

*Amended
by Pro. 51
of 1935.*

BECHUANALAND PROTECTORATE

No. 33 of 1932.

(Promulgated 12th August, 1932.)

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

Making provision for Prospecting and Mining within the Bechuanaland Protectorate.

Whereas it is expedient to make provision for prospecting and mining within the Bechuanaland Protectorate,

Now, therefore, under and by virtue of the powers in me vested, I do hereby declare, proclaim and make known as follows:—

PART I.

PRELIMINARY.

Short title and date of commencement. 1. (1) This Proclamation may be cited as the "Mines and Minerals Proclamation 1932," and shall have force and take effect on a date to be fixed by the High Commissioner by notice in the *Gazette*.

(2) This Proclamation shall not apply to the land usually known as the Tati District as defined in Proclamation No. 2 of 1911 (including the Native Reserve within that district assigned by that Proclamation).

Meaning of terms. 2. (1) In the interpretation of this Proclamation the terms hereinafter defined shall, unless the context otherwise requires, have the following meanings:—

- (a) "Affidavit" includes declaration.
- (b) "Alluvial" refers to non-coherent surface mineral deposits formed by the agency of running water or wind.
- (c) "Block" as applied to claims means an area of coterminous claims included in one certificate of registration.
- (d) "Claim" as applied to diamonds shall mean an area of thirty feet by thirty feet, or nine hundred square feet, and as applied to any other mineral four hundred by one hundred and fifty feet, or sixty thousand square feet.
- (e) "Claim licence" means the form of title issued to the holder of a claim by the Mining Commissioner.
- (f) "Crown Grant" means the exclusive right to prospect and mine issued by the High Commissioner under section *thirty-five* of this Proclamation.

(g) "Crown land" means any land which is included in the Crown Lands of the Protectorate by virtue either of the Bechuanaland Protectorate (Lands) Order-in-Council 1904, or of the Bechuanaland Protectorate (Lands) Order-in-Council, 1910, except those lands in respect of which title was vested out of the Crown by Proclamations Nos. 4, 12 and 13 of 1905 and Proclamation No. 2 of 1911 (as amended by any subsequent Proclamations relating thereto).

For the purposes of this Proclamation the owner or occupier of Crown land shall be deemed to be the High Commissioner.

- (h) "Crown mineral area" means any area of land in respect of which the Crown holds the mineral rights.
- (i) "Holder" means the person who is registered as the holder of the mining right referred to in the context.
- (j) "Mine" means any working made for the purpose of prospecting for or winning minerals.
- (k) "Miner" means the person actually carrying on the work of prospecting for or winning minerals, whether he be the holder of the mining title, or a lessee.
- (l) "Mineral" means any constituent of the crust of the earth but does not include—
- (a) soil or subsoil, sand, sandstone limestone clay or gravel;
 - (b) stone suitable for building, roadmaking, ballasting railways or similar purposes;
 - (c) salt or other substances used for pastoral or agricultural purposes;
 - (d) ~~oil and oil shale.~~ *Petroleum including natural*
- (m) "Mineral concession" means a concession made by or on behalf of a ruling chief of the Bechuanaland Protectorate, which has been approved by the Secretary of State, granting a right to minerals or mineral products on any land.
- (n) "Mining Commissioner" means a person appointed as such by the High Commissioner.
- (o) "Mining right" includes any right in connection with mining.
- (p) "Native Reserve" shall include any native reserve duly set apart by Proclamation and the forty-one farms known as the Barolong farms.
- (q) "Occupier" means the person actually using or possessing the surface of any land, and in respect of land in Native Reserves shall mean the Chief and tribe concerned subject to the approval of the High Commissioner in the case of any alienation or consent given or withheld under this Proclamation.
- (r) "Ore" means any mineral of commercial value or aggregate of such minerals.
- (s) "Owner" means the person who is registered as the owner of land or of mineral rights where such rights are held separately from the ownership of the surface, and in respect of land in Native Reserves means the Chief and tribe concerned subject to the approval of the High Commissioner in the case of any alienation or consent given or withheld, under this Proclamation.
- (t) "Person" includes any corporate body or any association of persons.

- (u) "Private land" shall mean all land other than Crown land or land in any Native Reserve or the forty-one farms known as the Barolong farms.
- (v) "Prospecting" means the searching for minerals or mineral deposits.
- (w) "Prospecting permit" means the form issued by the Mining Commissioner conferring the right to prospect and to peg claims.
- (x) "Registrar of Deeds" means the person appointed as such by the High Commissioner.
- (y) "Surveyor" means a surveyor entitled to practice in the Bechuanaland Protectorate at the time of any performance by him of any acts under this Proclamation.

(2) Save as may be otherwise required by the context the singular includes the plural, and the plural the singular, and the masculine the feminine.

(3) Unless and until it may be otherwise provided in any law hereafter enacted the provisions of this Proclamation shall for the time being apply, as if oil and oil shale were minerals within the meaning of this Proclamation, to the exercise of any right to prospect for or win oil or oil shale on private land where such right may be or have been possessed by the owner of such land or in any native reserve where such right may be or have been granted under any mineral concession now or hereafter in force. Provided that no right acquired with regard to oil or oil shale so long as they are included in the term "minerals" within the meaning of this Proclamation shall prejudice the provisions of any law that may hereafter be enacted with regard to them.

*Substituted
by Sect
1(c) P.S/40*

3. Notwithstanding anything to the contrary contained in the laws in force in the Bechuanaland Protectorate regulating his powers, functions, and duties the Registrar of Deeds shall cause to be opened and kept a register of mining titles in which shall be recorded subject to such regulations as may be made by the High Commissioner the titles to mineral concessions claims, sites, and such other titles to mining rights as by this Proclamation or by any other law are required to be registered by him.

Registrar of Deeds to Register Mining Titles.

4. (1) Any person to whom any mineral concession has been granted prior to the date of the commencement of this Proclamation shall within six months from the commencement of this Proclamation or such longer period as the High Commissioner may for special reasons prescribe apply to the Registrar of Deeds for the registration of such concession, and shall lodge with him the original or a notarially certified copy of the deed of concession and of all cessions and other documents showing his title thereto together with a certificate from the Resident Commissioner that the concession has received the approval of the Secretary of State in writing.

Registration of Mineral Concessions.

(2) If any mineral concession be granted subsequent to the date of the commencement of this Proclamation, application for registration as prescribed in sub-section (1) of this section shall be made within six months of the date on which the concession was granted.

(3) Failure to comply with the provisions of this section shall render a concession and any cession of any rights thereunder null and void.

Cessions and transfers to be registered. 5. Any deed of transfer, hypothecation or cession of a mineral concession or portion thereof shall be registered with the Registrar of Deeds in manner prescribed by regulation.

Areas open for prospecting. 6. (1) The High Commissioner may, by notice in the *Gazette*, from time to time specify areas within the Protectorate to which this Proclamation or such of its provisions as may be specified in the notice, shall apply, and the said Proclamation or provisions thereof shall apply accordingly within such area from the date specified in the notice.

(2) The High Commissioner may by notice in the *Gazette*, withdraw any area specified as in subsection (1) described, without prejudice to any mining rights acquired while the area was open.

(3) The High Commissioner may by notice in the *Gazette* declare any area to be open for prospecting subject to the provisions of this Proclamation but no land shall be thrown open to public prospecting without the written authorization of the owner; provided that in the case of any area included in a native reserve but not subject to a mineral concession ~~at the date of this Proclamation coming into force and taking effect~~ the withholding of such authorization by the owner shall not be subject to the approval of the High Commissioner.

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PART II.

PROSPECTING AND MINING FOR MINERALS EXCEPT DIAMONDS ON CROWN LAND AND LAND NOT HELD UNDER MINERAL CONCESSION.

Prospecting permits. 7. (1) No person shall prospect on any area to which this Proclamation or any of its provisions have been applied except on claims of which he is the holder unless he is the holder of a prospecting permit, but the holder of a prospecting permit may employ other persons who are not holders of such a permit to assist him in prospecting, if they are working under his personal supervision.

(2) A prospecting permit in Form No. 1 in the First Schedule may be issued by the Mining Commissioner to any applicant over the age of twenty-one years. It shall be valid for twelve months from the date of issue, and a fee of one pound shall be payable thereon. The Mining Commissioner with the approval of the High Commissioner may refuse to issue such permit or may cancel any permit, without giving any reasons.

(3) Any person holding a prospecting permit may by a duly executed power of attorney appoint as his representative another holder of a prospecting permit to act under or by virtue of his permit.

Effect of prospecting permit. 8. The holder of a prospecting permit may, subject to the provisions and limitations of section *ten* enter upon any land which in terms of any notice issued by the High Commissioner under section *six* of this Proclamation is open to prospecting. Information as to land open to prospecting shall be given by the Mining Commissioner to any holder of a prospecting permit on application.

Pegging claims. 9. (1) The holder of a prospecting permit shall have the right to peg off, on land on which he has the right to enter under section *eight* a block of not more than five hundred claims, each four hundred feet by one hundred and fifty feet, in an area not exceeding ten thousand feet in length, or fifteen

applied to:-

Batawana Reserve 25/1934
Bungwakoti " 18/1933.
Lobatai Block " 29/1933.
Gungwe Reserve 106/1933.
Bakgalla " 1/1933.
Bamangwato Reserve 113/1932.
Bakwena Reserve 159/1932.
Gaberones Block &
Tuli Block 134/1932.

thousand feet in breadth, by means of pegs placed along the boundaries not more than one thousand feet apart, and he shall be entitled to the mining rights of the area pegged off as soon as he has taken out claim licences therefor.

(2) Application for such claim licences shall be made to the Mining Commissioner in Form No. 2 in the First Schedule within thirty days after pegging or within such further period not exceeding sixty days as the Mining Commissioner may in special circumstances allow. A sketch plan showing the area pegged, the beacons, and points of reference shall be furnished to the Mining Commissioner, in such form as he may approve.

(3) The holder of the prospecting permit shall have no title to the area pegged off as claims until the Mining Commissioner has issued to him the claim licences therefor, and he has obtained a certificate of registration of such licences from the Registrar of Deeds, but priority of pegging shall entitle him to priority in the issue of such licences. In case of dispute, the Mining Commissioner shall have the final decision as to the priority of different claimants,

(4) All claims in respect of which licences have been issued and all transfers and hypothecations of such claims shall be registered by the Registrar of Deeds in a register of mining titles to be kept by him and for that purpose the Mining Commissioner shall transmit to the Registrar of Deeds immediately after the issue of any licence the documents mentioned in sub-section (2) to be preserved by him as records of title.

10. Without the written consent of the owner or the High Commissioner as the case may be no person shall be entitled to exercise any right under a prospecting permit—

Restrictions on prospecting permit.

- (a) upon any land within two hundred yards of any inhabited or occupied house, or any occupied village or kraal;
- (b) within a distance of two hundred feet from the surveyed limits of any township or village, or upon any area specially reserved by the High Commissioner;
- (c) upon any stand, plot of land set aside for public purposes, site, public square, road, dam, reservoir, waterhole, borehole, well, spring, watercourse, river, waterright, or cemetery;
- (d) upon any cultivated or irrigated land provided that in respect of such land the written consent of the owner shall be deemed to have been obtained if it has been signified in writing, either by the owner or by the occupier thereof or by some person duly authorized thereto by such owner or occupier;
- (e) upon any claim or block of claims, unless he has obtained the consent of the holder thereof, or is himself the holder.

11. (1) There shall be payable in advance, in respect of any claims or block of claims for which licences are taken out, licence fees at the following rates per claim of sixty thousand square feet:—

Claim licence fees.

- (a) For the first year after the date of issue, one penny per month.
- (b) For the second, third and fourth years one shilling per month.
- (c) For the fifth and every succeeding year, five shillings per month.

(2) Claim licence fees shall be refunded to the holder of the licences by the Mining Commissioner, if such holder applies for such refund, and proves to the satisfaction of the Mining Commissioner that he has spent during the period in respect of which a refund is claimed at least ten shillings per month per claim in wages on work upon the claims, including an allowance of thirty pounds per month for his own work if personally engaged thereon.

Number of claims to be pegged.

12. The holder of a prospecting permit shall have the right of pegging only five hundred claims in any one calendar year, but if he notifies the Mining Commissioner that he has abandoned any claims so pegged, he may peg an equal number of additional claims elsewhere.

Diagrams.

13. (1) Before the expiration of the first four years after the date of first issue of any claim licences, or at such earlier date as the Mining Commissioner may require, or whenever the claims are specially registered, the holder of the licences shall furnish the Mining Commissioner with a surveyor's diagram of his claimholding, unless the Mining Commissioner is satisfied that the cost of the diagram would be an unnecessary burden on the claimholder, and that no useful purpose would be served by furnishing it.

(2) The surveyor's diagram shall show the block of claims divided up into individual claims, each not exceeding sixty thousand square feet, and each as far as possible to be rectangular, and to have a length of four hundred feet, and a breadth of one hundred and fifty feet, and to be numbered consecutively. If the Mining Commissioner deems it necessary that the diagram shall be amended in any respect, it shall be amended accordingly.

(3) The Mining Commissioner shall transmit to the Registrar of Deeds as soon as may be all diagrams lodged in accordance with this section.

Areas to be demarcated.

14. (1) The boundaries of every block of claims shall be straight lines, and shall be indicated on the ground by corner pegs or beacons, and, where such a boundary line is more than one thousand feet long, by line pegs or beacons, marked "line," spaced not more than one thousand feet apart.

(2) For twelve months after the date of issue of the licences, the block of claims shall be demarcated by pegs, not less than two inches in diameter, and projecting not less than four feet above the ground. Corner pegs shall bear the name of the person by or in whose name the area or claims were pegged, the date of pegging, and shall be marked consecutively A, B, C, D, etc.

