

C A P. X I I.

An Act respecting Mines in this Province.

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[Assented to 24th July, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

INTERPRETATIONS, EXPLANATIONS AND DEFINITIONS.

1. In the construction and in the application of this act and of all orders in council or regulations under it, if not inconsistent with the context or subject matter, the following terms have the respective meanings hereby assigned to them, that is to say :

a. The words : “ mine ” and “ mining ” mean and designate any mode or method of working whatsoever, whereby the soil or earth, or any rock or stone may be disturbed, removed, carted, carried, washed, sifted, smelted, refined, crushed, or otherwise dealt with, for the purpose of obtaining gold or silver, whether the same may have been previously disturbed or not ;

b. The words : “ gold ” or “ silver ” respectively, mean and designate gold or silver, as well as any earth, clay, quartz, stone, mineral or other substance, containing such metals or having the same mixed therewith ;

c. The words : “ quartz mines ” mean and designate all auriferous or argenteriferous rocks, containing gold or silver ;

- "Alluvial mines." *d.* The words: "alluvial mines," mean and designate all soils or strata containing gold;
- "Mines" or "ores." *e.* The words: "mines" or "ores" mean and include all stones and rocks, earth or soil, whether alluvial or not, in which are found gold, silver, copper, phosphate of lime, (*apatite*) amianthus, asbestos and any other mineral substance having an appreciable value, and all the places in which the work of mining therefor may be carried on;
- "Mining divisions." *f.* The words: "mining division," mean and designate any tract of country declared to be a "mining division" under this act;
- "Public lands." *g.* The words: "public lands," mean and designate all Crown Lands or Ordinance lands transferred to the province, clergy lands or lands of the Jesuits' estates, Crown Domain or Seigniorship of Lauzon, which have not been alienated by the Crown;
- "Crown lands." *h.* The words: "Crown Lands," have the same meaning as the words: "public lands;"
- i.* The words: "private lands," designate all lands conceded or otherwise alienated by the crown, other than mining lands or locations, sold by the crown as such, or which shall be hereafter so sold;
- "Private person." *j.* The words: "private person," mean any person who possesses, as owner or usufructuary, a lot of land upon which a mine of gold or silver, or other ore, exists, or is supposed to exist;
- "Claim." *k.* The word: "claim," designates a parcel of land taken possession of under this act for mining purposes;
- "Party wall." *l.* The words: "party wall or *passage*," designate a bank of earth or rock left between two excavations;
- "Mill license." *m.* The words: "mill license," mean a permit to use machinery for the purpose of extracting gold or silver from rock or quartz;
- "Licensed mills." *n.* The words: "licensed mills" designate the mills or machines so licensed; and the words: "licensed mill-owner" designate the person to whom any such license has been granted;
- "Miner." *o.* The word: "miner," designates any person employed in mining for gold or silver, or in any work connected therewith, in any capacity whatsoever, except the workmen temporarily employed in the construction or repair of the surface buildings;
- "Baser metals." *p.* The words: "baser metals," mean and include all ores, which are not gold or silver, and all mineral deposits of appreciable value;
- "Mining location." *q.* The words: "mining location," mean any tract of country sold for the purpose of mining for ores;
- "Licensee." *r.* The word: "licensee," is held to mean any person, holding a license under this act;

s. All measurements and distances under this act are Measurement. made and taken to be according to English measurement.

PART FIRST.

GENERAL PROVISIONS.

2. Aliens, as well as British subjects, may enjoy the Aliens. benefit of this act, by complying with its provisions and submitting thereto.

3. It shall not, in future, be necessary, in any letters Reserve of mining rights. patent for lands granted for agricultural purposes, to mention the reserve of mining rights, which reserve is always supposed to exist under the provisions of this act.

4. Every person who, up to the present time, has Additional price for purchase of mining rights reserved upon lands sold for agricultural purposes. obtained by letters patent, for agricultural purposes, but with reservation, by the government, of the mining rights, any lot whatever, forming part of the public lands of this province may, if he or his legal representative discovers and wishes to work a mine, purchase the mining rights so reserved by the government, by paying in cash, to the Commissioner of Crown Lands, over and above the price already paid for the said lot, a sufficient additional amount to make up the sum of two dollars per acre, if for gold or silver, and one dollar per acre, if for copper, iron, lead or other baser metal.

5. Every proprietor of land, sold up to this time or Additional price required to mine for gold or silver upon lands sold for agricultural purposes, without reserve of mining rights. which shall be hereafter sold for agricultural purposes, by letters patent, but without any reservation by the government of the mining rights, or the legal representative of such proprietor, who discovers upon such land, a gold or silver mine, may work the same, without taking out a license for that purpose, by paying to the commissioner of Crown Lands, over and above the price already paid for such land, a sufficient additional amount to make up the sum of two dollars per acre.

6. The provisions of the preceding section shall equally Section 5, applicable to : apply :

1. To *censitaires* in the seigniories in which the crown 1. Censitaires in certain seigniories. still holds mining rights, whenever such *censitaires* or their legal representatives, discover upon their lands, gold or silver mines and wish to work them,—by their paying to the Commissioner of Crown Lands, the sum of one dollar

and fifty cents per acre, for the whole of their land, or for at least one hundred acres, at one and the same time;

2. Seigniors or proprietors for unconceded portion of a seignior.

2. To the seignior or proprietor of the unconceded portion of a seignior, — by his paying to the said commissioner of crown lands, the sum of two dollars per acre, for the whole extent of such unconceded part of the said seignior, as limited by the following paragraph :

Proviso: Extent, &c., land for mining, limited.

Provided that, in all cases, no such proprietor in virtue of letters patent, *cessitaire* or seignior, can thus obtain mining rights for gold or silver or mine for these metals on a larger extent than that fixed by section 23 of this act or by section 24, when the lieutenant governor in council deems it expedient to increase the extent fixed by the said section 23.

Additional price, for lands con- ceded since 1878, or to be so, for agricul- tural purposes.

7. If, on any lot of land granted by letters-patent, since the ninth March, one thousand eight hundred and seventy eight, or which shall hereafter be granted, on the usual terms and conditions, for agricultural purposes, a mine of phosphate of lime has been found to exist, any purchaser of such lot or his legal representative, shall, if he wishes to work such mine, pay in cash, to the Commissioner of Crown Lands, a sufficient additional amount to make up the sum of two dollars per acre.

Additional price in future, for mining for baser metals, on lands ob- tained for agricultural purposes.

8. Every person who hereafter may acquire by letters-patent, on the usual terms and conditions, for agricultural purposes, any lot whatsoever, upon which he may discover a mine of baser metals, excepting phosphate of lime, shall, if he or his legal representative, wishes to work the same, pay to the Commissioner of Crown Lands, a sufficient additional amount to make up the sum of one dollar per acre.

The 5 preced- ing sections apply to gran- tees under gratuitous title.

9. The grantees of lands under gratuitous title or their legal representatives, are subject to the provisions of the five next preceding sections.

Additional price to mine for gold or silver on Crown lands, obtained for the purpose of mining for baser metals.

10. Every person who may hereafter obtain, by letters-patent, for the purpose of mining for baser metals, one or more lots forming part of the public lands of this province, shall, if he or his legal representative, discovers and wishes to work, or cause to be worked any gold or silver mine thereon, pay to the commissioner of Crown Lands, over and above the price already paid for such mining land, a sufficient additional amount to make up the sum of two dollars per acre, provided always that the sum already paid, does not reach the latter amount; and a sufficient additional amount to make up the sum of two dollars per

acre, if for phosphate of lime, upon lots of lands sold since the ninth of March, one thousand eight hundred and seventy eight, or which may hereafter be sold.

11. Whenever an additional sum is so paid under the seven next preceding sections, a receipt establishing such payment, shall be endorsed upon such document or letters patent, by which the land has been so granted, and signed by the commissioner of Crown Lands or his assistant, or other person duly authorized for that purpose, and afterwards registered, with a reference to the document to which such receipt relates.

12. Every person who, up to the present time, has obtained or who may hereafter obtain, by location ticket only, a lot of land from the crown, on the usual terms and conditions, for agricultural purposes, and who has not fulfilled or who does not fulfil the required conditions, is, together with his legal representative, bound, if he discovers upon such land, a mine of any kind and wishes to work the same, to pay an additional amount as mentioned in sections 5, 6, 7, and 8 of this act, otherwise every such sale of land so made, may be cancelled by the Commissioner of Crown Lands.

13. It is, by the present act, declared that the lieutenant governor in council may, if he thinks proper, and in accordance with the conditions and formalities which he may deem advisable, claim, at any time, the royalty due to the Crown upon any land already sold, conceded or otherwise alienated, or which may be sold hereafter.

Unless such royalty is otherwise established by letters-patent or other title from the Crown, it shall consist in a sum of two and one half per cent, on the gross amount of the gold or silver obtained, and fifty cents for and on each ton of phosphate of lime in its raw state also collected.

