Act or regulations.

(2) The said lien or charge shall be a first lien or charge upon all the property described in subsection (1) having priority over all mortgages, bills of sale, charges and liens of every description, irrespective of whether such other charges were created before or after such liens or charges became effective or before or after the passing of this Act and notwithstanding the provisions of any other Act heretofore or hereafter passed.

(3) So long as the lien or charge created by subsection (1) continues, no person shall remove or authorize or assist in the removal of any property subject to the said lien from the premises where it is situate until he pays to the Minister all amounts owing under the said lien or charge, and any person violating the provisions of this subsection shall be guilty of an offence and liable on summary conviction before a police magistrate to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

(4) The Minister may,—

- (a) before any machinery, chattels, tools or equipment are placed upon a location, agree in writing that the lien or charge created by subsection (1) shall not arise in respect thereof or of any portion thereof;
- (b) after any machinery, chattels, tools or equipment have been placed upon a location, authorized in writing the removal thereof or any portion thereof, and thereupon the lien or charge upon the same shall absolutely cease and determine.

(5) Any person purchasing or otherwise acquiring any of the property described in subsection (1) shall take the same subject to any lien or charge then existing against it arising under the provisions of the said subsection and shall be deemed to be indebted to the Crown in the right of the Province in a sum equal to the rentals or royalties including interest and penalties thereon owing to the Crown with respect to the said property or any part thereof.

(6) Any rentals or royalties with interest and penalties thereon imposed pursuant to any of the said Acts or the regulations, and unpaid, may be recovered by action in any court of competent jurisdiction in the name of the Minister against the person primarily liable therefor or against a purchaser of the property described in subsection (1).

(7) Whenever any lien or charge is created by subsection (1) and it appears,—

(a) that default has been made by an employer in the payment of assessments pursuant to the provisions of *The Workmen's Compensation Act*; and

(b) that the Workmen's Compensation Board has a lien on property of the employer to which the lien created by subsection (1) attaches,—

the Minister may ascertain the amount of the assessments in default, and that amount may be added to the amount due to the Crown and secured by the lien or charge, and shall be recoverable as provided by this Act.

(8) Any moneys recovered shall be applied firstly toward the payment of royalties and then *pro rata* on the claim of the Workmen's Compensation Board, and the other claims of the Crown secured by the lien until the same are paid in full, the balance, if any, to be distributed by the Minister to the persons entitled thereto.

(9) In addition to any other remedy herein provided, the Minister may proceed in accordance with the provisions of section 33 in so far as the same refers to rents, royalties, interest and penalties payable in respect of any mines and minerals, and if a bid is not made at the auction amounting to the sums due as aforesaid, the property may be disposed of at a private sale.

SEIZURES.

33.—(1) Notwithstanding anything in *The Seizures Act* or any other Act to the contrary, in case any default is made in the due payment of any rent or any money payable by way of rent or on account of royalty, or on account of any purchase price, which is payable to the Crown in the right of the Province under and by virtue of any lease, license, permit, agreement of sale or other disposition made, entered into or issued pursuant to any of the provisions of this Act, *The Provincial Lands Act* or any Act of the Parliament of Canada, then and in every such case and whether the same is demanded or not, the Crown shall have the right to levy the same by distress,—

(a) in case the sum for which distress is levied is for rent and royalty or either of them, payable in respect of any mines and minerals, upon all or any of the goods and chattels which shall then be found in, on or about any property which is used or occupied for the purpose of the operation of any mine, or the mining and getting of any minerals, as the case may be, notwithstanding that the same may be subject to any mortgage, lien or other incumbrance, if the mine or

minerals are held of the Crown under any lease, license, permit, agreement of sale or other disposition, by the person who is liable for the payment of the sum for which the distress is made or by any other person claiming by, through or under him;

- (b) in all other cases, upon all or any of the goods and chattels which shall then be found upon any land whatsoever which is for the time being owned by or in the occupation of or under the control of the person for the time being liable for the payment of the rent or purchase price in respect of which the distress is levied, notwithstanding that the same may be subject to any mortgage, lien or other incumbrance.

(2) For the purpose of levying any distress under this section, the Minister is hereby empowered for and on behalf of the Crown to issue a distress warrant under his hand addressed to the sheriff of the judicial district within which is situate the premises upon which the distress is to be made, directing him to levy by distress the sum mentioned therein upon the goods and chattels found upon the premises specified therein, and upon receipt of any such warrant, the sheriff shall execute it by the seizure and unless he is sooner paid, by the sale of the goods and chattels seized, and every seizure and sale shall be subject to the provisions of *The Seizures Act*.

(3) The forfeiture, cancellation or surrender of a lease, license, permit agreement of sale or other disposition shall not debar or nullify any proceedings taken under this section, whether before or after the occurrence of the forfeiture, seizure or cancellation and all proceedings taken shall be continued as if the lease, license, permit, agreement of sale or other disposition were in force and effect.

34.—(1) When any mining property comprising minerals or improvements becomes subject to forfeiture under section 38 the Minister shall require an officer of the Department to make a report in writing regarding the mining property as to the nature and extent of the minerals recovered and the improvements made thereon.

(2) The Minister upon the receipt of any such report and upon being satisfied thereby that the property is liable to confiscation to His Majesty may by writing declare that the property is confiscated, and thereupon the property shall become the property of His Majesty and all rights of property existing therein immediately before the making of the order shall cease and determine.

(3) The Minister may cause the property to be sold in such manner and subject to such terms and conditions as he may prescribe or he shall order the return of the property to the person in whose possession it was at the time of seizure.

EVIDENCE.

35. Copies or photostatic copies of any records, documents, plans, books or papers belonging to or deposited in the Department attested under the signature of the Minister, Director of Mines, Director of Mineral Rights, or any chief clerk or officer thereunto authorized by the Minister, and of plans or documents in any office of a Mining Recorder, attested as aforesaid, or under the signature of the officer in charge of the office, shall be competent evidence in all cases in which the original documents, books, plans, or papers would be evidence.

36. Lithographed or other copies of maps or plans purporting to be issued or published by the Department, or the Government of Canada, shall be received in all courts and proceedings as *prima facie* evidence of the originals, and of the contents thereof.

37. All affidavits, oaths, statutory declarations or solemn affirmations required to be taken or made under this Act, except as herein otherwise provided, may be taken before the judge or clerk of any court, or any justice of the peace, or any commissioner for oaths, or any notary public, or any Mining Recorder, or any person specially authorized by this Act or by the Lieutenant Governor in Council or by the Minister; to take or receive the same.

SUMMARY PROCEEDINGS RESPECTING FORFEITURE AND
TRESPASS.

38.—(1) The winning, working or getting of minerals which are the property of the Crown without an agreement or mineral claim gives to the person winning, working or getting such minerals no right thereto and such person may be ejected as a trespasser and any minerals recovered and improvements made by him shall thereupon be forfeited to the Crown.

(2) The Minister may, by notice in writing, require any person who is for the time being winning, working or getting such minerals otherwise than pursuant to an agreement or mineral claim, to forthwith cease his operations, any any person who does not comply with the notice forthwith upon the service thereof upon him, shall be guilty of an offence and liable on summary conviction to a fine of not more than one hundred dollars and costs, and in default of payment to imprisonment for a term of not more than sixty days.

MISCELLANEOUS.

39. If any money payable under any agreement, mineral claim, lease, license, permit or other disposition is not paid within one month from the date on which it became due, it shall bear interest at the rate of five per cent per annum from the due date.

40. For the purposes of this Act, any agreement made pursuant to any of the provisions of this Act whereby any person enters into any obligation with the Crown shall, in the case of a body corporate, be deemed to be sufficiently executed if sealed with the corporate seal of the body corporate and countersigned by one officer of the corporation, notwithstanding anything contained in any statute, or charter of incorporation, or memorandum of association, or articles of association to the contrary.

41. Notwithstanding the terms or provisions of any lease, license, permit or other agreement now subsisting made by the Province or by the Dominion of Canada or which may be granted pursuant to the terms of this Act, the demand or acceptance of rent or royalty in respect of any lease, license, permit or other agreement shall not be deemed a waiver of the right of the Minister to enforce the observance of any covenant, condition or regulation made whilst the demised premises are held, or the right to forfeit the lease, license, permit or other agreement for breach of any covenant, condition or regulation committed before or after the making of the demand or the acceptance of the rent or royalty.

42. It shall be lawful for the Minister or for anyone authorized by him at any time to enter upon any location or mineral claim and have access to any mine, works, well, record, plant, building and equipment, and the lessee of the location, his representative or operator or the owner of the mineral claim, his representative or operator, shall render the Minister or person authorized such assistance as may be necessary or essential.

43.—(1) Notwithstanding the provisions of section 5, should the Minister have reason to believe that operations on any location or mineral claim are not being conducted in strict conformity with the provisions of this Act, or that such operations are being so conducted as to expose others to the risk of damage or loss, he may authorize a mining inspector, or other person named by him, to enter the mine, works, plant, buildings and structures, and to remain for such period or periods as the Minister may deem necessary, for the purpose of enforcing compliance with such provisions and remedying existing defaults.

(2) The Minister may charge and may collect from the lessee of the location, or the owner of the mineral claim, the expenses incurred in connection with the supervision so authorized by the Minister.

(3) Failure on the part of the lessee of the location or the recorded owner of the mineral claim to make payment in full of the expenses so incurred shall render the agreement or mineral claim subject to immediate cancellation, in the discretion of the Minister, at the expiration of a period

of thirty days after the date upon which notice of such indebtedness was sent to the last known place of address of the lessee or recorded owner.

44. In determining the size of a location or a mineral claim all measurements shall be taken horizontally, irrespective of the inequalities of the surface of the ground and the boundaries beneath the surface shall be the vertical planes or lines in which the surface boundaries lie.

45. No company shall acquire by assignment or otherwise an agreement under the provisions of this Act unless it is a company registered under the provisions of *The Companies Act* of the Province of Alberta.

46.—(1) All covenants and conditions contained in or imposed by any agreement granted to any minor of the age of nineteen years or upwards shall be as binding upon the minor as if he were of full age.

(2) Any minor who has acquired from the Crown in the right of the Province, any agreement relating to or affecting mines and minerals under the provisions of this Act, shall not assign, transfer, sublet, or part with the possession of any such agreement, unless and until he has attained the full age of twenty-one years.

(3) Upon attaining the age of twenty-one years, the minor shall forthwith ratify and confirm the agreement entered into by him during his minority with the Crown in the right of the Province, and failure so to do within a reasonable time after reaching his majority shall render the agreement subject to summary cancellation in the discretion of the Minister.

47. In the absence of the Deputy Minister of Mines and Minerals or the Director of Mineral Rights, all the powers, duties, rights and capacities which are by this Act vested in or conferred or imposed upon such officials shall be vested in, conferred and imposed upon any other person appointed or authorized by the Minister to carry on such powers, duties, rights and capacities as if such person had been named herein.

48. The Department of Lands and Forests and the officers, clerks, and servants of the said Department of Lands and Forests shall render such services to the Department of Mines and Minerals as may be required of them from time to time and all maps, books, papers, correspondence, records or other matters or things in the Department of Lands and Forests shall be open to and may be examined by the Minister of Mines and Minerals or the officers and clerks of the Department of Mines and Minerals in the discharge of their departmental duties.

49. The lessee of a location or the owner of a mineral claim shall cause to be cleared of combustible material such

area around any mine, well or other works constructed or operated by him as may be required by the Director of Mineral Rights, and where necessary and practicable, the lessee or owner shall construct and maintain a ploughed fire guard around such area.

50.—(1) The machinery and equipment which the lessee installs on a location or the owner installs on a mineral claim shall include suitable fire fighting equipment to be maintained in a state of efficiency for immediate use in the event of fire.

(2) Every engine operated by steam power that is used on a location or mineral claim shall be provided with and have in use approved and efficient appliances to prevent the escape of fire from the furnace or ash pan or from the smoke stack of such engine including a spark-arrester in connection with the smoke stack, which appliances shall be kept properly fitted and in a proper state of repair.

(3) Every engineer in charge of any such engine shall use all the necessary means and appliances to prevent the escape of fire.

51. The interest of any person other than the Crown in any mineral, the property of the Crown, shall be liable to assessment and taxation but it shall not be subject to the provisions of any statute relating to the recovery of taxes.

52. The lessee of a location or the owner of a mineral claim shall pay and discharge all rates, assessments and taxes now charged or hereafter to be charged upon the location or mineral claim.

53.—(1) The Director of Mines may summarily order any mining work to be carried on so as not to interfere with or endanger the safety of the public or any employee engaged in the mining work, or any public work or highway, or any mining property, mineral claim, drain or flume.

(2) The Director of Mines may order any person to either fill up or guard any abandoned mine or works in such manner as the Director deems proper.

54. Any moneys realized from the disposition of minerals contained in school lands set apart pursuant to *The Public Lands Act* as an endowment for the purposes of education after deducting the cost of management shall be paid annually into the General Revenue Fund of the Province towards the support of schools organized and carried on in accordance with the law of the Province and the moneys so paid shall be distributed for that purpose by the Government in such manner as it deems expedient.

55. Every person guilty of an offence against this Act for which no penalty is prescribed shall be liable on summary conviction to a penalty not exceeding five hundred

dollars, and in default of payment to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

56. If, before or at the time of a public sale of the right to an agreement, any person by intimidation, combination or unfair management, hinders or prevents, or attempts to hinder or prevent, any person from bidding upon or purchasing the rights offered for sale, the offender and his or their aiders and abettors shall, for every such offence, be guilty of an offence, and liable on summary conviction to a penalty not exceeding four hundred dollars, and in default of payment, to imprisonment for a term not exceeding two years.

PART II.
QUARTZ MINING.

INTERPRETATION.

- 57.**—In this Part, unless the context otherwise requires,—
- (a) “entry” means the record of a mineral claim in the books of the Mining Recorder and includes the certificate of record which may be issued for such claim;
 - (b) “fractional claim” means any mineral claim of less than the full size;
 - (c) “full claim” means any mineral claim of full size located pursuant to the provisions of section 60.

APPLICATION OF PART.

58.—(1) This Part applies to all deposits of gold, silver and all naturally occurring useful minerals other than placer deposits, salt, coal, petroleum, natural gas, bitumen and oil shales.

(2) This Part does not apply to limestone, marble, clay, gypsum, any building stone when mined for building purposes, earth, ash, marl, gravel, sand or any element which in the opinion of the Minister forms a portion of the surface of the land.

ACQUISITION OF CLAIMS.

59.—(1) Every person eighteen years of age or over personally, but not through another except as provided in section 87, may enter, locate and prospect upon any vacant Crown lands for any mineral to which this Part applies and upon all other lands the right to enter on which is reserved to the Crown.

(2) Notwithstanding the provisions of section 25 or the provisions of any other Act a *bona fide* prospector may enter, locate, prospect and stake out a claim for minerals to which this Part applies on lands owned or occupied by any person except,—

- (a) lands on which any building, church or cemetery is located; or

- (b) lands within the curtilage of a dwelling house; or
- (c) lands on which crops that may be damaged by the prospecting are growing; or
- (d) lands used for a garden, nursery or pleasure ground; or
- (e) lands upon which any spring, artificial reservoir or dam is situate; or
- (f) lands suitable for water power; or
- (g) lands lawfully occupied for mining purposes.