(3) At the expiry of the twelve months, the pegs shall be replaced by stone or concrete beacons at least two feet high, and three feet in diameter at the base, and in the centre of such beacon there shall be securely fixed in an upright position a peg not less than two inches in diameter, and projecting not less than four feet above the ground level.

(4) At every such stone beacon, there shall be dug two trenches not less than three feet long, six inches wide, and one foot deep, to indicate the direction of the two adjacent beacons.

(5) The corner peg of every stone beacon shall bear a notice board or notice containing in the order shown the following particulars:—

- (a) The letter of the original peg for which the beacon has been substituted.
- (b) The name, if any, of the reef and of the principal mineral, or if alluvial claims, the word "alluvial," or, if a site, the word "site."
- (c) The name of the holder.
- (d) The number of the certificate of registration.
- (e) The date of certificate of registration.

(6) Notice boards affixed to pegs or beacons shall be at least nine inches square. All notices shall be kept distinctly and legibly written, printed or painted, and no paper or other material liable to be washed off shall be attached to the board, and no writing liable to be rendered illegible by rain or exposure shall, except for purely temporary purposes, be deemed a proper marking.

(7) Blocks of claims may be amalgamated in the manner and subject to the conditions prescribed by regulation and in the case of such an amalgamation only the external beacons need be maintained in the manner prescribed in this section.

15. No person shall peg off any prospecting area, claim, or site between sunset and sunrise, and any pegging during such forbidden time shall not confer any rights whatsoever. No pegging shall be deemed to be illegal by reason of being done on a Sunday or other *dies non*. Claims not to be pegged at certain times.

16. Any person to whom claim licences have been issued shall proceed forthwith to obtain from the Registrar of Deeds a certificate of registration, which shall bear a stamp of the value of five shillings, and shall be in Form No. 3 in the First Schedule. Renewal of the claim licences may not be effected by the Mining Commissioner unless and until such certificate has first been had and obtained. Certificate of registration.

17. Every holder of claims shall furnish the Mining Commissioner with an address, within the district of such Mining Commissioner, at which all notices, orders or other processes shall be served by the Mining Commissioner or other officer duly appointed for the purpose of this Proclamation, and service of any such notice, order, or other process, at such registered address shall be deemed to have the same effect as personal service; provided that any such holder may at any time change such address by registering at the office of such Mining Commissioner any other address within such district. In default of any such address being registered, the posting in the office of the Mining Commissioner of any such notice, order, or other process, shall be deemed to have the same effect as personal service. Nothing in this section contained shall preclude a competent Court from giving such directions with regard to service as shall seem proper and expedient. Holder of claims taking out or renewing his licence to register address with Mining Commissioner.

18. (1) No more than four persons carrying on business within the limits of this Proclamation shall be registered as the joint holders of any claims. Provisions when claims are held by syndicates, companies, etc.
(2) Any person being the holder of claims, shall register at the office of the Mining Commissioner the name of an accredited agent or manager residing within the limits aforesaid and such agent or

manager shall, when registered, be personally responsible under the provisions of this Proclamation for all matters, acts and omissions in connection with the claims so registered, in the same manner as if such claims were registered in his name as his own property.

(3) Any such person may at any time revoke the registration of any such accredited agent or manager, and register any other person as the accredited agent or manager.

(4) A registered accredited agent or manager may at any time resign his appointment as such by giving notice in writing to the Mining Commissioner. The resignation shall not take effect until the expiration of seven days after the receipt of such notice by the Mining Commissioner, or until the appointment of some other person as the accredited agent or manager has been registered, whichever may be the shorter period.

(5) Any such person as aforesaid shall, within seven days from receipt of notice from the Mining Commissioner of the fact of the resignation of his or its registered accredited agent or manager, register some other person as the accredited agent or manager.

(6) Nothing in this section contained shall be taken in any way to relieve any person of any liability incurred under this Proclamation, or of any responsibility for any duty imposed by it in regard to his claims.

(7) When and as often as any claim is held by two or more persons, as the joint holders thereof, each and every such person shall be jointly and severally responsible for every obligation or liability attaching to the registered holder of such claim.

Certificates
of special
regis-
tration.

19. (1) The holder of any claims may apply to the Mining Commissioner in Form No. 21 in the First Schedule for a certificate of special registration of his claims. He shall, with such application, deposit with the Mining Commissioner the last certificate of registration of the claims, and also a written undertaking to repay the actual cost of survey and diagram in duplicate of the claims, which shall be furnished by a surveyor. The application shall have a stamp of the value of one pound, and the certificate a stamp of two pounds, to be paid by the holder of the claims.

(2) The applicant for a certificate of special registration shall, with his application, file an affidavit setting forth that the pegs or beacons of the claims have been bona fide erected and properly maintained and continued, and also, where possible, stating all the adjoining claims and sites (if any). The affidavit shall further set forth that the applicant and his predecessor in title (if any) have for the period of six months prior to the date of the application been in undisturbed and bona fide possession and occupation of the claims, and shall show that the applicant is entitled to make the application.

(3) The Mining Commissioner upon receipt of such application, and after the necessary survey has been made and diagrams lodged, shall, at the expense of the applicant, cause a notice to be inserted once in the *Gazette* and three times in a local newspaper, at intervals of not less than a week, containing particulars of the application. The Mining Commissioner shall also give written notice to any person known to him to have or claim an adverse interest and to all holders of adjoining claims (if any). In the event

of the application for a certificate of special registration embracing two or more contiguous blocks of claims belonging to the same holder, a survey and general plan or diagram in duplicate of the whole will be sufficient instead of a separate diagram of each block.

(4) Objections in writing against any such application may be lodged with the Mining Commissioner by any person deeming himself interested in the matter at any time within the period of ninety days from the date of the last publication in the preceding sub-section directed. No objection shall be received or considered if not lodged within the said period of ninety days.

(5) In the event of any objections being lodged as aforesaid, such objections shall, unless both parties have agreed in writing to have the objections heard and determined by the Mining Commissioner, be heard and determined by the Special Court of the Bechuanaland Protectorate, which shall make such order thereon as the justice of the case may require. The party lodging the objections shall, within twenty-eight days from the date of expiry of the said period of ninety days, unless a competent court shall grant further time, institute proceedings in the said court. If no such proceedings shall have been instituted within the aforesaid period the objections shall be taken to have lapsed.

(6) Where the parties have agreed in writing that the Mining Commissioner shall investigate and decide upon the objections, he shall be competent to do so after notifying the parties of the time and place of hearing. The Mining Commissioner shall be entitled to award costs and expenses to the successful party according to such tariff as may from time to time be fixed by the High Commissioner.

(7) Where no objections have been lodged with the Mining Commissioner against the application for a certificate of special registration within the prescribed time, or any objections have been disallowed or have lapsed, the Registrar of Deeds on the recommendation of the Mining Commissioner shall issue to the applicant a certificate of special registration. Before, however, such certificate is issued the Mining Commissioner shall satisfy himself that proper corner beacons of solid mason work, four feet high, have been erected, and that every such beacon bears a notice board containing the name of the block of claims, its official number, the name of the registered holder, and the letters "S.R." signifying "certificate of special registration" and further that trenches have been dug as provided for in sub-section (4) of section *fourteen*.

(8) Every certificate of special registration shall be accompanied by a diagram prepared by a surveyor showing the exact position of the claims in respect to which the certificate of special registration is issued, and its corner beacons, as well as specifying accurately all the ground adjoining such claims. No certificate of special registration shall be issued by the Registrar of Deeds until after payment by the applicant of the expense of publication of the notices and of the survey and preparation of the diagram. Every certificate of special registration shall, when issued, be accompanied by a diagram as aforesaid, except in the case of contiguous blocks of claims, when the certificates of special registration shall be attached to the general plan provided for in sub-section (3) of this section.

(9) The Mining Commissioner shall keep a duplicate of every certificate of special registration and of every diagram or general plan issued by him as in the last preceding sub-section mentioned, to be filed and preserved by the Registrar of Deeds.

(10) Every certificate of special registration shall so far as material be in the form specified in Form No. 4 in the First Schedule, and all the particulars required by such form shall be filled in.

Rights conferred by special registration.

20. A certificate of special registration of claims duly issued subject to the provisions of this Proclamation shall be conclusive evidence that the person to whom it was issued was at the date of its issue the lawful holder of the rights included therein and shall not be disputed on any ground except on the ground of fraud.

Transfer of claims.

21. (1) Any transfer of claims or of any interest therein shall be effected at the office of such Registrar of Deeds, where a register shall be kept on which full particulars as to such transfer shall be inscribed, such particulars to include the names of the parties to the transaction, the name and official number of the claims and the nature and amount of the stipulated consideration and the extent of the interests transferred.

(2) Every such transfer shall be in writing and signed by or on behalf of the transferor and transferee, and shall be accompanied by the above particulars, and by—

(a) a declaration showing that the applicant is entitled to make the application;

(b) declarations of seller and purchaser as in the next succeeding section mentioned, together with a copy of any and every agreement between the purchaser and seller relating to the sale of the claims or of any interest therein certified by a Notary Public or Justice of the Peace;

(c) the last issued certificate of registration or of special registration of the claims, as the case may be.

(3) Such declarations and certificates as aforesaid shall be filed in the office of the Registrar of Deeds.

(4) The Registrar of Deeds shall, on receipt of such application and of such declarations and certificates as aforesaid, forthwith pass the transfer, and shall fill in and issue to the transferee a certificate of transfer in the form No. 5 in the First Schedule contained, which shall bear a stamp of the value of one pound, and in case the consideration shall exceed one hundred pounds, then of one pound for every one hundred pounds, or portion of one hundred pounds, of such consideration, whether such consideration be in cash, or in cash and shares in a company already formed or to be formed, or in shares in such company only, and if the consideration or any portion thereof consist of anything else, then on the true cash value thereof to be declared by the seller and purchaser. Provided that if it be proved to the satisfaction of the High Commissioner that the transfer applied for is merely for the purpose of carrying out the reconstruction of any Company holding the claims or the amalgamation of two or more companies holding claims, the stamps to be affixed to such transfer shall be only one half of the values aforesaid.

(5) The Registrar of Deeds shall also fill in and issue to the transferee a certificate of registration or of special registration as the case may require, of such claims, or such interest therein, in the appropriate one of the forms Nos. 6 and 7 in the First Schedule, which certificate shall bear a stamp of the value of five shillings; provided that no transfer as aforesaid shall be valid until the same shall have been registered by the Registrar of Deeds and no such registration shall be made whilst such claims are liable to forfeiture or under attachment, or until all money due and payable under this Proclamation in respect of the property to be transferred shall have been paid, or in case such claims have been hypothecated until the consent in writing of the holder of the bond to the cancellation thereof shall have been obtained and filed in the office of such Registrar of Deeds.

(6) Subject to the provisions of this section where any claims transferred are portion of a block the registration of the transferred and of the remaining portion of the block shall be effected as may be prescribed by regulation.

22. No such transfer as in the last preceding section mentioned shall be registered until the seller and purchaser or their respective agents, as the case may be, shall have each made a declaration or declarations in accordance with such of the forms Nos. 8 to 15 inclusive in the First Schedule as shall be appropriate.

Regis-
tration of
transfer not
to be made
until
parties
make a
declaration

23. (1) Any hypothecation of claims shall be effected by registration in the office of the Registrar of Deeds.

Conditions
governing
hypotheca-
tion of
claims.

(2) Where any bond is passed under this section to secure the issue of debentures the stamp duty thereon shall be calculated only on such amount of debentures as shall actually from time to time be issued.

24. (1) In case the holder of the certificate of registration or of special registration last issued in respect of any claims shall have lost or mislaid such certificate, he may, thirty-one days after publication in the *Gazette*, in a form to be approved by the Registrar of Deeds, of his intention to do so, apply to the Registrar of Deeds for a duplicate copy thereof, and if the Registrar of Deeds is satisfied that no good reason to the contrary exists, he may issue such duplicate certificate to the applicant upon tender of an affidavit, which, *inter alia*, shall state—

Loss of
certificate
of regis-
tration or of
special
registration.

- (a) the fact of the loss or destruction of the certificate, or that the same has been mislaid;
- (b) that he has not delivered or pledged the same to any person either as security for money advanced to or owing by him or otherwise;
- (c) that he is of right entitled to the claims mentioned in the certificate of which a duplicate is required.

(2) Such duplicate certificate shall, to the same extent as the original certificate, be held and considered to be evidence of title to such claims, and available for all purposes for which the original, if produced, would be available.

(3) Every duplicate copy of any certificate, whether issued in terms of this section or otherwise, shall bear a stamp of the value of five shillings.

(4) The provisions of this section shall *mutatis mutandis* apply to any registered deed or document save that the fee to be charged on the issue of a duplicate copy shall be such as shall be prescribed by regulation.

Lapse
of claims.

25. (1) Whenever the licence fees in respect of any claim, other than a specially registered block, are three months or more in arrear, the title to such claim or block shall lapse, and the Mining Commissioner shall make appropriate entries with reference thereto in his books, and shall have power to remove all pegs, beacons and notices demarcating the claims or block of claims.

(2) Whenever the licence fees due in respect of specially registered claims shall be in arrear for more than twelve months the Mining Commissioner shall give notice by registered letter to the registered holder of such claims and also to the holder of any registered bond thereon informing them that unless such licence fees and all other payments due in respect of the said claims are paid before the expiration of six months from the date of the notice the title to such claims will lapse. If after the expiration of the six months stated in the notice such fees and payments are still unpaid the title to such claims shall lapse and the Mining Commissioner shall proceed in respect thereof in the manner prescribed in sub-section (1).

