

# COAL MINING Regulations

— FOR —

Manitoba, Saskatchewan and Alberta, the Yukon  
Territory, the North West Territories,  
the Railway Belt and Land Ac-  
quired by the Dominion  
Government From the  
Province of British  
Columbia



PRESS OF THE YUKON WORLD,  
DAWSON, YUKON TERRITORY, CANADA.  
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PRIVY COUNCIL, CANADA.

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AT THE GOVERNMENT HOUSE AT OTTAWA.

*the 9th day of May, 1907.*

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

The Governor General is pleased to make and doth hereby make the following Regulations for the disposal of coal mining rights, the property of the Crown in the Provinces of Manitoba, Saskatchewan and Alberta, the Yukon Territory, the North-West Territories, the Railway Belt in the Province of British Columbia, and within the tract containing three and one-half ( $3\frac{1}{2}$ ) million acres of land acquired by the Dominion Government from the said Province of British Columbia under the provisions of chapter 59 of the Revised Statutes of Canada, 1906.

1. The coal mining rights which are the property of the Crown in the Province of Manitoba, Saskatchewan and Alberta, the Yukon Territory, the North-West Territories, the Railway Belt in the Province of British Columbia, and within the tract containing three and one-half

million acres of land acquired by the Dominion Government from the Province of British Columbia under chapter 59 of the Revised Statutes of Canada, 1906, may be leased for a term of 21 years at an annual rental of \$1.00 per acre, payable yearly in advance.

2. No applicant shall be allowed to lease more than an area of 2,560 acres.

3. The tract applied for, if situated in surveyed territory, shall consist of sections or legal subdivisions of sections, but the several parcels comprising the tract must be contiguous, and the whole area applied for shall not exceed four miles in its greatest dimensions. In unsurveyed territory, if the tract applied for is so situated as to admit of a definite description by sections and legal subdivisions of sections being furnished an application for coal mining rights may be considered under the provisions of this section.

4. Applications for such coal mining rights shall be filed with the Agent of Dominion Lands for the district in which the rights applied for are situated, or with a sub-agent for such district for transmission by the Agent to the Department of the Interior, but priority of application shall be based upon the date of the receipt of such application in the office of the Agent of Dominion Lands for the district. The application shall contain a description by section, part of section, township and range of the tract applied for.

5. If the coal mining rights which an applicant desires to lease are situated in unsurveyed territory, application therefor shall be filed with the Agent of Dominion Lands for the district in which the rights applied for are situated, or with a sub-agent for such district for transmission by the Agent to the Department of the Interior, and the applicant shall have the option in making his application, to comply with the requirements of either of the following sections numbered 6 and 7.

6. The application shall contain a description by metes and bounds of the tract applied for, and shall be accompanied by a plan showing the position of such tract in

its relation to some prominent topographical feature or other known point. The plan shall contain sufficient data to admit of the position of the tract applied for being definitely shewn in the records of the Department. Such tract must be rectangular in form, except where a boundary of a previously located tract is adopted as common to both locations, the length not to exceed four times the breadth, and the boundaries thereof shall be due north and south and due east and west lines.

The application shall be accompanied by evidence, supported by affidavit, to shew that the following requirements have been fully complied with:—

(a) That the tract applied for has been duly defined on the ground by planting a wooden post at least four inches square, and standing not less than four feet above the ground, at one angle or corner of the said tract.

(b) Upon such post shall be inscribed the name of the applicant, the date of the location, the angle represented by the post, and the length and direction of the boundaries of the tract applied for. Thus: A. B.'s coal mining location N. E. corner (meaning Northeast corner). This claim extends three miles west and one mile south from this post, or as the case may be.

(c) That a written or printed notice has been posted on a conspicuous part of the tract applied for setting out the intention of the applicant to apply, within thirty days from the date of such notice, for a lease of the coal mining rights under said tract.

7. If the applicant desires to follow as nearly as may be a coal seam which he may have discovered, instead of following the procedure set out in the preceding paragraph, application may be made for a lease of the coal mining rights under a tract along said seam, the total length of the tract not to exceed 21,120 feet, and the length not to exceed four times the breadth. All angles shall be right angles except in cases where a boundary line of a previously located tract is adopted as common to both locations, but the boundaries need not necessarily be due north and south and due east and west lines.