60.—(1) Any person desiring to locate a mineral claim may enter upon the lands and locate a rectangular tract not exceeding one thousand, five hundred feet in length by one thousand, five hundred feet in breadth, subject to the provisions of this Act with respect to land which may be located for such purpose, and subject in extent to the rights acquired to any claim or claims previously located in the vicinity, on which such claim may encroach.

(2) Where a number of claims have been located in close proximity, priority of location shall be deemed to convey priority of right to the claims so located.

(3) No locator shall have any prior rights until he has located his claim in accordance with the provisions of this Act.

(4) Priority of right shall in each case be subject to the claim being recorded within the delays specified in this Act, and subsequently maintained in good standing.

(5) All angles shall be right angles, except in cases where a boundary line of a previously located claim is adopted as common to both claims but the boundaries need not necessarily be due north, south, east and west lines.

61.—(1) Any person desiring to locate a fractional mineral claim may enter upon land and locate any tract lying between and bounded on opposite sides by previously located mineral claims and known by the locator to measure less than the area described in section 60 as a fractional mineral claim, subject to the provisions of this Act with respect to land that may be located for such purpose.

(2) A fractional mineral claim need not be rectangular in form and the angles need not necessarily be right angles, and the lines of the previously located mineral claims, whether surveyed or not, between which the fractional mineral claim is located, may be adopted as the boundaries of the fractional mineral claim.

62. Any person in one calendar year in any one mining district may stake out and apply for not more than seven claims as follows:

- (a) Not more than three claims in his own name;
- (b) Not more than two claims each for not more than two other persons under section 87.

63. Any person having located and recorded a mineral claim shall not locate another claim in the same mining

district, either in his own name or in the name of any other person, for a period of twenty days from the date of such location.

64.—(1) The Mining Recorder with the consent of the Minister may record a claim for the mining of iron and mica, not exceeding one hundred and sixty acres in area, which shall be bounded by north and south and east and west lines astronomically, and its breadth and length shall be equal.

(2) A claim so recorded shall include the right to the iron and mica only and all the requirements as to the location and survey of other claims shall govern such claims as far as they can be made to apply, but the amount to be expended each year in representation work, or to be paid in lieu thereof, shall be double the amounts prescribed in sections 97 and 98.

HOW A CLAIM SHALL BE STAKED.

65.—(1) The locator shall mark each claim on the ground by two legal posts firmly planted in the ground, one at each extremity of the location line, which shall be known as post No. 1 and post No. 2.

(2) The location line may have any astronomical bearing or direction, but must be a straight line measured horizontally between the posts.

(3) The distance between post No. 1 and post No. 2 shall not exceed one thousand, five hundred feet, but it may be less.

66.—(1) The locator shall place inscriptions on these posts which he shall clearly and legibly mark by knife, marking iron or crayon, so they will not become illegible or obliterated.

(2) The inscriptions shall be similar to the following examples:

Inscription on Legal Post No. 1	Inscription on Legal Post No. 2	Inscription on Witness Post
No. 1	No. 2	W.P.
“Apex”	“Apex”	“Apex”
E.	Aug. 10,	Aug. 10,
800 R.	1946	1946
700 L.	Robert R. Jones	Robert R. Jones
Aug. 10,		200 feet
1946		N.
Robert R. Jones		

67. The locator shall mark on post No. 1 on the side facing in the direction of post No. 2, beginning near the top of the portion faced and extending downward, the following:

- (a) No. 1;
- (b) the name given to the claim;
- (c) the letter indicating the direction of post No. 2, namely, "N" for north or northerly, "S" for south or southerly, "W" for west or westerly, and "E" for east or easterly;
- (d) the number of feet lying to the right and the number of feet lying to the left of the location line, "R" for right and "L" for left;
- (e) the month and day of the month upon which the claim was staked;
- (f) the year;
- (g) the name of the person locating the claim.

68. The locator shall mark on post No. 2 on the side facing in the direction of post No. 1, beginning near the top of the portion faced and extending downward, the following:

- (a) No. 2;
- (b) the name given to the claim;
- (c) the month and day of the month upon which the claim was staked;
- (d) the year;
- (e) the name of the person locating the claim.

69. The locator standing at post No. 1 and facing in the direction of post No. 2 shall have the right and left of the location line to his right and left respectively.

70. The markings on the posts of a fractional claim shall be the same as those upon a claim of the full size, with the addition of the letter "F" for "fractional" immediately below the name given to the claim, and below this the length of the location line in feet.

71.—(1) In case it is found impossible, owing to the presence of water or other insurmountable obstacle, to set post No. 2 in its proper position at one end of the location line, the locator may set up a "witness post" on the location line as near as possible to where post No. 2 should have been placed.

(2) Upon this witness post the locator shall place, in addition to the material already prescribed to be placed on post No. 2, the letters "W.P." and the distance in feet and the direction of the point at which post No. 2 would have been placed had it been possible to do so.

72.—(1) If a locator marks his claim by means of a witness post and it is subsequently ascertained, to the satisfaction of the Director of Mineral Rights, that such action was not necessary, and that it was possible at the time to set post No. 2 in its proper place on the location line, then the

Director of Mineral Rights shall consider and deal with the witness post as post No. 2 of the claim and shall regard it as the termination of the location line.

(2) Post No. 1 shall not under any circumstances be marked with a witness post.

73.—(1) When a claim has been located the locator shall immediately mark out the location line joining post No. 1 with post No. 2 so that it may be distinctly seen at every point throughout its entire length.

(2) In a timbered locality the locator shall open up the line throughout its length by cutting away trees and underbrush and removing obstructions so as to give a clear view of the line throughout its entire length and of the posts marking the claim.

(3) The trees at each side of and adjoining the location line shall also be marked by placing on each tree three blazes, one blaze on each tree facing the location line and one blaze on each side of the tree in the direction of the said line.

(4) In a locality where there is neither timber nor underbrush the locator shall set posts or erect monuments of earth or rock, not less than eighteen inches high and three feet in diameter at the base, so that such line may be distinctly seen throughout its entire length.

74.—(1) The sides of a mineral claim of full size shall be parallel to the location line of the claim, subject, however, to the location of any claims previously located.

(2) The ends of a mineral claim shall be at right angles to the location line, subject, however, to the location of claims previously located.

(3) The location line may form one of the sides of a mineral claim, or a portion of the claim may lie on either side of the location line, but the number of feet lying to the right of the location line together with the number of feet lying to the left of the location line shall not exceed one thousand, five hundred feet.

75.—(1) The locator shall give particulars of all inscriptions put on posts Nos. 1 and 2 to the Mining Recorder, in writing, at the time the claim is recorded and the particulars shall form a part of the record of the claim.

(2) The locator shall submit with his application a plan in duplicate, showing as clearly as possible,—

(a) the position of the claim applied for in its relation to the prominent topographical features of the district and to the adjoining claims, or some other known point; and

(b) the position of the posts by which the claim is marked on the ground.

REMOVING OR DEFACING POSTS.

76.—(1) No person shall move post No. 1, but post No. 2 may be moved by an Alberta land surveyor when he finds upon making the survey, that the distance between post No. 1 and post No. 2 exceeds one thousand, five hundred feet in order to place post No. 2 at a distance of one thousand, five hundred feet from post No. 1 on the line of location.

(2) When the distance between post No. 1 and post No. 2 is less than one thousand, five hundred feet, post No. 2 shall not be moved.

77. Except as provided in sections 76, 79 and 80, no person shall move any legal post or deface or alter in any manner the inscriptions on any legal post.

78. Any person who wilfully removes or disturbs any legal post, stake, picket or other mark placed under the provisions of this Act or defaces or alters in any manner the inscription on any legal post, shall on summary conviction be liable to a fine not exceeding one hundred dollars and costs, and in default of payment of the fine and costs to imprisonment for any period not exceeding six months.

79.—(1) Where a fractional mineral claim has been located between previously located and unsurveyed mineral claims, and when any such previously located mineral claims are surveyed, if any of the posts of the fractional mineral claim are found to be on the previously located mineral claims, the fractional mineral claim shall not be invalid by reason of the posts of the fractional mineral claim being on the previously located mineral claims.

(2) The owner of the fractional mineral claim with the permission of the Mining Recorder of the district, may move the posts of the fractional mineral claim and place them on the surveyed line of the adjoining previously located mineral claims.

80. Nothing contained in this Act shall be construed to prevent an Alberta land surveyor from taking up posts or other boundary marks when necessary for the purposes of any survey.

RECORDING CLAIMS.

81.—(1) Every person locating a mineral claim shall record the same in person with the Mining Recorder of the district within which the claim is situate within fifteen days after it was staked if it is located within fifty miles of the office of the Mining Recorder.

(2) The time for recording shall be extended by one additional day for every additional ten miles or fraction thereof in excess of fifty miles.

(3) When the locator has complied with the staking and recording requirements, the Mining Recorder shall record the claim and issue a certificate of record of mineral claim.

(4) A claim which is not recorded within the prescribed period shall be deemed to have been abandoned and forfeited, without any declaration of cancellation or abandonment on the part of the Crown.

82.—(1) In the event of a claim being situated where other claims are being located, the locators, not less than five in number, are authorized to meet and appoint an “emergency recorder”.

(2) The emergency recorder shall note on each application the date upon which the application was received by him and the amount of the fee paid in respect thereof.

83.—(1) The emergency recorder as soon as possible after his appointment, shall notify the Mining Recorder for the district in which the claims are located, of his appointment.

(2) The emergency recorder shall deliver to the Mining Recorder all applications which he has received for mineral claims together with the fees which he has collected for recording them.

(3) The Mining Recorder shall then grant to each person from whom the emergency recorder has accepted an application and fee, an entry for his claim, provided such application was made in accordance with the provisions of this Act in Form B or C in the Schedule.

(4) The entry shall date from the day the emergency recorder accepted the application and fee.

(5) Where the emergency recorder fails within three months of the date of his appointment to notify the Mining Recorder of his appointment and to deliver to him the applications for claims received and the fees collected, the Mining Recorder may refuse to record the claims.

84. No mineral claim shall be recorded unless the application is accompanied by an affidavit or solemn declaration made by the applicant in Form B, or if it be a fractional claim, in Form C in the Schedule.

85.—(1) Failure on the part of the locator of a mineral claim to comply in every respect with the foregoing provisions shall not be deemed to invalidate his claim, if upon the facts it appears to the satisfaction of the Mining Recorder that the locator has staked out his claim as nearly as possible in the manner prescribed, and that there has been on his part a *bona fide* attempt to comply with all the provisions of this Part, and that the non-observance of any of the provisions hereinbefore referred to is not of character calculated to mislead other persons desiring to locate claims in the vicinity.

(2) The Mining Recorder before granting entry may require the locator to remedy immediately any material defaults committed in the observance of the provisions of this Act in respect to the staking of a mineral claim, and if such defaults are not remedied within a period to be fixed by the Mining Recorder, and to his satisfaction, he may refuse to grant the entry.

86. A locator shall not be entitled to a certificate of record of mineral claim until he has furnished to the Mining Recorder all the particulars necessary for the record.

87.—(1) No certificate of record shall be granted for a claim which has not been staked by the applicant in person in the manner specified in this Act.

(2) Notwithstanding the provisions of subsection (1), any person who,—

(a) satisfies the Mining Recorder that he is about to undertake a *bona fide* prospecting trip; and

(b) files with the Mining Recorder in advance a power of attorney from any number of persons, not exceeding two, authorizing such person to stake claims for them in consideration of their having enabled him to undertake the trip;

may stake two claims in the name of each such person.

88. The holder of a mineral claim is entitled to all minerals to which this Part applies which are the property of the Crown and which lie within his claim, excepting in the case of a claim for the mining of iron and mica recorded pursuant to section 64.

89. Any claim staked upon a Sunday or any public holiday shall not be invalid for that reason.

90. The interest of a grantee of a mineral claim prior to the issue of a lease shall be deemed to be a chattel interest equivalent to a lease for one year of the minerals in or under the land, and thence from year to year, subject to the performance and observance of all the terms and conditions of this Act.

91.—(1) Where a claim has been recorded under any name, and the owner or his agent is desirous of changing the same, the Mining Recorder may, upon payment of a fee of twenty-five dollars, amend the record accordingly.

(2) A change of name upon the record shall not in any way affect or prejudice any proceedings or execution against the owner of the claim.

ABANDONMENT OF CLAIMS

92.—(1) The holder of a mineral claim may at any time abandon it or relinquish his lease thereof, provided he has

complied in every respect with the provisions of this Act, and that all payments on account of rental or other liability to the Crown, due by him in connection with the claim or lease, have been fully paid.

(2) Notice in writing of intention to abandon a claim shall be given to the Mining Recorder, and from the date of the receipt of the notice all interest of the holder in the claim shall cease.

(3) Upon abandonment or loss of rights in a mineral claim, the Mining Recorder shall forthwith make a note thereof indicating the date of abandonment or loss, upon the record of the claim, and shall mark the claim "lapsed".

93. When the holder of a mineral claim abandons it, if he has complied with section 92 he shall have the right to take from the claim any personal property which he may have placed on it, and any ore which he may have extracted from it within such time as may be fixed by the Minister.

94. If a mineral claim has been abandoned or forfeited by any person, the Mining Recorder in his discretion may permit such person to relocate the mineral claim or any part thereof if the relocation does not prejudice or interfere with the rights or interests of others.

95. No claim shall be relocated by or on behalf of the former holder thereof within thirty days of its being abandoned or forfeited, nor until after notice of the abandonment or forfeiture has been posted up for at least a week in a conspicuous place on the claim and in the office of the Mining Recorder, nor until a statutory declaration has been filed with the Mining Recorder declaring that the notice has been so posted.

GROUPING.

96.—(1) Upon written application being made to him by the owner or owners of adjoining claims not exceeding nine in number, the Mining Recorder may grant a certificate authorizing the claims to be comprised in one group, and allowing the holders of the claims to perform on any one or more of the claims all the work required to entitle him or them to a certificate of work for each claim.

(2) The grouping certificate shall be issued on payment of the fee prescribed and shall be recorded against each claim affected without payment of any additional recording fee.

(3) If the work is not done, or if payment is not made in lieu thereof as prescribed in sections 97 and 98, the claims shall be deemed to be vacant and abandoned without any declaration of cancellation or forfeiture on the part of the Crown.

REPRESENTATION WORK REQUIRED TO BE DONE.

97.—(1) Any person having duly located and recorded a mineral claim shall be entitled to hold it for a period of one year from the date of recording the same, and thence from year to year without the necessity of re-recording, if such person,—

- (a) during the first year and during each succeeding year does or causes to be done work on the claim to the value of one hundred and fifty dollars which is satisfactory to the Mining Recorder; and
- (b) files with the Mining Recorder within fourteen days after the expiration of each year, an affidavit made by him or his agent stating that such work has been done and setting out a detailed statement thereof.

(2) Work performed on a mineral claim after the claim has been duly located, and before it has been recorded, may, if acceptable, be considered as work required to be done during the first year.

