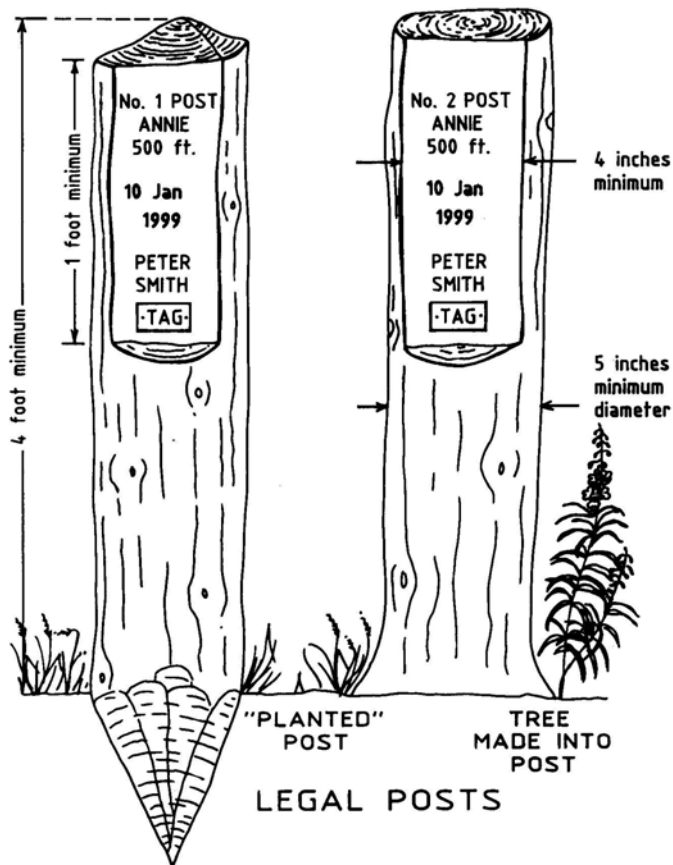


STAKING GUIDE PLACER MINING ACT

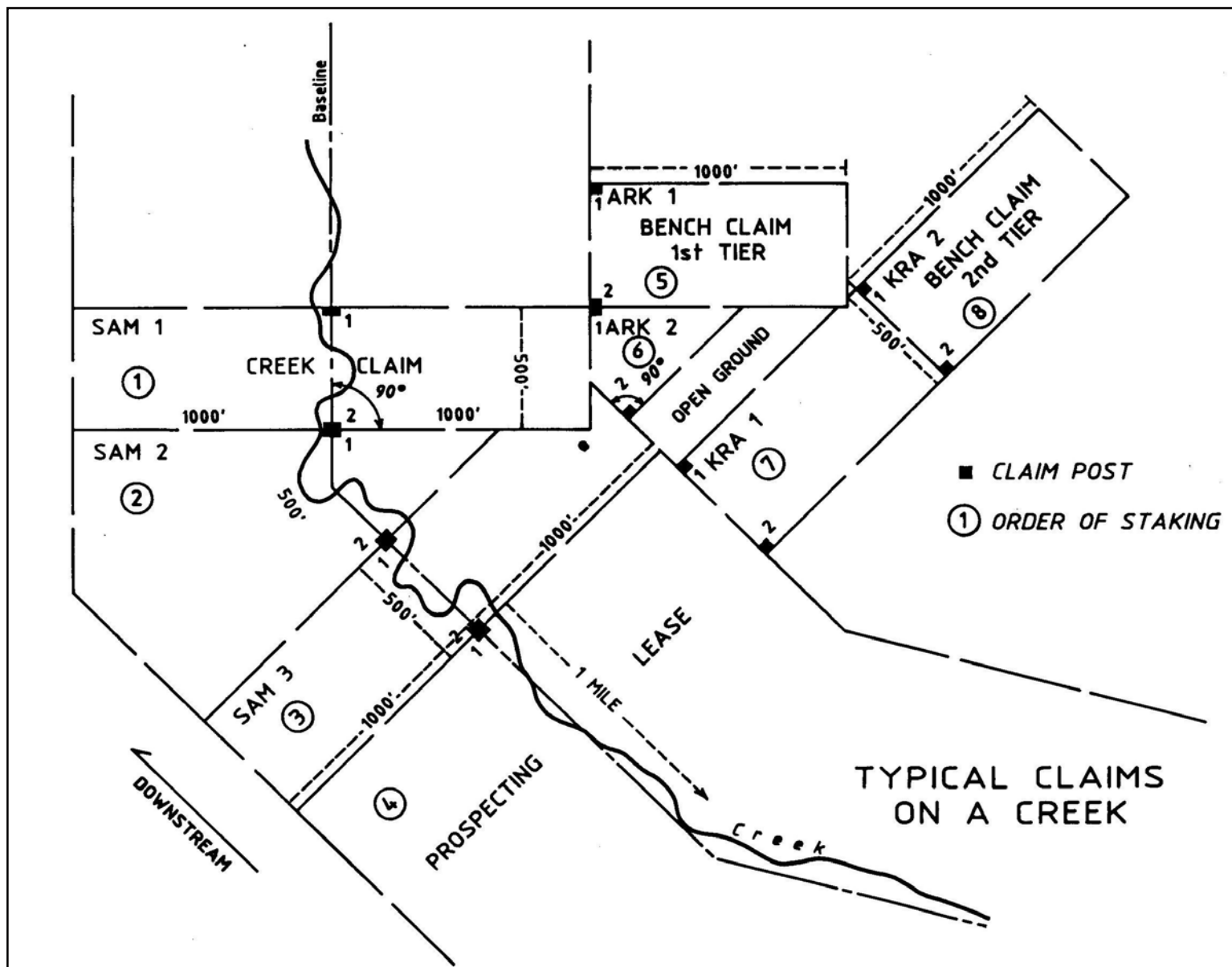


In this example, "Smith" has properly staked the "Annie" creek claim by placing these posts close to the baseline and with the inscriptions facing each other.

The location line between the posts has been cut out and does not exceed 500 feet, measured along the baseline.

Before staking, "Smith" obtained and studied a copy of the Act, checked the claim map for valid claims in the immediate area for other claim posts to ensure that the ground was still un-staked.

After receiving his grant from the Mining Recorder, "Smith" nailed his tags on the posts in accordance with Section 38 of the Act.



TYPICAL CLAIMS ON A CREEK

2. (1) In this Part

“baseline” of a creek or river means a traverse line following the general direction of the centre bottom lands of the valley of the creek or river, surveyed and established under the direction and with the approval of the Commissioner;

“claim” means any parcel of land located or granted for placer mining and “mining property” includes, besides claims, any ditches or water rights used for mining on the claim, and all other things belonging or used in the working of the claim for mining purposes;

“creek” means all natural watercourses, whether usually containing water or not, and that portion of any stream, below the point where it enters the valley of the parent stream, but does not include streams that have an average width of one hundred and fifty feet;

“legal post” means a stake having a diameter throughout of not less than five inches, standing not less than four feet above the ground and flatted on two sides for at least one foot from the top, each of the sides so flatted measuring at least four inches across the face, and includes any stump or tree cut off and flatted or faced to that height and size;

RIGHT TO ACQUIRE CLAIMS

17.(1) Subject to this Act, any individual eighteen years of age or over, on their own behalf, on behalf of any corporation authorized to carry on business in the Territory or on behalf of any other individual eighteen years of age or over, may enter for mining purposes, locate, prospect and mine for gold and other precious minerals or stones on any lands in the Territory.

18. No person shall enter for mining purposes, locate, prospect or mine on lands owned or lawfully occupied by another person until he has given adequate security, to the satisfaction of a mining recorder, for any loss or damage that may be thereby caused.

19. Persons locating, prospecting, entering on for mining purposes, or mining on lands owned or lawfully occupied by another person shall make full compensation to the owner or occupant of the lands for any loss or damage so caused, which compensation, in case of dispute, shall be determined by the Yukon Surface Rights Board in accordance with the *Yukon Surface Rights Board Act* (Canada).

