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REGULAMENTO DAS MINAS

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Decreto de 20 de Setembro de 1906

PORTUGUESE COLONIAL MINING LAWS

APPROVED BY

the Decree of 20th September 1906

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SECTION I

Preliminary Definitions

a) Prospector.--Any person who, furnished with a mining licence or without such being the proprietor of the ground, engages in works of prospection, and who being a foreigner has relinquished any such privileges.

b) Discoverer.--A prospector who having discovered a new mineral deposit that is to say, where no work has formerly been done, and at the place more than 2 kilometres from another manifested area, or more than 5 kilometres from the limits of a mining field.

c) Claim.--By a mineral claim is meant that area of land of dimensions fixed by law, and included in a manifested area which is therefore reserved for prospective works, and which can be conceded for actual mining works.

Each claim comprises to an indefinite depth the mass delimited by the vertical planes on the lines of its perimeter.

d) Dredging Claims.--Are claims of precious metals whose exploitation can only be made by means of a dredger or by a hydraulic process.

e) Double Bank Claims.--Are such as can be demarcated in lodes of precious metals (gold, silver or platinum), contiguous to the claim at the out crop and in the direction of the inclination of the lode.

f) Mining Property.--A claim or group of contiguous claims manifested by one person, and conceded to or aquired by that person.

g) Ordinary Mining Licence.--A document issued by the proper authorities, which during the term of its validity gives the holder the right to prospect in any part of the territory for which the licence was conceded. This document is granted to whomsoever demands the same in compliance with the terms of the law.

h) Special Mining Licence.--A mining licence the effect of which is analogous to the foregoing, but which the Government alone can grant to such persons as are held to fulfill the necessary recourses for exploiting properly the larger concessions to which such licence entitles the holder.

i) Prospecting Notice.--A notice placed on a tree, post, or any other support which makes it plainly visible, and which displays during the terms of the respective licence the sole right to prospect in an area determined by law and of which this notice is the centre.

j) Notice of Discovery.--A notice put up by a prospector in the same manner as a prospecting notice which is intended to indicate the discovery he supposes he has made, and which should be fixed as near as possible to the starting point which should be clearly indicated.

k) Mining Manifest.--A declaration in writing in which the party states that he has discovered a mineral deposit, and which must relate all the facts necessary to fix the exact position of the same.

l) Manifestor.--Any person making a mining manifest.

m) Notice of Manifest.-The record in a special book of the prospector's declaration, which in a fixed term will insure the exclusive right to concession of a manifested mining property when such contains minerals and the manifested land is free.

n) Title of Manifest.-A certificate of the note of manifest which is the document appertaining to legal right to concession when in accordance with all the terms of the law.

o) Starting Point.-The point which the manifestor desires to be considered as the centre of demarcation.

p) Preliminary Demarcation.-The delimitations of the area manifested or to be manifested, made by means of posts erected, by the prospector, or manifestor, and which can be however removed or altered under certain circumstances by the administrative authority, Government Engineer of mines or whoever acts for him.

q) Definite Demarcation.-Delimitation of the area manifested or conceded by means of posts erected in accordance with the terms of the law by the administrative authority or by the Government Engineer of mines or whoever acts for him. These posts can only be removed with the consent of the mine proprietor or in the event of cancellation of the manifest or concession.

r) Mining Works and Operations.-Any works or operations of mineralisation which have for their motive prospecting, digging or exploration, and also the exploitation of mineral substances in any manner.

s) Mining Rights.-By the expression mining rights is meant all rights derived from the dispositions of the laws concerning mines.

t) Recognition.-Is the official act by which the Government Mining Engineer, or whoever acts for him, verifies if in the area manifested that there does or does not exist a useful mineral substance. The official recognition of the existence of a deposit does not imply in any case that mining of the same is considered remunerative.

u) Mining Concession.-Is that which is granted to the manifestor and permits him to explore a mining property and to enjoy thereon all mining rights. It is unlimited in duration as long as the concessionaire complies with the conditions which the law and the title of concession impose on him.

v) Title of Concession.-A document legally establishing a concession.

x) Persons or Individuals.-Societies, companies, and any other collective bodies are for all legal purposes considered as individuals.

y) Companies with Mining Rights.-Companies which have sovereign rights, and possess exclusive right to mining exploration in the area which has been conceded to them for this purpose by special diploma of the Government of Portugal.

z) Free Land.-Land in which prospecting, manifest, or concession has never taken place, and land for which the mining rights of a prospector, manifestor or concessionaire have lapsed.