(3) If the Mining Commissioner is satisfied that the holder of any claims is occupying them for some purpose other than prospecting or mining he may issue an order directing him to leave the area covered by the claim licences. Any such holder who shall fail to comply with such an order shall be guilty of an offence and liable on conviction to a fine not exceeding twenty pounds or to imprisonment with or without hard labour not exceeding three months.

(4) The Mining Commissioner shall notify the Registrar of Deeds of any lapse of claims under this section and the Registrar of Deeds shall make appropriate entries in his books.

Can-
cellation of
portion of
title.

26. (1) The registered holder of any block of claims shall have the right at any time to the cancellation of his title to any portion of such block, and on payment of the prescribed fees, to the issue of a new certificate of registration of the remainder, provided that he proceeds in all respects as to beaconing and registration of such remaining claims, as if they were newly pegged claims, that he lodges his old certificate of registration with the Mining Commissioner, and that he removes all pegs and beacons relating to the old claims.

(2) The Registrar of Deeds shall issue a new certificate of registration for the retained claims, with a fresh official number, and make appropriate entries in his books with regard to the abandoned claims.

(3) The licence fees payable on the retained claims shall not be affected by the abandonment of the others.

Method of
declaring
open land
where
mining
title
lapsed.

27. No land the mining title to which has lapsed or been cancelled, shall be again open for prospecting or pegging until it has been so declared open by a notice in the *Gazette*, published by the Mining Commissioner, giving the date on and after which it will be open, and a description of the land.

28. (1) The holder of any claims other than claims **Royalties** in mineral concessions or in private lands shall pay to the Crown, in respect of any metal or mineral won therefrom, royalties in accordance with the scales prescribed in the Second Schedule of this Proclamation: provided that any such royalties paid in respect of claims on any area included in a native reserve which has been thrown open to public prospecting under the provisions of section *six* (3) of this Proclamation shall be used for the benefit of the tribe occupying such reserve.

(2) Whenever as provided in section *six* (3) of this Proclamation all or any portion of a mineral concession shall, with the written authorization of the holder thereof, be thrown open to public prospecting the obligation to pay royalties to the Crown as provided in sub-section (1) hereof shall apply to the holders of any claims except that such royalties shall be payable to the holder of the mineral concession.

(3) The claimholder shall notify the Mining Commissioner of his intention to win any metal or mineral from his claims and of the approximate date of commencement of such winning.

(4) The claimholder shall furnish monthly returns to the Mining Commissioner showing the quantity of metal or mineral won by him.

(5) The date and method of payment of royalties and other particulars as to royalties not contained in this section or in the Second Schedule shall be governed by regulations to be issued by the High Commissioner.

(6) If the holder of any claims shall fail to make the returns required under this section he shall be guilty of an offence and shall be liable on conviction to a fine of one hundred pounds in respect of every month for which such returns have not been furnished after notice has been given to him by the Mining Commissioner that he is in default. Any claimholder who shall furnish returns under this section which are false in any material particular shall be guilty of an offence and shall be liable to a fine not exceeding five hundred pounds or to imprisonment with or without hard labour for a period not exceeding twelve months or to both such fine and such imprisonment and where the claimholder is a corporation or an association of persons the manager and also any partner or director having knowledge of the making of such returns shall be personally liable to the penalties herein prescribed.

(7) Any sum due and payable in respect of royalties under this section may if unpaid be recovered by action in any competent court.

PART III.

PROSPECTING AND MINING ON LAND HELD UNDER MINERAL CONCESSION.

29. (1) The holder of a mineral concession, duly registered under section *four* of this Proclamation shall have the ~~sole right to prospect thereon~~ ^{Prospect} ^{ing on} ^{mineral} ^{concession.} for the period prescribed in the concession or for a period of twenty-five years (whichever is the shorter) from the date on which this Proclamation was applied to the concession area, and to peg claims and acquire other rights thereon.

(2) Prospecting and the pegging of claims and mining shall be carried out in all respects as if the holder of the concession were operating on land thrown open to public prospecting under section *six* of this Proclamation, and such holder shall have all

the rights conferred by the provisions of this Proclamation on a person entitled to prospect and mine on any such land, and shall be subject to all the obligations and limitations prescribed for such person.

(3) Notwithstanding anything to the contrary contained in Part II of this Proclamation, there shall be no limit to the number of claims which the holder of the concession may peg and acquire or his servants authorized to prospect for him, may peg and acquire title for in his behalf.

Provisions of Part II to apply.

30. (1) No mineral or mineral product shall be won from any land held under mineral concession unless and until such land has been duly pegged and claim licences taken out and maintained as prescribed in Part II.

(2) Any person mining or winning minerals in contravention of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a period of six months and any minerals won in contravention of this section may be forfeited to the Government of the Bechuanaland Protectorate.

Rental,

31. (1) The holder of a mineral concession shall pay in advance to the Crown an annual rental of one shilling per square mile of the area for which he holds prospecting rights, provided that the rental shall be diminished by the amount payable for claim licences within such area under sub-section (1) of section eleven.

(2) Whenever the rentals due in respect of a mineral concession shall be in arrear the Mining Commissioner shall give notice by registered letter to the registered holder of the concession informing him that unless such rentals are paid before the expiration of sixty days from the date of the notice the mineral concession will be cancelled.

Rent due in respect of concessions in Bangwaketse and Bakwena Reserves.

32. The rent prescribed under section *thirty-one* in respect of the Mineral Concessions in the Bangwaketse and Bakwena Reserves registered in accordance with section *four* (1) hereof shall be payable in respect of the whole of the original area of the concession from the date of the application of this Proclamation to the areas comprised within all or any of these concessions for a period of five years and thereafter until the concessionaires have selected and pegged out the special areas to which they are entitled under the concession whereupon rental will only be payable in respect of the selected areas.

Cession or transfer of mineral rights.

33. The holder of a mineral concession may, with the approval of the High Commissioner cede transfer or hypothecate all or any of his rights and obligations thereunder to any other person.

Duration of Mineral Rights held under concession.

34. (1) The holder of a mineral concession may prospect within the area to which his concession relates and for the period prescribed therein provided that no prospecting in a mineral concession may be carried on beyond a period of twenty-five years from the date on which this Proclamation was applied to the concession area.

(2) The mineral rights of any land in a concession area not pegged as claims during the period prescribed in the preceding sub-section shall revert to the grantor of the mineral concession or his legal successor in title.

PART IV.
CROWN GRANTS.

35. (1) If the High Commissioner deems it not Crown grants. to be in the public interest to declare any area of land open to public prospecting and mining, he may, subject to any prior rights existing at the date of taking effect of this Proclamation in respect of minerals on such land confer the exclusive right to prospect and mine thereon by means of a Crown grant.

(2) Crown grants may not be made in respect of land title of which was vested out of the Crown by Proclamations Nos. 4, 12, and 13 of 1905 and Proclamation No. 2 of 1911 (as amended by any subsequent Proclamations relating thereto).

(3) The Crown grant may contain such limitations, terms and conditions as the High Commissioner may deem necessary, provided that the holder of a Crown grant shall—

- (a) pay royalties to the Government of the Bechuanaland Protectorate in accordance with the provisions of section *twenty-eight*; and
- (b) be entitled to peg such number of claims as may be prescribed in the Crown grant.

(4) Crown grants may be made in respect of Native reserves with the written consent of the owner, provided that in the case of any area included in a native reserve but not subject to a mineral concession the withholding of such consent by the owner shall not be subject to the approval of the High Commissioner. The obligation to pay royalties under section *twenty-eight* (1), which shall be used for the benefit of the tribe occupying the Reserve, shall apply to the holders of claims on such grants.

(5) The Crown grant and any transfer or hypothecation thereof shall be registered in the office of the Registrar of Deeds.

PART V.
PROSPECTING AND MINING ON PRIVATE LANDS.

36. An owner of private land or the holder of the mineral rights of such land may cede or transfer the whole or any portion of his right to the minerals to any other person and a copy of the deed of cession or transfer shall be lodged for registration with the Registrar of Deeds.

37. (1) The holder of mineral rights on private land shall be entitled to apply to the Mining Commissioner and obtain a permit authorizing him to prospect upon such private land notwithstanding that such land has not been thrown open to public prospecting as provided in section *six* (3) hereof.

(2) The issue of such permit shall entitle such holder or his authorized servant to prospect, peg claims and mine on such private land but in all respects as if such holder were operating on land thrown open to public prospecting under section *six* (3) of this Proclamation and such holder shall have on such private land all the rights conferred by the provisions of this Proclamation on a person entitled to prospect and mine on any land thrown open to public prospecting and shall be subject to all the limitations and obligations prescribed for such person save and except the obligation to pay royalties as provided in section *twenty-eight* (1) hereof.

(3) Notwithstanding anything to the contrary contained in Part II of this Proclamation there shall be no limit to the number of claims which the holder of the mineral rights on any private land may peg and acquire or his servants authorized to prospect for him may peg and acquire title for on his behalf.

Royalties. 38. Wherever as provided in section *six* (3) hereof any private land shall with the written authorization of the holder of the mineral rights be thrown open to public prospecting by the High Commissioner the obligation to pay royalties to the Crown as provided in section *twenty-eight* (1) hereof shall apply to the holders of any claims except that such royalties shall be payable to the holders of the mineral rights.

PART VI.

PROSPECTING AND MINING FOR DIAMONDS.

Diamonds. 39. (1) Except as provided in sub-section (2) hereof no person shall prospect for or win diamonds on any land unless the High Commissioner has by notice in the *Gazette* declared such land to be open for prospecting for or winning diamonds.

(2) No person shall prospect for or win diamonds on any Crown land or native reserve unless he is the holder of a Crown grant issued under section *thirty-five* authorizing him to do so.

(3) Any person prospecting for or winning diamonds in contravention of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a period not exceeding six months in respect of each such operation undertaken by him and any diamonds so won may be forfeited to the Government of the Bechuanaland Protectorate.

Alluvial diamond claims. 40. (1) The holder of a Crown grant entitling him to prospect for diamonds shall have the right, if the diamonds are alluvial, of pegging a block not exceeding such number of alluvial diamond claims each thirty feet by thirty feet as the High Commissioner may prescribe in the Crown grant.

(2) Licence fees for the alluvial claims shall be at the rate of three shillings per month per claim.

(3) The provisions of sections *six* to *twenty-eight* inclusive and sections *thirty*, *thirty-three*, and *thirty-four* shall, *mutatis mutandis* and saving as is otherwise herein provided, apply to alluvial diamond claims.

Discovery of diamond pipe. 41. (1) If a diamond pipe is discovered by the holder of a Crown grant entitling him to prospect for diamonds, he shall have the right of working the whole of such pipe under such conditions, in addition to the provisions of this Proclamation, as the High Commissioner may determine, or may have embodied in the grant.

(2) The Government shall be entitled, in addition to the royalty prescribed in section *forty-three*, to one-half of the annual realized profit from the working of any diamond pipe, and such one-half shall be paid within six months after the termination of each year. Realized profit shall be the excess of revenue from the sale of diamonds, over expenditure, including capital expenditure, incurred in working the pipe and in the production and realization of the diamonds. If there is a loss in any one year, it shall be carried forward as an addition to expenditure in the following year.

(3) Licence fees at the rate of five shillings per month for each nine hundred square feet of pipe area shall be payable to the Mining Commissioner. The area of the pipe shall be as determined by the Mining Commissioner.

(4) The provisions of sections *six* to *twenty-eight* inclusive and sections *thirty*, *thirty-three* and *thirty-four* shall, *mutatis mutandis*, and saving as is otherwise herein provided apply to the claims of a diamond pipe.

42. (1) The holder of any registered mineral concession shall in respect of alluvial diamonds and diamond pipes to which his concession may entitle him, have the rights and obligations prescribed in sections *forty* and *forty-one*, provided that notwithstanding anything to the contrary contained in Part II of this Proclamation there shall be no limit to the number of alluvial claims which the holder of a concession or his servants authorized to prospect for him may peg and acquire title for in his behalf.

Rights and obligations under Mineral Concessions

(2) The exercise of the right to peg claims in any native reserve under this section shall be subject to such conditions and restrictions as the High Commissioner or when deputed by him thereto the Resident Commissioner may from time to time deem necessary for the protection of the natives in the full and sufficient enjoyment, use, and occupation of such reserves.

43. (1) On all diamonds won and sold, whether from alluvial or from a pipe, there shall be payable to the Government of the Bechuanaland Protectorate a royalty of ten per cent. of the value of such diamonds: Provided that in the case of any diamonds won from any area included in a native reserve not subject to a mineral concession which has been thrown open for prospecting under the provisions of sub-section (3) of section *six* or in respect of which a Crown grant has been made under the provisions of sub-section (4) of section *thirty-five* one half of the proceeds of such royalty shall be used for the benefit of the tribe occupying such reserve.

Royalty.

(2) The High Commissioner may by notice in the *Gazette* make regulations providing for the making of returns of diamonds won, for the valuation of such diamonds and for other matters connected with the assessment and collection of the royalty under this section and may provide penalties for any offence against such regulations.

For Part VIIA - see P. 5/45 (Petroleum).
PART VII.

SURFACE RIGHTS.

44. A holder of a valid prospecting permit when *bona fide* employed in the exercise of his rights under such permit whereof the onus of proof shall be upon such holder, may, subject to the provisions and limitations in section *ten*, and elsewhere herein contained and in addition to the rights of prospecting for and working minerals and of pegging off claims conferred by his prospecting permit, exercise all or any of the following rights under such permit, that is to say, he may—

Rights conferred by registered prospecting permit.