14. In the conceded part of the seigniory, called Rigaud-Vaudreuil, in the "Chaudière" mining division, where there may exist any persons, firms or companies, owning mining rights, under valid titles, any proprietor of land, comprised in such conceded portion, who has not already divested himself of his mining rights, in favor of third parties, and who takes a licence for that purpose,—or in his default any other miner, who conforms to the provisions of this act in such case, may mine for gold or silver upon such land; but in all cases, such persons, firms or companies, possessing the said mining rights, may exact from any such person mining thereon a sum not exceeding

three per cent upon the gross amount of the gold or silver obtained, over and above the duty payable to the crown under this act.

Provision for pending cases.

15. Nevertheless when, at the time of the passing of this act, or hereafter, they are any causes pending with reference to any mining right whatsoever, every proprietor as aforesaid, who works any such mine, or any other person working the same in his default, by conforming to the provisions of this act, in case of such default, may continue without interruption to work, any law to the contrary notwithstanding, upon paying the said amount of three per cent into the hands of the Treasurer of the Province, who is required to deposit the same in a bank, and, after final judgment, to hand it over, together with the interest arising therefrom to the party entitled thereto, deducting the costs occasioned by such deposit.

Duties of miners with respect to those who may be proprietors of mining rights.

16. For the better protection of every such person, firm or company, having as aforesaid vested mining rights, every person so mining, shall furnish, monthly, a return under oath taken before the inspector of the mining division, having jurisdiction, of the amount of ore obtained, and shall pay the aforesaid duty of three per cent to the person, firm or company or to their agents, in the case of section 14, and to the treasurer of the province in the case of the section immediately preceding.

Penalty for non-fulfilment of required conditions.

17. Every person, so mining as aforesaid, who neglects to fulfill the above mentioned conditions, is liable to a penalty of two hundred dollars and costs, and in default of payment, to imprisonment for a period not exceeding six months, in addition to the cancelling of his mining license by the inspector of the mining division.

Writ of injunction (41 V. c. 14) not to apply.

The act respecting writs of injunction, 41 Vict., chap. 14, shall not be applicable to the cases provided for by this or the three preceding sections.

MINING DIVISIONS.

Erection of mining divisions.

18. The Lieutenant Governor may, by order in council, erect into a mining division, any portion of the province which he may think proper,—enlarge or diminish such division, from time to time, or abolish the same whenever he deems it necessary.

Order in council erecting, to be published in

19. The order in council, so erecting, enlarging, diminishing or abolishing a mining division, shall be published in the Quebec Official Gazette, and every such mining

division and the gold or silver mines therein shall be, from ^{Official} and after such publication, subject to the provisions of ^{Gazette.} this act and to the regulations made in conformity therewith.

20. Nevertheless the two gold mining divisions of "Chaudière" and "St. Francis," erected under the acts hereby repealed, continue to exist, as at present bounded and described, with the exception of their name, which is hereby altered to that of: "Chaudière" or "St. Francis Mining division," as the case may be, until otherwise determined by the Lieutenant Governor in Council.

MODE OF ACQUIRING MINING LANDS.

21. All lands supposed to contain mines or ores in the province may be acquired:

1. From the Commissioner of Crown Lands, by sale and patents of mining locations, or

2. Be occupied and worked as a mining claim, for gold or silver, under a license, as provided for by this act.

22. Any person, firm or company may, under a written permission to that effect, from the Commissioner of Crown Lands, prospect and search, outside of a mining division, in order to discover mines or ore upon public lands, not already occupied as mining claims or otherwise.

MINING LOCATIONS.

23. No sale of mining locations, containing more than four hundred acres in superficies, shall be made to the same person.

24. The Lieutenant Governor in council, has nevertheless the right to grant to any person, upon sufficient proof of his capital and resources, a larger extent of territory than that allowed by the preceding section, but not, in any case, to exceed eight hundred acres.

25. Mining locations are divided into three classes, and each of them respectively, in addition to the usual allowance of five per cent for highways, in each case, shall be of the following form and dimensions, viz :

1. In unsurveyed territories :

The first class contains: 400 acres—52 chains in width and 80 chains and 80 links in depth ;

The second class contains: 200 acres—26 chains in width by 80 chains and 80 links in depth;

The third class contains: 100 acres—13 chains in width by 80 chains and 80 links in depth.

Nevertheless the form and superficial area of mining locations, for working gold or silver mines, cannot, in any case, exceed those assigned to the second class.

2. In surveyed townships:

The three aforesaid classes respectively comprise: one, two and four lots, as regularly divided, or more or less, as the case may be, if such lots, being of irregular form, contain more or less than one hundred acres each, in superficies.

Direction of lines in projected townships.

26. In townships which are merely projected, the side lines of such locations, must be parallel to the side lines of the said townships, and the front and rear lines must coincide with the range lines as projected.

The same in unsurveyed territories.

27. In unsurveyed territories, the direction of the exterior lines of all mining locations, shall be determined by the Commissioner of Crown Lands.

Position of mining locations in unsurveyed territories how determined.

28. All mining locations, comprised in an unsurveyed territory, shall be surveyed by a provincial land surveyor, acting under the instructions of the Crown Lands Department, and be connected with some known point in previous surveys, so as to be laid down upon the office maps of such territory, which are of record in such department.

Such surveys are made at the cost of the applicants, who are required to furnish, with their application to purchase, the plan of the surveyor establishing the position and dimensions of the locations they desire to purchase, with the field-notes and procès-verbal of the operations; the whole in conformity with the present act and to the satisfaction of the Commissioner of Crown Lands.

Price of location to be paid at the time of purchased.

29. With such applications to purchase and the production of the documents hereinbefore mentioned, applicants are required to pay to the department, the entire price of the mining locations which they desire to purchase at the rate of:

1. One dollar per acre, if for the mining of baser metals, (except phosphate of lime);

2. Two dollars per acre, if for the working of gold, silver or phosphate mines.

Locations bordering on lakes or rivers.

30. When mining locations, in unsurveyed territories border upon lakes or rivers, they shall front on such lakes

or rivers and be subject, in all cases, to the public rights in navigable and floatable waters.

Further, along such lakes or rivers, there is reserved a right of way, one half chain in breadth, which shall be comprised in the allowance of five per cent specified in section 25 of this act. Road reserve.

31. In townships duly erected, as well as in unsurveyed territories, no lands shall be sold under this act, unless there be some real indications of the presence of minerals; and the proof of such indications must be shown by the exhibition of specimens found upon or in such land, accompanied by affidavits of competent and credible persons, establishing that the specimens exhibited came therefrom. Production of specimens required before sale of mining lands.

32. All sales and patents of mining locations are subject to the conditions established by the seventh section of the regulations respecting the sale and management of timber on Crown Lands, approved by the Lieutenant Governor in Council, on the 17th day of February, 1874, until the Lieutenant Governor, in Council otherwise orders;— which said section reads as follows: Sales and patents of mining lands subject to certain conditions.

“ On all mineral lands, sold or patented after the 17th day of February 1874, comprised within the territory now under license, limit-holders may, in virtue of such licenses, retain the privilege of cutting the merchantable pine and spruce timber growing thereon; but these permits shall finally expire after a period of three years, from the date of issue of letters-patent for such lands.”

33. The patents for Crown Lands which will, hereafter, be sold as mining locations, within the meaning of this act, shall contain a clause reserving all trees of pine or spruce timber, twelve inches and upwards in diameter on the stump: which pine and spruce trees shall continue to be the property of the Crown, with the right of disposing of the same to any person whomsoever, and the right of entering upon the said lands, and cutting and taking therefrom the tress so reserved and making and keeping in repair, across the said locations, all roads necessary for such operations, may be granted by the Crown in favor of any person whomsoever. Provision in patents reserving timber.

Nevertheless the purchasers or proprietors of such mining locations have the right to cut and take away, for their own use, such trees as they may require for the construction of the buildings and dependencies necessary for their operations. Exception.

Letters patent for mining locations, finally granted only on certain conditions.

34. Every land or mining location, sold as either gold or silver mining land, shall be finally granted by letters patent, only after proof has been given, to the satisfaction of the commissioner of Crown Lands, that mining for gold or silver upon the said land has been *bonâ fide* commenced, and that a sum of not less than two hundred dollars has been actually expended by the purchaser of such location; but if, after two consecutive years, such mining works have not been commenced and the aforesaid amount has not been expended, such land may be confiscated by the commissioner of Crown Lands, for the benefit of the province and be again sold to any other person.

OF THE OFFICERS OF MINING DIVISIONS.

Control of mining officers.

35. All officers of mining divisions are under the general control and management of the commissioner of Crown Lands

Officers of the "Chaudière" and "St. Francis" divisions continued in office.

The officers of the "Chaudière" and "St. Francis divisions," in office at the time of the passing of the present act, are continued therein without any new appointment until the Lieutenant Governor in council, otherwise orders.

Appointment of inspectors and other officers.

36. The Lieutenant Governor in council, may, whenever he deems it advisable, appoint all inspectors, policemen or police force and other officers, (except constables) deemed necessary for the carrying out of the present act, fix their rank and salaries and prescribe their duties not formally herein prescribed.

Inspectors may be appointed for one or more divisions.

37. The inspectors may be appointed for one or more mining divisions, as the Lieutenant Governor in council, thinks proper, under the name of: "Inspector for the mining division of (*name of the division*) or of the mining divisions of (*name of the divisions*)," as the case may be.