SECTION II

CHAPTER I

General regulations

Art. 2. The proprietorship of deposits of metals and metal-liferous minerals, including bismuth, arsenic, antimony, sulphur, graphite, combustible minerals with the exception of peat, bituminous substances and mineral oils, pricious stones, alkalis, phosphates, mica and amianthus belongs to the State; such beds cannot be prospected or worked without licence and concession by Government in the terms of the present Decree.

1. The following may be freely exploited:

Metals and metalliferous minerals contained in alluvials existing in the beds of rivers and streams, sea-coasts or other public lands, provided that their exploitation is carried on with portable apparatus worked by hand and for the manipulation of which more than two persons are not necessary. Except under these conditions alluvial deposits shall be subject to the terms of the above article.

Art. 3. Deposits of mineral substances not included in Art. 2 can be freely exploited by the proprietor of the ground or by any other person with his consent independently of any authorization by official title.

1. When however public interest and utility renders it necessary, such deposits may be exploited, the Governor of the District authorizing their being worked if the proprietor has refused to do so.

Art. 4. The proper course for obtaining a licence for prospecting and for acquiring a concession for mining claims, as well as the conditions to be observed are minutely described in the special chapters of this Decree.

The following is a resume of the process :

- a) A licence for prospecting is indispensable, except to the proprietor of the land, for the establishment of the rights of a prospector, and must be obtained from the proper authorities designated in Art. 38 and 161.
- b) After prospecting and thereby revealing the existence of any useful mineral, or even independently of prospecting when a simple inspection of the land suffices and when no prospector is already legally established, or on the other hand when such land has once been the subject of a concession which has been declared to have lapsed concessionary rights may be obtained by means of fixing a notice of discovery and the respective "manifest" which can be executed before such authorities as grant a licence for prospecting.
- c) After executing a "manifest" and on the elapse of three months without a counter claim having been lodged, the proper authority shall order a "survey" of the ore bed.
- d) Only after such "survey" or at the close of the period during which it should have been performed, it is permitted to commence mining and, to apply for a concession, which shall be granted for time unlimited, so long as the concessionaire complies with all legal conditions and especially those required by the diploma or "title" of concession.

Art. 5. Foreigners who desire to prospect or execute any "mani-

Art. 6. The areas of claims are :

1. For precious stones a square 10 metres broad.
2. For precious metals a square 100 metres broad.
3. For dredging claims a rectangle with the maximum area of 2.500 hectares not more than 5.000 metres wide.
4. For all other mineral deposits to which Art. 2 refers, a rectangle of an area not greater than 100 hectares.

Art. 7. With an ordinary mining licence a prospector can only take out one "manifest".

X1. The number of claims which can be manifested under these conditions are :

- | | |
|--|----|
| a) Precious stones. | 10 |
| b) Do metals. | 10 |
| c) Any other mineral to which Art. 2 refers. | 1 |

X2. If the "manifest" is for a lode of precious metals the prospector can with the same licence manifest a group of "Double Bank" claims of the number stated in this Art. and X1.

X3. If the prospector is the discoverer he can manifest double the number of claims in X1 and 2.

Art. 8. If the prospector is provided with a special mining licence he can manifest during the term of validity of this licence conjointly or separately :

- | | |
|--|-----|
| a) Lode claims of precious metal | 500 |
| b) Or Dredging claim | 1 |
| c) Or Claims for any other kind of minerals mentioned in Art.2 | 5 |

Claims of precious metals manifested in the terms of this paragraph, when not taken up conjointly must be in blocks of ten claims or multiples of 10; a special manifest being made for early block of contiguous claims.

Art. 9. Prospectors, manifestors, concessionaires or lessees of mines, whether they be individuals or collective bodies, cannot employ in their service any salaried workman for whatsoever kind of work, unless the contract or agreement with these persons has been seen and approved by the agents of the Authority to whom this duty belongs.

Art. 10. The proprietorship of minerals as well as the rights derived from a title of manifest are transferable under the terms of chapter VII of this Decree which regulates moreover the transactions to which they can be subjected.

Art. 11. The correct mining taxes as well as the cases in which their remission is conceded, shall only be those fixed by this Decree in Chapter VIII.

Art. 12. The Government reserves the right to order all workings to be inspected and fiscalised by its agents in the terms provided in Chapter IX of this Decree, in order to ensure compliance with the conditions imposed on concessionaires, to guarantee the proper development of ore beds, the security of miners and further to collect details for the assessment of taxes.