20 (1) A claim on a creek shall not exceed five hundred feet in length, measured along the baseline of the creek, established or to be established by a Government survey, as provided in this Part.

(2) The side boundaries of a claim shall be lines on either side of the baseline, parallel to it and one thousand feet distant from it.

(3) The end boundaries of a claim shall be lines drawn at each end of the claim, at right angles to the baseline, and extending not more than one thousand feet on either side of it.

(4) In the event that the baseline of a claim is not established, the claim may be staked along the general direction of the valley of the creek but, in that case, shall conform to the boundaries that the baseline, when established, defines.

21. A claim situated elsewhere than on a creek shall not exceed five hundred feet in length, parallel to the baseline of the creek toward which it fronts, by one thousand feet.

22. A claim fronting on a creek or river shall be staked as nearly as possible parallel to the general direction of the valley of the creek or river and shall conform to

the boundaries that the baseline, when established, defines.

23. Claims shall be measured horizontally, irrespective of inequalities on the surface of the ground.

24. (1) Every claim on a creek shall be as nearly as possible rectangular in form and shall be marked by two legal posts firmly fixed in the ground on the baseline at each end of the claim.

(2) A claim situated elsewhere than on a creek shall be as nearly as possible rectangular in form and shall be marked by two legal posts firmly fixed in the ground in a line parallel to the baseline and on the side nearest the creek or river toward which it fronts.

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

(4) One of the flatted sides of each legal post shall face the claim, and on each post shall be written on the side facing the claim a legible notice stating the name or number of the claim, or both if possible, its length in feet, the date when staked and the name of the locator of the claim.

(5) The legal posts shall be numbered 1 and 2 respectively, and it is not lawful to move them except that post No. 2 may be moved by a Canada Lands Surveyor if the distance between the posts exceeds the length prescribed by this Part, but not otherwise.

(6) Despite anything contained in this Part, failure on the part of the locator of a claim to comply with any of the provisions of this section shall not be deemed to invalidate the location, if, on the facts, it appears to the satisfaction of a mining recorder that there has been on the part of the locator an honest attempt to comply with this Part, and that the non-observance of the formalities referred to in this section is not of a character calculated to mislead other persons who desire to locate claims in the vicinity.

LOCATING & RECORDING

27. The forms of application for grant, of application for renewal of grant and of grant of a claim are those contained respectively in Forms 1, 2, and 3 of Schedule 1.

28. (1) An application in duplicate for a grant of a claim shall be filed with the mining recorder for the district in which the claim is situated within ten days after the location thereof if it is located within ten miles of the office of the mining recorder.

(2) One additional day shall be allowed for every additional ten miles or fraction thereof for filing an application under subsection (1).

DISPUTES

76. In case of any dispute respecting the location of a claim, the title to the claim shall depend on priority of the location, subject to any question respecting the validity of the record itself and to the claimant having complied with all the terms and conditions of this Part.

GENERAL

89. (1) If it is proved to the satisfaction of a mining recorder that any person has:

(a) been guilty of misrepresentation in the statement they have sworn to in recording any claim or in any of the statements required under this Part to be made under oath, or

(b) removed, or disturbed with intent to remove, or defaced any legal post or stake or other mark placed under the provision of this Part,

the mining recorder may, order that the person be debarred from the right to obtain a grant or renewal of grant of a claim for any length of time that the mining recorder deems advisable.

(2) A mining recorder shall forthwith, on making any decision under subsection (1), notify every other mining recorder of the decision.

(3) An appeal lies from any decision of a mining recorder under subsection (1) to the Minister