Duties by whom performed if no inspector.

38. If, in any mining division, no inspector has been appointed, or if there be one, and he is unable, for any reason whatsoever, to perform the duties of his office, the commissioner of Crown Lands may order an officer of his department to temporarily perform the duties of inspector in such division.

Powers and duties of police, &c.

39. The policemen or police force are subject to the regulations established by the Lieutenant Governor in council, and such policemen or members of the police force so appointed have, while they are in office, all the powers, and immunities of constables and peace officers, and all

such additional powers and authority as the lieutenant governor in council may confer on them.

They may also be employed in such duties as the lieutenant governor may, from time to time, determine. Powers of lieutenant governor with respect to them.

DUTIES OF THE INSPECTOR OF A MINING DIVISION.

40. Every inspector or other officer who receives public moneys, under the present act, is accountable therefor to the commissioner of Crown Lands of the province, into whose hands he is bound to pay the same, at the dates and in the manner prescribed by the latter. Accountability of inspectors or other officers.

In rendering his accounts to the commissioner, the inspector shall transmit, in addition to the information required, a return shewing the sums collected by him, and the names of the persons who have obtained mining licenses. Duties of inspectors in such cases.

POWERS OF THE INSPECTOR OF A MINING DIVISION.

41. The inspector of a mining division may, with the approval of the commissioner of crown lands, from time to time, appoint constables to the number of twelve at most; and the persons so appointed are hereby respectively constituted constables and peace officers, for the purposes of this act, for the time and in the mining divisions, for which they are respectively appointed. Powers of inspector to appoint constables.

42. The inspector has special control over the constables and police force appointed for his division. Power of inspector with respect to constables.

He may give such orders or make such regulations, subject to the approval of the commissioner of crown lands, as he may deem expedient, respecting the general government of such officers, their classification, rank and particular services, their distribution and inspection and place of residence. He has absolute power, at any time, to suspend them from their functions and, with respect to constables, to remove and replace them with the approval of the commissioner of Crown Lands.

All such constables, while in office, have all the powers, authority, rights and privileges conferred on the police force of the cities of Quebec and Montreal respectively, by chapter 102 of the consolidated statutes for Lower Canada. Power of constables.

GRANTING OF MINING LICENSES.

43. Licenses for working mines are granted by the inspector of each mining division. By whom licenses are granted.

Book kept by
inspector.

Every inspector is bound to keep a book or a list in which the licenses are registered and enter therein, upon notice given under section 81, the names of the licensees, the description of mining claims taken, bounded and staked out by them, under the provisions of this act, and the date of the choice of such claim.

Open to
inspectors.

All books or lists are to be open to the inspection of any one desiring the same, upon payment of a fee of twenty cents to the said inspector.

Licenses to
mine for gold
or silver
outside mi-
ning divisions.

44. Licenses for mining for gold or silver, beyond the limits of mining divisions may, at any time, be granted by the Commissioner of Crown Lands, in his discretion.

INSPECTION OF MINES.

Power of
inspectors and
officers to
enter upon
mines being
worked.

45. Every inspector, constable or peace officer, in a mining division may, at any time, enter upon private or public lands, that are being mined in the said division, and examine the pits, shafts, tunnels, subterranean passages or other mining works or excavations constructed or commenced in any manner whatsoever, and require, from the proprietors of such pits, shafts, tunnels and other mining works, as aforesaid, and from their employees all the facilities and assistance necessary for that purpose.

PROHIBITION RESPECTING THE INSPECTOR.

Inspector not
to take share
or interest in
mines in his
division.

46. No inspector of a mining division can, at any time, either directly or indirectly, so long as he is in office, take any share, in his own name or in the name of another for him, in the working of the mines at large, in the mining division for which he has been appointed, under the penalties mentioned in section 114.

OF LICENSES.

General Prohibitions—(exceptions.)

Licenses to be
taken out by
miners and
their em-
ployees before
working.

47. From and after the publication in the Quebec Official Gazette of any order in council, erecting a new mining division in this province, as well as in those already erected, every person, firm or company is prohibited under the penalties of the fines and penalties mentioned in section 102 of this act, from mining for gold or silver, either upon public or private lands, without having previously obtained to that effect:

1. A license for that purpose for himself; and further

2. A license for and in the name of every man employed by him and working on his property, in any way whatever, in mining for gold or silver.

A list of such employees must be transmitted by every proprietor or mining overseer, manager or agent of any company, on the fifteenth of each month, to the inspector of the mining division, which the latter is required to enter in his book. List of employees to be furnished monthly to inspector.

This section however does not apply to mining locations or lands acquired by purchase, or to the persons working them. Exception.

48. Every proprietor of land, mining overseer manager or agent of a mining company, is further prohibited, under the penalties mentioned in section 103 of this act, from commencing mining operations before complying with section 81. Conditions required before commencing to mine.

49. The sale or exchange of intoxicating liquor, within a radius of twelve miles of any mine in operation is also prohibited, until a license to that effect has been obtained from the inspector of the mining division, in conformity with the Quebec License Law and its amendments, under the penalties set forth in the 116th and following sections of this act. Licenses for sale of intoxicating liquors at the mines.

The inspector of a division has the supervision of those who therein sell intoxicating liquors; he alone may refuse or grant such licenses and cancel the same. Powers of inspectors in this respect.

MINING LICENSES IN GENERAL.

50. There are two descriptions of licenses for mining for gold or silver, known as follows, to wit: Licenses to mine for gold or silver.

1. Private lands' gold or silver license;
2. Public lands' gold or silver license.

The first is made in the form of schedule A to this act, and the second in the form of schedule B. Form of such licenses.

51. Each of the said licenses must contain the name of the holder thereof and is not transferable. What they must contain.

52. Such licenses are granted for three months, on payment of a fee of two dollars to mine on private lands, and four dollars to mine on public lands. Duration of such licenses.

It shall however be lawful for the lieutenant governor in council, whenever he deems it expedient, to require the payment of the royalty mentioned in this act, in lieu and stead of the fees, for a mining license as aforesaid. Royalty may be required in lieu of payment of fees.

PRIVATE LANDS' LICENSES.

Powers of the holders of such licenses.

Power of private lands' license.

53 Every holder of a private lands' gold or silver license is authorized to mine on any private lands, situated in the mining division, for which such license is granted, whenever such private person voluntarily consents or is compelled thereto under the provisions of the following sections.

Forced or voluntary consent of proprietors necessary.

54 With the exception of the cases provided for by sections 14, 15, 16 and 17 of this act, every such license, shall, in addition, have the voluntary or enforced consent of the proprietors under valid title of the mining rights, in the case in which the proprietor of the land, which is sought to be mined, is not proprietor of the mining rights.

Proceedings to be taken by a licensee, before mining on private lands.

Procedure before mining on such lands, notice.

55 Every holder of a mining license, who desires to mine on private lands, must first cause to be served a notice in writing, according to the form of schedule G to this act, stating :

1. That he, called the petitioner, is holder of a private lands' gold or silver license, as the case may be ;
2. That he intends to mine on the lands of such private person ;
3. That he is ready to pay the damages arising from such mining operations, to be assessed by mutual agreement.

Delays upon notice.

56 The said notice shall give a delay of six weeks for alluvial mines, and five months for quartz mines, from the date of the service, to the said private person to answer and make such agreement, if present, and if absent from the province twice these delays, and in the latter case the notice shall be inserted in French and English, three times in a newspaper of the district, if there is such newspaper ; if not, in a newspaper of an adjoining district.

Power of private persons to work.

57 Every such private person may, however, during the aforesaid delays take out a mining license and mine on his own land, provided always that he has not divested himself of his mining rights in favor of a third party, as mentioned in section 14 of this act.

If private person refuses to

58 Whenever a private person who, refusing to come to a mutual understanding with a licensee, for mining upon his

land, does not take out a mining license, during the above mentioned delays;—or if, after having taken out such license, he does not mine on his land, or discontinues mining operations, without giving valid reasons for so doing, to the inspector of the mining division, the petitioner may then cause a plan of the land, absolutely necessary for his mining operations, to be made by a sworn surveyor, who, for that purpose, is authorized to enter upon the said property with his employees, and cause to be served upon the said private person another notice, according to the form of schedule H to this act, containing the following :

Notice by petitioner.

What it must contain.

1. A description of the land to be taken for mining purposes ;
2. A copy of the surveyor's plan ;
3. A declaration that he is ready to pay a certain sum, in money or rent, as the case may be, as a compensation for the said land or damages, and
4. The name of a person whom he appoints as his arbitrator, if his offer is not accepted ; also a demand upon the said private person to appoint and declare the name of his arbitrator.

59. The delay to answer such notice is fifteen clear days, if the person who is to answer is present in this province ;

Delays to answer notice.

But if the opposite party is absent from the province, or is unknown, then, upon a petition addressed to the inspector of the mining division in which the land is situated, accompanied by a return of service, certifying that the said person is absent from the province and could not be found therein, the said inspector orders, under his signature, that the notice, drawn up according to the form of schedule H to this act, be inserted three times in the French and English languages, during one month in a newspaper published in such district, or if there are none published in such district, then in a newspaper of a neighboring district.