Art. 13. There shall be an Engineer of Mines in charge of the

may be, appointed by the Government of Portugal, and proposed by the Governor of the Province, and each Engineer shall have for assistance, one or more, inspectors as may be necessary for the work, these functionaries to be appointed in the same manner as the Engineers.

X1. The salaries and allowances of these officials shall be fixed by the Government of Portugal.

X2. These officials shall be Portuguese and hold a diploma of some national or foreign school of accepted standing.

X3. In districts in which there is no Engineer of Mines appointed in the terms of this Article, these duties shall be carried on provisionally by an engineer or inspector who complies with the conditions of para 2, for the time being appointed for this purpose, or failing this by an engineer or conductor of the Public Works Department.

Art. 14. The concession of an ore bed does not imply possession of the surface of the ground in which it is found, but involves for the concessionaires and the proprietor of the ground certain rights and reciprocal obligations in accordance with the terms of the law.

Art. 15. The use of water and timber belonging to the State by the concessionaires of mines is regulated in accordance with the laws relating thereto.

Art. 16. The special jurisdiction applicable to mining works and to persons employed thereon is established in Chapter X, in which the penalties incurred for infractions of the dispositions of this Decree are also stated.

Art. 17. The concentration of ore beds, prospecting works, or diggings for precious stones or precious metals in a certain area may be termed a mining "camp" within which for the better preservation of order, and good results of mining, the special dispositions shall be observed which are prescribed in the rules relating to mining camps.

Art. 18. The Government of Portugal can prohibit prospecting for minerals in any area of the colonial possessions, such resolution however cannot annul the prior rights of a prospector who within the term of his licence may have obtained, a "title of manifest" or the subsequent concession.

X1. Except under these conditions no manifest of such land shall be valid.

Art. 19. The Government of Portugal reserves the right of granting licences for prospecting in any particular portion of its territory, and of directly granting concessions of mines without restriction of the number of claims, for the entire exploration of a given mineral zone, complying with the following conditions :

- a) As regards the application, the basis of the case, accompanied by all documents which the Government requires to define the petition and guarantee the seriousness of the undertaking and by a receipt which proves that the party has deposited in the State Treasury to the order of General Overseas Secretariat a sum of 500\$000 reis, the Engineer of Mines shall be consulted through the medium of the Governor of the Province, who shall moreover state his own opinion, and the case thus put together shall be submitted to the Consulting Committee of the Colony

or to any other consulting body which the Governor thinks expedient to hear. This deposit shall be transferred to the account of fix deposit and shall be returned to the party if the request is not granted.

- b) Should the Government resolve to accede, such area as may be considered convenient shall be ordered to be reserved and a licence for prospecting shall be issued by means of a notice to be published in the "Diario do Governo" and in the Gazette of the Province to which the reserved area appertains, defining and delimiting the same in the best manner. If the request is not granted the above mentioned deposit shall be returned to the applicant.
- c) The Governor of the District in which the reserved area is situated shall pass the licence when taking cognizance thereof, to the authorities named in Art. 38 in order that the provision of note (e) of Art.44 may be observed.
- d) The special licence referred to in note (b) of the present Article will not be issued unless there be deposited in the treasury of the State as security, a sum to be previously fixed by the Government, between a minimum of 20.000\$000 and a maximum of 100.000\$000 reis in relation to the area reserved.
- e) The licence can only be granted to Portuguese subjects or societies constituted according to note (f) of Art.91 or Art.92 or the terms expressed in Art.22.
- f) During a period to be fixed, dependent on the size of the area reserved but always between two and five years, prospecting may be carried on, according to the provisions of Art.44 and 48.
- g) After the expiration of the period fixed under the terms of the preceding note (f) the prospector must submit to the Governor of the Province the manifests (model h) relating to the claims required within the reserved area paying the sum of 5\$000 reis for each.
- h) On receiving the manifests the Governor of the Province will order the Engineer of Mines to proceed, at the cost of the applicant, to survey the lodes and demarcate the concessions applied for, the sum to be paid being previously arranged, Art.72 and the following where applicable being complied with.
- i) Following on the conclusion of this performance, the period of one year commences during which the concessions for claims should be applied for to the Government of Portugal, which should be constituted according to the report of the Engineer of Mines and the opinion of such consulting bodies which the Government thinks fit to hear, and in accordance with, as regards the formation of the case, the provisions of Chapter V of this Decree as may be applicable.
- j) On the concessions being granted by Government they shall come under, for all effects, the general regulations of this Decree.