- (1) graze, free of charge, upon any land in the vicinity of his operations and open to prospecting, not more than twenty draught animals free from contagious or infectious disease. Provided that he shall not introduce or take any horned cattle upon occupied land without

the consent of the occupier of such land or upon a native reserve without the consent of the Resident Commissioner;

(2) take, free of charge, for domestic use or for purposes of his claims, indigenous wood or timber, with regard to which no reservation shall have been made by the Mining Commissioner—

(a) upon land within his claims, provided that where the title deed of such land stipulates to that effect compensation for the wood or timber shall be paid to the private owner;

(b) upon any Crown land open to prospecting;

(c) upon any private land open to prospecting outside the limits of the claim, on payment to the owner at a rate to be fixed by such tariff and subject to such regulations as may from time to time be made by the High Commissioner;

(3) take, free of charge, water required for domestic use or prospecting purposes from any land open to prospecting, subject to the provisions hereinafter in this Proclamation contained with respect to water;

(4) erect any temporary buildings for the purpose of his work, provided that this shall not be deemed to confer any right, title or interest in any land upon which such buildings may have been erected;

(5) remove, on or before the termination of such work, any buildings or machinery which he may have so erected;

provided that:

the exercise of such rights in a native reserve shall be subject to such conditions and restrictions as after the owner has been consulted the High Commissioner or when deputed by him thereto the Resident Commissioner may from time to time deem necessary for the protection of the natives in the full and sufficient enjoyment, use and occupation of such reserves.

Surface
rights
of
claim
holder.

45. Every claimholder shall have—

(a) the right, subject to section *ten* and to any existing rights, to the use of all the surface within the boundaries of his claims for all purposes necessary for the working of his claims:

(b) the same rights to grazing, timber, wood and water as are conferred by section *forty-four* on the holder of a prospecting permit;

provided that the exercise of such rights in a native reserve shall be subject to such conditions and restrictions as after the owner has been consulted the High Commissioner or when deputed by him thereto the Resident Commissioner may from time to time deem necessary for the protection of the natives in the full and sufficient enjoyment, use and occupation of such reserves.

Surface
rights in
native
reserve.

46. The High Commissioner shall after the owner has been consulted decide the extent to which native occupiers of land in a native reserve shall be required to allow the holder of any mining right to use the surface of any portion of such reserve, and shall fix the terms of any compensation to be given for such use.

47. (1) The holder of any registered claims may peg off in respect of such claims, on any ground open to prospecting in the vicinity of such claims, sites not exceeding five in number, for the purpose of erecting thereon residences for himself or his employees, or for a mill or other machinery required for the efficient working of his claims, or for tailings, or waste rock dumps, or for a dam or dams, or for any other legitimate object connected with and necessary for the purposes of his claims; provided that—

Holders of claims may peg off adjoining sites required for buildings: etc.

- (a) the maximum area which can be so pegged as a site as aforesaid shall be, in respect of a block of claims pegged in accordance with section *nine*, one acre for every twenty claims in such block;
- (b) in respect of alluvial or diamond claims the amount shall be such area as the Mining Commissioner may in each case consider necessary;
- (c) the locating of any such site shall not in any way interfere with mining operations.

(2) The Resident Commissioner may grant permission for a site or sites to be pegged and registered on ground open to prospecting, although not in the vicinity of registered claims for the purposes of such claims.

(3) In pegging off a site the position of all the points of intersection of the boundary lines (which shall be straight lines) shall be established by pegs, marked consecutively A, B, C, D, etc., and bearing the word "Site," and the official or registered number of the claims in respect of which such site is pegged off, and no ground not open to prospecting shall be included within such boundaries.

(4) The holder of a registered mining site shall have the right to peg the whole or any portion of the site as claims in accordance with the provisions of Part II.

48. (1) Any pegger of a site shall as soon after pegging as is reasonably possible and in any case within a period of thirty-one days apply to the Mining Commissioner for the issue by the Registrar of Deeds of a certificate of registration of the site. The form of application and of the certificate of registration shall be as nearly as material in the Forms No. 16 and No. 17 in the First Schedule.

Peggers of sites must register.

(2) The application for a site shall be accompanied by a sketch plan sufficiently identifying the form, position and extent of such site, but upon special registration of the claims to which such site is attached or should the owner of the land upon which such site is located demand it, the claimholder shall cause the site to be surveyed by a surveyor and submit a diagram framed by him.

(3) The Mining Commissioner shall, if satisfied that the applicant is legally entitled to peg off such site, that the location thereof will not be in any way calculated to interfere prejudicially with mining operations, and that the applicant intends to employ such site bona fide for the purposes stated in the application, recommend the Registrar of Deeds to issue to the applicant a certificate of registration which shall bear stamps of the value of one pound in respect of each acre or portion of an acre to which the application relates.

Sites not registered within thirty-one days to be deemed abandoned. 49. Failure to apply as aforesaid for a certificate of registration in respect of any site within a period of thirty-one days shall be deemed to constitute abandonment of the right to register such site; provided that the Mining Commissioner may at his discretion extend the aforesaid period for a further period of thirty-one days. Failure to register within such original period of thirty-one days, or if it be extended within such extended period shall be deemed to constitute abandonment of such site as well as of the right to register it.

Sites are inalienably attached to claims. 50. (1) Every site and the rights in respect of it shall be registered with the Registrar of Deeds as being (whilst so registered) inalienably attached to the claims in respect of which it was pegged off, and every transfer, lease, mortgage, charge, abandonment or forfeiture affecting such claims shall act as a transfer, lease, mortgage, charge, abandonment or forfeiture affecting any site or sites attached to such claims, and the rights in respect thereof; and no separate sale, lease, mortgage or charge purporting to affect any site or any right in respect of it, apart from the claims to which it is attached, shall be valid.

(2) Any order of Court affecting any claims shall be deemed to affect in like manner any site or sites attached to such claims and the rights in respect thereof.

(3) At any time prior to the lease, mortgage, charge, abandonment or forfeiture of any claims, the registered holder thereof may apply to the Mining Commissioner for the cancellation of the registration of any site as attached thereto and (on filing with the Mining Commissioner the certificate of registration of such site) for the simultaneous re-registration thereof under a fresh official number as attached to any other claims in the vicinity belonging to him and registered in his name, and the Registrar of Deeds on the recommendation of the Mining Commissioner shall effect such registration.

Rent payable on sites. 51. (1) A monthly rent at the rate of one shilling per month per acre or portion of an acre shall be due and payable in advance to the Mining Commissioner in respect of every such site as aforesaid. If any such rent shall be in arrear after seven days' notice requiring payment thereof, given by the Mining Commissioner, in addition to rent due there shall be payable a penalty at the rate of five shillings per acre or portion of an acre per month or portion of a month during which such rent shall have been in arrear, and if any such rent or penalty shall be in arrear for three months, then after seven days' notice requiring payment thereof, given by the Mining Commissioner, such site shall be liable to forfeiture.

(2) One-half of the said rent shall be the property of the owner of the land upon which the site has been located, and shall be paid to him within one month after the receipt thereof by the Mining Commissioner.

Buildings for trade with public not to be erected on claims. 52. No person shall erect upon any claims any building for the purpose of trading in any way with the public, or for any other business not legitimately connected with and necessary to the purpose of such claims, or carry on any such business upon such

claims, except when authorized by the Resident Commissioner with the consent of the registered holder of such claims and of the owner of the land on which such claims are situated.

53. The control of the flow, diversion and use of all water, which may be flowing or may exist on any land in any mining district, shall, subject to the provisions of section *fifty-four*, be vested in the Resident Commissioner, who shall have power to apportion from time to time the use of any portion of such water to any owner of land on which any such water may be flowing or may exist, or to any claimholder, or to any person other than a claimholder requiring the use of water, upon such terms and conditions in all respects as he may see fit, or upon such terms and conditions as may be prescribed by any regulations made by the High Commissioner; provided—

Control and use of water in mining districts.

- (1) that in apportioning the use of any water which may be flowing through or may exist on any private land, the necessities of the occupier or owner in actual occupation of such land, in respect of water for domestic use, for stock and for reasonable irrigation of crops on cultivated land, shall be first duly considered;
- (2) that in apportioning the use of any water to any claimholder or to any other person the wants of all claimholders and other persons in the vicinity requiring water shall be taken into consideration;
- (3) that in no case shall any property, right or ownership in any such water as aforesaid be conferred;
- (4) that in the event of the water supply being limited the wants and requirements of the occupier or owner or of the holder of claims or other person who has first appropriated and has actual use of the water shall be preferred;

provided further that the exercise of such rights in a native reserve shall be subject to such conditions and restrictions as after the owner has been consulted the High Commissioner or when deputed by him thereto the Resident Commissioner may from time to time deem necessary for the protection of the natives in the full and sufficient enjoyment, use and occupation of such reserves.

54. (1) Every occupier or owner of private land, and every holder of claims, or other person, who has used or diverted water, shall, where the supply of water is limited, return the water as directly as possible to the channel or water course from which he has lifted or diverted it, diminished in quantity only to the extent necessitated by the proper and reasonable use thereof and not materially altered or impaired in quality.

Users of water to return surplus to original channel.

(2) No action whatever for damage or injury shall lie against the Government of the Bechuanaland Protectorate by reason of any non-observance or breach of the provisions contained in the preceding sub-section.

55. The use of water issuing from or brought to the surface of the ground from the subterraneous workings of any claims (provided the presence of such water in such workings is not due to the contravention of any of the provisions of this Proclamation)

Water from underground workings to belong to claimholder.

and of any flood water conserved by a dam or reservoir constructed by the holder of any claims, on such claims or on any site attached to such claims, which, but for such dam or reservoir would have run to waste, shall, to the extent to which it may be required for the necessary purposes of such claims or of any other claims belonging to the same claimholder in the same vicinity, but not to a greater extent or for other purposes, be vested in the holder of such claims.

PART VIII. GENERAL PROVISIONS.

Protection
of shafts,
etc.

56. (1) When large cracks or subsidences have taken place, or are likely to take place, in consequence of mining operations, it shall be the duty of the registered holder for the time being of the claims, the mining operations on which shall have caused or shall be likely to cause such cracks or subsidences, to securely fence in or enclose the places where such cracks or subsidences are, or are likely to occur, and to keep the same securely fenced in or enclosed.

(2) The mouths of all shafts, as well as all other open surface workings, and all other excavations dangerous to the safety of persons or animals, shall be securely fenced in or enclosed, and shall be kept so fenced in or enclosed by the registered holder for the time being of the claims on which the same shall be.

(3) In default of complying with the provisions of sub-sections (1) and (2) the registered holder, or his agent or manager, as the case may be, shall be liable to the prescribed penalty.

Mining
under roads,
buildings,
etc.

57. (1) Reefs, coal beds or other mineral deposits shall be left intact below roads, railways, reservoirs, cemeteries, stands, machine sites, rivers, lakes, water rights, native kraals and gardens, townships, and other surface objects requiring protection, and for such distances outside the boundaries of such premises as aforesaid as the Mining Commissioner may prescribe.

(2) The portions of reefs or mineral deposits thus left intact shall be termed "safety pillars."

(3) Cutting into or through any safety pillar shall only take place when the express permission in writing of the Mining Commissioner or other duly authorized official has been received, and upon such terms and conditions as may be prescribed.

(4) Non-observance of the provisions of this section shall render the registered holder of the claims in connection with which such non-observance occurs, or his agent or manager, as the case may be, liable to the prescribed penalty.

Mining
Commissioner may
prohibit
alluvial
working.

58. The Mining Commissioner may prohibit the working of alluvial mineral deposits, if he deems that such working would result in irremediable damage being done to the soil, or he may prescribe restrictions to obviate such damage, and the holder of the mining title shall conform to such prohibition or restriction, and in default shall be liable to the prescribed penalty.

Prospecting
trenches.

59. It shall be the duty of any person digging any prospecting trench to throw out the earth in such a manner as to form as far as possible regular ridges on either side of such trench, and in default thereof such person shall be liable to the prescribed penalty.

60. Any person who shall open a prospecting trench in the neighbourhood of a public road or thoroughfare shall, during the continuance of his operations, securely fence in such trench whenever it is within twenty yards of such road or thoroughfare as aforesaid, and on abandonment of such operations shall fill in the same to the aforesaid distance, and in default thereof such person shall be liable to the prescribed penalty.

Trenches near public roads to be fenced, and filled in when abandoned.

61. Water containing cyanide of potassium or other poisonous or injurious solutions of chemicals used in the treatment of minerals, tailings or concentrates, shall be securely fenced in and, if necessary, notice boards shall be put up in suitable places warning persons against using such water. In no case shall such water be permitted to escape beyond the limits so fenced without having been previously rendered innocuous. Non-compliance with any of the provisions of this section shall render the registered holder of the claims with regard to which such non-compliance occurs, or his agent or manager, as the case may be, liable to the prescribed penalty.

Precautions to be taken with poisonous solutions and chemicals.

62. No person shall construct underground a magazine for the storage of explosives (as from time to time defined by law or regulation) nor erect a magazine upon the surface of the ground without having previously obtained permission in writing from the Mining Commissioner so to do. Every surface magazine erected shall be subject to the following conditions:—

Magazines for explosives.

- (1) It shall be placed at a distance of at least one hundred yards from any occupied building, public road, bridge, aqueduct or railway.
- (2) The walls thereof shall be of suitable and substantial construction.
- (3) The roof thereof shall be as light as possible, but fireproof.
- (4) It shall be provided with a reliable lightning conductor.
- (5) It shall have no windows.
- (6) The ground for a distance of fifty yards round the walls thereof shall be kept clear of bushes and grass.