The answer to be given by a private person to the said notice, is made in the terms of the form of schedule I to this act.

Form of answer.

60. If, during the fifteen days after the service of said notice, or the month following the publication (as the case may be,) the opposite party does not inform the petitioner that he accepts his offers, or does not give the name of the arbitrator appointed by him, then the inspector of the mining division, at the request of the said petitioner, appoints a competent person to be sole arbitrator, to deter-

If answer not given within the delay.

mine the compensation which the opposite party has a right to receive.

If private persons appoint his arbitrator.

61. If the adverse party, during the above prescribed delay, give to the petitioner the name of the arbitrator whom he has chosen, the two arbitrators jointly name a third.

Meeting of arbitrators and appointment of a third.

Such arbitrators, appointed by the parties, must, within eight days after the opposite party has made known the name of his arbitrator, meet to agree upon the choice of a third.

Appointment of a third by inspector.

If the two arbitrators cannot agree upon the choice of a third, the inspector is bound, upon application of any of the parties, notice having been previously given at least two clear days before to the other, to appoint such third arbitrator.

Oath of arbitrators and commencing operations.

62. The arbitrators or two of them, or the sole arbitrator, after having taken an oath before a justice of the peace of the district, or before the inspector of the mining division, in which such land is situated, to faithfully and impartially fulfil the duties of their office, immediately proceed to establish the compensation to be paid by the petitioner, as the majority may decide, and the award of the arbitrators, or of the sole arbitrator, as the case may be, is final and without appeal.

Deposit required.

But no proceedings can be commenced by the arbitrators, before a sum of fifty dollars is deposited with the inspector of the mining division, to defray the costs of the arbitration, and a certificate of the inspector be delivered to them certifying such deposit.

Additional deposit.

The arbitrators may require the deposit of any other sum deemed necessary during the proceedings.

Notice by majority of arbitrators to the other, necessary in certain cases.

63. No award can be given and no official act done by the majority of the arbitrators, unless at a meeting of which the other arbitrator has received notice, at least two clear days before, of the time and place in which such meeting is to be held.

Notice to parties, not required.

The service of a notice on the parties is not necessary.

What is to be considered in valuation by arbitrators.

64. In deciding upon the value or the compensation to be paid, the arbitrators are authorized and required to take into consideration, the inconveniences, losses or damages arising from the fact that a third party takes possession or makes use of the land for the mining purposes.

Power of arbitrators to have another plan made.

65. If the arbitrators are not satisfied with the plan, drawn by the surveyor, as mentioned in section 58 of this

act, they may cause another to be made, at the expense of the petitioner, by any other surveyor to whom they have a right to give the necessary instructions.

66. The arbitrators, in proceeding with such arbitration, must only allow the land, strictly requisite for mining purposes, which can, in no case, exceed fifteen acres in superficies, over and above the land deemed necessary, on the same property, for right of way with horses and vehicles, to and from the nearest highway. Size of land to be allowed.

67. The costs are paid by the petitioner, except however those of the arbitrator of the opposite party, which are paid by him, if the award does not allow him a higher compensation than that offered before the arbitration. Costs of arbitration.

In any case, the costs are taxed by the inspector of the mining division. Taxation.

68. The arbitrators may swear the parties and their witnesses, and, in their discretion, interrogate them under oath or solemn affirmation. Power of arbitrators to swear witnesses, &c.

69. In the case of a sole arbitrator, if the latter dies before giving his award, or if he becomes ill, or refuses or neglects to act, within a reasonable delay, the inspector, upon satisfactory proof thereof, appoints another in his stead, but the latter arbitrator cannot recommence or repeat any of the previous proceedings. In case of death of sole arbitrator.

70. When the award of the arbitrators is given, the amount of the damages awarded and costs must be paid into the hands of the inspector of the mining division, having jurisdiction. Deposit of amount of award with inspector.

71. The inspector must give a receipt for the sums so paid, and, without delay, give permission, in writing, to the applicant to commence mining, but such work shall not be commenced, without the express permission of the said inspector and before the amount of the compensation has been paid to the private person or to the proprietor of the soil. Receipt to be given by inspector.

72. The amount of the compensation and the costs so paid are afterwards distributed, within the shortest possible delay, by the inspector, to the persons entitled thereto. Distribution of moneys.

73. Every petitioner, as aforesaid, may also, by following the procedure above set forth, obtain from neighboring Right of way over neighboring lands.

Proprietors and others, the right of way over their lands with horses and vehicles, and the right to make the works necessary thereon, for conveying the water required by him for the better working of his mining lands; provided he does not apply for any thing which might have the effect of turning the course of any spring, river or stream, so as to deprive the inferior riparian proprietors of the use of such spring, river or stream.

Proviso. The present section is applicable to every person who works a mine of any kind in this province.

Application of present section.

74. If the petitioner, after the award of the arbitrators is given, does not *bonâ fide* proceed, within one month, to work the mine awarded to him, or discontinues work, for the space of one month, without giving in writing, to the inspector of the mining division, any valid reason therefor, and without taking out a registration certificate for his claim, in the form of schedules J and E to this act, the award of the arbitrators becomes *ipso facto* void, and the said petitioner can no longer work such mine.

Default of petitioner to mine in good faith.

Certificate of enregistration having claim.

Notice of the application for such certificate and of the reasons in support thereof must be given to the opposite party, eight days before applying for the same.

Notice of application for certificate.

The opposite party may, on the day specified, show cause against the granting of such certificate, before the inspector, who has the right to decide the question in a summary manner.

Opposition to application.

If the petitioner allows six months to elapse before recommencing his mining works, the private person may have the certificate cancelled by the inspector of the mining division.

If 6 months elapse without working.

75. The sections immediately preceding from section 53 to section 74 inclusive, shall apply, *mutatis mutandis*, to the case in which the proprietor of the mining rights refuses to mine himself or to allow any one to mine on the land upon which he has such mining rights.

POWERS OF LICENSEES WITH RESPECT TO CLAIMS.

SS. 53 to 74 apply to proprietors refusing to mine themselves.

76. No mining license can authorize the holder thereof to enter without the express consent of the owner, into any house or into any building whatever, or into any garden or orchard or upon any lands reserved for ornament or for cultivation, when they are fenced in.

Certain lands are exempted from being entered upon.

77. Every holder of a license to mine for gold or silver upon public lands has a right to stake out one claim, in the mining division, upon unoccupied public lands, by

Power of licensees to stake out claim.

planting a wooden picket at each of the four corners thereof, and to work the same.

DIMENSIONS OF CLAIMS.

78. Each claim shall be of one of the following dimensions, namely: Size of claims.

1. *For alluvial mines.*

1. If on any river or large creek,—40 feet front by 80 On river ; feet in depth, to be measured from the water's edge ;

2. If on a small creek or minor stream,—60 feet front On stream ; by 100 feet in depth, to be measured from the centre of the stream ;

3. If in a gully, 100 feet along said gully and to extend In gully ; from hill to hill ;

4. If on a plane surface or hill-side, one hundred feet Hill-side ; square.

But when a company intends to hill-tunnel, the in- River bed ; spector of the division may, upon application, grant such larger claim as he may see fit ;

5. And for working the bed of a river, the inspector determines, as circumstances may require, the size and position of the claims ; and all side lines are drawn as nearly as possible at right angles to the general course of the stream, where such side lines touch the stream.

2. *For quartz mines.*

1. For one person,—one hundred and fifty feet along For one person ; a lead, by one hundred and twenty-five feet on each side thereof, measuring from the centre of the lead ;

2. Companies of two or more persons may stake out and For two or more. work additional feet, along a lead, by the above width, in the proportion of fifty additional feet in length, for every additional miner, not to exceed seven hundred feet in length altogether and they may work the claim jointly.

79. The inspector of the division is bound to class each Classification of claims. claim under one of the heads mentioned in the next preceding section and his decision is final.

80. Claims are laid out, as far as possible, uniformly Laying out claims. and in quadrilateral and rectangular shapes.

Measurement of all claims are horizontal, and the land Measuring claims. included in each claim is deemed to be bounded, under the surface, by lines perpendicular to the horizon.

DUTIES OF LICENSEES.

Notice, after staking out claim.

81. Every licensee, after having so staked out a claim, is bound to give notice thereof, within thirty days, to the mining inspector, in the form of schedule C to this act.

What to contain.

Such notice shall give the name of the licensee, indicate the place where the claim is situated, contain a complete designation and description of the said claim, show how and when such claim was staked out and mention where within the division, such licensee elects his domicile, under pain of forfeiting such claim and of the penalties mentioned in section 103 of this act.

Only one claim to be occupied by one person. Exception.

82. No person can occupy, at the same time, more than one claim upon Crown Lands, except as hereinafter provided for, in the cases of registration of claims rendered temporarily unworkable.

Privilege of discoverer of new mine.

83. The discoverer of a new mine is entitled to a free license, in the form of schedule D to this act, valid for twelve months, for one claim of the largest area allowed by this act, or by any regulations which may be issued under it and in force when such discovery is made; provided that such discovery has immediately been reported, in writing, to the inspector of the mining division

Provided notice be given.