(a) The tract shall be marked by two wooden posts at least four inches square and standing not less than four feet above the ground, placed as nearly as possible on the lines of the seam, and these posts shall be numbered 1 and 2. The distance between posts Nos. 1 and 2 shall not exceed 21,120 feet and upon the posts shall be inscribed the name of the applicant and the date of the application. Upon post No. 1 there shall be written in addition to the foregoing "Initial Post," the approximate compass bearing of Post No. 2, and a statement of the number of feet lying to the right and to the left of the line between post No. 1 and post No. 2. Thus: (initial post, direction of post No. 2 is ..... feet lie to the right and ..... feet to the left of the line between post No. 1 and post No. 2.)

When the tract which an applicant desires to lease has been located he shall immediately mark the 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 of the above dimensions or erect mounds of earth or rock not less than two feet high and two feet in diameter at the base in such manner that the line may be distinctly seen.

(b) All the particulars required to be inscribed on Posts No. 1 and No. 2 shall be set out in the application, and shall be accompanied by a plan showing the position of the tract in its relation to some prominent topographical feature or other known point, such plan to contain sufficient data to admit of the tract being shewn definitely on the records of the Department.

(c) A written or printed notice shall be posted on a conspicuous part of the tract applied for, setting out the intention of the applicant to apply within thirty days from the date of such notice for a lease of the coal mining rights under the said tract.

(d) The application shall be accompanied by evidence supported by affidavit, in due form, to shew that the above requirements of the regulations have been fully complied with.



8. Application for a lease of the coal mining rights under lands situated in unsurveyed territory shall be filed with the Agent of Dominion Lands for the district in which the tract applied for is situated, or with the sub-agent for such district within thirty days from the date upon which the tract applied for was located, otherwise it will not be considered.

Where two or more persons lay claim to the same location, or to portions of the same location, the right to acquire a lease shall be in him who can prove to the satisfaction of the Minister that he was the first to take possession of the tract in dispute by demarcation in the manner prescribed in these regulations, and that he made application for a lease thereof within the specified time.

9. As soon as the survey of a township has been confirmed, all coal mining leaseholds embracing any portion of such township so surveyed and confirmed shall be made to conform to the Dominion Lands system of survey, by the substitution of a new lease describing by sections legal subdivisions of sections, or regular portions of legal subdivisions, as nearly as may be, the tract embraced in the leasehold, in so far as the township so surveyed is concerned.

The balance of the leasehold which may be in unsurveyed territory shall continue to be described as in the lease originally issued, until such portion is included in a confirmed survey.

10. As soon as the survey of a township has been confirmed, all coal mining leaseholds embracing any portion of the township so surveyed and confirmed shall be subject to the withdrawal forthwith from the lease, without compensation to the Lessees, of any portions which in accordance with such confirmed survey are found to be the property of the Hudson's Bay Company.

11. The lease shall include the coal mining rights only, but the lessees may, upon application, be permitted to purchase at the rate of \$10.00 an acre whatever area of the available surface rights thereof the Minister may consider necessary for the efficient and economical working of

the coal mining rights granted under such lease.

12. The lessee shall commence active operations on his leasehold within one year from the date upon which he may be notified by the proper officer of the Department of the Interior to do so, and shall produce from such operations the quantity of coal specified in the said notification. Such notification shall not be given until the expiration of at least one year from the date of the lease, and shall set out the quantity of coal which the lessee is required to mine and produce at the pit's mouth ready for shipment, which quantity, however, may be increased by notification from time to time, but in no case shall the maximum quantity required to be mined exceed ten tons per annum for each acre leased. 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 lease shall be subject to cancellation in the discretion of the Minister.

13. 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.

14. The boundaries beneath the surface of coal mining locations shall be the vertical planes or lines in which their surface boundaries lie.

15. All leases of coal mining rights issued under these regulations 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 to exceed \$1.75 per ton, and the lease issued for coal rights shall be made subject to such provision.

16. A fee of \$5.00 shall accompany each application for a lease, which will be refunded if the rights applied for are not available, but not otherwise.

17. The lease shall be in such form as may be determined by the Minister of the Interior, in accordance with the provisions of these regulations.