98.—(1) The holder of a mineral claim, in lieu of the work required to be done on a claim each year by section 97, may pay to the Mining Recorder in whose office the claim is recorded the sum of one hundred and fifty dollars, and receive from the Mining Recorder a receipt for the payment.

(2) The payment and the record thereof in any year shall relieve the person making it from the necessity of doing any work during the year in and for which and upon the claim in respect of which the payment is recorded, and he shall be entitled to a certificate of work for the year.

99.—(1) If the prescribed amount of work is not done during the year, or if payment is not made in lieu thereof, the claim at the expiration of the period of fourteen days provided for shall lapse, and shall forthwith be open to relocation under the provisions of this Act without any declaration of cancellation or forfeiture on the part of the Crown.

(2) If the owner of a mineral claim has performed the required work during the year, but has failed to furnish the prescribed evidence of the work having been performed, the Mining Recorder at the expiration of the period of fourteen days provided for may grant to another person who has duly located, in the manner prescribed in this Act, the area embraced in the claim, or any portion thereof.

(3) The said owner within six months after the expiration of the year, may apply for a certificate of work in connection with the claim, and for the cancellation of any other certificate of record issued in respect of the said claim, or for any portion thereof, and the latter claim shall be cancelled by the Mining Recorder, or in the event of a certificate of record not having been issued for the claim, any pending application for the same shall be refused if the owner proves to the satisfaction of the Mining Recorder that the required

work was performed by or on behalf of the said owner, and if the said owner pays the expenses to which the person locating the claim has been put in locating and applying for the said claim, and in the event of a certificate of record having been issued, if the owner pays also all expenses to which such person has been put in obtaining the same, and all compensation for any *bona fide* work that he may have performed thereon.

(4) Where the owner of a claim fails to obtain the required certificate of work within the time specified in section 97, the fee for the certificate if paid within three months after the year has expired, shall be twenty-five dollars, and if paid after three months and within six months after the year has expired, shall be fifty dollars.

(5) If the owner of a mineral claim fails within a period of six months after the expiration of the year to furnish the evidence of expenditure prescribed in section 97, and to obtain a certificate of work from the Mining Recorder his interest or right in, to or in respect of the said claim shall, at the expiration of the period of six months, be and become void without any notice or declaration of cancellation by or on behalf of the Crown, and without judicial inquiry, notwithstanding the fact that the prescribed work may have been duly performed on the claim within the year, as required by this Act, but not proved, as aforesaid.

100.—(1) If the recorded owner of a fractional mineral claim furnishes evidence to the satisfaction of the Mining Recorder that the area of the claim is less than twenty-five acres, the expenditure required to be incurred each year in mining operations on such fractional claim, or the payment to be made in lieu thereof, to entitle the recorded owner to a certificate of work, shall be one-half that required under this Act in respect of a full claim.

(2) If upon survey a fractional claim in connection with which such representations have been made is found to contain twenty-five acres, or more, the recorded owner thereof shall pay to the Mining Recorder whatever additional amount may be necessary to pay in connection with a full claim, with interest, before he is entitled to receive a certificate of improvements in connection with such claim.

101. If two or more persons own a claim each such person shall contribute, proportionately to his interest, to the work required to be done by section 97, and to the payment of fees and other charges provided for in this Act, and in the event of it being proven to the satisfaction of the Mining Recorder after a notice of hearing has been served on all parties interested, in the manner directed by such Mining Recorder, that any co-owner has not so contributed, his interest shall become vested by order of the Mining Recorder in the other co-owner or co-owners in proportion to their respective interests.

DISPUTES.

102. In case of any dispute as to the staking of a mineral claim, the title to the claim shall be recognized according to the priority of the staking, subject to any question as to the validity of the record itself, and subject further, to the locator having complied with all the terms and conditions of this Act.

103. Upon any dispute as to the title to any mineral claim, no irregularity happening previous to the date of the record of the last certificate of work shall affect the title thereto, and it shall be assumed that up to that date the title to such claim was perfect, except upon suit by the Attorney General of Alberta based upon fraud.

104. Whenever through the act or default of any person other than the recorded owner of a mineral claim or his agent by him duly authorized, the evidence of the claim or record on the ground, or the situation of the mineral claim has been destroyed, lost or effaced, or is difficult of ascertainment, effect shall be given to the claim as far as possible, and the court shall have power to make all necessary inquiries, directions and references in the premises, for the purpose of carrying out the object hereof, and vesting title in the first *bona fide* acquirer of the claim.

105. No person shall suffer from any acts of omission or commission, or delays on the part of any government official, if such can be proven.

CERTIFICATES OF IMPROVEMENTS.

106.—(1) Payment may be made to the Mining Recorder of the sum of seven hundred and fifty dollars in lieu of expenditure on a claim of the ordinary size, and in the case of a claim for iron and mica only, acquired under the provisions of section 64, payment may be made of double that amount in lieu of such expenditure.

(2) In case payment in lieu of expenditure is made, the recorded owner of the claim shall comply with all other provisions of this Act, except such as have respect solely to the work required to be done on the claim.

107.—(1) The lawful holder of a mineral claim shall be entitled to receive from the Mining Recorder a certificate of improvements in respect of the claim, unless proceedings by a person claiming an adverse right under section 112 have been taken when the holder, to the satisfaction of the Mining Recorder has,—

- (a) done or caused to be done work on the claim itself in developing a mine to the value of seven hundred and fifty dollars exclusive of the cost of all houses, build-

ings and other like improvements, or made payment in lieu thereof as provided in sections 98 and 106, and for the purposes of this paragraph,—

- (i) the value of the work done, as assessed by the Mining Recorder, and the amount paid and accepted in lieu thereof, shall together be equal to at least seven hundred and fifty dollars;
- (ii) in the case of a fractional claim, the work to be done or the payment to be made in lieu thereof shall be that specified in section 100;
- (iii) work done on a claim by a predecessor or predecessors in title shall be deemed to have been done by the person who receives a transfer of such claim;
- (iv) the cost of the survey, not to exceed one hundred and fifty dollars, may be counted as work done on the claim, provided it has been accepted in lieu of representation work;
- (b) found a vein or lode within the limits of the claim;
- (c) had the claim surveyed at his own expense in accordance with instructions from the Department, by an authorized Alberta land surveyor, and had the survey thereof duly approved;
- (d) posted in some conspicuous part of the claim embraced in the survey a copy of the plan of the claim, signed and certified as accurate under oath by the surveyor;
- (e) posted a legible notice in writing in the form prescribed by the Minister, of his intention to apply for a certificate of improvements on some conspicuous part of the claim and in the Mining Recorder's office;
- (f) inserted a copy of the notice in a newspaper approved by the Mining Recorder published in and circulated in the district in which the claim is situated at least sixty days prior to such application, which insertion can be made at any time after the posting of the notice on the claim, and if no paper is published in the district, then the notice shall appear in the nearest published paper;
- (g) filed with the Mining Recorder a copy of the surveyor's original plan of the claim, signed and certified as accurate under oath by the surveyor, immediately after posting the notice on the claim of his intention to apply for a certificate of improvements;
- (h) filed with the Mining Recorder an affidavit of the holder of the claim, or his duly authorized agent, in the form prescribed by the Minister.

(2) At the expiration of the term of sixty days after the said publication, if no action has been commenced of which notice was filed with the Mining Recorder, he shall forward to the owner or agent the certificate of improvements issued,

and to the Department a copy thereof, together with the several documents referred to in subsection (1) and evidence showing that the notice required by paragraph (e) of subsection (1), or by section 118, has been posted in his office, and that the plan has been deposited for reference therein from the date of the first appearance of the said notice in the nearest local newspaper and continuously therefrom for a period of at least sixty days, and containing the full Christian name and surname of the recorded owner, or of each of the recorded owners, as well as his occupation and respective interest.

(3) A certificate of improvements shall not be issued until a report has been furnished by an officer of the Department, or some person satisfactory to the Mining Recorder, to the effect that upon inspection he was satisfied that the required expenditure in developing a mine had been actually incurred, and that a vein or lode has been found within the limits of the claim.

(4) Delay in having an inspection made after the recorded owner of a mineral claim has fully complied with the above requirements shall not render it necessary for the owner to perform further representation work, or make payment in lieu thereof, because of such delay.

108. In case a claim is situated in a remote part of the country, very difficult of access, where other claims have not been recorded, and where other persons are not engaged in prospecting and where no newspaper is published within a distance of one hundred miles, the Minister may, in his discretion, waive posting of notice on the claim and publication of the same in a newspaper as provided in paragraphs (d), (e) and (f) of subsection (1) of section 107.

109. A certificate of improvements when issued as aforesaid shall not be impeached in any court on any ground except that of fraud.

110. After the issue and recording of a certificate of improvements, and while the certificate is in force but a lease not yet issued, it shall not be necessary to do any work on the claim.

111. The holder of a mineral claim for which a certificate of improvements has been granted and recorded shall be entitled to a lease of the claim upon payment being made within three months of the rental and fee prescribed by section 134.

ADVERSE RIGHT.

112.—(1) In case any person claims an adverse right of any kind, either to possession of the mineral claim referred to in the application for certificate of improvements, or any part thereof, or to the minerals contained therein,

he shall, within sixty days after the first publication in the nearest local newspaper of the notice referred to in paragraph (f) of subsection (1) of section 107 or in section 118 (but not later, unless such time shall be extended by special order of the court upon cause being shown) commence legal action to determine the question of the right of possession or otherwise enforce his said claim.

(2) Such person shall file a copy of the writ, information, bill of complaint or other initiatory proceeding in said action with the Mining Recorder of the district in which the said claim is situated within twenty days from the commencement of said action, and shall prosecute the said action with reasonable diligence to final judgment, and a failure to so commence or so to prosecute shall be deemed to be a waiver of the plaintiff's claim.

(3) After final judgment has been given in the said action, the person, or any one of the persons entitled to possession of the claim or any part thereof, may file a certified copy of the same in the office of the Mining Recorder.

(4) After the filing of the said judgment, and upon compliance with all the requirements of section 107, such person or persons shall be entitled to the issue to him or to them of a certificate of improvements in respect of the claim or the portion thereof which he or they appear from the decision of the court rightly to possess.

113.—(1) If an adverse claim affects only a portion of the claim for which application is made for a certificate of improvements, the applicant may relinquish the portion covered by the adverse claim, and still be entitled to a certificate of improvements for the undisputed remainder of his claim, upon complying with the requirements of this Act.

(2) When judgment in such case is rendered by the court a memorandum of the judgment shall be entered in the "record book" by the Mining Recorder, and if by any judgment the original boundaries of any claim are changed, a plan made by an Alberta land surveyor, and signed by the judge by whom the judgment has been given, shall be filed with the Mining Recorder, who shall forward it to the Department.

ADDRESS FOR SERVICE.

114. Every application for a mineral claim and every other application, and every transfer or assignment of a mineral claim, or of an interest therein, acquired under the provisions of this Act, shall contain, or shall have endorsed thereon, the place of residence and the post office address of the applicant, transferee or assignee, and his occupation, and no application, transfer or assignment shall be accepted or recorded unless it conforms with this provision.

WHAT ENTRY OR LEASE CONVEYS.

115. The holder of a mineral claim, by entry or by lease, unless otherwise provided in the entry or lease, shall be entitled to all minerals within the meaning of this Act found in veins, lodes or rock in place, and whether such minerals are found separately or in combination with each other in, upon or under the lands included in such entry or lease.

116. A lease of a mineral claim issued under the provisions of this Act shall reserve to the Crown such right or rights of way and of entry as may be required under any Act or regulations in that behalf now or hereafter in force in connection with the construction, maintenance and use of works for the conveyance of water for mining operations.

117.—(1) The recorded owner of a mineral claim shall have a survey thereof made at his own expense by a duly qualified Alberta land surveyor under instructions from the Director of Mineral Rights, within one year from the date upon which notification by the proper office of the Department to do so is sent to him.

(2) Such notification shall not be given until the expiration of at least one year from the date upon which the claim was recorded.

(3) If the survey is not made and if the returns of the survey are not received and approved by the Director of Mineral Rights within one year from the date of notification, the Minister may cancel the entry granted for the mineral claim.

(4) The owner of a claim may have the survey made at any time after obtaining a certificate of record without any notification having been sent to him to do so.

118.—(1) The cost of the survey of a mineral claim, made in accordance with the provisions of section 117 may be accepted in lieu of representation work on the claim for the year in which the survey is made.

(2) Notice of such survey in the form prescribed by the Minister, shall be inserted for a period of not less than sixty days, in a newspaper approved by the Mining Recorder published in or circulating in the district in which the claim is situated.

(3) The owner of the claim prior to the first appearance of the advertisement shall cause to be posted on a conspicuous spot on the claim, and in the office of the Mining Recorder for the district, a notice of his intention to advertise the survey of the claim, and also a copy of the plan of the survey prepared and certified correct, under oath, by an Alberta land surveyor.

(4) Sixty days after publication of the notice, the survey shall be accepted as defining absolutely the boundaries of the

claim surveyed if it has not been protested since the publication, and if it has been duly approved by the Director of Mineral Rights.

(5) If within the time specified the survey is protested, the protest shall be heard and decided upon by procedure similar to that provided for in section 112.

119.—(1) The surveyor shall accurately define and mark the boundaries of the claim in full compliance with the instructions issued to him, and shall, on completion of the survey, forward to the Department the original field notes and plan signed and certified as accurate under oath.

(2) After a certificate of improvements has issued in respect of any claim so surveyed, *prima facie* evidence of its staking may be given by any person who has seen and who can describe the position of such posts purporting to be marked as aforesaid.

120. In case either post No. 1 or post No. 2 of a mineral claim is on the boundary line of a previously located claim, which boundary line is not at right angles to the location line, the Alberta land surveyor when making the survey may include the fraction so created within the claim which is being surveyed if the fraction is available and open to disposal and if the claim including the fraction does not exceed fifty-one and sixty-five one-hundredths acres in area.

121.—(1) An Alberta land surveyor when surveying a fractional mineral claim may survey the claim so that it contains as nearly as possible all the unoccupied ground lying between the previously located mineral claims as described in the affidavit and sketch furnished by the locator when the claim was recorded.

(2) No side of a fractional claim so surveyed shall exceed one thousand, five hundred feet in length, and the area of the claim as surveyed shall not exceed fifty-one and sixty-five one-hundredths acres.

122. The surveyor if required to do so by the Director of Mineral Rights shall connect the survey of the claim with some known point in a previous survey, or with some other known point or boundary, so that the position of the claim may be definitely fixed on the plans of the Department.

123.—(1) Before proceeding with the survey, the surveyor shall examine the application made for the claim and the plan which accompanied the application, and before completing the survey he shall ascertain by careful examination of the area, or by all other reasonable means in his power, whether or not any other subsisting claim conflicts with the claim he is surveying.

(2) He shall furnish with his returns of survey a certificate, duly signed by him, in the following form:

“I hereby certify that I have carefully examined the area included in..... mineral claim surveyed by me, and have otherwise made all reasonable investigations in my power to ascertain if there was any other subsisting claim conflicting therewith, and I certify that I have found no trace or indication and have no knowledge or information of any such claim except as follows:

(If none, so state; if any, give particulars.)

.....”