But any one, who does not immediately report such discovery, is deprived, for the space of one year, of the right to mine on public lands.

If notice is not given.

Conditions of discovery.

84. No person is considered to be the discoverer of a new mine, unless the place of the alleged discovery be distant, if upon a known lead, at least three miles from the nearest known mine on the same lead, and if not on a known lead, at least one mile at right angles from the course of the lead; if in alluvial workings, at least two miles distant from any previously discovered mine.

Registration of claim in certain cases.

85. Any person, occupying a claim which, in consequence of the excess of water or other unavoidable reasons cannot be worked, may, upon payment of one dollar, have his right to such claim registered in the office of the inspector of the mining division in the book which the inspector is bound to keep for such purpose, and obtain a certificate of registration of claim in the form of schedule E to this act, and may then proceed to work elsewhere.

Duty of person so registering.

Every one, who so registers his claim, shall plant in the centre thereof, or as near the centre thereof as possible, a wooden picket, upon which is painted or cut out in legible figures the registration number of such claim.

86. Every person, holding a gold or silver mining license, upon renewing the same, is bound, under penalty of the refusal of such renewal, to make to the inspector of the mining division, whenever he is thereunto required, a full and true statement, under oath, of the work performed, and of the gold or silver obtained by him, during the term of such license, which statement may be entered upon the expiring license.

Demand for renewal of license.

Statement required.

Confiscation of claims.

87. Any mining claim may be confiscated by the inspector, whenever such claim remains unworked during a period of four consecutive weeks, after it has been taken, staked out and registered, as aforesaid, or whenever, at any time after the expiration of the said four weeks, the license ceases to work, during the space of fifteen consecutive days.

Confiscation of claims.

88. Nevertheless, such claim shall not be confiscated if proved, to the satisfaction of the inspector of the mining division, that the licensee has been unable to work continuously, owing to illness or to any other cause which may be deemed reasonable ; but mention of such facts shall be entered in the book to be kept by the inspector under this act.

Exception.

89. When, by order in council of the Lieutenant Governor, work on mining claims is suspended in any mining division, it has not the effect of causing to be considered as unworked any mining claim in such division, within the meaning of the next preceding section.

Effect of suspension of work in a division by order of lieutenant governor.

LICENSES FOR QUARTZ-CRUSHING MILLS.

90. Every person, who desires to employ or make use of any mill or machinery, other than those worked by hand, within or near any mining division for the crushing or reduction of quartz or the obtaining of gold or silver therefrom, by crushing, stamping, amalgamating or otherwise, is required, under the penalties mentioned in section 109, to obtain beforehand a special license therefor, from the inspector of the mining division, upon payment of a fee of five dollars.

Licenses for crushing mills.

Such license is in the form of schedule F to this act, and shall be valid for three months at the most.

Form of license, &c.

DUTIES OF MILL-OWNERS.

91. Every licensed mill-owner is required, under the penalties mentioned in section 110, to keep an account

Mill-owner to keep book.

What to
contain.

book, in which he is bound to enter a clear and distinct statement of all quartz crushed, reduced or amalgamated at such licensed mill, and also the following particulars :

1. The name of the owner or owners of each distinct parcel or lot of quartz crushed ;
2. The weight of each such parcel or lot ;
3. The date of the crushing of the same ;
4. The actual yield in weight of gold from each such parcel or lot ;
5. The number of the license of the person who has worked such claim.

Monthly
statement to
inspector

92. Every owner of a licensed mill, or if it be a company, every agent or manager of such company, is required, under the penalties mentioned in section 110 of this act, to furnish monthly, to the inspector of the mining division, a return under oath, compiled from the book, containing the aforesaid statements, and details, for each and every day of the month then last past, together with such other information as the inspector or the lieutenant governor in council may require.

DIVERS PROVISIONS.

Party walls
or passages
to reach
stream.

93. A party wall or *passage*, at least three feet thick, shall be left between each holding as well on public as on private lands ; which said party wall or *passage* is to be used in common by all parties as a mode of access to the stream, where one exists ; and no one shall obstruct such party wall or *passage* by throwing soil, stones or other material thereon, under the penalties mentioned in section 104 of this act.

Renewal of
party walls or
passages, &c.

94. Any interested person may, at any time, remove a party wall or *passage* as aforesaid, if he thinks proper, but he shall, if required so to do, construct a new mode of access to the water, offering the same facilities, as an approach, as the party wall or *passage* so removed, under the penalties enacted in section 105 of this act.

Damaging
other claims.

95. No person working gold or silver mines shall cause any damage or injury to the holder of any other claim, by throwing earth, clay, stones or other materials upon such other claim, or by causing or allowing any water which may be pumped or baled or may flow from his claim, to flow into or upon such other claim, under the penalties mentioned in section 106 of this act, over and above the damages caused.

96. All owners of claims and mining locations, bounded by water-courses or rivers, upon public as well as upon private lands, may make use of such water-courses or rivers in working their respective claims, without hindering each other, subject in all cases to the provisions of section 73 of this act, if they apply.

Use of streams, &c.

Every dispute, arising between the parties on this subject, is settled and decided by the inspector of the mining division; and whosoever disobeys the order of the inspector is liable to the penalties mentioned in section 107 of this act.

Settlement of disputes.

97. Every miner, who makes a pit, shaft or any excavation whatever, to a depth of four feet and over, is bound, under the penalties mentioned in section 111 of this act, to enclose the same with a fence, at least four feet in height, if he discontinues working the same for a period of eight days.

Pits, &c., to be fenced in.

98. Every person who, prospects or mines for gold or silver upon lands, adjoining a mining division, is subject to the provisions of this act, as if he worked within the limits of such mining division.

Persons mining for gold or silver on lands adjoining mining division.

99. Every licensee, under this act, is bound, under the penalties mentioned in section 112 of this act, whenever required so to do, to exhibit his license to the inspector of the division, or to any constable or peace officer deputed by the said inspector, and to prove to the satisfaction of every such officer, making such demand, that the license which he holds is in force.

Licenses to exhibit licenses.

100. Every licensee is bound, under the penalties mentioned in section 113 of this act, to allow the inspector of the mining division, or any constable or other peace officer, deputed by the said inspector, to enter upon the lands which he works, and to afford them all necessary facilities and assistance for that purpose.

And to allow visits of inspector, &c.

PART SECOND.

PENALTIES FOR CONTRAVENING THIS ACT.

101. Whosoever mines, either for himself or for another, in a mining division, without a license therefor, is liable to a fine not exceeding ten dollars and costs, for every day of such contravention, or, in default of payment, to imprisonment for a period not exceeding one month.

Penalty upon persons for mining without license;

Or working
without taking
out license for
employees ;

102. With the exception of such persons who have regularly acquired mining locations or lands, every land-owner, mining overseer, manager or agent of a mining company or firm, who works a gold or silver mine, without having first obtained a license for every man in his employ, is liable to a fine not exceeding five dollars and costs, for every man and for every contravention, or in default of payment, to imprisonment for a period not exceeding one month.

Or working
without
giving des-
cription of
claim, &c ;

103. Every owner, mining overseer, manager or agent of a mining company who commences mining, without having furnished to the inspector, the name of the person or persons if it be a company, the full designation and description of his claim and declared his place of residence, is liable to a fine not exceeding twenty dollars and costs, or, in default of payment, to imprisonment for a period not exceeding one month.

Or obstructing
party wall
or *passage* ;

104. Whosoever obstructs a party wall or *passage* upon public or private lands worked as mines, by throwing thereon earth, stones or other materials, is liable, upon summary conviction thereof, before the inspector of the mining division, to a fine not exceeding five dollars and costs, or, in default of payment, to imprisonment for a period not exceeding one month.

Or removing
party wall or
passage and
not replacing
same when
required ;

105. Whosoever removes a party wall or *passage* and does not, if thereunto required, provide another mode of access to the water course, is liable to the penalty mentioned in the next preceding section.

Damaging,
occupants of
other claims ;

106. Whosoever, while engaged in mining for gold or silver, causes damage or injury to the occupant of another claim by throwing earth, clay, stones or other materials in and upon such claim or by causing or allowing any water, which may be pumped or baled or may flow from his claim, to flow into or upon such claim is liable to a fine, not exceeding five dollars and costs or, in default of payment to imprisonment for a period not exceeding one month.

Not complying
with decision
of inspector
as to use of
streams, &c ;

107. Whosoever owns a claim bounded by a water-course, and does not comply with the decision of the inspector of the mining division, with respect to the use he is to make of such water-course, is liable to a fine not exceeding five dollars and costs, or, in default of payment to imprisonment for a period not exceeding one month.