Non-compliance with any of the provisions of this section shall render the registered holder of the claims or site on which the magazine is situated, or his agent or manager, as the case may be, liable to the prescribed penalty.

63. (1) The Mining Commissioner, or other duly authorized official, may at all times enter upon any claims or any premises or workings thereon or thereunder, for the purpose of inspection generally, or of ascertaining—

Inspection of claims and buildings by Mining Commissioner.

- (a) whether any nuisance exists upon such claims or premises as aforesaid;
- (b) whether the provisions of this Proclamation or of any regulations made under this Proclamation are being carried out;

and for the purpose of giving directions and taking steps to abate and remove any such nuisance or for enforcing any such provisions.

(2) Any person who fails, neglects or refuses to allow or provide all reasonable facilities and assistance to such Mining Commissioner or authorized official when acting under this section or to comply

with any direction as aforesaid of a Mining Commissioner or duly authorized official or who commits a breach of any duty imposed on him thereunder, shall be liable upon conviction to a penalty not exceeding twenty-five pounds for each day or portion of a day that such failure, neglect, refusal or breach continues or in default of payment thereof to imprisonment with or without hard labour for a period not exceeding three months.

Register of employees. 64. (1) Registers shall be kept at every block of claims worked as a single mine or under the control of one manager, and shall at all reasonable times be open to the inspection of the Mining Commissioner or other duly authorized official.

(2) In such registers there shall be duly entered up—

- (a) the name, nationality, race or tribe of every person employed on such claims;
- (b) the dates of commencement and termination of the period of service of any such employee;
- (c) in case of death of any employee, the place, date, and as far as can be ascertained, the cause of death.

(3) In default of compliance with any of the provisions of this section, the registered holder of the claims or his agent or manager, as the case may be, shall be liable to the prescribed penalty.

Employment of foreign natives. 65. (1) The High Commissioner may prohibit the employment of foreign natives in mining operations or in any work in connection therewith, except as overseers or when the High Commissioner is satisfied that their services are essential to the efficient conduct of such operations.

(2) The Resident Commissioner may demand from the holder of any claims a deposit sufficient to cover the cost of repatriation of any foreign natives employed by such holder.

(3) In default of compliance with any of the provisions of this section, the registered holder of the claims or his agent or manager, as the case may be, shall be liable to the prescribed penalty.

(4) Foreign native shall mean a native not ordinarily residing within the Bechuanaland Protectorate.

How wages to be paid to employees. 66. All wages due to any person employed on any prospecting or mining work shall be paid to such person in cash without any deduction whatsoever except for cash advances not exceeding three pounds. Any holder of a prospecting licence or of claims or his agent or manager contravening the provisions of this section shall be liable to the prescribed penalty.

Holders of claims may be required to furnish returns and reports. 67. The holder of any claims or of a metallurgical establishment or his representative shall furnish the Mining Commissioner with such returns and reports of his operations thereon or therein and such affidavits in respect to them as the High Commissioner shall from time to time prescribe; and any such holder as aforesaid, or his representative, who shall fail to furnish such returns as aforesaid in such forms and at such times as shall be prescribed, or shall furnish false returns, or shall fail to send in corrected returns after due notice that any such returns are defective, shall be liable upon conviction to the prescribed penalty.

68. Any holder of claims who shall fail to erect, or to keep in proper order and in their proper positions, his notices, pegs, beacons, or trenches, as prescribed by this Proclamation, shall be liable on conviction thereof to a fine not exceeding ten pounds, and in addition, to a penalty at the rate of one pound for each day or portion of a day during which such claims have been allowed to remain improperly designated or beacons after notice thereof shall have been given to such holder by the Mining Commissioner.

Penalty for neglecting to keep notices, beacons, etc., in proper order.

69. No person shall wilfully or maliciously deface, alter the position of, remove, pull down, injure, destroy, or erect, or renew in any other than its proper or original position, any stake, peg, landmark, monument, notice, or beacon designating or intending to designate the position, boundary, name, or other particular relating to any claim or site. If the position of any one or more of the pegs or beacons intended to designate any claim or site has been altered or duplicated, whether wilfully, maliciously, or otherwise, by the holder thereof or his agent, so as to make it appear that any of the original ground is cut off from, or any fresh ground added to such claim or site, or if the owner or his agent has consented to or condoned such alteration or duplication, the Mining Commissioner may (in addition to any penalty attaching to such action) declare any ground so cut off to have ceased to be a portion of such claim or site, from the date of such alteration or duplication, or from any later date, and no fresh ground so added shall in any case be deemed to have become a portion of such claim or site. Non-observance or breach of any of the provisions of this section shall render the person guilty thereof, and the registered holder of the claim or site in regard to which such non-observance or breach occurs, or his agent or manager, as the case may be, liable to the prescribed penalty.

Penalty for defacing or removing notices, beacons, etc.

70. The former holder of any claim, the title to which has lapsed or been cancelled for any reason, may, within a period of six months from the date of such cancellation, remove any building or machinery erected thereon, or any ore lying at grass provided that if any such claim or portion thereof be re-pegged by any other person, the new claimholder shall not be liable for any damage done to such building or machinery or ore at grass, in the due and proper exercise of his rights as claimholder.

In case of cancellation holder may remove buildings, etc.

71. On the lapsing or cancellation of the title of any claims to which a dam, reservoir, well or water borehole is attached, the holder of such claims or his agent or manager, as the case may be, shall without any claim to be compensated therefor be bound to leave such dam, reservoir, well or water borehole with the water it contains intact; provided that all machinery and appliances in connection with such dam or reservoir which can be readily removed without in any way injuring, weakening, or impairing such dam or reservoir, or the water it contains, may be taken away by the said holder, or his agent or manager, as the case may be, within the period of three months after such abandonment. Non-observance or breach of any of the provisions of this

Abandonment of dams and reservoirs.

section shall render the person guilty thereof, and the registered holder of the claims in regard to which such non-observance or breach occurs, or his agent or manager, as the case may be, liable to the prescribed penalty.

Prohibitions with regard to pegging off on closed ground. 72. No person shall peg off on any ground which is not open to prospecting, or peg any claims otherwise than in the manner prescribed by and subject to the conditions of this Proclamation. Non-observance of the provisions of this section shall render such person liable to the prescribed penalty.

Penalty for registering claims under other than original permit, or under another's permit. 73. Any person who shall register or attempt to register any claims under or by virtue of any prospecting permit other than the one under which it was originally pegged, or under or by virtue of any prospecting permit of which he was not the lawful holder at the time of such pegging, and any person who shall peg off or register or attempt to register any claims not being legally entitled so to do, or who shall peg off a larger number of claims than he is entitled to peg off or purports to peg off either in his own or any other name, shall be liable on conviction thereof to the prescribed penalty and the Registrar of Deeds may refuse to register any such claims as aforesaid.

Penalty for using timber for unauthorised purposes. 74. Any person who, purporting to act under the provisions of sections *forty-four* and *forty-five* shall cut, fell, remove, or use any timber for any other than the purposes therein authorized, shall be liable on conviction to the prescribed penalty.

Penalty for salting. 75. Any person who shall place or deposit, or be accessory to the placing or depositing of any minerals in any spot or place with the intent to mislead any person as to the payable nature of such spot or place, or who shall mingle or cause to be mingled with any sample of gold, silver or other metal-bearing ore, any valuable metal or substance whatsoever that will increase the value, or in any way change the nature of the said ore, with the intent to deceive, cheat, or defraud, shall be liable on conviction to a fine not exceeding five hundred pounds, or imprisonment with or without hard labour for a period not exceeding two years, or to both such fine and imprisonment.

Penalty for use of false weights by assayers and others. 76. Any person engaged in the business of milling, leaching, sampling, concentrating, reducing, assaying, transporting, or dealing in minerals, who shall keep or use any false or fraudulent scales or weights for weighing such ores, metals or minerals, or who shall keep or use any false or fraudulent assay scales or weights, or enriched fluxes used for ascertaining the assay value of minerals, knowing them to be false or fraudulent, shall on conviction be liable to suffer such punishment as is by law prescribed for the crime of fraud.

Penalty for making false declarations, etc. 77. Any person who shall wilfully and corruptly make any declaration or affidavit required to be made by such person under the provisions of this Proclamation, knowing the same to be untrue in any material particular, shall upon conviction suffer such punishment as shall be by law provided for the crime of perjury, and shall, in addition, should the court so order, forfeit his prospecting permit and all his title to or interest in any claim to

which such affidavit shall have had reference; and it shall be lawful for the Mining Commissioner to refuse to issue a prospecting permit to any person so convicted.

78. Any person prospecting, searching, or digging for any minerals within the limits of this Proclamation shall, on demand of any duly authorized official, produce his prospecting permit or other authority under which he is prospecting, and in default thereof shall be liable to the prescribed penalty. Prospectors may be required to exhibit permit.

79. The Mining Commissioner may, at all reasonable times, upon good and sufficient cause to his satisfaction being shown, call upon the holder of any claim, mineral concession or Crown grant, by an order in writing under his hand, to point out to himself or to any other official duly authorized by him, all notices, beacons, pegs, stakes, or other marks defining or purporting to define, in terms of this Proclamation, the boundaries of any claim, mineral concession or Crown grant registered in his name or belonging to him. Refusal, neglect, or failure by such claimholder to comply with such order as aforesaid at any reasonable time shall render him liable on conviction to a penalty not exceeding twenty-five pounds, and in default of payment, to imprisonment, with or without hard labour, for a period not exceeding three months. Claim-holders may be called upon to point out notices, pegs, etc.

80. Any person who shall assault, obstruct or resist any Mining Commissioner, or any person duly authorized in writing by any Mining Commissioner, in lawfully entering upon any claim or land, or in performing any other act authorized by this Proclamation, or any messenger or other officer, or any clerk or assistant of such messenger or officer, or any inspector or other person, in the performance of his duty or in the exercise of his powers under this Proclamation, and any person who, after being removed by any Mining Commissioner under the provisions of this Proclamation from any claim or other place, shall forcibly or clandestinely retake, or retain, or endeavour to retake or retain possession thereof or of any portion thereof, or who after any decision of a Mining Commissioner that any complainant is entitled to use for mining purposes or to divert any water, shall resist such complainant or his agents in such use or diversion, or who upon or in consequence of the decision of the Mining Commissioner against him, shall assault or threaten to assault, any person in whose favour such decision shall have been given, shall be liable to the prescribed penalty. Penalty for assaulting or obstructing Mining Commissioners or other officials in executing their duty.

81. (1) Any person convicted of a contravention of the provisions of this Proclamation hereinafter mentioned shall be liable to fines not exceeding respectively the sums following, that is to say:— Penalties for contravening certain sections.

- (a) Sections *fifty-nine, seventy-eight*: for a first offence ten pounds and for any subsequent offence twenty pounds.
- (b) Sections *fifty-six, sixty-four*: for a first offence twenty pounds, and for any subsequent offence forty pounds.
- (c) Sections *sixty, sixty-six, sixty-seven, ninety-four*: for a first offence fifty pounds, and for any subsequent offence one hundred pounds.

- (d) Sections *sixty-two, seventy-two, seventy-three, seventy-four, eighty*: for a first offence one hundred pounds, and for any subsequent offence two hundred pounds.
- (e) Sections *fifty-seven, sixty-one, sixty-nine*: for a first offence two hundred pounds, and for any subsequent offence four hundred pounds.
- (f) Section *seventy-one*: five hundred pounds.
- (g) Any other section in respect to which no other or special penalty has been prescribed: for a first offence twenty pounds, and for a subsequent offence, fifty pounds.

(2) In default of payment of any penalty imposed for contravention of this Proclamation, the person convicted shall, in the absence of other provision in that behalf specially provided, be liable to imprisonment with or without hard labour for periods not exceeding respectively the following:—

- (a) If the penalty shall not exceed five pounds, one month;
- (b) if the penalty shall exceed five pounds and not exceed ten pounds, two months;
- (c) if the penalty shall exceed ten pounds and not exceed twenty pounds, three months;
- (d) if the penalty shall exceed twenty pounds and not exceed fifty pounds, six months;
- (e) if the penalty shall exceed fifty pounds and not exceed one hundred pounds, one year;
- (f) if the penalty shall exceed one hundred pounds and not exceed five hundred pounds, two years;

unless in every case the penalty be sooner paid.

**Mining
Commis-
sioner may
summarily
impose
penalties.**

82. (1) Every Mining Commissioner shall, within the limits of the district for which he is appointed, be empowered to demand summarily from any person for or in respect of the contravention of any of the sections of this Proclamation, for which a penalty not exceeding twenty pounds may be imposed, and which may at any time come under his notice, a penalty which shall not in any case exceed five pounds.

(2) The payment of such penalty forthwith by such person shall operate as a bar to any prosecution in respect of such contravention of this Proclamation.

(3) Should such person fail to pay the penalty demanded by the Mining Commissioner within the time named for such payment by the Mining Commissioner such demand shall not in any way relieve such person of any liability he may have incurred under this Proclamation, or be a bar upon his conviction by a competent court in respect of such contravention to the infliction of such penalty as may be prescribed therefor.

**Penalties
accrue to
Govern-
ment.**

83. All penalties recovered under any of the provisions of this Proclamation shall be paid to the Government of the Bechuanaland Protectorate; provided that the High Commissioner may in his discretion direct the payment of any portion of such penalties to any person or persons laying such information as leads to the recovery of the said penalties, or to any person whom he may deem to have sustained damage through the contravention in respect of which such penalty was recovered.

Mining Districts.

Bangwaketse Reserve ——— 19/1933.
Lobatse Block ——— 30/1933.
Bakgatla Reserve ——— 65/1933.
Gungwe Reserve to form
part of Bamangwato * ——— 107/1933

Mining Districts.