18. In addition to the rent, a royalty, at the rate of 5 cents per ton of 2,000 pounds, will be levied and collected on the merchantable output of the mine, and it will be necessary for the person operating a mine to furnish the Agent of Dominion Lands with sworn returns monthly, or at such times as the Minister of the Interior may direct, accounting for the full quantity of merchantable coal mined, and pay the royalty thereon at the above rate.

19. Every lessee of coal mining rights which are not being operated shall furnish the Agent of Dominion Lands with a sworn statement to that effect at least once in each year.

20. Default in payment of the royalty, or in furnishing the returns, if continued for thirty days after notice has been posted at the mine, or conspicuously on the property in respect of which it is demanded by the Agent of Dominion Lands or by his direction, may be followed by cancellation of the lease, or the imposition of a fine in the discretion of the Minister of the Interior.

21. Any attempt to defraud the Crown by withholding any part of the revenue thus provided for, by making false statements of the amount taken out, may, in the discretion of the Minister, be punished by fine, or by cancellation of the lease in respect of which fraud or false statement has been committed or made. In respect to the facts as to such fraud or false statements or non-payment of royalty or failure to furnish returns, the decision of the Minister of the Interior shall be final.

22. When the lessee of the coal mining rights of land cannot make an arrangement with the owner of the surface rights or his agent, or the occupant thereof for the acquisition of such portion of the surface rights as may be necessary for the efficient and economical operation of the rights acquired under his lease, the area of the surface to be so acquired, its exact position or the amount of the compensation to be awarded, he may apply to the Minister of the Interior for permission to submit the matter in dispute to arbitration, and upon receiving such permission in writing it shall be lawful for him to give notice to the owner, or his agent or the occupant, to appoint an arbi-

trator to act with another arbitrator named by him, in order to award the amount of compensation to which the owner or occupant shall be entitled. The notice mentioned in this section shall be according to a form to be obtained upon application to the Agent of Dominion Lands for the district in which the lands in question lie, and shall, when practicable, be personally served on such owner or his agent if known, or occupant; and after reasonable efforts have been made to effect personal service without success, then such notice shall be served, by leaving it at, or sending it by registered mail to the last known place of abode of the owner, agent or occupant, and by posting a copy, in the office of the Agent of Dominion Lands for the district in which the land in question is situated.

Such notice shall be served if the owner or agent resides in the district in which the land is situated, ten days; if out of the district and within the Province or Territory, twenty days, and if out of the Province or Territory, thirty days, before the expiration of the time limited in such notice. If the owner or agent or occupant refuses or declines to appoint an arbitrator, or when, for any other reason no arbitrator is so appointed in the time limited therefor in the notice provided for by this section, the Agent of Dominion Lands for the district in which the land in question lies shall, on being satisfied by affidavit that such notice has come to the knowledge of such owner, agent or occupant, or that such owner, agent or occupant wilfully evades the service of such notice, or cannot be found, and that reasonable efforts have been made to effect such service, and that the notice was left at the last place of abode of such owner, agent or occupant, appoint an arbitrator on his own behalf.

23. All the arbitrators appointed under the authority of these regulations shall be sworn before a Justice of the Peace to the impartial discharge of the duties assigned to them, and after due consideration of the rights of the owner and the needs of the lessee, they shall decide as to the particular portion of the surface rights which the latter may reasonably require for the efficient and economical operation of the rights and privileges granted him under his lease and the area thereof, and they shall proceed to make a valuation of such portion.

24. In making such valuation the arbitrators shall determine the value of the land irrespective of any enhancement thereof from the existence of minerals thereunder.

25. In case the arbitrators cannot agree they may elect a third arbitrator, and when the two arbitrators cannot agree upon a third arbitrator, the Agent of Dominion Lands for the district in which the lands in question lie shall select such third arbitrator.

26. The award of any two such arbitrators made in writing shall be final, and shall be filed with the Agent of Dominion Lands for the district in which the lands lie.

27. The arbitrators shall be entitled to be paid a per diem allowance of \$5.00 together with their necessary travelling and living expenses while engaged in the arbitration, and the costs of such arbitration shall be borne in equal parts by the lessee and the owner of the surface rights.

(Signed.)

RODOLPHE BOUDREAU,

Clerk of the Privy Council.