108. Any person found removing, or disturbing, with intent to remove, any stake or picket planted under the provisions of this act, is liable to a fine not exceeding ten dollars and costs, or in default of payment, to imprisonment for a period not exceeding one month. Removing, &c., stake, &c ;

109. Whosoever makes use of any mill or machinery, other than those worked by hand, within or near any mining division, for the crushing or reduction of quartz or the obtaining of gold therefrom, by crushing, stamping, amalgamation or otherwise, without a special license therefor, is liable to a fine not exceeding one hundred dollars and costs or, in default of payment, to imprisonment for a period not exceeding two months. Using mill without license ;

110. Every licensed mill owner, or, in the case of an incorporated company, every manager or agent thereof, who omits to enter the statement or any of the details which he is required to enter, in his book, under sections 91 and 92 of this act, or who delays sending in the return which he is bound to make, is liable for every day of such omission or delay, to a fine not exceeding twenty dollars and costs or, in default of payment, to imprisonment for a period not exceeding one month. Mill owners not reporting to inspector ;

111. Every person who discontinues working in any pit, shaft or excavation whatsoever, of four feet or more in depth, without fencing in the same to a height of at least four feet, is liable for each offence, to a fine not exceeding fifty dollars and costs or, in default of payment, to imprisonment for a period not exceeding one month. Not fencing pit, &c ;

112. Every licensee under this act, who, when required so to do, refuses to exhibit his license to the inspector of the mining division or to any constable or peace officer, deputed by such inspector, is liable to a fine not exceeding five dollars and costs or, in default of payment, to imprisonment for a period not exceeding one month. Refusing to exhibit license

113. Every holder of a mining license, engaged in mining upon any land whatever, who refuses to allow the inspector of the division, or any constable or peace officer, authorized by such inspector, to enter upon the lands on which he is so working, while in the performance of their official duties ; or who refuses, when thereunto required, to afford them the facilities and assistance necessary for such purpose, is liable to a fine not exceeding five dollars and costs or, in default of payment, to imprisonment for a period not exceeding one month. Refusing to allow inspector, &c., to visit lands ;

Inspector taking interest in mining lands in his division;

114. Every inspector of mines, who, while he is in office, takes a share in the working of the mines generally, either in his own name or in that of another for him, directly or indirectly, is liable, (in addition to dismissal from office and the voidance of the title or interest which he has obtained), to a fine not exceeding four hundred dollars and costs, or, in default of payment, to imprisonment for a period not exceeding one year.

Witnesses refusing to appear or to swear;

115. Every witness lawfully summoned, who refuses to appear or to take the oath and to testify, is liable to a fine of five dollars and costs, for every such refusal, or to be imprisoned until he consents to take the oath or affirmation and to testify.

PENALTIES FOR SELLING INTOXICATING LIQUORS IN A MINING DIVISION.

For selling liquors without license;

116. Whosoever sells or barter any intoxicating liquors, within a mining division, without having first obtained a license for that purpose from the inspector of the division, under this act, is liable to a fine, not exceeding one hundred dollars and costs or, in default of payment, to imprisonment for a period not exceeding two months, in addition to the forfeiture of such intoxicating liquors, found in his possession.

On selling or exchanging liquors, &c.

117. Whosoever, by himself, or his clerk, his servant or agent, exposes or keeps for sale, directly or indirectly, under any pretext, or by any device sells or barter for any consideration whatsoever; or gives to any other person any intoxicating liquor, or any mixed liquor, part of which is intoxicating, incurs the penalties mentioned in the next preceding section.

Guilt of persons selling, being employed by others.

118. Whosoever, in the employment or on the premises of another exposes or keeps for sale, or sells or barter or gives intoxicating liquor, in violation of the two next preceding sections, is deemed to be equally guilty with his principal and incurs the same penalty.

What constitutes a sale or exchange of intoxicating liquors.

119. The delivery of intoxicating liquor of any kind, in or from any building, booth, or place, other than a private dwelling house or its dependencies, or in or from any dwelling house or its dependencies, if any part thereof is used as a tavern, eating house, grocery, shop, or other place of common resort,—such delivery, in either case, being to any one not *bonâ fide* a resident therein, is *primâ*

facie, deemed sufficient evidence of and punishable as a sale and barter of intoxicating liquor, in violation of this act.

120. Any delivery of intoxicating liquor in or from a private dwelling house, or its dependencies, or in or from any other building or place whatever to any one, whether resident therein or not, with payment or promise of payment, either express or implied, before, on or after such delivery, is *primâ facie* deemed sufficient evidence of and punishable as a sale and barter of intoxicating liquor in violation of this act. The same.

PENALTIES FOR CONTRAVENING THIS ACT, WHEN NO OTHER IS PROVIDED.

121. Every person contravening this act or any rule or regulation made under it, where no other penalty or punishment is imposed, is liable, for every day on which such contravention occurs, or continues, or is repeated, to a fine not exceeding twenty dollars and costs or, in default of payment, to imprisonment not exceeding one month. Penalty in unprovided cases.

GENERAL PROVISIONS.

122. In making the valuation of taxable mining lands in a municipality, in which there exists an immoveable property, containing a mine which is being worked, the assessors shall assess such immovable, without taking into consideration the increased value, arising from the existence of such mine, ores, pits, shafts, excavations, tunnels, mills, machinery and other buildings, structures and dependencies used or to be used exclusively for the working of such mine, during the period of ten years dating from the passing of this act; but such exemption does not apply to dwelling houses and their dependencies. Valuation of real estate, being mined, &c. Exemption.

123. Article 712 of the municipal code is so amended as to give effect to the next preceding section. Art. 712 municipal code, amended.

124. The lieutenant governor in council, may, from time to time, make any regulation which he may deem necessary or expedient: Power of lieutenant governor in certain cases.

1. For diminishing or increasing the size or altering the form of claims granted under this act;

2. For altering the price, terms and conditions of mining licenses and for increasing the price of mining locations;

3. For the opening, construction, maintenance and use of shafts, conduits or sluices, through or upon claims or

mining locations, to facilitate the carriage and passage of water for mining purposes ;

4. For establishing and maintaining roads, through mining divisions, and generally for the better carrying out of the provisions of this act.

All such regulations, having been published in the Quebec Official Gazette, shall have force of law.

" Act respecting riots near public works," c. 29, C. S. C., may be enforced by proclamation;

125. The lieutenant governor in council may, by proclamation, whenever he deem it expedient declare that the " Acts respecting riots near public works " being chapter twenty-nine of the consolidated statutes of Canada and its amendments, shall apply to one or more mining divisions, in so far as its provisions may be applicable ; the said act shall have force of law, from and after the date of such proclamation, in the mining division or divisions mentioned in the same.

May be discontinued;

The lieutenant governor in council, may, in the same manner, from time to time declare the said act to be no longer in force in such mining division or divisions, and again put the same in force, when he deems it advisable.

Not to have effect in any city.

But no such proclamation can have any effect within the limits of a city.

PROSECUTIONS.

Application of 32-33 Vic., c. 30 and 31, and c. 103 of C. S. L. C.

126. All the provisions of this act relating to indictable offences or summary convictions, as well as to the proceedings to be adopted in each of such cases, shall be so interpreted that the statutes of Canada 32-33 Vict. Chaps. 30 and 31 shall be applicable thereto, as also those provisions of chapter 103 of the Consolidated Statutes for Lower Canada, which are not hereby specially repealed or amended.

Prosecutions for royalty.

127. Prosecutions for the recovery of royalties due to the crown, are brought in the name of the commissioner of crown lands and other prosecutions for contraventions of the present act are brought in the name of a complainant.

PROSECUTIONS FOR CONTRAVENING THIS ACT.

The same for recovery of fines.

128. Prosecutions for the recovery of fines or penalties, imposed by this act, or by the regulations made in virtue thereof, the recovery of dues and fees exigible thereunder, and for all contraventions of the provisions therein mentioned, are brought before the inspector of each mining division, having jurisdiction.

Inspector *ex-officio*

129. The inspector of each mining division is hereby constituted *ex-officio*, a justice of the peace for the district,

which may comprise or include, in whole or in part, the mining division, for which he has been appointed, or in which district or portions thereof, there may be one or more mining divisions, in which he is bound to perform his duties.

130. It is not necessary that the inspector have any property qualification, to allow of his lawfully acting as a justice of the peace.

131. As a justice of the peace, the inspector possesses (except in the case of rights or titles, relating to immoveable property, in which he must decline to act, if such cases occur,) the jurisdiction, authority, rights and privileges which may be conferred, by the laws then in force, upon any police magistrate, district magistrate, judge of the sessions of the peace, justice of the peace, sheriff or recorder, throughout the whole extent of the territory, for which he has been appointed.

132. He decides in a summary manner, all contestations respecting the dimensions or boundaries of mining claims, the use of water-courses, the approaches thereto, the damages caused to other persons by licensees; and his decision is final and without appeal, in all things within his jurisdiction.

133. The inspector of any mining division may, for and in respect of wages, hear and decide (within his division) any complaint or dispute between persons or companies, engaged in mining or their agents or representatives and the laborers or servants, employed by them.

134. He may, by writ of summons, cause the defendants to appear before him.

135. He may summon any person who is pointed out to him as an important witness in a case.

136. He may condemn a witness to the penalties mentioned in section 115, whenever he refuses to appear, when lawfully summoned, or to take the oath and to testify.

137. Upon the application of the plaintiff or of the defendant, the inspector may, in his discretion, receive and cause to be taken in writing, the depositions of the witnesses then present, and adjourn the case to a future day, which he shall then fix for such purpose.