Glanji }
Kgalegadi } Districts 190/1933.
Chibe }

Bamangwato Reserve ——— 127/1932 .

Bakwena Reserve ——— 160/1932 .

Gaborone Block }
Tuli Block } ——— 185/1932

PART IX.
ADMINISTRATION.

84. (1) The High Commissioner may appoint an officer who, subject to the general authority of the Resident Commissioner, shall supervise and regulate the proper and effectual carrying out of the provisions of this Proclamation by Mining Commissioners or other officers duly appointed thereto and may give such orders directions or instructions as may be necessary; provided that:

Appoint-
ment of
officers.

In the absence of such appointment the powers and duties specified in this section shall be vested in and exercised by the Resident Commissioner.

(2) The officer so appointed may at his discretion assume all or any of the powers, duties, and functions by this Proclamation vested in any Mining Commissioner, and may lawfully perform all such acts and do all such things as a Mining Commissioner may perform or do, and he is further empowered in his discretion to authorize the correction of any error in the administration or in the carrying out of the provisions of this Proclamation, or to do any other thing which may be necessary to give due effect to its provisions.

(3) The officer appointed under sub-section (1) may exercise such further powers not inconsistent with this Proclamation as may be conferred upon him by the High Commissioner.

85. The High Commissioner may—

- (1) declare any area within the limits of the Bechuanaland Protectorate a mining district, and from time to time alter the boundaries thereof;
- (2) appoint for the supervision of such area an officer to be styled a Mining Commissioner, who shall be responsible to the Resident Commissioner for the regulation and direction of all matters relative to mining operations in accordance with this Proclamation within such district;
- (3) when by him deemed expedient, appoint an Acting Mining Commissioner or Assistant Mining Commissioner or other officer under the Resident Commissioner who may be vested with authority to do all or any such things, and perform all or any such acts, as the Mining Commissioner may lawfully do or perform;
- (4) appoint claim inspectors, to discharge such duties as may from time to time be assigned to them by the Resident Commissioner.

High Com-
missioner
may declare
mining
districts,
and appoint
Mining
Commis-
sioners, etc.

86. Any Mining Commissioner, Acting Mining Commissioner, or Assistant Mining Commissioner may, with the consent of the Resident Commissioner, delegate to any other officer any of the powers or duties by this Proclamation vested in him.

Power of
Mining
Commis-
sioner
to delegate.

87. For all matters in which in terms of this Proclamation an affidavit or oath is required to be made, any Mining Commissioner, Assistant Mining Commissioner, Acting Mining Commissioner or any other person when duly authorized thereto by the High Commissioner, may take such affidavit or administer such oath.

Affidavits
and oaths.

Court to have jurisdiction on all matters unless parties agree to refer to Mining Commissioner.

88. (1) Except where in this Proclamation it is otherwise provided, or except where both the complainant and defendant shall have agreed in writing that the complaint or dispute shall be investigated and decided by the Mining Commissioner, in the first instance, the Special Court shall have and exercise original jurisdiction in every matter, complaint or dispute arising under this Proclamation. Should it appear expedient and necessary in the course of any proceeding before the Special Court to refer any matter to a Mining Commissioner for investigation and report the Court may make an order to that effect.

(2) Where the parties have agreed in writing, as in the previous sub-section is mentioned, the Mining Commissioner shall, in the investigation and the decision of the complaint or dispute, be guided by the provisions hereinafter contained.

(3) Save as is otherwise herein provided in all cases arising under this Proclamation there shall be an appeal to the Special Court from the decision of the Mining Commissioner.

(4) The Mining Commissioner, before whom any claim, dispute, or proceeding is brought, shall hear and determine such claim, dispute or proceeding in the manner set forth in this Proclamation, or in such manner as may be convenient to the parties concerned, and shall and is hereby empowered to give and make all such orders, directions, judgments or decrees and do or cause to be done all such things as may be necessary to give effect to his decision in respect of such claim, dispute or proceeding; provided that no Mining Commissioner shall have or exercise any criminal jurisdiction nor adjudicate upon any claim for debt or damages.

Judicial powers of Mining Commissioner.

89. (1) A Mining Commissioner may sit in any part of the district to which he is appointed, or at his discretion in such place outside the said district as may be convenient to the parties interested, and may adjourn such sitting from time to time and from place to place as occasion may require; and shall hear and determine, in the simplest, speediest and cheapest manner possible all claims, demands, disputes, and questions arising within his jurisdiction, under the last preceding section, and make such orders as to costs as he may deem fit.

(2) For the purpose of such hearing a Mining Commissioner shall examine witnesses on oath, and take down the evidence in writing to be signed by the person giving the same, and do all things which he may deem necessary to a proper decision.

(3) A Mining Commissioner shall have power to summon all witnesses required by the respective parties or whom he may deem necessary to appear before him and in default of any such witness appearing may upon proof that his reasonable expenses have been paid or tendered to him issue a warrant for his arrest and may inflict upon him such penalties as he would have been liable to for disobedience to a subpoena in a Magistrate's Court. The service of such summons and the execution of such warrant as aforesaid may be lawfully performed by any person appointed for that purpose by the Mining Commissioner.

(4) Any person giving false testimony before a Mining Commissioner on any question material to the matter at issue shall be liable to the penalties by law prescribed for the crime of perjury.

90. (1) Every proceeding in a Mining Commissioner's Court shall be commenced by a summons which shall as nearly as material be in the form No. 18 in the First Schedule.

Summons and commencement of proceedings before Mining Commissioner.

(2) Every such summons shall be issued by such Mining Commissioner upon the application of any complainant, and shall be filled up according to the nature of his case so as to show the substance of the complaint, and shall require the defendant to appear before the Mining Commissioner on a day and at a place to be named in the summons.

(3) Upon the day and at the place so named, or upon any adjourned day of hearing, and upon proof of such service or substituted service of the said summons as the Mining Commissioner shall think sufficient, the Mining Commissioner shall proceed to investigate the matter of such complaint, and in the presence of the parties interested, or of such of them as shall appear to him sufficiently to represent all the parties interested, or in the absence of any of the parties interested who having been duly served with such summons shall not appear, shall hear, receive and examine evidence, and determine such complaint in a summary way, with full power to adjourn the hearing of such complaint to any other time or place and to make all such amendments in any proceedings as may be necessary for the purpose of determining the real question at issue between the parties.

91. Notwithstanding the provisions of section *eighty-eight*, the Mining Commissioner may, at his discretion, and if the parties concerned shall consent thereto, hear and determine any such complaint as above mentioned, summarily, and without any formal proceedings taken before him, provided that both parties to the complaint shall be present at such hearing.

Summary hearing of complaints.

92. A register of complaints shall be kept by every Mining Commissioner in the form No. 19 in the First Schedule, in which shall be entered every complaint laid before him, together with particulars thereof.

Register of complaints.

93. No complaint shall be dismissed by any Mining Commissioner for informality, either in the summons itself or in the entry thereof, nor shall any objection to any such summons or complaint be taken or allowed for any alleged defect, or misnomer, or inaccurate description of any person or place, or on the ground that the complainant appears at the hearing of the summons to be entitled to different relief from that sought therein, or for any variance between such summons and the evidence adduced on the part of the complainant, but such summons may be amended by the Mining Commissioner so that the real question in controversy between the parties shall plainly appear, and the Mining Commissioner shall proceed to adjudicate according to the rights of the parties; provided that if it shall appear to him upon the hearing of the case that the defendant has been deceived, misled, or prejudiced, by reason of any such amendment having been made, the Mining Commissioner may, on such terms as to costs or otherwise as he shall think fit, adjourn the further hearing of the case to another day.

Summons may be amended if defendant not prejudiced thereby.

Mining
Commis-
sioner to
keep
register
of his
decisions.

94. (1) A minute of every decision of a Mining Commissioner in the form No. 20 contained in the First Schedule, or to that effect, shall be entered by such Mining Commissioner in the register of complaints to be kept as herein provided, and such Mining Commissioner shall make an order in accordance with such decision, and write the same in the said register under the said decision, and such decision, with the said order so underwritten shall be signed by the Mining Commissioner, and no formal order or other record of such decision shall be necessary, and every such entry shall be made in form as the decision of the Mining Commissioner.

(2) A copy of such minute or order shall be given on demand by the Mining Commissioner to any of the parties interested therein, and any copy certified by the Mining Commissioner as a true copy shall at all times be admitted in all courts and places whatsoever as conclusive evidence of such decision or order having been given or made and of the terms of the decision or order.

(3) Failure to obey any such order shall, unless an appeal to the Special Court has been entered against the same, render the person in default liable to the penalties provided by section *eighty-one*.

Writs of
execution

95. (1) When any sum of money shall be awarded by a Mining Commissioner by way of costs, and the same shall not be forthwith paid, the Mining Commissioner, on the application of the person entitled to receive such sum, or of any attorney or duly authorized agent on his behalf, shall grant to the party so applying, a writ of execution under his hand in the form as nearly as practicable in use in the Magistrate's Court.

(2) Any messenger of a Magistrate's Court, to whom such writ shall be directed by such Mining Commissioner for execution, and all constables, and other police officers when thereto required, within their several jurisdictions, shall do and perform all things in respect of such writ which such messengers, constables and police officers are required to do and perform in respect of a warrant or writ of execution issued out of a Magistrate's Court in the case of the non-payment of money under the judgment of such court.

(3) Every such messenger may, by virtue of such writ, seize and take such property and dispose thereof in the same manner as he could seize, take, and dispose thereof by virtue of a writ issuing out of a Magistrate's Court.

(4) Such messenger shall have the same powers in respect of the sale and disposal of such property, and shall do and execute all such duties in respect thereof as are by law conferred and imposed on the messenger of a Magistrate's Court in respect of a writ issued therefrom: provided that the Mining Commissioner may withhold the issuing of such writ, if he shall consider it just or reasonable so to do, until after the expiration of three days from the date of the decision under which such sum of money as aforesaid was awarded.

Mining
Commis-
sioner may
direct
surveys for
purposes of
trial of a
case.

96. If before or during the hearing of any complaint it shall appear to the Mining Commissioner that it will be necessary for a survey to be made of any land or water in dispute, such Mining Commissioner may order either party to cause such survey and a plan thereof to be made, and the costs thereof shall be in the discretion of the Mining Commissioner.

97. (1) Any Mining Commissioner may at his discretion, upon the application of any person claiming to be legally interested in any claim or site, by writing under the hand of such Mining Commissioner, authorize a surveyor or other duly appointed officer, to enter upon any claim or site on land adjoining such first-mentioned claim or site, for the purpose of ascertaining whether the holder, owner or occupier of the claim or site or land so to be entered upon is encroaching upon such first-mentioned claim or site.

Mining Commissioner's powers in case of alleged encroachments on claims, etc.

(2) Such surveyor or officer may thereupon enter upon the claim or site or land described in such order and descend any shaft or mine and for such purpose use the engines and machinery ordinarily employed for that purpose.

(3) Such surveyor or officer may make such plans or sections of the claim, site or land entered upon and of any drives or other works therein as shall be necessary for the purpose aforesaid.

(4) Every such surveyor or officer shall, before entering upon such claim, site or land, make a declaration before such Mining Commissioner (who is hereby authorized to take the same) that he, the said surveyor or officer, will not (except as a witness in a Court of Justice) without the consent in writing of the holder or occupier of the claim or site or land to be entered upon, divulge or cause to be divulged, to any person whomsoever, any information obtained upon or by such entry, save only as to whether such holder, owner or occupier is encroaching upon such first-mentioned claim or site.

98. (1) Upon the application to the Mining Commissioner of any holder of claims, or of any right appertaining to claims or in any water to be used for mining purposes, or of any person complaining that he has been obstructed, or interfered with in the enjoyment of such rights (such application to be made after notice served at least twenty-four hours before the time for the granting thereof, on the parties interested in opposing the same, or such of them as shall appear to such Mining Commissioner sufficiently to represent such parties) such Mining Commissioner may in the presence of such parties as aforesaid, or in the absence of any of them upon whom service of such notice shall be proved to the satisfaction of such Mining Commissioner to have been effected, hear, receive, and examine evidence.

Mining Commissioner may hear and make orders in cases of encroachments and interferences with rights.

(2) The Mining Commissioner may in his discretion and upon such terms as he may consider just, by order under his hand, order any person named in such order to refrain from encroaching upon, occupying, using, or working such claims, or right as aforesaid or from prospecting thereon, or extracting or removing any mineral or other substance to which the provisions of this Proclamation apply, from such claims, or from selling, or disposing, or otherwise interfering with such claims, right, water, mineral or other substance, or any share or interest therein respectively, or from doing any act whereby the right, title or interest of such applicant in or to the same might be affected, or from obstructing or interfering with such applicant in the enjoyment of his rights in respect of the premises aforesaid.

(3) Every such order shall be in force for such period as shall be named therein unless the same shall be sooner discharged by the Mining Commissioner making the same, or by the Special Court on appeal. Provided that if the Mining Commissioner shall be satisfied that reasonable attempts

have been made to serve notices on the parties aforesaid without success, it shall be sufficient service of any such notice if the same shall be advertised in such newspaper and for such time as the Mining Commissioner shall appoint, and on every such application the Mining Commissioner shall make such order as to costs as to him shall seem just; and provided further that nothing in this section contained shall be deemed to divest the Special Court of the power of granting interdicts in any matter arising under this Proclamation.

How Mining Commissioner's orders to be served.