124.—(1) If the survey of a claim is made and advertised in the manner specified herein before the recorded owner of the claim has sufficiently complied with the Act to permit of his applying for a certificate of improvements, then the posting and publication of notice of the survey of the claim in the manner indicated shall be accepted as satisfaction of the posting and advertising requirements of section 107.

(2) Before a certificate of improvements is issued in connection with such a claim all other requirements of section 107 shall be fully complied with.

TRANSFER OF A MINERAL CLAIM.

125.—(1) No transfer of a certificate of record for any mineral claim, or of any interest therein, shall be effectual unless the same is in writing, signed by the transferor, or by his agent authorized in writing, and recorded by the Mining Recorder.

(2) If the transfer is signed by an agent, the authority of the agent shall be recorded before the record of the transfer.

(3) The transfer shall be in duplicate, signed and sealed by the transferor in the presence of a witness, who shall furnish proof of execution by affidavit.

(4) When a transfer is recorded the Mining Recorder shall return to the transferee one copy thereof with a certificate endorsed thereon that it has been recorded in his office, and retain the other copy.

126. If the certificate of record has been lost or destroyed, the Mining Recorder may, upon receipt of evidence to his satisfaction, supported by the affidavit of the recorded owner or owners, or one of them, that such is the case, and upon receipt of a fee of ten dollars, issue a “substitutional” certificate of record which shall be so marked, and which shall be as far as practicable a copy of the certificate of record originally issued for the claim.

127.—(1) Any conveyance, bill of sale, mortgage, or other document of title relating to a mineral claim for which a certificate of record has been granted under the provisions of this Act may be recorded with the Mining Recorder.

(2) The Mining Recorder shall not be required to record an assignment conveying less than an undivided one-quarter interest in any mineral claim.

(3) The failure to record any document shall not invalidate the same as between the parties thereto, but such documents in so far as they effect third parties shall take effect from the date of record and not from the date of the document.

128. After a lease of a mineral claim has been issued, an assignment of the whole or an undivided interest in such claim shall be filed with the Minister, accompanied by the prescribed fee and by the lessee's copy of the lease, but no such assignment shall be accepted or registered unless it is unconditional and its execution proved to the satisfaction of the Minister, and unless the provisions of this Act in respect of such claim have been fully complied with.

129. If the holder of a mineral claim, after applying for a certificate of improvements, sells and transfers the claim, upon satisfactory proof of the sale and transfer being made to the Mining Recorder, the new holder of the claim shall be entitled to a certificate of improvements in his own name, provided there is compliance with the provisions of this Act.

130. If a transfer is made to any person or company after a certificate of improvements has been issued, but before a lease has been prepared, upon proper proof of the transfer being made to the satisfaction of the Minister, he may issue the lease to the new holder of the claim.

131. The issue of the lease shall not invalidate any lien which may have been attached to any mineral claim previous to the issue of the lease.

ROYALTY.

132.—(1) Such royalty as may be determined and fixed from time to time by order of the Lieutenant Governor in Council shall be reserved to and charged by the Crown on the sales of all minerals produced from mineral claims whether such claims are held under certificate of record, lease, certificate of title, or otherwise, and such royalty shall be collected as directed by the Minister.

(2) The same royalty shall be charged on the sales made prior to the issue of a certificate of record.

TERM OF LEASE AND RENTAL.

133. A lease shall be for a term of twenty-one years, renewable for one further term of twenty-one years if the lessee furnishes evidence to the satisfaction of the Minister that during the term of the lease he has complied in every respect with the conditions of the lease and with the pro-

visions of the Act, and renewable for further terms of twenty-one years on such terms and conditions as may be prescribed by the Lieutenant Governor in Council.

134.—(1) The rental of a full or fractional mineral claim granted under a lease shall be fifty dollars, payable in advance within three months after the date upon which a certificate of improvements in connection with the claim is issued.

(2) No further rental shall become due or payable in connection with such claim until the termination of the above period of twenty-one years.

(3) For a renewal of the lease the lessee shall pay in advance the sum of two hundred dollars to cover the rental for a further period of twenty-one years.

(4) For the rental of a claim for the mining of iron and mica only, as specified in section 64, the rental shall be one hundred and fifty dollars for the first period of twenty-one years, and a rental of six hundred dollars for a renewal period of like duration.

(5) The fee for the issue of a lease of a mineral claim or for any renewal thereof shall be as prescribed by this Act or the regulations.

135. In case payment of the rental and fee for the first term of twenty-one years is not made within the prescribed period of three months from the date of the certificate of improvements, or in case payment is not made of the rental for the renewal term within three months from the date upon which it becomes due, then all right to the claim or to a lease thereof, or to a renewal of such lease, shall absolutely lapse without any declaration of cancellation or forfeiture on the part of the Crown, and such rights shall immediately be and become re-vested in the Crown.

136. The lessee shall not assign, transfer or sublet the rights described in his lease, or any part thereof, without the consent in writing of the Minister being first had and obtained.

MINE PLANS.

137.—(1) The operator of every mine on a mineral claim shall make and maintain, or cause to be made and maintained by a competent mining engineer or surveyor, a clear and accurate plan or plans, with sections, if necessary, showing clearly all the workings of such mine.

(2) Every six months or oftener, if required by the Minister, the operator or superintendent of the mine shall cause to be shown clearly and accurately on the plan or plans of the mine all the excavations made thereon during the time elapsed since such excavations were last shown on the

plan or plans, and all parts of the said mine that have been worked out or abandoned during the said period of time shall be indicated clearly on such plan or plans.

(3) All underground workings shall be surveyed and mapped out before they are allowed to become inaccessible.

138.—(1) The methods of survey and computation thereof shall be according to instructions to be obtained from the Department.

(2) All mine plans, survey notes and computations shall be kept at the mine office away from risk of damage by fire or any other cause and shall be treated as confidential information to which a person designated by the Minister shall have access at all times, but they shall not be exhibited nor shall any information contained therein be imparted to any person except with the written permission of the owner or agent of the mine.

(3) Any person designated by the Minister may take a tracing of the plans if he thinks fit and may take it away.

139.—(1) Plans shall be drawn on a scale of not more than fifty feet to one inch of every working mine in which levels, cross-cuts or other openings have been driven from any shaft, adit or tunnel, and in addition to the size of the openings they shall indicate all important geological information obtained in working the mine, together with assay values wherever the ore has been sampled in situ.

(2) For the sake of clearness, more than one plan may be employed on which to plot such information.

140. The requirements of this Act relating to plans do not apply to workings abandoned before the date of this Act and inaccessible at such date.

141.—(1) Every dam or bulkhead erected underground shall be shown clearly on the mine plans, and all machinery, ladder ways, stores, etc., shall be indicated by an approved symbol.

(2) Where workings are adjacent to abandoned workings on the group of claims being worked which are liable to contain water, the plans shall show the position and extent of such workings as accurately as can be determined.

(3) Any adjoining owner may apply to the Department for the purpose of ascertaining whether any mine is being worked into his territory, and upon such application being made, the Department may examine and make report thereon to the adjoining owner as to whether his territory is or is not being encroached upon.

(4) Before a mine or any part of a mine is abandoned, closed down or otherwise rendered inaccessible, all underground plans and sections shall be brought up-to-date and a certified copy filed with the Department.

142.—(1) All claims recorded and leases issued under the provisions of this Act shall be subject to the provision that all ores or minerals mined from such claims or leases shall be treated and refined within the Dominion of Canada so as to yield refined metal or other product suitable for direct use in the arts without further treatment.

(2) In any case where the Minister is of the opinion that subsection (1) is being violated, the certificate of record or lease issued for such claims shall be and become null and void, and the said claims shall forthwith revert to and become re-vested in the Crown, freed and discharged of any interest or claim of any other person or persons whomsoever, and shall be open to disposal in such manner as the Minister may decide.

CLAIMS OF DECEASED OR INSANE MINERS.

143. If the owner of a claim for which a lease has not yet been issued, or if the owner of an interest in such a claim dies, or is adjudged to be insane, the provisions of this Act as to forfeiture for non-performance of work or non-payment of fees shall not apply except as hereinafter provided, in the case of a deceased person either during his last illness or after his decease, in the case of an insane person either after he has been so adjudged insane, or if it appears that the neglect or omission on account or by reason of which such claim would otherwise have been deemed to be forfeited was attributable to his insanity, then during such period prior to his having been adjudged insane as he may have been shown to have been insane.

144. The Minister may limit the period during which all or any interest in any mineral claim, the property of the deceased or insane person, shall be exempt from the provisions of this Act, which require annual performance of work and payment of fees, and may fix the date upon which the same shall again become subject to all the provisions of this Act.

145.—(1) At the termination of the period fixed the claim shall become subject to all the provisions of this Act, and if the provisions of this Act are not complied with, all rights thereto shall be absolutely forfeited in the event of the estate of the deceased person being the sole owner of the claim, and the same shall forthwith be open for relocation without any declaration of cancellation or forfeiture on the part of the Crown.

(2) In the event of such an estate being a co-owner, the interest of the estate shall thereupon *ipso facto* become vested in the other co-owners who have complied with the Act in proportion to their respective interests.

146. The Minister by order from time to time may extend the period of the exemption as the necessity of the case in

his opinion may demand but in the case of deceased persons the period during which such exemption may apply shall not extend beyond three years from the date of the death of the deceased.

147. If there is no other legal representative of the estate of any such deceased or insane person the Minister may cause the Public Trustee or such responsible officer as he may name to take possession of the property and administer the same subject to the provisions of any statute in force respecting the administration of the estates of deceased or insane persons in the Province.

148. No exemption of the interest of a deceased or insane owner in any claim shall apply to or exempt any co-owner's interest from the provisions of this Act, as to the annual performance of work and payment of fees, and the rights of such co-owners shall be entitled to protection provided they do or cause to be done the prescribed representation work and pay the prescribed fees necessary in connection with those interests not exempted from performance of work and payment of fees.

149. Where the estate of the deceased or insane person owns an interest in a claim, and the co-owners who are required to perform work and pay fees have, during the period of such exemption, failed to perform the work required to be done thereon, the interest of such co-owners, upon such failure being proved to the satisfaction of the Mining Recorder at a hearing, notice of which has been served upon all persons interested in the manner prescribed by him, may be vested by order of the Mining Recorder in such estate.

150.—(1) Any person receiving from the Public Trustee or other legal representative of the estate of a deceased or insane person an assignment of a claim that has been exempted from the provisions of the Act as to performance of work and payment of fees, because of the death of or insanity of the owner thereof, shall record such assignment within two months from the date thereof.

(2) After the assignment has been recorded the claim shall again become subject to all the provisions of this Act.

(3) If the assignment is not so recorded the provisions exempting the claim shall cease to apply and the claim shall, at the expiration of the said two months become absolutely forfeited and shall be open to relocation and entry.

151.—(1) Any person receiving from the Public Trustee or other legal representative of the estate of a deceased or insane person, an assignment of an interest in a claim which has been exempted from the provisions of this Act as to performance of work and payment of fees, because of the death or insanity of the owner thereof, and on which the other co-

owner or co-owners are required to perform work and pay fees, shall within two months from the date of such assignment record the same and comply with the provisions of the Act in respect of representation work from the day of the recording of the transfer.

(2) If the assignment is not so recorded, and if the provisions of this Act are not otherwise complied with, the interest in question shall thereupon *ipso facto* become vested in the other co-owner or co-owners in proportion to their respective interests.

(3) If the co-owner or co-owners who are required to perform work and pay fees has or have failed to do so, the interest of such co-owner or co-owners may, upon such failure being proved to the satisfaction of the Mining Recorder at a hearing of which notice has been served upon all persons interested, become vested in the co-owner who has acquired the interest of the estate in such claim, and who has complied with the provisions of this Act.

PARTY WALL.

152.—(1) Unless the owners agree to dispense therewith, in all mining operations there shall be left between all adjoining properties a party wall at least fifteen feet thick of which seven and one-half feet shall be on each property, to the use of which the adjoining owners shall be entitled in common.

(2) The owners shall be entitled to use such party wall in common as a roadway for all purposes providing the right to the use of the surface is first procured.

(3) Such roadway shall not be obstructed by the throwing of soil, rock or other material thereon, or in any other way, and any person obstructing the same in addition to any civil liability shall incur a penalty of not more than ten dollars for every day such obstruction continues.

(4) Any such adjoining owners, in any case may apply to the Minister or the proper officer appointed for that purpose who may make an order dispensing with such party wall, or providing for the working of any material therein, or otherwise, as he may deem just.

153.—(1) Before beginning actual mining operations on a claim acquired under the provisions of this Act, whether below ground or in open cut, the owner or lessee shall notify the Minister or the proper officer appointed for that purpose in writing, at least fifteen days beforehand, of his intention to begin such operations and of the approximate date.

(2) Such notification is not required for work that has for its object only the stripping or otherwise uncovering of an ore body purely as a means of prospecting.

(3) The notice which may be on forms to be obtained from the Department shall contain the following information:

- (a) the particular point on the claim at which a shaft or an adit is to be opened or open work begun;
- (b) the name or number by which the shaft or other working shall be known, which name or number shall not be changed without the consent of the Minister;
- (c) the name and post office address of the person in charge of the operations.

154.—(1) If the owner or lessee neglects or fails to notify the Minister or the proper officer appointed for that purpose of his intention to begin mining operations, or to furnish the information provided for the Minister may cancel the claim or lease.

(2) Before suspending operations on any workings connected with a shaft, adit or open cut for a period likely to exceed three months, the lessee shall notify the Minister, or the proper officer appointed for that purpose, in writing at least fifteen days before such suspension takes effect.

(3) When the suspension is the result of accident and previous notice is impossible the lessee shall state the cause and whether all workings have been surveyed.

(4) Upon resumption of work on any mine after a delay of more than three months the lessee shall notify the Minister or the proper officer appointed for that purpose, within fifteen days, stating the date of resumption.

155.—(1) Before abandoning any workings in connection with any shaft, adit or open cut which as a result of such abandonment may become inaccessible, or in the event of complete abandonment of a mine in any case, the lessee shall notify the Minister, or the proper officer appointed for that purpose, at least fifteen days before abandonment, on forms to be obtained from the Department, unless such abandonment is due to accident, in which case the notice shall be sent at the first opportunity and the cause of the delay stated.

(2) The notice shall show,—

- (a) the reasons for abandonment;
- (b) the approximate position of any workings which have not been shown on the mine plans and the reason why this has not been done;
- (c) the amount of ore blocked out in the abandoned workings and its value per ton;
- (d) the state of natural ventilation of the mine;
- (e) the inflow of water and probable level to which it may rise;
- (f) how it is proposed to fence each opening which may be dangerous to people on the surface, and that such fencing will be of a character which does not deteriorate rapidly.

(3) In the case of complete abandonment the mine plans, notes, etc., shall accompany the notice or the lessee shall state how soon they will be sent in the event of their requiring time to complete.

MISCELLANEOUS.

156. Nothing herein contained shall, save where such intention is expressly stated, be so construed as to effect prejudicially any mining rights and interests acquired prior to the passing of this Act, and all mining rights and privileges heretofore and hereunder acquired shall, without the same being expressly stated, be deemed to be taken and held subject to the rights of His Majesty, his heirs, and successors and to the public rights of way and water.