Decides
summarily ;

138. He may, in the presence or absence of the defendant, determine such complaint, in a summary manner, upon the evidence given under oath by one or more witnesses, sworn before him, and levy such sum as he may adjudge to be due by such person or company to such laborers or servants, together with such costs as he may deem proper, by a warrant of distress and sale of the defendant's goods and chattels.

Convict on
view ;

139. He may, moreover, within his division, convict upon view, any person for any contravention, punishable under the provisions of this act or the regulations made in virtue thereof.

Settles all
difficulties.

140. The inspector may, in general, settle any difficulty, matter or thing arising from the provisions of this act, or in contravention thereof, as well as of the regulations made under such provisions.

PROCEDURE.

Mode of
service.

141. Every service, under this act, is made by a bailiff of the superior court, or a constable appointed for the mining division, in which the suit is instituted, by leaving a copy thereof, certified by the inspector of the said division, with the defendant personally, or with a reasonable person of his family, at his domicile or place of business.

Service by
bailiff ;

142. The service by a bailiff is made under his oath of office ;

By constable.

That made by a constable is proved by a certificate, sworn before a justice of the peace or the inspector of the mining division.

Not necessary
to allege
negative facts.

143. In any prosecution, instituted under this act, it is not necessary in the declaration, information, complaint or summons, to allege any negative fact nor any fact which it is the duty of the defendant to prove.

Declaration,
&c., may be
amended in
certain cases.

144. Any declaration, complaint or summons may be amended, without costs, if there be any defect in the form thereof, and, upon such amendment the defendant may obtain a further delay to plead and to adduce evidence.

Day need not
be alleged
precisely.

145. It is not necessary, in a prosecution, to state the exact day on which the offence was committed. It is sufficient that the day and hour be approximately stated.

146. The fees to which the bailiffs, constables and clerks of inspectors of mining divisions are entitled are those mentioned in chapter 100 of the consolidated statutes for Lower Canada, which fees they are each of them respectively allowed to collect, but, as regards the fees of attorneys and other costs, they are taxed in a reasonable and equitable manner, in the discretion of the inspector.

Fees of
Bailiffs, &c.,
attorneys, &c.

EXECUTION OF JUDGMENTS.

147. In default of immediate payment of the fine and costs, the inspector may either cause the defendant to be imprisoned at once, or cause the defendant's goods and chattels to be seized and sold; and if he has no goods and chattels or not sufficient goods and chattels cause him to be imprisoned for the period mentioned in the judgment. Nevertheless the defendant may, at any time, obtain his discharge, by paying the fine and costs.

Power of
inspector to
imprison
defendant or
sell his effects.

148. Every person who, knowingly or under reasonable belief, prevents the arrest of any one violating this act, is liable to a fine not exceeding forty dollars and costs or, in default of payment, to imprisonment for a period not exceeding two months.

Penalty for
person pre-
venting arrest.

149. Every term of imprisonment counts from the day of incarceration.

Imprisonment
when to count.

150. No appeal lies from any conviction by or judgment of the inspector, under the provisions of this act.

No appeal lies
from judgment
of inspector.

APPLICATION OF FEES AND FINES, ETC.

151. All fees, dues and fines, collected under this act, as well as the price of mining locations, unless otherwise provided by this act, form part of the consolidated revenue fund of this province, and any proportion of such dues, fees and fines may, from time to time, be applied by the lieutenant governor in council, towards meeting the expenses incurred in carrying out the present act.

Application
of fees and
fines, &c.

152. The fines are applied as follows :

1. If the fine and costs are wholly recovered in the name of a complainant, after the costs are paid, one half of the penalty belongs to such complainant, and the balance is paid to the Treasurer of the Province ;

Application
of fines.

2. If the fine and costs have not been wholly recovered, then after payment of the costs, the balance is distributed in the proportion indicated in the next preceding paragraph.

Distribution. **153.** The aforesaid distribution is made by the inspector of the mining division himself.

DIVERS GENERAL PROVISIONS.

Sale of Crown lands to be made in conformity with this act. **154.** Lands sold by the Crown for the working of mines in general, shall hereafter be sold in conformity with the provisions of the present act, any law to the contrary notwithstanding.

Proviso to be inserted in location tickets and letters patent. **155.** Location tickets and letters patent for crown lands sold hereafter shall contain a proviso to the effect that the purchaser is obliged to comply with the provisions of this act.

Geological surveys may be made. **156.** The Commissioner of Crown Lands may cause to be made, from time to time, and as often as he may deem advisable, geological surveys or other searches in order to ascertain what lands contain ores or valuable deposits, such as gold, silver, copper, phosphate of lime, amianthus, asbestos or other substances.

Survey of mining locations. He may, at the same time, cause to be surveyed, and boundaries and limits set to mining locations, in localities, which are not yet subdivided, and in his discretion, cause each lot to be marked out in accordance with the meaning of this act.

Reserve from sales for colonization purposes, of mining lands. **157.** The Commissioner of Crown Lands may also, when he sees fit, reserve and withhold from sale for colonization purposes, lands in which the existence of mines which may be worked, has been established, with the object of selling them, at a suitable time, as mining locations.

Sale of mining locations allowed. **158.** The Commissioner of Crown Lands may, from time to time, and as often as circumstances require, offer and put up for sale such number of mining locations as he may deem proper.

Conditions of sale. This sale is made by public auction, after notice duly given and published, during at least four weeks in the French and English languages in the Quebec Official Gazette, and at least in one French and one English newspaper, if there be any published in these two languages, in each of the cities of Montreal, Quebec and Ottawa.

Upset price. At each such sale, the upset price or first bid is fixed and determined by the Commissioner of Crown Lands, but is not, in any case, less than two dollars per acre; and the entire price of adjudication is payable in cash.

159. The Commissioner of Crown Lands shall submit, with his annual return to the Legislature, a statement respecting mines in this province, Annual return to legislature.

FINAL PROVISIONS.

160. The following acts are hereby repealed, namely:— of the late province of Canada: 27-28 Vict., chap. 9 and 29 Vict., chap. 9;—and of this province: 31 Vict. chap. 21, 33 Vict. chap. 29,—34 Vict. chap. 14,—41 Vict. chap. 4,—41-42 Vict. chap. 6, and 42-43 Vict. chapters 10 and 11. Acts repealed: 27-28 Vic., c. 9 and 29 V., c. 9; 31 V., c. 21; 33 V., c. 29; 34 V., c. 14; 41 V., c. 4; 41-42 V., c. 6, and 42-43 V., c. 10 and 11.

161. All orders in council and regulations, now in force, respecting the sale of lands for the working of mines or ores, are also repealed. Orders in council repealed.

162. No repeal hereby enacted shall have the effect of reviving any act or provision of law, repealed by the acts or portions of acts hereby repealed. Acts heretofore repealed to remain so.

163. The forms of judicial proceedings, hereunto annexed may be employed whenever deemed necessary or any other forms to the same effect. Forms of judicial proceedings annexed may be used.

164. This act shall be known and may be cited under the name of "The Quebec General Mining Act of 1880." Name of act.

165. This act shall come into force on the day of its sanction. Act in force.

SCHEDULE A.

Form of private lands' mining license, under section 50.

PROVINCE OF }
 QUEBEC. } Mining division of .

E. F. , having paid a fee of , is hereby authorized to mine for (*gold or silver, as the case may be*) during three months, from the day of the month of , 18 , upon private lands, in this division, subject to the conditions and restrictions set forth in "The Quebec General Mining Act of 1880," and the regulations made in conformity therewith.

Dated at , this day of , 18 .

(Signature) A. B.

Inspector of the Mining Division of

SCHEDULE B.

Form of public lands' mining license, under section 50.

PROVINCE OF } Mining Division of .
 QUEBEC. }

E. F. , having paid a fee of ,
 is hereby authorized to mine for (*gold or silver as the case
 may be*), during three months from the day of the
 month of , 18 , upon the
 public lands in this division, subject to all the conditions
 and restrictions set forth in "The Quebec General Mining
 Act of 1880" and to the regulations made in conformity
 therewith.

Dated at , this day of , 18 .

(*Signature*) A. B.

Inspector of the Mining Division of .

 SCHEDULE C.

*Form of notice , given under section 81, respecting the choice
 and description of a mining claim.*

PROVINCE OF } Mining Division of .
 QUEBEC. }

To
 Inspector of the mining division of .

I (*or we, as the case may be*) give notice that I am holder
 of a public lands' mining license and have chosen and
 staked out a mining claim as follows : (*describe the claim*),
 in the parish (*or township*) of , on the
 day of 18 , and elect my domicile in
 in the parish (*or township*), of
 , county of , district of ,
 in the mining division of .

Dated at , this day of , 18 .

(*Signature.*) C. D.

SCHEDULE D.

Form of free license, under section 83, to the discoverer of a new mine.

PROVINCE OF } Mining division of
QUEBEC. }

E. F. , of the parish (or township) of , in the district of , having reported, under section 83 of "The Quebec General Mining Act of 1880," that he has discovered a new mine in this division, —is hereby authorized to personally mine for (gold or silver, as the case may be) during one year from this day of the month of 18 , throughout the whole extent of the claim described on the back hereof, (if such claim is situate on private lands, only with the consent of the proprietor of the land, previously had for that purpose) subject to the conditions and restrictions of "The Quebec General Mining Act of 1880," and to the regulations made in conformity therewith.