99. Every order made by a Mining Commissioner under sub-section (2) or sub-section (3) of the last preceding section shall, unless the Mining Commissioner shall otherwise order, be served by delivering a copy to the person to be bound thereby, and every such order shall be entered by the Mining Commissioner, who shall have made the same, in the register of complaints to be kept by him; provided that, if the Mining Commissioner shall see fit so to direct, it shall be sufficient service of any such order to publish a copy of such order in such newspaper, and to affix a copy thereof in such conspicuous place at or near the property in dispute as the Mining Commissioner shall appoint.

When Mining Commissioner may permit working of claims.

100. Whenssoever any order shall have been made by a Mining Commissioner prohibiting work on any claims he may, upon application of any holder or holders of any registered adjacent claims, who shall show to the satisfaction of such Mining Commissioner that he will sustain damage by reason of the non-working of such claims, order, upon such terms and conditions as he shall think fit, such working of the said claims as in his opinion will be sufficient to prevent such damage, and the Mining Commissioner shall make such order as to the cost of such working as he shall think just.

Holders of claims may call other holders of claims or land before Mining Commissioner to show cause why tunnels, water courses and other works should not be erected thereon.

101. (1) Any holder of any claims held under the provisions of this Proclamation, hereinafter in this section called the applicant, may give notice to any owner of any land or any holder of any claim to appear before the Mining Commissioner of the district in which such land or claim is situated, upon a day to be fixed by such Mining Commissioner, not being a day within thirty-one days of such notice, and to show cause to such Mining Commissioner why the applicant should not be allowed to construct or erect upon, under or over any such land or claim, such pipes, tunnels, flumes, or watercourses, roads, tramways, wires, or the like, as may be necessary for the more advantageous working of the claims in possession of the applicant.

(2) On the day appointed, or any other day to which the hearing of the matter may be adjourned, the Mining Commissioner may grant an order authorizing the applicant to do all or any of the acts or things applied for, in, upon, under, over or in respect of such land or claims.

(3) No such order shall be granted unless such Mining Commissioner shall be satisfied that the use and working of any land or claim belonging to any person other than the applicant will not be materially impeded, interfered with or obstructed by any act or thing done pursuant to such order.

(4) The Mining Commissioner granting any such order may limit such order by such terms, conditions and restrictions as shall appear to him to be

required for the protection of the holder of such last-mentioned land or claim, and may at any time on due cause shown amend or cancel such order.

(5) No such order shall be deemed in any way to affect or bind any holder to whom no such notice as aforesaid shall have been given.

(6) Nothing herein contained shall be deemed in any way to prejudice the right of any person thereafter to recover from the applicant, or any other person acting under any such order, damages for any injury which he may satisfactorily prove to have been in fact sustained by him, in consequence of any act or things done by the applicant pursuant to any such order by any Mining Commissioner.

102. Whenever any Mining Commissioner is empowered or required by this Proclamation to cause any act to be performed, and the mode of performing such act is not otherwise expressly provided for, any person verbally authorized by the Mining Commissioner and in his presence, or any constable or peace officer authorized in writing under the hand of such Mining Commissioner, may perform such act, and all constables and peace officers shall, if thereunto required, aid and assist any Mining Commissioner or person authorized as aforesaid in the performance of his duty under this Proclamation.

How acts ordered by Mining Commissioner to be performed.

103. All summonses, complaints, answers, notices, decrees, orders, warrants, and other documents whatsoever, used in any Mining Commissioner's Court under this Proclamation, or in relation to such proceedings, may be in writing or print, or partly in one and partly in the other.

Summonses notices, etc., may be either in writing or print.

104. If any person shall wilfully insult any Mining Commissioner during his sittings, or shall wilfully interrupt the proceedings, or on being summoned or examined as a witness before any Mining Commissioner, shall refuse to be sworn or to make affirmations, or to answer any lawful question, such Mining Commissioner may, if he shall think fit, commit any such offender to prison for any time not exceeding forty-eight hours, or impose on any such offender a fine not exceeding five pounds for every such offence, and in default of immediate payment thereof commit the offender as aforesaid for any time not exceeding forty-eight hours, unless the fine be sooner paid, and in either of the cases aforesaid a warrant, in the form, as nearly as material, in use in a Magistrate's Court, may be issued by such Mining Commissioner, and shall be good and valid in law without any other order, summons, or adjudication whatsoever, and the messenger and gaoler to whom the same shall be addressed shall obey the same, provided that the Mining Commissioner shall, without delay, transmit to the Registrar of the Special Court a statement certified by such Mining Commissioner to be true and correct, of the circumstances and reasons for having imprisoned or fined the offending party, and shall likewise furnish the latter with a copy of such statement certified as aforesaid. The president of the Special Court may review or correct any order of the Mining Commissioner made under this section.

Penalty for insult, interruption, or other misconduct before Mining Commissioner.

105. Save in so far as this Proclamation makes other provision and save in so far as any rules of procedure for the guidance of Mining Commissioners made by the High Commissioner may conflict therewith, the procedure of courts of magistrates shall be

Procedure in magistrate's court to be observed *mutatis mutandis*.

adopted and followed *mutatis mutandis* by all Mining Commissioners, and the fees chargeable in respect of any proceedings before a Mining Commissioner shall *mutatis mutandis* be of the same nature and amounts as the fees payable in respect of similar proceedings in a Magistrate's Court.

Disabilities of officials. 106. (1) No Mining Commissioner, claim inspector, or other official, shall directly or indirectly acquire and hold any claims, or any interest in such claims, or carry on any trade, or undertake any agency of any sort whatsoever, or have any share in a mining company formed to carry on operations or in a partnership in a mining or commercial business, or be connected with any mining company as director, adviser, manager or official in the Bechuanaland Protectorate.

(2) Any Mining Commissioner, claim inspector or other official who shall contravene the provisions of this section, shall be liable to a penalty of five hundred pounds, and also to suspension or discharge from office, at the discretion of the High Commissioner.

Power of High Commissioner to prescribe forms and fees. 107. The High Commissioner may, subject to the terms of the Proclamation, and for the better administration thereof, from time to time frame, amend or withdraw all necessary and requisite forms for use under this Proclamation, and may also prescribe fees for search and inspection.

High Commissioner may expropriate claims for public purposes. 108. The High Commissioner may at any time expropriate for public purposes either the whole or any portion of any claim or site, or limit the rights enjoyed by the holder thereof, on payment of such compensation to such holder, as may, in default of agreement, be determined by arbitration.

Arbitration. 109. Whenever any matter or dispute shall, under the provisions of this Proclamation, be referred to arbitration, such arbitration shall be conducted and carried on under the law in force for the time being governing arbitrations in the Province of the Cape of Good Hope.

High Commissioner may make, alter or repeal regulations. 110. (1) The High Commissioner may make and from time to time amend, alter, or repeal all such regulations not inconsistent with the provisions of this Proclamation, as he is by this Proclamation authorized directly or by implication to make or as he may deem necessary or expedient to give force or effect thereto, or for the proper carrying out of any of the provisions thereof, or for its better administration, and specially for the registration of mining titles, for the fixing of fees to be charged on the registration of documents or on other acts or things to be done by the Registrar of Deeds under this Proclamation, for the proper and efficient working of all claims, mines or diggings within the limits of this Proclamation or any part thereof, for the control of the flow, diversion or use of any water flowing or rising on, in or under any land in any mining district, for the apportionment and regulation of the use of any such water and for the conditions of such use, for the inspection of all books and documents relating thereto, for the regulation of all works and machinery within such limits in so far as the protection of life and limb is concerned, for the regulation of all matters regarding sanitation and health, the establishment of graveyards, the reporting of all cases of accident and

death occurring in any mining operations, for the securing of the proper feeding and housing of all native labourers employed on mines, and for the appointment by employers at a reasonable and proper remuneration to be paid by such employers of suitable persons approved of by the High Commissioner to supervise all matters relating to the welfare of such native labourers and the observance of all rules and regulations affecting them, and generally for the proper and efficient management of all mines and mining operations.

(2) The High Commissioner may in any such regulation prescribe punishment for the breach thereof as follows: for the first breach thereof a fine not exceeding twenty pounds, or imprisonment with or without hard labour for a period not exceeding three months, or both such fine and imprisonment; and for a second or subsequent breach double such fine and imprisonment.

(3) Every such regulation or by-law and the punishment, if any, prescribed by it (not being inconsistent with the provisions of this Proclamation) shall be of the same force and effect as if included in this Proclamation.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Fifth day of August One thousand Nine hundred and Thirty-two.

H. J. STANLEY,
High Commissioner.

By Command of His Excellency the
High Commissioner.

SHIRLEY EALES,
Acting Imperial Secretary.

Form No. 1 (Section 7).

BECHUANALAND PROTECTORATE.

PROSPECTING PERMIT No.....

Office of the
.....19.....

Person to whom issued.....
of address.....

Description of land for which required:
.....
.....

Valid until.....19.....

.....
Mining Commissioner.

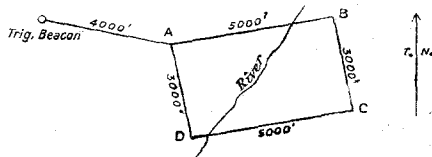
Form No. 2 (Section 9).

APPLICATION FOR CLAIM LICENCE

No.....

I, the undersigned.....
of address.....
hereby apply for the issue to me of licences for a
Block of.....claims.

The following sketch shows their position:—



Number of Prospecting Permit under authority of which this application is made.....
 Area of Block in claims.....
 Date and hour of pegging.....
 Date and hour of posting or handing in application.....

Signature of Applicant:

.....

Form No. 3 (Section 16).

CERTIFICATE OF REGISTRATION No.....
 Office of the Registrar of Deeds,
19.....

This is to certify that.....
 of address.....
 is the registered holder of Block No.....
 Claims Nos.....defined by Sketch Plan/
 Diagram No.....as held under Licence
 Receipt No.....issued on the.....day
 of.....19..... by the Mining Commis-
 sioner for the Mining District of.....
 and that the licence fees in respect of the said claims
 have been paid until.....19.....

Registrar of Deeds.

Form No. 4 (Section 19).

CERTIFICATE OF SPECIAL REGISTRATION

No.....

Office of the Registrar of Deeds,
19.....

This is to certify that the undermentioned claims
 presently registered in the name of.....
have this day been specially
 registered.

DESCRIPTION OF CLAIMS.

Block No.....Claim No.....
 Situate in the Mining District of.....
 as held under:—

Licence Receipt No.....
 Certificate of Registration No.....
 Certificate of Amalgamation No.....
 Sketch Plan or Diagram No.....

Registrar of Deeds.

Form No. 5 (Section 21).

CERTIFICATE OF TRANSFER No.....
Office of the Registrar of Deeds,
.....19.....

This is to certify that the claims described here-
under registered in the name of.....
.....have this day been transferred
to.....
and that such transfer has been duly registered by
me under No.....

DESCRIPTION OF CLAIMS.

Block No.....Claim Nos.....

Situate in the Mining District of.....
as held under:—

Licence Receipt No.....

Certificate of Registration No.....

Certificate of Amalgamation No.....

Sketch Plan or Diagram No.....

.....
Registrar of Deeds.

Form No. 6 (Section 21).

NEW CERTIFICATE OF REGISTRATION AFTER
TRANSFER.
No.....

Office of the Registrar of Deeds,
.....19.....

This is to certify that, by Transfer No.....
registered this day.....
is the registered holder of *.....following
claims, viz.:—

Block No.....(formerly portion of Block No.....)

Claim Nos.....as defined by Sketch
Plan/Diagram No.....(formerly No.....)

situate in the Mining District of.....
and formerly registered in the name of.....
.....under:—

Transfer No.....

Certificate of Registration No.....

Certificate of Amalgamation No.....

Licence Receipt No.....dated.....19.....

.....
Registrar of Deeds.

Form No. 7 (Section 21).
NEW CERTIFICATE OF SPECIAL REGISTRATION AFTER TRANSFER No.....
 Office of the Registrar of Deeds,
19.....

This is to certify that the claims specified hereunder and originally specially registered under No.....in the name of.....
have this day been specially registered in the name of.....
to whom the said claims have been transferred.

DESCRIPTION OF CLAIMS.

Block No......*Claim Nos.*.....
Licence Receipt No......
Certificate of Registration No......
 situate in the Mining District of.....

 Registrar of Deeds.

* If an undivided interest only is transferred quote fractional part of the whole.

Form No. 8 (Section 22).
DECLARATION BY SELLER.

I, A.B., do solemnly and sincerely declare that.....is the full and entire purchase price for which I have sold to C.D. the following interest, that is to say: (here describe the interest). And I declare that I sold the same to the said C.D. on the.....day of.....19..... and not before, and that there is not any agreement, condition, or understanding between me and the said C.D. whereby he has paid, or is to pay, to me or any other person whomsoever, for, or in respect of, or in connection with, the purchase by him of the said interest, any sum of money or shares over and above the said.....save and except certain charges or payments which fall under or come within one or more of the heads or items of charges or payments following:—

1. The cost of any survey of the said property which shall have been made prior to, and for the purpose of, the said sale and of any survey of such property which may be made after the sale, and the cost of all diagrams and sub-divisions, and of the plan of the property exhibited at the time of sale.
2. The charge made by the auctioneer for the conditions of the said sale.
3. The commission (if any) paid by the purchaser to any auctioneer, broker, or agent by or through whom the sale of the interest may have been effected, not exceeding two pounds and ten shillings per centum upon the amount of the purchase money.

4. The auction duty payable upon the said sale.
5. The transfer duty payable thereon.
6. The cost of all deeds necessary for effecting transfer of such interest, and of the hypothecation deed (if any) and of all necessary stamps.
7. The charges of agents incurred in effecting the transfer of the said interest.
8. The licence money and rents (if any) payable to the British South Africa Company upon the said interest sold.
9. The rates and dues (if any) lawfully imposed in respect of such interest.
10. Expenses (if any) of work done by order of the Mining Commissioner.
11. Fines or penalties (if any) recovered in any court in respect of the property transferred.