157. Affidavits and declarations made under the provisions of this Act may be made before any person duly authorized to administer an oath or declaration.

158. Nothing herein contained shall affect any litigation pending at the time this Act may become effective.

159. Any person who has staked out a mineral claim or claims as nearly in accordance with the provisions of the regulations in force at the time of the passing of this Act as circumstances would permit and who submits application for entry for such claim or claims within the prescribed delay, may be granted entry for such claim or claims under the provisions of this Act if it can be shown to the satisfaction of the Mining Recorder for the district that a *bona fide* attempt was made to comply with the regulations at the time in force, and that the non-observance of any of the prescribed formalities was not of a character calculated to mislead others, and subject also to compliance within a reasonable period with such of the additional requirements of this Act as the Mining Recorder for the district may consider necessary.

160. The Lieutenant Governor in Council may from time to time make such additional regulations as may appear to be necessary or expedient governing the manner in which the mines shall be operated.

PART III.

PLACER MINING.

INTERPRETATION.

161. In this Part, unless the context otherwise requires,—

- (a) "base line" means a straight line or a succession of straight lines run by an Alberta land surveyor under proper instructions along the valley of a creek, and

following the centre of such valley as far as its sinuosities can be made to conform to a straight line or a succession of straight lines, to be used as a base from which the boundaries of placer mining claims on such creek may be defined;

- (b) "claim" means any tract located or recorded for placer mining;
- (c) "creek" means and includes all natural water-courses, whether usually containing water or not; but does not include streams having an average general width of one hundred feet or more at the low-water stage thereof;
- (d) "mining property" includes a claim and all other things belonging thereto or used in the working thereof for mining purposes;
- (e) "placer mining" means every mode and method of working whatsoever whereby earth, soil, clay, gravel, sand or cement may be removed, washed, sifted, or refined, or otherwise dealt with, for the purpose of obtaining gold, or other precious minerals or stones, but does not include the working of rock in place;
- (f) "river" means a stream of water having an average general width of at least one hundred feet at the low-water stage thereof.

APPLICATION OF PART.

162. This Part applies to all natural strata, beds or deposits of earth, soil, clay, gravel, sand or cement, carrying gold or other precious minerals or stones, which are the property of the Crown.

ACQUISITION OF CLAIMS.

163.—(1) Every person eighteen years of age or over may personally enter, locate and prospect upon any vacant Crown lands for any mineral to which this Part applies and upon all other lands the right to enter on which is reserved to the Crown.

(2) Notwithstanding the provisions of section 25 or the provisions of any other Act a *bona fide* prospector may enter, locate, prospect and stake out a claim for minerals to which this Part applies on lands owned or occupied by any person except,—

- (a) lands on which any building, church or cemetery is located; or
- (b) lands within the curtilage of a dwelling house; or
- (c) lands on which crops that may be damaged by the prospecting are growing; or
- (d) lands used for a garden, nursery or pleasure ground; or
- (e) lands upon which any spring, artificial reservoir or dam is situate; or

- (f) lands suitable for water power; or
- (g) lands lawfully occupied for mining purposes.

HOW A CLAIM SHALL BE STAKED.

164. Claims shall be classified as creek claims, river claims and inland claims.

165.—(1) A creek claim shall not exceed five hundred feet in length measured along the base line of the creek established by a survey authorized by the Minister.

(2) Every creek claim shall be as nearly as possible rectangular in form, and shall be marked by two legal posts firmly fixed in the ground on the base line at each end of the claim.

(3) In the event of the base line not being established, the claim may be staked along the general direction of the valley of the creek but in such case when the base line is established the boundaries thereby defined shall be conformed to.

(4) The rear boundaries of a creek claim shall be parallel to the base line and shall be defined by measuring one thousand feet on each side of the base line so that the claim shall include the bed of the creek and a tract extending for one thousand feet on each side of the base line thereof.

(5) The survey which establishes the base line of a creek shall at the same time establish the side lines of claims located on the creek and shall be a final determination of the position of such base line and side lines.

166.—(1) A river claim shall be situated on one side of the river only and shall not exceed one thousand feet in length measured in the general direction of the river.

(2) The rear boundary of the claim which runs in the general direction of the river shall be defined by measuring one thousand feet from the low-water mark of the river.

(3) Every river claim shall be as nearly as possible rectangular in form and shall be marked by two legal posts firmly fixed in the ground at each end of the claim on the margin of the river.

167.—(1) Inland claims shall be situated elsewhere than on a creek or river and shall not exceed one thousand feet in length by one thousand feet in breadth.

(2) If such claims front towards a creek or river they shall be staked as nearly as possible in the general direction of the valley of the creek or river towards which they front.

(3) Inland claims shall be as nearly as possible rectangular in form and shall be marked by two legal posts firmly fixed in the ground in a line parallel to and on the side nearest to the creek or river towards which they may front.

168.—(1) The line between the two posts shall be well cut out so that one post, if the nature of the surface permits, may be seen from the other.

(2) One of the flatted sides of each post shall face the claim and on each post shall be written on the side facing the claim a legible notice stating,—

- (a) the name or number of the claim or both if possible;
- (b) its length in feet;
- (c) the date when staked; and
- (d) the full Christian name and the surname of the locator.

169.—(1) The posts shall be No. 1 and No. 2 respectively.

(2) No person shall move the No. 1 post.

(3) The No. 2 post may be moved by an Alberta land surveyor if the distance between the posts exceeds the length prescribed by this Part of the Act.

170. Notwithstanding anything herein contained, failure on the part of the locator of a claim to comply with any of the foregoing provisions shall not be deemed to invalidate his claim, if, upon the facts it appears to the satisfaction of the Mining Recorder that there has been on the part of the locator a *bona fide* attempt to comply with the provisions of this Part, and that the non-observance of the provisions hereinbefore referred to is not of a character calculated to mislead other persons desiring to locate claims in the vicinity.

171.—(1) Any person or party of persons locating the first creek claim on any stream or watercourse, or locating a creek claim on any stream upon which there is no recorded claim, shall be entitled to a claim or claims respectively of the following size, namely,—

- (a) for one locator, one claim, one thousand five hundred feet in length;
- (b) for a party of two locators, two claims, each one thousand two hundred and fifty feet in length;
- (c) for a party of more than two locators, one claim for each member of the party, two of which claims may be one thousand feet in length, and the remainder of the ordinary size.

(2) Any person or party of persons locating the first river or inland claim on any river, hill, bench, bar or plain, or locating such a claim on any river, hill, bench, bar or plain upon which there is no recorded claim, shall be entitled to a claim or claims respectively of the following size, namely,—

- (a) for one locator, one claim, three thousand feet in length;
- (b) for a party of two locators, two claims, each two thousand five hundred feet in length;

- (c) for a party of more than two locators, one claim for each member of the party, two of which claims may be two thousand feet in length, and the remainder of the ordinary size.

172. The boundaries of any claim for which a certificate of record has been issued by order of the Mining Recorder upon application by the owner thereof may be enlarged to the size of the claim allowed by this Part, if such enlargement will not interfere with any mining property owned by any other person.

RECORDING CLAIMS.

173. The form of application to record shall be in Form D in the Schedule and the forms of certificate of record, and of renewal of a claim shall be prescribed by the Minister.

174.—(1) An application to record a claim shall be filed in person with the Mining Recorder for the district in which the claim is situated, within fifteen days after the location thereof, if it is located within fifty miles of the Mining Recorder's office.

(2) One extra day for recording the application shall be allowed for every additional ten miles or fraction thereof in excess of fifty miles.

(3) The locator shall submit with his application a plan in duplicate showing as clearly as possible,—

- (a) the position of the claim applied for in its relation to the prominent topographical features of the district and to the adjoining claims, or some other known point; and
- (b) the position of the posts by which the claim is marked on the ground.

175. No certificate of record shall be issued by a Mining Recorder for a part of a claim which is already recorded.

176. The staking of a claim on Sunday or any public holiday shall not for that reason be invalid.

177.—(1) In the event of a claim being more than one hundred miles from the Mining Recorder's office and situated where other claims are being located, the locators, not less than five in number, are authorized to meet and appoint an "emergency recorder".

(2) The emergency recorder shall note on each application the date upon which such application was received by him and the amount of fees paid in respect thereof.

(3) The emergency recorder shall, at the earliest possible date after his appointment, notify the Mining Recorder for the district in which the claims are situated of his appointment, and he shall deliver to the Mining Recorder the applications which he has received for claims and the fees which he has collected for recording the same.

(4) The Mining Recorder shall then grant to each person from whom the emergency recorder has accepted an applica-

tion and fee, a certificate of record for his claim if the application was made in accordance with the provisions of this Act in Form D in the Schedule.

(5) The certificate shall date from the day the emergency recorder accepted the application and fee.

(6) Where the emergency recorder fails within three months of the date of his appointment to notify the Mining Recorder of his appointment and to deliver to him the applications for claims received and the fees collected, the Mining Recorder may refuse to record the claims.

178.—(1) No application shall be received for a claim which has not been staked by the applicant in person in the manner specified in this Part of the Act.

(2) Notwithstanding subsection (1), if any person satisfies the Mining Recorder that he is about to undertake a *bona fide* prospecting trip, and files with the Mining Recorder in advance a power of attorney from any number of persons not exceeding two authorizing him to stake claims for them in consideration of their having enabled him to undertake the trip, he may stake one claim of the ordinary size in the name of each such person within the valley or basin of any creek or river upon which he makes a discovery.

179.—(1) The holder of a claim may at any time abandon it if he has complied in every respect with the provisions of this Act and if all payments on account of any liability to the Crown due by him in connection with such claim have been fully made.

(2) Notice in writing of his intention to abandon shall be given to the Mining Recorder and from the date of the receipt of such notice all interest of the holder in such claim shall cease.

(3) Upon abandonment or loss of rights in a claim the Mining Recorder shall forthwith enter a note thereof, with the date of the abandonment or loss, upon the record of the claim and shall mark the claim "lapsed".

(4) When the holder of a claim abandons it he shall have the right to take from the same any personal property which he may have placed on the claim if there is compliance with subsection (1) within such time as may be fixed by the Minister.

(5) No claim shall be relocated until after notice of the abandonment has been posted up for at least thirty days in the office of the Mining Recorder.

180. Any person having recorded a claim shall not have the right to locate another claim within the valley or basin of the same creek or river within sixty days of the date on which he has located the recorded claim.

181. During the absence of the Mining Recorder from his office an application to record a claim may be received by any person whom he may appoint to perform his duties in his absence.

REPRESENTATION WORK REQUIRED TO BE DONE.

182.—(1) Any person having duly located a claim may obtain a certificate of record thereof for one year by paying to the Mining Recorder, in advance, the fee prescribed.

(2) Such person shall, upon receiving such certificate, be entitled to hold the claim for one year with the right of renewal from year to year thereafter upon payment of the renewal fee prescribed if such person,—

- (a) during the first year and during each succeeding year, does, or causes to be done, work on the claim to the value of one hundred and fifty dollars which is satisfactory to the Mining Recorder; and
- (b) files with the Mining Recorder within fourteen days after the date of the expiration of each year an affidavit made by him or his agent stating that such work has been done and setting out a detailed statement thereof.

183. In the event of the work referred to in the last preceding section not being done as therein provided, the rights of the owner to the claim shall thereupon become absolutely forfeited and the claim shall forthwith be open for relocation without any declaration of cancellation or forfeiture on the part of the Crown.

184.—(1) If the owner of a claim has done the required work thereon but has failed to apply for a renewal by the expiration of the period of fourteen days provided therefor, the Mining Recorder may issue a certificate of record to any person relocating such claim.

(2) The owner may, within six months after the date at which his claim came due for renewal apply for the cancellation of any certificate of record so issued and such certificate of record shall be cancelled if,—

- (a) it is proved to the satisfaction of the Mining Recorder that the required work was done by said owner; and
- (b) the said owner pays a renewal fee of twenty-five dollars for an application made during the first three months or a renewal fee of fifty dollars for an application made during the second three months; and
- (c) the said owner pays the expenses to which the locator has been put in locating and applying for the said claim and obtaining a certificate of record thereof, and compensation for any *bona fide* work that he has performed thereon, less the reasonable value of any mineral which he has taken out.

185.—(1) If two or more persons own a claim, each such person shall contribute proportionately to his interest to the work required to be done thereon.

(2) In the event of it being proved to the satisfaction of the Mining Recorder, after notice of hearing has been served as directed on all parties interested, that any co-owner has not done his proportion of the work his interest may become vested by order of the Mining Recorder in the other co-owner or co-owners in proportion to their former interests.

186.—(1) Every person receiving a certificate of record of a claim shall be entitled to all minerals to which this Part applies which are the property of the Crown and which lie within his claim.

(2) The certificate of record of a claim shall reserve to the Crown such royalty on the sales of the products as may from time to time be fixed by order of the Lieutenant Governor in Council, and the royalty shall be collected in such manner as may be prescribed by the Minister.

(3) The same royalty may be collected on any sales which have been made prior to the recording of a claim.

187.—(1) The owner of a claim may sell, mortgage, or dispose of it if the instrument of disposition is deposited, in duplicate, with the Mining Recorder.

(2) Any conveyance, bill of sale, mortgage or other document of title relating to a claim granted under the provisions of this Part may be recorded with the Mining Recorder.

(3) The Mining Recorder shall not be required to record an assignment conveying less than an undivided one-quarter interest in such claim.

(4) The failure to record any such document shall not invalidate the same as between the parties thereto but such document, in so far as it affects third parties, shall take effect from the date of record and not from the date of the document.

188. No rights of any person owning or applying for a claim shall suffer from any acts of omission or commission or delays on the part of any Government official.

189.—(1) Whenever, through the acts or defaults of any person other than the recorded owner of a claim or his agent by him duly authorized, the evidence of the claim on the ground or the position of the claim has been destroyed, lost or effaced, or is difficult of ascertainment, effect shall nevertheless be given to the claim as far as possible.

(2) The Mining Recorder may make all necessary inquiries, directions and references in the premises for the purposes of carrying out the object of such claim and vesting title in such owner.

GROUPING.

190.—(1) Upon application being made to him by any person or persons owning adjoining claims not exceeding

ten in number, the Mining Recorder may grant permission, for a term not exceeding ten years, to any person or persons to perform on any one or more of such claims all the work required to entitle him or them to renewals for each claim so held by him or them.

(2) Where the application is made by more than one person the applicants shall file with the Mining Recorder a deed of partnership creating a joint liability between the owners of the claims for the joint working thereof.

191.—(1) Certificates of record of claims in respect of which such permission has been granted and certificates of record of any claims within a mining district owned by one person may be made renewable by the Mining Recorder on the same day.

(2) In granting the privilege allowed under this section the Mining Recorder shall charge the applicant two dollars and fifty cents for every three months or portion thereof for each claim during that portion of the year it is necessary to renew the same to make all the claims renewable on the same day.

(3) The representation work required for the fractional portion of the year for which each claim is renewed shall be allowed at the rate of thirty-seven dollars and fifty cents for each three months or fraction thereof, and the said representation work shall be performed and recorded on or before the date from which all the claims are first made renewable.

WATER RIGHTS.