This license is not transferable and may be annulled, if it be proved that the pretended discovery did not take place in conformity with section 83 of the said act.

Dated at , this day of , 18 .

(Signature,) A. B.

Inspector of the Mining division of .

(Endorsed on license.)

Description of claim.

Quartz or alluvial.....
Extent.....
Locality.....

(Signature) A. B.

Inspector of the Mining division of .

SCHEDULE E.

Form of certificate of enregistration under sections 74 and 85, of a claim temporarily unworkable.

PROVINCE OF QUEBEC, } Mining division of .

These presents certify that E. F. , of the parish (or township) of in the county of of , district of occupying a claim in this division, described on the back hereof, having reported that the said claim can not now be worked, and having paid a fee of one dollar, such claim has been en-

registered in my office under the number of, this day of the month 18 .

Dated at , this day of , 18 .

(Signature) A. B.

Inspector of the Mining Division of .

(Endorsed on the certificate)

Description of claim.

Quartz or alluvial.....
Extent.....
Locality
.....
.....

(Signature) A. B.

Inspector of the mining division of .

SCHEDULE F.

Form of license for a crushing mill, under section 90.

PROVINCE OF QUEBEC, } Mining division of

E. F. , of the parish (or township) of in the district of , having paid a fee of five dollars, is hereby authorized to employ and make

use of a mill or machine, for the crushing or reducing quartz or of obtaining gold or silver therefrom by crushing, stamping, amalgamating or otherwise,
 for three months from the _____ day of the month of _____, 18____, under the provisions of "The Quèbec General Mining Act of 1880," subject to the conditions and restrictions set forth in the said act, and the regulations made in conformity therewith.

Dated at _____, this _____ day of _____ 18____.

(Signature) _____ A. B. _____

Inspector of the mining division of _____

SCHEDULE G.

Form of notice to work upon private lands, given under section 55.

Province of Quèbec. } Mining Division of _____

I, (or we, as the case may be) residing in the county of _____, in the district of _____, (or having made election of domicile at _____), in the Mining Division of _____, hereby give you notice:

1. That I am a holder of a private lands' gold or silver mining license;
2. That I have decided to work for gold or silver on your land;
3. That I am ready to enter into any possible amicable arrangement with you, to enable me so to mine;

Therefore, within fifteen days from the service of this notice, be good enough to come to an amicable understanding with me, unless you prefer to take the steps required by law, to work upon your own land and give notice without delay to the proper person.

Signed at _____, this _____ day of the month of _____, one thousand eight hundred _____, in presence of the inspector of the Mining Division of _____.

(Signature) _____ C. D.,
 Petitioner.

(Countersigned) _____ A. B.,
 Insp. Mining Division of _____

SCHEDULE H.

Form of notice given under sections 58 and 59, if the private person refuses to mine for himself.

Province of Quebec. } Mining Division of .

Whereas it appear by the return of service made by _____, bailiff of the Superior Court or by the certificate of service made by _____, constable for the Mining Division of _____, as the case may be, on the _____ day of the month of _____ one thousand eight hundred _____, that the proprietor of the lot situate and being in the _____ range of _____, (parish or township) in the County of _____, district of _____, which lot is bounded by _____, is absent from the Province or is unknown:

Public notice is hereby given by the undersigned _____, of the parish of _____, county of _____, district of _____, or having elected his domicile at _____, in the Mining Divtsion of _____, that:

1. He is a holder of a private lands' mining license;
2. He has decided to mine for gold or silver on the above described lot;
3. He is prepared to pay the sum or rent deemed necessary as compensation for such lot or damages assessed by arbitration according to law; and
4. The name of his arbitrator is _____, of the parish of _____, county of _____, in the district of _____

Therefore the said (*name of the proprietor of the lot if known.*) proprietor, is called upon to appoint his arbitrator, within one month from the first insertion of the present notice, in the newspapers, according to law.

(Signature,)

C. D.,
Petitioner.

Countersigned,

A B,
Insp. of the M'g. Div. of _____ .

SCHEDULE I.

Form of answer by a private person to a notice requiring the right to mine on his lands, under section 59.

Province of Quebec. } Mining Division of .

I (or we as the case may be) in answer to the notice, dated the _____ day of the month of _____ 18____, declare, that I desire to enter into an amicable arrangement with you, respecting the mining operations, which you wish to commence on my land, (or if the private person wishes to mine his own land), that I intend to take out a license, within the legal delays, to mine my own land, (and if the private person should appoint an arbitrator) that I have appointed Mr. _____ of the parish (or township) of _____, in the county of _____, district of _____, to act as my arbitrator, in the arbitration required by you.

Dated at _____, this _____ day of the month of _____, 18____.

(Signature,)

E. F.
Proprietor.

SCHEDULE J.

Form of notice, given to the inspector under section 74, by a private lands' licensee, if he does not commence mining, or discontinues mining, (either before or after arbitration.)

PROVINCE OF }
QUEBEC. } Mining Division of .

To

Inspector of the Mining Division of .

Sir,

I (or we as the case may be) hereby give notice that I cannot now commence or continue my mining operations for the following reasons (here state the reasons) but am a *bonâ fide* miner and intend to commence or continue the said operations *bonâ fide* as soon as possible.

Dated at _____, this _____ day of the month of _____, 18____.

(Signature,)

E. F.
Miner.

I served the present summons and declaration upon (*name of the defendant*) in the parish of district of at hour of noon, by leaving a certified true copy of these present, speaking to

Certified at , this day of the month of 18 .

NOTE.—(*If the service is made by a constable.*)

I, the undersigned , constable of the mining division of , being duly sworn on the Holy Evangelists, certify by these present, under the oath which I have just taken, that I served (etc.) (*as above.*)

(Signed)

E. F.

Sworn before me at , this day of the month of 18 .

(Signed)

G. H.
Justice of the Peace.

NOTE.—*Every other return of service may be made in the above form, with the alterations required.*

4. Form of Conviction.

Province of Quebec, }
District of . }

Be it known that on the day of the month of 18 , at , in the district of , M. (*name of the defendant*), was condemned by me , inspector of the Mining Division of , for that he the said (*defendant*) did (*state the reasons for conviction*), and that I do condemn the said (*defendant*) for such to pay to the said (*prosecutor*) the sum of and costs.

Given under my hand and seal at , this day of the month of , 18 .

[L. S.]

Signature, A. B.,
Ins. of the Mining Division of .

NOTE.—*The copy to be given to the defendant or left at his domicile, shall be a true copy, certified by the inspector.*

5. *Form of Warrant of Distress.*

Province of Quebec, }
 District of . }

(*Name of Inspector*) judge of the Mining Division of .

To all and every the bailiffs or constables in and for
 the Mining Division of .

Whereas M , was condemned by me, for
 having (*reason of the conviction*), at the suit of ,
 to pay the sum of and the costs :

Wherefore you, and each of you, are hereby ordered to
 seize and attach the goods and chattels of , wherever
 you may find the same within this district to satisfy the
 judgment, and levy on the sale thereof, the sum of
 , over and above the costs of seizure and sale ; and
 you shall make a certified return thereof to me.

Herein fail not.

Given under my Hand and Seal at , this day of
 the month of 18 .
 [L. S.] (Signed), A.B.,
 Insp. Min. Div. of .

6.—*Form of Warrant for imprisonment, in default of goods
 and chattels, in cases of penalties.*

Province of Quebec, }
 District of . }

A. B., Inspector of the Mining Division of :

To all and every the Bailiffs or Constables of the Min-
 ing Division of and to the keeper
 of the common gaol of the District of .

Whereas M. , of the Parish of ,
 was condemned by me, for having (*reasons for conviction*)
 to pay the sum of , and the costs :

Whereas a writ of execution was issued by me, on the
 day of the month of , 18 :

And whereas by the return to me made by _____, bailiff or constable, dated the _____ day of the month of _____, 18____, the Defendant had no moveable effects, or (as the case may be,) had not sufficient moveables to satisfy the judgment rendered against him :

Therefore, I hereby command you to arrest the said M. _____, and to convey him to the common gaol of the District of _____, and there deliver him to the keeper thereof, together with this warrant, and I command you, the said keeper, to receive the said M. _____ into your custody, and to keep him in prison during _____ dating from the day of his incarceration, unless the said sum of _____, be before that time paid, to you the said keeper.

And for your so doing this shall be your sufficient warrant.

Given &c., (as in preceding form.)

7.—*Form of Warrant to imprison, without the issuing of a Writ of seizure, in cases of penalties.*

Province of Quebec, }
District of _____ . }

A. B., Inspector of the Mining Division of _____ :

To all and every the Bailiffs or Constables of the Mining Division of _____, and to the keeper of the common gaol of the District of _____

Whereas M. _____, of the parish of _____, District of _____, was condemned by me, for having (*state the reasons of conviction*) and that for such reasons he was sentenced to pay the sum of _____, and the costs; and whereas the said M. _____ has neglected to pay such sum :

Therefore, I hereby command you to arrest the said M. _____, and to convey him forthwith to the common gaol of the District of _____, and to deliver him to the keeper of the said prison, and I