LEASE TO PROSPECT

92. (1) The Minister may grant a lease to prospect for the purposes of placer mining on lands that are under the administration and control of the Commissioner, or the mining rights of which are available for disposal under this Part, on receipt of an application accompanied by evidence satisfactory to the Minister of the applicant's financial ability and intention to incur, the expenditure necessary to thoroughly prospect the area described in the application.
- (2) The location of the lands in respect of which a lease has been granted under subsection (1) shall be marked in the ground in the manner prescribed by this Part, and application for the lease shall be submitted in Form 6 of Schedule 1.
- (3) While a lease granted under subsection (1) remains in force, the lessee is not eligible to make application for another lease.
- (4) The term of a lease granted under subsection (1) shall be one year, renewable for two additional periods of one year each, if the lessee on or before the termination of the year furnishes the Minister with evidence to show that he has incurred the prescribed expenditure in prospecting operations and has otherwise complied with this Act and with the terms and conditions of the lease.
- (5) For the purposes of subsection (4) and sections 94 to 96, subsections 42(3) to (5) apply, with such modifications as the circumstances require, in respect of the prescribed expenditure referred to in subsection (4).
- (6) The rental of the lands leased under this section shall be at the rate of twenty-five dollars a mile or fraction of a mile payable to the Commissioner in advance for each year.
93. (1) If the lands described in an application for a lease under subsection 92(1) comprise abandoned ground, that is to say, if the whole or any portion of the creek or river on which lands applied for are situated has previously been staked out and recorded under this Act, the regulations that preceded it or the hydraulic mining regulations approved by Order in Council dated December 3, 1898, but the grants of which have been permitted to lapse, or have been cancelled or forfeited, they shall not exceed five miles in length, and
- (a) in the case of a creek, shall be measured along the baseline in the manner prescribed in this Part, the side and end boundaries of the location of the lands being those defined in this Part; and
- (b) in the case of a river, shall be on one side thereof only and shall extend back from the foot of the natural banks a distance of one thousand feet measured from the baseline, the end boundaries being lines drawn at each end of the location at right angles to the baseline.
- (2) Locations of lands other than on a creek or river shall not exceed one thousand feet in width and five miles in length measured along the line parallel to the baseline of the creek or river and shall be made only on abandoned ground as defined in subsection (1).
94. Prior to the termination of each year, the lessee shall furnish evidence satisfactory to the Minister, supported by affidavit, that the lessee has incurred during the year and expenditure at the rate of at least one thousand dollars for each mile or fraction of a mile leased to him in prospecting operations by recognized methods on the location itself, or for any purpose that to the Commissioner may seem essential or necessary for the economical development of the lands leased, and if the evidence is not furnished before the termination of the year, or is not satisfactory, the lessee is not entitled to renewal of the lease.
95. Prior to the termination of a lease granted under section 92, the lessee may, if he or she desires, personally stake out in the manner prescribed in this Part placer mining claims comprising the whole or any portion of the lands leased, and on furnishing the Minister with satisfactory evidence to show that he or she has incurred during the year for which the lease was issued the expenditure already provided for in the development of the leasehold, he or she may submit an application in Form 1 of Schedule 1 and obtain a grant in his or her own name for each of the claims so staked and applied for, in which case the unrecorded portion of the location immediately reverts to the Commissioner and becomes available for disposal under this Act.
96. (1) If a creek or river on which an applicant desires to acquire a lease to prospect has not already been prospected, that is to say, if mining claims have not previously been staked, recorded and abandoned along any part of the creek or river, the term of the lease that may be granted shall be for one year only not subject to renewal, and the lands leased shall not exceed one mile in length, marked out and measured in the manner above prescribed, and subject to all the conditions above set out in so far as they can be made to apply.
- (2) Prior to the termination of the year referred to in subsection (1), the lessee of the lands may, if he or she desires, stake out within the limits of the lands leased a claim not exceeding in size a discovery claim and, on furnishing evidence satisfactory to the Minister to show that he or she has incurred during the year for which the lease issued the expenditure already provided for in the development of the leasehold he or she may submit application and obtain a grant for the claim so staked and applied for, in which case the unrecorded portion of the location immediately reverts to the Commissioner and becomes available for disposal under this Part, and only one discovery claim shall be allowed on the creek or river referred to in that subsection.
97. (1) The fee for the issue of a lease, or for the renewal thereof, is twenty-five dollars for each mile or fraction of a mile described in the lease, payable in advance to the mining recorder for the district or to the Commissioner.
- (2) A lessee shall not assign, transfer, or sublet the rights described in a lease, or any portion thereof, without the consent in writing of the Minister being first had and obtained.