192. Every person owning a claim, before taking or using any of the water naturally flowing through or past his claim, shall obtain under the provisions of *The Water Resources Act* and regulations made thereunder, a license to divert or make use of such water, not already lawfully appropriated, as may be necessary for the due working of his claim.

CLAIMS OF DECEASED OR INSANE PERSONS.

193. If the owner of a claim dies, or is adjudged to be insane, the provisions as to abandonment shall not apply, in the case of death either during his last illness or after his decease, or in the case of insanity, either after he has been so adjudged, or, if it appears that the neglect or omission on account or by reason of which such claim would otherwise have been deemed to be abandoned was attributable to his insanity, during such period prior to his having been so adjudged as he shall be shown to have been insane.

194.—(1) The Minister may either cause the mining property of any such deceased or insane person to be worked in the usual manner or he may authorize the working of

such property to be dispensed with for such periods as the necessity of the case may, in his opinion, demand.

(2) The Minister, if he sees fit, and if there is no other legal representative, may cause the property to be taken possession of and administered by the Public Trustee subject to the provisions of the laws of the Province respecting the administration of the estates of deceased or insane persons.

195. All charges and expenses which may be incurred by any person acting under the instructions of the Minister, in or about the working of such mining property, or in taking or keeping possession thereof, shall be and remain a first charge against the same until duly paid.

MISCELLANEOUS.

196. The Lieutenant Governor in Council may from time to time, make such additional regulations as may appear to be necessary or expedient governing the manner in which placer mining operations shall be conducted.

PART IV.

COAL MINING.

LEASES.

197.—(1) The coal-mining rights which are the property of the Crown may be leased to applicants at an annual rental of one dollar an acre payable yearly in advance.

(2) The term of the lease shall be for twenty-one years renewable for one further term of twenty-one years subject to the provisions of this Act and the regulations in force at the time the renewal is granted, if the lessee furnishes evidence satisfactory to the Minister that during the term of the lease he has complied fully with the conditions of the lease and with the provisions of this Act and the regulations in force from time to time during the currency of the lease and renewable for further terms of twenty-one years upon such terms and conditions as may be prescribed by the Lieutenant Governor in Council.

198.—(1) The maximum area of a location shall be two thousand five hundred and sixty acres and no person shall be permitted to acquire a greater area except by assignment.

(2) The minimum area of a location shall be forty acres.

(3) No lease shall be granted to any applicant who is indebted to the Province for royalty on coal mining.

199. Application for a lease of coal-mining rights shall be filed by the applicant in person with the Mining Recorder for the district in which the rights applied for are situated.

200.—(1) If the tract applied for is situated in surveyed territory it shall consist of sections or legal subdivisions and in the discretion of the Minister may include parts of legal subdivisions but the several parcels comprising the tract shall be adjoining the length of the tract not to exceed four times its breadth.

(2) In unsurveyed territory, if at least one of the lines bounding the tract applied for has been surveyed, an application for a lease of an area not in excess of six hundred and forty acres may be considered if the length of the tract does not exceed its breadth.

201.—(1) Application for a tract situated in unsurveyed territory shall contain a description by metes and bounds, and shall be accompanied by a plan in duplicate showing the position of the tract in its relation to some prominent topographical feature of the district or some other known point and to any adjoining locations.

(2) The location shall be staked along its greater dimension and shall be rectangular in form, except where a boundary of a previously located tract is adopted as common to both locations.

(3) The length of the location shall not exceed four times the breadth.

(4) Application shall be made within thirty days from the date the tract was staked, and one extra day shall be allowed for every additional twenty-five miles or fraction thereof that the tract is distant more than two hundred miles in a direct line from the office of the Mining Recorder.

HOW A LOCATION SHALL BE STAKED.

202. Evidence supported by affidavit of the locator shall accompany the application to show that the applicant has complied fully with the following requirements,—

- (a) that the locator in person has defined the tract applied for on the ground by two legal posts, numbered "1" and "2" respectively;
- (b) that the distance between post No. 1 and post No. 2 does not exceed twenty-one thousand, one hundred and twenty feet;
- (c) that post No. 1 is inscribed "Initial Post";
- (d) that clear and legible inscriptions have been placed on the posts marked by knife, marking iron, or crayon in such a way that they will not become illegible or obliterated;
- (e) that on post No. 1 on the side facing in the direction of post No. 2 there has been marked, beginning near the top of the portion faced and extending downward, the following,—
 - (i) coal;
 - (ii) No. 1 Initial Post;

- (iii) the name of the locator;
- (iv) the date and hour of staking out;
- (v) the approximate compass bearing of post No. 2;
- (vi) the distance in feet between post No. 1 and post No. 2;
- (vii) the distance in feet the location lies to the right or to the left when the locator is facing in the direction of post No. 2;
- (f) that on post No. 2 on the side facing in the direction of post No. 1 there has been marked, beginning near the top of the portion faced and extending downward, the following,—
 - (i) No. 2;
 - (ii) the name of the locator;
 - (iii) the approximate compass bearing of post No. 1;
 - (iv) the distance in feet between post No. 2 and post No. 1.

203.—(1) All the particulars inscribed on post No. 1 and post No. 2 shall be furnished by the locator to the Mining Recorder in writing at the time the application is made.

(2) Errors or omissions in staking, which in the opinion of the Minister were not deliberately made to mislead any subsequent intending applicant, shall not invalidate the staking, but the Minister may require the applicant to make immediately the necessary corrections.

204.—(1) When the tract has been defined the locator shall mark out immediately the location line between post No. 1 and post No. 2 so that it can be distinctly seen in a timbered locality by blazing trees and cutting underbrush, and in a locality where there is neither timber nor underbrush he shall set posts or erect mounds of earth or rock in such a manner that the line may be distinctly seen.

(2) In a timbered locality, an area of ten feet square shall be cleared around each post by cutting the underbrush so that the post shall be clearly discernible at a reasonable distance.

DISPUTES.

205. Where two or more persons lay claim to the same tract situated in unsurveyed territory the person who proves to the satisfaction of the Minister that he was the first to take possession of the tract in dispute by staking in the manner prescribed, and that he made application for a lease within the specified time, shall have the right to the lease.

SURVEYS.

206.—(1) If, for any reason, the Minister considers it necessary or advisable to have a survey or resurvey made of any tract applied for or location leased to determine the exact position of the tract or location, or in order to settle

any dispute which may arise respecting the same, he may direct that such a survey or resurvey be made by an Alberta land surveyor under proper instructions.

(2) The Minister may require payment in advance of the costs of the survey or resurvey to be made by the applicant for, or the recorded owner, of the tract or location to be surveyed in whole or in part, or the Minister may require such portion of the payment of the costs as may seem to him just.

(3) If the applicant or lessee fails to make such payment in advance when called upon to do so by the Minister, the Minister, in his discretion, may cancel the application or lease.

(4) The surveyor shall file with the Department, plans, notes and any other information that may be required to determine the exact position of the location and the Department shall give a copy of such information to the applicant or lessee as the case may be.

207.—(1) No person shall move post No. 1.

(2) Post No. 2 may be moved by an Alberta land surveyor when it is found, upon making the survey or resurvey that the distance between post No. 1 and post No. 2 exceeds the distance given by the applicant in his application for lease.

(3) When post No. 2 is moved or substituted by an Alberta land surveyor the surveyor shall plant it firmly at the point on the location line equal to the distance from post No. 1 given by the applicant in his application for lease.

208.—(1) As soon as a location or any portion thereof embraces areas that have been surveyed the Minister, after consultation with the lessee, may amend the description by describing the surveyed areas by sections, quarter-sections, legal subdivisions or parts thereof.

(2) The decision of the Minister as to the surveyed lands to be included in the lease shall be conclusive and final and there shall be no appeal from such decision.

WORK REQUIRED TO BE DONE.

209.—(1) The lessee shall commence active operations on his leasehold within one year from the date upon which he is notified by the Minister to do so and shall produce from such operations the quantity of coal specified in the notice.

(2) The notice shall not be given until the expiration of at least one year from the date of the lease and it shall set out the quantity of coal which the lessee is required to mine and produce at the pit's mouth ready for shipment.

(3) The quantity may be increased from time to time upon thirty days' notice to that effect being given to the lessee, but in no case shall the maximum quantity required to be mined exceed ten tons per annum for each acre leased.

(4) In case operations are not commenced within the time specified in the notice, or if the required quantity of coal is not mined during each year the Minister, in his discretion, may cancel the lease.

TRANSFER OF LEASE.

210. The lessee shall not assign, transfer or sublet the rights described in his lease, or any part thereof, without the consent in writing of the Minister being first had and obtained.

CONDITIONS OF LEASE.

211. Every lease of coal-mining rights issued under this Act shall be subject to the provision that actual settlers shall be entitled to buy at the pit's mouth whatever coal they may require for their own use, but not for barter or sale, at a price not exceeding three dollars and seventy-five cents per ton.

212. The prescribed fee and the rental for the first year shall accompany each application for a lease which fee and rental will be refunded if the rights applied for are not available, but not otherwise.

213.—(1) The lease shall bear the date of issue which shall also be the commencement of the term.

(2) If during the term of the lease the lessee fails to pay the rental in advance for each subsequent year within thirty days after the date upon which the same became due whether demand is made or not, the Minister, in his discretion, may cancel the lease.

ROYALTY ON LEASES.

214.—(1) A royalty at the rate prescribed under the provisions of paragraph (a) of section 215 shall be levied and collected on any coal mined or excavated from any location.

(2) The royalty shall be collected in such manner as may be specified by the Minister.

(3) If the lessee fails or neglects to make prompt payment of the royalty the Minister may cancel the lease.

GENERAL ROYALTY PROVISION.

215. Notwithstanding the terms and provisions of any certificate of title, agreement of sale, or lease which conveys coal or the right to mine, win, work or excavate the same, where the payment of a royalty has been reserved to the Crown in the right of the Dominion or in the right of the Province, there shall be payable to the Minister,—

- (a) a royalty of ten cents per ton on any coal mined or excavated from any land, the title to which is held under lease from the Crown in the right of the Dominion or in the right of the Province;
- (b) a royalty of fifteen cents per ton on any coal mined or excavated from any land, the title to which is held in fee simple, or under an agreement of sale from the Crown in the right of the Dominion.

216.—(1) The lessee or his lawful attorney shall file with the Department, not later than the twenty-fifth day of the month on forms prescribed by the Minister, a report accounting for the full quantity of coal mined during the preceding month.

(2) Every lessee of coal-mining rights which are not being operated shall furnish the Department with a sworn statement to that effect at least once every three months.

(3) If, after the lessee of the location has been requested in writing to forward any overdue return, the Minister deems it necessary, to send an officer of the Department to secure the same, the Minister may charge to the lessee the expenses incurred in connection with securing such return.

(4) If the lessee fails or neglects to make payment of the expenses so incurred the Minister may cancel the lease summarily.

(5) If any person attempts to defraud the Crown by withholding any part of the revenue thus provided for, by making false statements, in his discretion the Minister may cancel the lease summarily.

(6) In respect of the facts as to fraud or false statements or non-payment of royalty or failure to furnish returns the decision of the Minister shall be final.

MISCELLANEOUS.

217.—(1) Notwithstanding the terms and provisions of any certificate of title, conveyance, agreement of sale, lease, license, permit or other evidence of title under which he has heretofore acquired or hereafter acquires coal, or the right to mine and excavate the same, no person shall,—

- (a) mine or excavate any coal which lies within thirty feet of any of the boundary lines of the location area or parcel held by him as aforesaid;
- (b) without the permission of the Minister first had and obtained, excavate any coal, or make or cause or permit to be made any opening underground into any adjoining lands through the said barrier.

(2) "Boundary lines" in this section means the vertical planes or lines in which the surface boundaries of the location or parcel lie.

218. When a lessee wishes to abandon a location where operations have been conducted, he shall obtain written permission to do so from the Minister before removing any part of the machinery or structures that have been erected upon the premises.

219.—(1) Notwithstanding the provisions of section 5 the lessee shall, before opening any mine on the location described in the lease, and before extracting any coal therefrom, submit to the Minister plans and specifications showing in detail the manner in which it is proposed to open up, develop and operate such mine.

(2) If the location contains more than one seam of coal, detailed information shall be furnished as to the particular seam which it is proposed to develop.

(3) No work shall be commenced for the recovery of coal, and no coal shall be extracted until such plans and specifications have been approved by the Department.

(4) The procedure to be adopted in opening up and operating a mine on the location as well as the particular seam of coal which shall first be operated shall at all times be in accordance with the provisions of *The Coal Mines Regulation Act*, and if the lessee fails to comply with the provisions of that Act the Minister, in his discretion, may cancel the lease.

220. Whenever, by reason of his mining operations on a location, a lessee creates a centre of population comprising persons, who, under the laws of the Province are considered to be of school age, and a school district is organized under the laws of the Province for such persons the lessee shall erect and maintain during the currency of the lease a school house for the accommodation of all such persons of school age on a site provided by the lessee, which is satisfactory to the Minister of Education.

PART V.

MINING IN ROAD ALLOWANCES.

COAL MINING LEASES.

221. The provisions of Part IV relating to the leasing of coal-mining rights which are the property of the Crown shall, as far as practicable, apply to leases of coal-mining rights in road allowances except as hereinafter provided.

222.—(1) Coal-mining rights in road allowances may be leased to applicants at an annual rental of five dollars payable yearly in advance.

(2) The term of the lease or any renewal thereof shall not exceed twenty-one years and may be for such lesser period as the Minister may prescribe.

223. No application for a lease will be considered unless the applicant satisfies the Minister that he has the right to win, work and get the coal in the properties adjoining on both sides of the road allowance.

224. No lease shall be issued for more than one mile of road allowance provided that the block at the intersection of two road allowances may be included in a lease.

225.—(1) The Minister if he has reason to believe that the lessee no longer has the right to win, work and get the coal from any property adjacent to his road allowance lease, may give to the lessee a period of thirty days to submit evidence as to his ownership.

(2) If the lessee fails to submit evidence satisfactory to the Minister within such period the Minister in his discretion may cancel the lease summarily.

226.—(1) Any lease granted for coal-mining rights in a road allowance may include such conditions, provisions, restrictions and stipulations as the Minister may prescribe.

(2) If the lessee fails to comply with such conditions, provisions, restrictions and stipulations, the Minister in his discretion may cancel the lease summarily.

227.—(1) If by reason of the working of the lease any road allowance is damaged in any way, the lessee shall be responsible for the damage and for any other loss or damage arising therefrom and may be required to remedy same.

(2) If the lessee fails to do so within the time specified by the Minister, the Minister may have such repairs made as he may deem necessary and the cost of such repairs shall be a debt payable by the lessee to the Minister on demand.

(3) If the lessee fails to pay such debt he shall be guilty of a contravention of this Act.

228. Where coal-mining rights in a road allowance are held under lease and are,—

- (a) adjacent to property subject to royalty as prescribed by paragraph (a) of section 216, the returns accounting for the full quantity of coal mined may be included in the returns for the adjacent property;
- (b) not adjacent to property subject to royalty as prescribed by paragraph (a) of section 216 the lessee shall have the holder of a mine surveyor's certificate issued pursuant to *The Coal Mines Regulation Act*, survey the workings of the mine in so far as they relate to the area included in the road allowance

lease at least every six months and within thirty days thereafter the lessee or his lawful agent shall supply to the Department on forms prescribed by the Minister, a report accounting for the full quantity of coal mined during such period.