And I further declare that I have not received, and that I am not to receive, nor has any other person received, nor is any other person to receive, for my use or benefit, or at my instance or request any valuable consideration besides the said..... save and except in so far as any of the charges above specified, and to be paid by the said C.D., might be held or taken to be payable for me or on my behalf. And I further declare that the said C.D. is the only person who has ever purchased the said interest from me, and that I have never sold the same to any other person.

And I make this solemn declaration conscientiously believing the same to be true.

(Signed) A.B.

Declared before me at.....
this.....day of.....19.....

.....
Justice of the Peace.

Form No. 9 (Section 22).

DECLARATION BY PURCHASER.

I, C.D., do solemnly and sincerely declare that.....is the full and entire purchase price given, or to be given, by me to A.B. for the interest following, bought by me from him, that is to say: (here describe the interest). And I declare that I bought the same from the said A.B. on theday of.....19..... and not before, and that I have not, nor has any person to my knowledge on my account, given, nor is there by me or on my behalf to be given, any other valuable consideration for or in respect of or in connection with the alienation to me of the said interest, save and except certain charges or payments which fall under or come within some one or more of the heads or items of charges or payments following: (here set forth in order from No. 1 to No. 11, both inclusive, the heads or items of charges or payments as in Form No. 8).

And I make this solemn declaration conscientiously believing the same to be true.

(Signed) C.D.

Declared before me at.....
this.....day of.....19.....

.....
Justice of the Peace.

Form No. 10 (Section 22).
**DECLARATION BY AGENT OF SELLER OR
PURCHASER.**

I,, do solemnly and sincerely declare that I have acted as the agent (auctioneer or broker, as the case may be) in making the sale (or purchase) of certain..... sold by..... to....., and that I know, of my own knowledge, the amount of the purchase price thereof. And I do further declare that the said sale was made on the..... day of..... 19....., and not before, and that..... to be paid by the said..... to the said....., is, to the best of my knowledge and belief, the full and entire purchase price to be given and received by the said persons respectively, in regard to the alienation of the said interest by one of them to the other of them; and that, to the best of my knowledge and belief, no further or other valuable consideration has been given, or is to be given, by or on behalf of the said..... to, or on behalf of the said..... for or in respect of the said interest, save and except certain charges or payments which fall under or come within one or more of the heads or items of charges or payments following: (here set forth in order from No. 1 to No. 11, both inclusive, the heads or items of charges or payments as in Form No. 8).

And I make this solemn declaration conscientiously believing the same to be true.

Declared before me at.....
this..... day of..... 19.....

.....
Justice of the Peace.

Form No. 11 (Section 22).
**DECLARATION BY SELLER OF CANCELLATION
OF SALE BY CONSENT.**

I, A.B., do solemnly and sincerely declare that I sold to C.D. on the..... day of..... 19....., the interest following, namely: (here describe the interest) for.....; and I declare that I have never received any sum of money, or other valuable consideration on account of the said purchase. And I further declare that I have consented and agreed with the said C.D. to cancel by mutual consent, the said sale, which sale was, on the..... day of..... 19....., cancelled accordingly. And I further declare that I have not received, nor am I to receive, from the said C.D., or any other person, any money or other valuable consideration for or in reference to my consent to the cancellation of the said sale.

And I make this solemn declaration conscientiously believing the same to be true.

(Signed) A.B.

Declared before me at.....
this..... day of..... 19.....

.....
Justice of the Peace.

Form No. 12 (Section 22).

DECLARATION BY PURCHASER OF CANCELLATION OF PURCHASE BY CONSENT.

I, C.D., do solemnly and sincerely declare that I bought from A.B. on the.....day of.....19....., the interest following, namely: (here describe the interest) for.....; and I declare that I have never given to the said A.B. any sum of money, or other valuable consideration, on account of the said purchase.* And I further declare that I have applied to the said A.B. to consent to cancel the sale, which sale has accordingly been cancelled by mutual consent. And I further declare that I have not given, nor am I to give, nor has any person on my behalf to my knowledge given, nor is any person to my knowledge to give, any money or other valuable consideration for or in reference to the cancellation of the said sale.

And I make this solemn declaration conscientiously believing the same to be true.

(Signed) C.D.

Declared before me at..... this.....day of.....19.....

Justice of the Peace.

* Should any interest have been received upon the purchase money add the words "except certain interest upon the said sum."

Form No. 13 (Section 22).

DECLARATION BY SELLER OF SALE TO AN AGENT, CANCELLATION OF THE SAME AND SUBSTITUTION OF AGENT AS PRINCIPAL BY CONSENT.

I, A.B., do solemnly and sincerely declare that I sold to C.D., as the agent or alleged agent of E.F., on the.....day of.....19....., and not before, the interest following, namely: (here describe the interest) for..... And I declare that the said E.F. has declined to accept the interest, and that the said C.D. has signified his willingness to take the same to and for his own individual account, for.....neither more nor less. And I further declare that there is not any agreement, condition or understanding between me and the said C.D. whereby he has paid or is to pay to me or any other person whomsoever, for or in respect of or in connection with the purchase by him of the said interest, any sum of money or shares over and above the said.....save and except certain charges or payments which fall under or come within one or more of the heads or items of charges or payments following: (here set forth in order from No. 1 to No. 11, both inclusive, the heads or items of charges or payments as in Form No. 8). And I further declare that I have not received, and that I am not to receive, nor has any other person received, nor is any other person to receive, for my use or benefit, or at my instance or request, any valuable consideration besides the said....., save and except in so far as any of the charges above specified, and to be paid by the said C.D., might be held or taken to be payable for me or on my behalf. And I further declare that the said C.D., as the agent or alleged agent of the said E.F., is the only person who has ever purchased the said

interest, and I never sold the same to any other person than C.D., in manner aforesaid, who, with my consent, takes over the interest as aforesaid as his own.

And I make this solemn declaration conscientiously believing the same to be true.

(Signed) A.B.

Declared before me at.....
this.....day of.....19.....

.....
Justice of the Peace.

Form No. 14 (Section 22).

**DECLARATION OF PURCHASE BY AGENT.
CANCELLATION OF SAME AND SUBSTITUTION OF AGENT FOR PRINCIPAL BY CONSENT.**

I, C.D., do solemnly and sincerely declare that I did, in the name of E.F., purchase from A.B., on the.....day of.....19....., and not before, the interest following, namely: (here describe the interest) for..... And I declare that the said E.F. has declined to accept the said interest, and that the said A.B. has consented and agreed that I shall take over the said interest as the purchaser thereof, for..... And I further declare that I have not, nor has any person, to my knowledge, on my account given, nor is there by me, or on my behalf, to be given, any other valuable consideration of any kind whatever, for or in respect of the alienation to me of the said interest, save and except certain charges or payments which fall under or come within some one or more of the heads or items of charges or payments following: (here set forth in order from No. 1 to No. 11, both inclusive, the heads or items of charges or payments as in Form No. 8).

And I make this solemn declaration conscientiously believing the same to be true.

(Signed) C.D.

Declared before me at.....
this.....day of.....19.....

.....
Justice of the Peace.

Form No. 15 (Section 22).

**DECLARATION BY SELLER ON SECOND SALE,
FORMER HAVING BEEN CANCELLED.**

I, A.B., do solemnly and sincerely declare that.....is the full and entire purchase price for which I have sold to C.D. the following interest, that is to say: (here describe the interest). And I declare that I sold the same to the said C.D. on the.....day of.....19....., and not before, and that there is not any agreement, condition, or understanding between me and the said C.D. whereby he has paid or is to pay to me or to any other person whomsoever, for or in respect of or in connection with the purchase by him of the said interest, any sum of money or shares over and above the said....., save and except certaincharges or payments which fall under, or

come within one or more of the heads or items of charges or payments following: (here set forth in order from No. 1 to No. 11, both inclusive, the heads or items of charges or payments as in Form No. 8). And I further declare that I have not received, and that I am not to receive, nor has any other person received, nor is any other person to receive for my use or benefit, or at my instance or request, any valuable consideration besides the said..... save and except in so far as any of the charges above specified, and to be paid by the said C.D., might be held or taken to be payable for me or on my behalf. And I do further declare that the only person, other than the said C.D., to whom I ever sold the said interest, or who at any time purchased the said interest from me, was E.F., to whom I sold the same on.....day of.....19..... And I further declare that the said sale to the said E.F. has been cancelled by mutual consent.

(or, "And I further declare that since the sale to the said E.F., he has become insolvent, and that the Trustee in his insolvent estate has elected to abandon the said sale");

(or, "And I further declare that the said E.F. has, to the best of my knowledge and belief, left the limits of this Proclamation," or "cannot be discovered within it" (as the case may be), "and that he has not paid me any part of the purchase money agreed to be paid, and that I have received from the Resident Commissioner the permission herewith annexed to make this special declaration.")

And I make this solemn declaration conscientiously believing the same to be true.

(Signed) A.B.

Declared before me at.....
this.....day of.....19.....

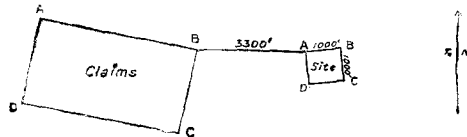
.....
Justice of the Peace.

Form No. 16 (Section 48).

APPLICATION FOR MINING SITE.

I, the undersigned.....
being the registered holder of claims, Block No.....,
Claim Nos....., situate in the Mining
District of..... and presently
held by me under Certificate of Registration
No.....dated.....19.....
hereby apply for the issue to me of a Certificate of
Registration of a Mining Site to be used for the
purpose of.....
.....

The following Sketch shows the position of the Site:



Area of Site in acres.....
 Date and hour of pegging.....
 Date and hour of posting or handing in application.....
 Signature of Applicant.....
 Address of Applicant.....

Form No. 17 (Section 48).
CERTIFICATE OF REGISTRATION OF MINING
SITE(S) No.....
 Office of the Registrar of Deeds,
19.....

This is to certify that.....
the registered holder of claims,
Block No.....Claim Nos.....
 in the Mining District of.....,
 as held under *Licence Receipt No.....*
Certificate of Registration No....., is the
 registered holder of Mining Site(s) No(s).....
 for the purpose of.....
 such site(s) being in extent.....acres.
 Registrar of Deeds.

Form No. 18 (Section 90).
SUMMONS.

To (here insert names of all defendants). You are hereby summoned to appear before me at..... on the..... day of..... next, at..... o'clock of the same day precisely, to answer the complaint of A.B., of..... and C.D., of..... (insert names of all complainants), by which complaint they seek (here insert nature of complaint, showing whether for encroachment, trespass, etc.). You may have a summons to compel the attendance of any witness, or for the production of any books or documents on applying at my office.

Bring this summons with you when you come to my office.

Given under this my hand this..... day of.....19.....

Mining Commissioner.

Accompanying this application are the Certificate of Registration of the claims and the affidavit required by law.

DESCRIPTION OF CLAIMS.

Block No.....Claim Nos.....
Licence Receipt No.....
Certificate of Registration No.....
Sketch Plan or Diagram No.....
all the said claims being situate in the Mining District of.....
Signature of Applicant.....
Applicant's address.....
Date.....
Place.....

SECOND SCHEDULE.

SCALE OF ROYALTIES.

1. The royalties payable on any mineral or mineral products won shall be as follows:—

Gold:

- (a) Two per cent. of the monthly output plus 0.2 per cent. for every dwt. of fine gold recovered per ton of 2,000 lb. of ore treated.
- (b) If the value of the output is less than £3,200 per month, the royalty payable under (a) shall be diminished by 1 per cent. of its total for every £30 below £3,200.

Example.—The output is £2,560 from 2,000 tons, at the rate of 6.10 dwt. per ton. Under (a) the royalty is two per cent. + $0.2 \times 6.10 = 3.22$ per cent. of £2,560, or £82. 8s. 7d. Under (b) this is diminished by $\frac{3200 - 2560}{30} = 21\frac{1}{3}$ per cent. of its value giving a net royalty payable of £64. 16s. 11d.

Silver: Three per cent.

Copper:

- (a) If the average cash price of electrolytic copper in London for the month following the date of the copper production is less than £55 per ton of 2,240 lb., 2 per cent. less 0.10 per cent. for every £1 that such price is below £55.
- (b) If such price is between £55 and £65, 2 per cent. plus 0.05 per cent. for every £1 above £55.
- (c) If such price is between £65 and £75, 2½ per cent. plus 0.10 per cent. for every £1 above £65.
- (d) If such price is over £75, 3½ per cent. plus 0.15 per cent. for every £1 above £75.

Lead:

- (a) If the average cash price of lead in London for the month following the date of the lead production is less than £20 per ton of 2,240 lb., 2 per cent. less 0.10 per cent. for every £1 below £20.
- (b) If such price is over £20, 2 per cent. plus 0.20 per cent. for every £1 above £20.

Zinc: 0.10 per cent. for every £1, of the average cash price in London for the month following the date of the zinc production per ton of 2,240 lb.

Coal: Three pence per ton of 2,000 lb.

All other minerals except diamonds: 3 per cent.

2. The percentage of royalties shall be calculated on the gross market value of the mineral or mineral product, less brokerage and returning or reduction charges. The term "gross market value" shall for the purpose of this scale of royalties be defined as being the gross price which the Grantees would have received for the product as the result of a bona fide sale at market value by delivering the product to the purchaser at the point of sale without any allowance for transport to the point of sale, selling commission, insurance, cost of realization or otherwise.

amended by P.S./L.S.

Oil Shale = 4^d per Ton of 2000 lbs.