OTHER LEASES.

229. No lease shall be granted for the right to win, work and get any mineral within, upon or under any road allowance other than coal unless with the approval of the Lieutenant Governor in Council.

GENERAL.

230. The lessee without compensation of any nature whatsoever at all times during the term of the road allowance lease and any renewal thereof, shall perform, observe and comply with orders or directions of any nature whatsoever made or given by the Minister of Public Works or such officer as he may appoint.

PART VI.

PETROLEUM AND NATURAL GAS.

LEASES.

231.—(1) The petroleum and natural gas rights which are the property of the Crown may be leased to applicants at an annual rental of one dollar an acre, payable yearly in advance.

(2) The term of the lease shall be for twenty-one years renewable for further terms each of twenty-one years so long as the location is capable of producing petroleum or natural gas in commercial quantity.

(3) Each lease shall be subject to all of the provisions of this Act and the regulations in force from time to time during its currency, and each renewal thereof shall be granted in accordance with the provisions of this Act and the regulations in force at the time of the granting of such renewal and shall be subject to all of the provisions of this Act and the regulations in force from time to time during its currency.

232.—(1) A location shall be square or rectangular in shape.

(2) The maximum area of a location in the form of a square shall be nine sections or five thousand seven hundred and sixty acres and in the form of a rectangle shall be eight sections or five thousand one hundred and twenty acres.

(3) Except as otherwise provided in sections 233, 260 and 262 the minimum area of a location shall be a quarter section.

(4) The maximum length of the tract shall be four miles and in no case shall the length exceed twice the breadth.

233.—(1) If the tract applied for is situated in surveyed territory, it shall consist of sections or quarter-sections.

(2) Notwithstanding subsection (1), an application for a lease out of a reservation may comprise a legal subdivision or adjoining legal subdivision or any portion of a legal subdivision where the holder of the reservation submits evidence satisfactory to the Minister that he has the right to the petroleum or natural gas in the balance of the legal subdivision.

(3) The lease granted shall remain in force so long as the applicant continues to have the right to the petroleum or natural gas in the balance of the legal subdivision and complies with the provisions of this Act.

234.—(1) In unsurveyed territory the tract shall be laid out with boundary lines running north and south and east and west astronomically and the measurements thereof shall be horizontal.

(2) The length and breadth of the tract shall be two thousand six hundred and forty feet each or multiples thereof.

(3) The tract may be laid out with the longer boundary lines running north and south or east and west.

235. No lease shall be granted to any applicant who is indebted to the Province for royalty on petroleum or natural gas.

236.—(1) Application for a lease of petroleum and natural gas rights shall be filed by the applicant in person with the Mining Recorder for the district in which the rights applied for are situated.

(2) Where the applicant holds the rights under reservation any application for a lease or leases shall be filed by the applicant with the Director of Mineral Rights.

(3) Any application for a lease shall be subject to review by the Director of Mineral Rights who may refuse or confirm same.

237.—(1) Application for a tract situated in unsurveyed territory shall contain a description by metes and bounds and shall be accompanied by a plan in duplicate showing the position of such tract in its relation to some prominent topographical feature of the district or some other known point and to locations in the immediate vicinity, and the plan shall also show the adjoining Crown reserves required by paragraph (d) of section 272.

(2) Application shall be made within thirty days from the date the tract was staked, and one extra day shall be allowed for every additional twenty-five miles or fraction thereof that the tract is distant more than two hundred miles in a direct line from the office of the Mining Recorder.

HOW A LOCATION SHALL BE STAKED.

238. Evidence supported by affidavit of the locator shall accompany the application to show that he has complied fully with the following requirements:

- (a) That the locator has defined the tract applied for on the ground by planting or erecting a legal post at each of the four corners of the tract, beginning with and marking that at the northeast corner "No. 1", that at the southeast corner "No. 2", that at the southwest corner "No. 3", and that at the northwest corner "No. 4";
- (b) That the number on each post is on the side of the post toward the post next following it in the order named;
- (c) That clear and legible inscriptions have been placed on the posts marked by knife, marking iron or crayon in such a way that they will not become illegible or obliterated;
- (d) That on Post No. 1 on the side facing in the direction of Post No. 2 there has been marked, beginning near the top of the portion faced and extending downward, the following:
 - (i) petroleum;
 - (ii) No. 1 Initial Post;
 - (iii) the name of the locator;
 - (iv) the date and hour of staking out;
 - (v) distance in feet between Post No. 1 and Post No. 2;
- (e) That on Post No. 2 on the side facing in the direction of Post No. 3 there has been marked, beginning near the top of the portion faced and extending downward, the following:
 - (i) petroleum;
 - (ii) No. 2;
 - (iii) the name of the locator;
 - (iv) distance in feet between Post No. 2 and Post No. 3;
- (f) That on Post No. 3 on the side facing in the direction of Post No. 4 there has been marked, beginning near the top of the portion faced and extending downward, the following:
 - (i) petroleum;
 - (ii) No. 3;

- (iii) the name of the locator;
- (iv) distance in feet between Post No. 3 and Post No. 4;
- (g) That on Post No. 4 on the side facing in the direction of Post No. 1 there has been marked, beginning near the top of the portion faced and extending downward, the following:
 - (i) petroleum;
 - (ii) No. 4;
 - (iii) the name of the locator;
 - (iv) distance in feet between Post No. 4 and Post No. 1.

239.—(1) All the particulars inscribed on each of the posts shall be furnished by the locator to the Mining Recorder in writing at the time the application is made.

(2) Errors or omissions in staking, which in the opinion of the Minister were not deliberately made to mislead any subsequent intending applicant, shall not invalidate the staking, but the Minister may require the applicant to make immediately the necessary corrections.

240.—(1) When the tract has been defined, the locator shall mark out immediately the line between each of the posts so that it can be distinctly seen in a timbered locality by blazing trees and cutting underbrush, and in a locality where there is neither timber nor underbrush he shall set posts or erect mounds of earth or rock in such manner that the line may be distinctly seen.

(2) In a timbered locality an area of ten feet square shall be cleared around each post by cutting the underbrush so that the post shall be clearly discernible at a reasonable distance.

241. Where at a corner of the tract the nature or conformation of the ground renders the planting or erection of a post impracticable, the corner may be indicated by planting or erecting at the nearest practicable point a witness post which shall bear the same marking as that prescribed for the corner post at that corner together with the letters "W.P." at the top thereof and an indication of the direction and distance of the site of the true corner from the witness post.

DISPUTES.

242. Where two or more persons lay claim to the same tract, situated in unsurveyed territory, the person who proves to the satisfaction of the Minister that he was the first to take possession of the tract in dispute by staking in the manner prescribed, and that he made application for a lease within the specified time, shall have the right to the lease.

SURVEYS.

243.—(1) If for any reason the Minister considers it necessary or advisable to have a survey or re-survey made of any tract applied for or location leased to determine the exact position of the tract or location, or in order to settle any dispute which may arise respecting the same, he may direct that such a survey or re-survey be made by an Alberta land surveyor under proper instructions.

(2) The Minister may require payment in advance of the costs of the survey or re-survey to be made by the applicant for or the recorded owner of the tract or location to be surveyed in whole or in part, or the Minister may require such portion of the payment of the costs as may seem to him just.

(3) If the applicant or lessee fails to make such payment in advance, when called upon to do so by the Minister, the Minister in his discretion may cancel the application or lease.

(4) The surveyor shall file with the Department plans, notes and any other information that may be required to determine the exact position of the location and the Department shall give a copy of such information to the applicant or lessee, as the case may be.

244. Where it has been ascertained upon examination of a location that a boundary or boundaries do not conform to the requirements of this Part, it shall be permissible for an Alberta land surveyor under instructions from the Minister to replace or substitute any post other than the initial post.

245.—(1) As soon as the location comprising a petroleum and natural gas lease or any portion thereof embraces areas that have been surveyed, the Minister after consultation with the lessee may amend the description by describing the surveyed areas by sections, quarter-sections or legal subdivisions.

(2) The decision of the Minister as to the surveyed lands to be included in the lease shall be conclusive and final and there shall be no appeal from such decision.

WORK REQUIRED TO BE DONE.

246.—(1) The lessee shall, within one year from the date of the lease have upon the lands described therein such machinery and equipment suitable for carrying on drilling operations as the Minister may consider necessary.

(2) The lessee shall within the same period furnish evidence, supported by affidavit, showing the type, quantity

and value of the machinery so installed, the date of its installation and the particular parcel of land upon which it is installed.

247. The lessee shall commence drilling operations on the location within one year from the date of the lease and he shall continue such drilling operations with reasonable diligence to the satisfaction of the Minister with a view to the discovery of petroleum or natural gas.

248. Upon the abandonment of a well the lessee shall commence the actual work of drilling another well on the location within six months unless the Minister has given his consent in writing to the suspension of the drilling operations, and prescribed the terms on which his consent has been granted.

249. Upon the completion of a well the lessee shall within ninety days commence the actual work of drilling another well on the location unless the Minister has given his consent in writing to the suspension of the drilling operations, and prescribed the terms on which his consent has been granted.

250. The Lieutenant Governor in Council at any time may make regulations requiring additional drilling to be conducted on a location or group in the search for petroleum or natural gas having due regard to market requirements and the maintenance of adequate reserves.

251.—(1) A lessee who in the search for petroleum claims to have made a discovery of natural gas that indicates the area to be a natural gas field, and through drilling of wells adequately spaced to the satisfaction of the Minister reasonably delimits the field within the confines of his lease or leases thereby substantiating his claim, shall thereafter pay to the Minister an annual rental of fifty cents an acre payable yearly in advance so long as the location is capable of producing natural gas.

(2) Before the reduction in rental becomes effective, the Minister may require the lessee to drill a well in the search for oil at a point and to a formation fixed by the Minister.

(3) While an adequate market or a market in which the lessee may participate is not available, the Minister upon being satisfied of such facts, may further reduce the rental of the location to an annual rental of twenty-five cents an acre.

(4) During the year in which the further reduced rental is accepted by the Minister, the lessee shall be relieved from the development requirements of his lease.

(5) If a discovery of petroleum is made in any subsequent well drilled the provisions of this section shall immediately become null and void and the lease shall revert to its original status.

252.—(1) In the event of petroleum being produced on lands held in freehold in a well directly offsetting a location, the lessee within ninety days of the date of such well coming into production shall commence the drilling of a well on the location to offset the producing well and shall drill the same continuously and diligently to the strata where the petroleum was discovered.

(2) The Minister may from time to time extend the time for the commencement of the drilling of such offset well.

(3) In the event of natural gas being produced on lands held in freehold in a well directly offsetting a location, the Minister, having due regard to market requirements and after consultation with the lessee, may require the lessee to commence the drilling of a well within such period as may be determined by the Minister on the location to offset such producing well and the lessee shall drill the same continuously and diligently to the strata where the natural gas was discovered.

TERMS AND CONDITIONS OF LEASE.

253.—(1) The prescribed fee and the rental for the first year shall accompany each application for a lease.

(2) The fee and rental shall be refunded if the rights applied for are not available, but not otherwise.

254.—(1) The lease shall bear the date of issue which also shall be the commencement of the term; except where the application follows a reservation the term of the lease shall commence on the day the application was made.

(2) If during the term of the lease the lessee fails to pay rental in advance for each subsequent year within thirty days after the date upon which the same became due, whether demand is made or not the Minister in his discretion may cancel the lease.

255.—(1) A lessee who has acquired more than one petroleum and natural gas lease may group for development such leases any portion of which are situate within a radius of three miles of the projected well site, but not more than eighteen sections or eleven thousand five hundred and twenty acres shall be included in any group.

(2) The group shall terminate immediately upon the discovery of petroleum.

(3) A well drilled on a location contained in a group shall fulfil the drilling obligations on the group in the same manner as the drilling of a well on a location pursuant to sections 246, 247 and 248.

(4) Where the lessee suspends operations for a period greater than six months without having first obtained the consent of the Minister, such suspension shall immediately terminate the group.

256.—(1) A lessee who has complied in every respect with the provisions of this Act and *The Oil and Gas Wells Act* may relinquish at any time or from time to time the whole or any portion of the location described in his lease.

(2) The portion of the location to be retained shall conform to section 232.

257.—(1) The lease shall in all cases include only the petroleum and natural gas which is the property of the Crown in the location leased, and which may be obtained by the usual process of drilling.

(2) The lease shall not include the rights to bituminous sands, oil shales and tar sands, or to the petroleum which may be recovered from such sands or shales by the process of extraction customary in such cases.

258. The lease shall be in such form as may be determined by the Minister and may include a condition providing that the natural gas produced shall be used or processed within the Province, and such other conditions, provisions, restrictions and stipulations as the Minister may prescribe.

TRANSFER OF RIGHTS.

259. The lessee shall not assign, transfer, sublet or part with the possession of the rights described in his lease, or any part thereof, without the consent in writing of the Minister being first had and obtained.

260. Where a well has been drilled on a location and is producing petroleum in commercial quantity the lessee may, with the consent in writing of the Minister, assign or transfer the area allocated to the well for purposes of production by The Petroleum and Natural Gas Conservation Board.

261. Where the location is situate in unsurveyed territory and the lessee wishes to assign a portion of it after obtaining the consent of the Minister he shall have a survey made of the new location in accordance with the provisions of section 243 and the survey shall be confined within the boundaries of the original tract.

UNIT OPERATION.

262. To secure the most efficient economic recovery of the petroleum resources in the area assigned to a well by regulations established under *The Oil and Gas Wells Act* where the land of the Crown is less than the whole, the Minister, with the approval of the Lieutenant Governor in Council, may participate in the joint development or co-operate in a unit operation of the area.

ROYALTY.

263.—(1) The petroleum and natural gas from any location acquired under this Act shall be subject to the payment to the Crown of such royalty thereon as may from time to time be fixed by the Lieutenant Governor in Council.

(2) The royalty shall be collected in such manner as may be prescribed by the Minister.

(3) If the lessee fails or neglects to make prompt payment of the royalty the Minister may cancel the lease.

264. The maximum royalty payable on the petroleum during the first term of any lease issued pursuant to this Act shall not exceed one-sixth of the gross recovery from the location.

265. Where the area assigned to a well for purposes of production by The Petroleum and Natural Gas Conservation Board is only partially contained in a location, the royalty to be paid to the Crown shall be in the proportion which the area partially contained in the location bears to the whole of the area assigned to the well.

266.—(1) When petroleum or natural gas is obtained from any well the lessee or his lawful attorney shall file with the Department, not later than the twenty-fifth day of the month, on forms prescribed by the Minister a full report of the production during the preceding month.

(2) If, after the lessee of the location has been requested in writing to forward any overdue return, the Minister deems it necessary to send an officer of the Department to secure the same, the Minister may charge to the lessee the expenses incurred in connection with securing such return.

(3) If the lessee fails or neglects to make payment of the expenses so incurred the Minister may cancel the lease summarily.

(4) If any person attempts to defraud the Crown by withholding any part of the revenue thus provided for by making false statements, in his discretion the Minister may cancel the lease summarily.

(5) In respect of the facts as to fraud or false statements or non-payment of royalty, or failure to furnish returns the decision of the Minister shall be final.

MISCELLANEOUS.

267. The Minister may at any time assume absolute possession and control of any location, if in the opinion of the Lieutenant Governor in Council, such action is considered necessary or advisable, together with all buildings, works, machinery, and plant upon the location, or used in connection with the operation thereof, and he may cause the same to be operated and may retain the whole or any part of the output, in which event compensation shall be paid to the lessee in such sum or sums as may be fixed by the Minister for any loss or damage sustained by the lessee by reason of the exercise of the powers conferred by this provision.

268.—(1) The consent of the Minister or his duly authorized representative shall be obtained before the commencement of any action for the abandonment of a well whether or not petroleum or natural gas has been produced therefrom.

(2) Before giving his consent to the abandonment of a well the Minister or his duly authorized representative may require a lessee to conduct such further operations as the Minister may deem necessary and prescribe the time in which such operations shall be performed.

(3) The Minister may, on the failure of the lessee to perform such requirements, immediately withdraw from the lease the legal subdivision on which the well was drilled or the area that has been allocated to the well for purposes of production by The Petroleum and Natural Gas Conservation Board, and all rights of the lessee in and to such portion of the lease shall thereupon cease and determine and the lessee shall not be entitled to any compensation whatsoever, but shall be relieved from future responsibility for the abandonment of the well.

269. No person shall remove any machinery, tools, plant equipment or operating structure or disturb any part of the casing at any well or upon any petroleum and natural gas location without the authority of the Minister in writing until the Minister is satisfied that there has been compliance with the provisions of *The Oil and Gas Wells Act*, and until all arrears of rental, royalty, interest or other moneys due to the Province by the lessee for such location have been fully paid.

270. When a petroleum and natural gas application, reservation, or lease is cancelled in the records of the Department, the rights described in such application, reservation or

lease shall not again become available for disposition until notice has been given in such form as the Minister may direct.

271. The Lieutenant Governor in Council may from time to time make such regulations as may appear to be necessary or expedient for the administration of this Part and to carry out its provisions according to their true intent.

CROWN RESERVES.

272. The petroleum and natural gas rights which are the property of the Crown in the areas hereinafter described are constituted Crown reserves,—

- (a) fractional areas which cannot be acquired by lease under section 232;
- (b) the areas within the following provincial reserves,—
 - (i) Clear Hills area: commencing at the north-east corner of township 92, range 7, west of the 6th meridian; thence south to intersection with left bank of Peace River; thence westerly along left bank of Peace River to intersection with provincial boundary; thence northerly to intersection of north boundary of township 92; thence easterly to point of commencement;
 - (ii) Marten Hills area: townships 73, 74, 75 and 76, ranges 20 to 26, inclusive, west of the 4th meridian and townships 73, 74, 75 and 76, ranges 1 to 7, inclusive, west of the 5th meridian;
 - (iii) Big Bend area: townships 65, 66, 67 and 68, ranges 24, 25 and 26, west of the 4th meridian;
 - (iv) Sand River area: townships 67 to 72 inclusive, ranges 3 to 8 inclusive, west of the 4th meridian;
 - (v) Smoky River area: townships 56 to 61 inclusive, ranges 1 to 9 inclusive, west of the 6th meridian;
 - (vi) Kaybob area: townships 61 to 64 inclusive, ranges 18, 19 and 20, west of the 5th meridian;
 - (vii) Virginia Hills area: townships 61 to 68 inclusive, ranges 7 to 13 inclusive, west of the 5th meridian;
 - (viii) Cynthia area: townships 49 to 52 inclusive, ranges 10 to 14 inclusive, west of the 5th meridian;
 - (ix) Alhambra area: townships 37 to 42 inclusive, ranges 5, 6 and 7, west of the 5th meridian;
 - (x) Dorothy area: townships 27 to 30 inclusive, ranges 14, 15 and 16, west of the 4th meridian;
 - (xi) Acadia area: townships 23 to 27 inclusive, and lying north of the Red Deer River in ranges 1, 2 and 3, west of the 4th meridian;

- (xii) Grand Forks area : townships 12 and 13, ranges 11 and 12, west of the 4th meridian ;
- (xiii) Crow Indian Lake area : townships 5 and 6, ranges 13 and 14, west of the 4th meridian ;
- (xiv) Lucky Strike area : townships 3 and 4, ranges 11 and 12, west of the 4th meridian ;
- (c) such area in surveyed territory as the Mining Recorder in consultation with the applicant for a lease of a location selects as a Crown reserve, which area shall, —
 - (i) be as nearly as possible of equal acreage to the location applied for ;
 - (ii) be in the same township in which the location or part of the location applied for is situate and in close proximity to it ;
 - (iii) be agreed to by the applicant before his application for the location is accepted ;
- (d) such areas of adjoining acreage in unsurveyed territory as may be necessary to create a Crown reserve along each boundary of the location applied for equal in breadth to the breadth of the location applied for ; provided, however, that locations may corner, and a Crown reserve or any part thereof already established may be used to meet the Crown reserve requirements of further locations ;
- (e) such areas as may be determined by regulations made by the Lieutenant Governor in Council governing the reservation of petroleum and natural gas rights, pursuant to section 275.

273. No application for a lease of a location shall be taken at the office of the Mining Recorder unless,—

- (a) in surveyed territory the locations or concentrations of leases in the area in which a location may be taken corner in a checkerboard pattern or are apart one from the other a distance of at least one mile ;
- (b) in unsurveyed territory the applicant has staked his location in a manner to permit the establishment of the Crown reserves.

274. A Crown reserve may be disposed of at such time and in such manner and upon such terms, conditions and stipulations as may be prescribed by the Lieutenant Governor in Council.

275. The Lieutenant Governor in Council may make regulations governing the reservation of petroleum and natural gas rights which are the property of the Crown, for geological or geophysical examination or for drilling of wells for geological information and such regulations may prescribe the manner in which applications for leases shall be taken and may provide for the establishment of Crown reserves.

PART VII.

GEOPHYSICAL AND GEOLOGICAL EXPLORATION.

INTERPRETATION.

276. In this Part, unless the context otherwise requires,—

- (a) “detailed geophysical exploration” or “detailed subsurface geological exploration” means surveys of specifically limited areas for the purpose of obtaining local geologic or geophysical data;
- (b) “detailed geophysical methods” include,—
 - (i) closely spaced seismic reflection or refraction surveys;
 - (ii) closely spaced core drilling;
- (c) “geophysical exploration” or “geophysical operation” means any method whereby the art of applying the physical sciences is employed in the determination of geologic conditions which may be favourable for the accumulation or location of minerals;
- (d) “geophysical methods” include,—
 - (i) seismic surveys;
 - (ii) gravimetric surveys;
 - (iii) magnetic surveys;
 - (iv) electrical surveys;
 - (v) geochemical surveys;
- (e) “preliminary geophysical exploration” or preliminary subsurface geological exploration” means exploration by surveys of widespread areas for the purpose of obtaining regional data;
- (f) “preliminary geophysical methods” include,—
 - (i) gravimetric;
 - (ii) magnetic;
 - (iii) electrical;
 - (iv) seismic profiling;
 - (v) regional or profile core drilling;
- (g) “subsurface geological exploration” means any method employing shallow drill holes for obtaining geologic data not observable at the surface.

APPLICATION OF PART.

277. This Part applies to all lands in the Province.

GENERAL.

278.—(1) Any person desiring to undertake geophysical or subsurface geological exploration shall obtain a license to do so from the Director of Mineral Rights.

(2) The license shall expire on the thirty-first day of March following the date of issue, and may be renewed upon such terms and conditions as the Minister may deem expedient.

(3) The prescribed fee shall be paid for each license or renewal.

279.—(1) Where the applicant desires to conduct preliminary geophysical or subsurface geological exploration he shall make application for a license to the Director of Mineral Rights indicating the type, extent and general location of the exploration to be undertaken.

(2) Upon completion of the work and within a reasonable time thereafter, but not exceeding six months after the date of completion of field season the licensee shall furnish the Department with,—

- (a) a statutory declaration with respect to expenditures incurred;
- (b) maps showing areas covered by the survey or surveys;
- (c) all information obtained concerning the presence of water, coal, gravel, sand or other potentially useful minerals revealed by the shot and core holes;
- (d) a summary report stating the generalized regional data obtained.

280.—(1) Where the applicant desires to conduct detailed geophysical or subsurface geological exploration within a designated area the application shall be made in writing to the Director of Mineral Rights and the applicant shall state the type, extent and location of the exploration and the time estimated to complete the survey.

(2) Upon completion of the work and within a reasonable time thereafter, but not exceeding six months after the date of the completion, the licensee shall furnish the Department with,—

- (a) a statutory declaration with respect to the expenditures incurred in the survey of the particular area;
- (b) a map showing the location of shot-holes and core holes drilled and their elevations;
- (c) information regarding the presence of water, coal, gravel, sand or other potentially useful minerals as revealed by shot and core holes;
- (d) a summarized preliminary report setting out the regional geologic features of the area surveyed interpreted on the basis of the factors and the necessary assumptions involved.

281. The licensee shall report monthly to the Department the location and progress of the field party conducting the exploration.

282. If any licensee withdraws from the Province and discontinues doing business in the Province all preliminary or detailed geophysical data and subsurface geological data obtained by him shall become the property of the Province and may be used after one year in any manner which may expedite development of the natural resources.

283. The licensee shall not assign, transfer, sublet or part with the possession of the said license or any renewal thereof without first having the written consent of the Minister.

284—(1) Any applicant whose place of business is outside the Province shall, before the issue of a license, furnish a cash bond to the Minister in the sum of one thousand dollars as security that all operations shall be conducted in accordance with this Act and the regulations made from time to time.

(2) The Minister shall refund the cash bond to the licensee immediately upon evidence being furnished, satisfactory to the Minister, that the operations were conducted in accordance with this Act.

285. In case of default by the licensee in the due observance or compliance with any of the provisions of this Act the Minister may at any time cancel the license and thereupon the cash bond shall be forfeited.

286. The Lieutenant Governor in Council may make regulations from time to time to facilitate the administration of this Part and to carry out its provisions according to their true intent.

287. Every person who contravenes any of the provisions of this Part shall be guilty of an offence and liable upon summary conviction to a fine which in the case of a corporation shall not exceed one thousand dollars for a single offence, or one hundred dollars a day for a continuing offence, and in the case of a natural person, shall not exceed one hundred dollars for a single offence, or twenty dollars a day for a continuing offence, together with costs in every case.

288. *The Geophysical and Geological Exploration Regulation Act*, being chapter 68 of the Revised Statutes of Alberta, 1942, is hereby repealed.

289. This Act shall come into force on the first day of April, 1949.

SCHEDULE.

FORM A

(Section 24 (2).)

DEPARTMENT OF MINES AND MINERALS.

NOTIFICATION FOR ISSUE OF CERTIFICATE OF TITLE.

The Registrar,
Land Titles Office,
....., Alberta.

The undernamed is entitled to the issue of Certificate of Title in.....favour for the mineral hereinafter mentioned which may be found to exist within, upon or under the following land, together with full power to work the same:

Description
Name
Address
Occupation
Mineral granted
Nature of grant
Remarks

Date day of, 19.....

Requisition No.

Countersigned by

Director of Mineral Rights *Deputy Minister of Mines and Minerals*

FORM B.

(Sections 83 and 84.)

DEPARTMENT OF MINES AND MINERALS.

QUARTZ MINING.

APPLICATION FOR A FULL CLAIM AND AFFIDAVIT OF APPLICANT.

.....Mining District.

I, of
in the.....Mining District, make oath and say:

1. That on the day of 19....., I located the mineral claim situated

(Here describe the position of the claim as nearly as possible, giving the name or names of any mineral claims it may adjoin.)

2. That I have placed posts No. 1 and No. 2 of the legal dimensions on the said claim with the inscription on each post prescribed by *The Mines and Minerals Act*.

3. That I have inscribed on post No. 1 the following

4. That I have inscribed on post No. 2 the following

(If a witness post has been used the particulars as to such post should be fully set out.)

5. That I have marked the line between post No. 1 and post No. 2 as required by section 73 of the Act.

6. That to the best of my knowledge and belief the ground comprised within the boundaries of the said claim or any part thereof is not staked by any other person as a mineral claim and that I have not contravened the provisions of section 59 of the Act.

7. That I attach hereto a plan of the claim as required by section 75 of the Act.

SWORN and subscribed to }
at }
this day of 19.... }

.....
Mining Recorder.

FORM C.

(Sections 83 and 84.)

DEPARTMENT OF MINES AND MINERALS.

QUARTZ MINING.

APPLICATION FOR FRACTIONAL CLAIM AND AFFIDAVIT OF APPLICANT.

..... Mining District.

I, of
in the Mining District, make oath and say:

1. That on the day of 19....., I located the fractional mineral claim situated

2. That this fractional claim is bounded on the north by on the south by on the east by and on the west by and is more particularly described on the plan attached hereto as required by section 75 of *The Mines and Minerals Act*.

3. That I have placed posts No. 1 and No. 2 of the legal dimensions on the said claim with the inscription on each post prescribed by the Act.

4. That I have inscribed on post No. 1 the following.....

5. That I have inscribed on post No. 2 the following.....

(If a witness post has been used the particulars as to such post should be fully set out.)

6. That the length of the location line is approximately feet.

7. That I have marked the line between post No. 1 and post No. 2 in the manner prescribed by section 73 of the Act.

8. That to the best of my knowledge and belief the ground comprised within the boundaries of the said fractional claim or any part thereof is not staked by any other person as a mineral claim and I have not contravened the provisions of section 59 of the Act.

SWORN and subscribed to
at
this day of 19....

.....
Mining Recorder.

FORM D.

(Sections 173 and 177.)

DEPARTMENT OF MINES AND MINERALS.

PLACER MINING.

APPLICATION FOR CLAIM AND AFFIDAVIT OF
APPLICANT.

.....Mining District.

I, of
in the Mining District, make oath and say:

1. That on the day of 19....., I located the placer claim situated

.....
(Here describe the position of the claim as nearly as possible, giving the name or names of any placer claims it may adjoin.)

2. That I have placed posts No. 1 and No. 2 of the legal dimensions on the said claim with the inscription on each post prescribed by *The Mines and Minerals Act*.

3. That I have inscribed on post No. 1 the following.....

4. That I have inscribed on post No. 2 the following.....

.....
(If a witness post has been used the particulars as to such post should be fully set out.)

5. That I have marked the line between post No. 1 and post No. 2 as required by section 168 of the Act.

6. That to the best of my knowledge and belief the ground comprised within the boundaries of the said claim or any part thereof is not staked by any other person as a placer or mineral claim and that I have not contravened the provisions of section 163 of the Act.

7. That I attach hereto a plan of the claim as required by section 174 of the Act.

SWORN and subscribed to }
at }
this day of 19..... }

.....
Mining Recorder.

FIRST SESSION
ELEVENTH LEGISLATURE
13 GEORGE VI
1949

BILL
An Act Respecting Mines and
Minerals.

Received and read the

First time

Second time

Third time

HON. MR. TANNER.