- k) Areas unoccupied by the concessions shall at once be declared free by means of a notice in the Gazette, and communicated direct by the Governor of the District to the authorities named in Art.38.
- l) The deposit referred to in note (d) can only be remitted when it is satisfactorily proved, that a sum equal to the deposit has been expended on prospecting works or in those of digging, or when the party proves satisfactorily that no profitable minerals exist in the area.
- m) When concessions are not applied for or when such are abandoned without the expenditure of this sum having been attained the deposit shall be declared due to the State and thus retained.
- n) A prospecting licence in the terms of the present article is not transferable without the previous authorization of Government which can recall the same when the fitness of the applicant for the concession is not recognised.
- o) It is expressly laid down that the Government can refuse an application for a prospecting licence even if it is exactly according to the terms of this article and whatever the security offered may be, when such is considered to be before the good of the State.

Art. 20. No licence for prospecting nor concession of claims shall be granted unless the conditions of the present Decree are observed.

Art. 21. No concession of a mining claim or claims shall be granted unless preceded by the erection of a notice of discovery and proper "manifest".

Art. 22. It must be understood that foreigners (persons, societies, companies or any other collective bodies) shall always renounce their national privileges and subject themselves to Portuguese Authority in all matters relating to mining transactions.

Art. 23. Laboratories for mechanical preparation or chemical or metallurgical treatment are considered as accessories to mining or mine exploration. Their establishment is therefore permitted to concessionaires of mining claims, but is however subject to the approval of the Governor of the District, as regards the proposal for the same the Engineer of Mines, or whoever is doing his duties shall be consulted, and may specify such modifications as should be introduced, such special conditions as should be imposed for their regulation, as well as such accessory work to be carried out for the prevention of pollution of water courses.

1. To persons not concessionaires of mining claims the establishment of laboratories for mechanical or metallurgical treatment is only allowed on payment of an annual licence of 100 reis per square metre occupied by the installation, besides such compensation and rent due for the occupation of the ground, and according moreover to the procedure and conditions fixed by the present Article.

2. Laboratories of this nature cannot however be established within the area of a concession of mining camp in the case of 1 without permission in writing of the concessionaire in the first instance, and the special sanction of the Commissioner of Mines in the

X3. Laboratories for mechanical and metallurgical treatment are as a whole, subject in all cases as mining works, to the inspection of the Engineer of Mines, and their renewal or closure can be ordered by the Governor of the District, hearing the Engineer of Mines, when their existence may imperil the public health. Appeal from these decisions may be made to the Governor of the Province. In any case, however nobody has a right to compensation from the State.

X4. Infringement of any of the prescriptions of this Article as well as inobservance of any of the conditions with which the project may have been approved, and further non-execution or bad execution of accessory works within the fixed periods, shall be punished with a fine varying between 120\$000 reis and 2,400\$000 reis.

Art. 24. No depot for explosive substances shall be permitted without the special licence of the Governor of the District. In regard to the granting of this licence the Engineer of Mines or whoever may be acting for him, shall always be heard, and shall state the conditions that must be imposed.

X1. A fine which can be raised up to 6.000\$000 reis will be inflicted by the Governor of the District on any person not complying with this disposition, without any exemption from responsibility which he may incur in virtue of any other law.

Art. 25. It is absolutely prohibited to pay for any kind of piece work in metals not coined or in uncut precious stones.

X1. The infraction of this disposition involves a fine varying between 60\$000 reis and 600\$000 reis.

Art. 26. All salaries due to any persons employed in Mining Works shall be paid on money, it is not permitted to make any deduction not justified by advance granted as payments made as salaries on account, or for the supply of any commodities for the personal use of the workman and made at his request.

X1. The payment of salaries in kind of goods is only permitted when there is a clause in the contract or agreement expressly to this effect.

X2. The infraction of this Article shall be subject in each case to a fine, varying between 120\$000 reis and 240\$000 reis.

Art. 27. Any person falsely making a declaration which may be required of him under provisions of the present Decree, besides incurring such penalty applicable to this offence under the Penal Code shall lose whatever mining rights may belong to him.

Art. 28. All persons who in any manner occupy themselves in mining works are obliged to help the authorities in the maintenance of public order when officially called upon to do so.

X1. Any person not complying with the summons referred to in the present Article, except by reason of manifest impossibility, shall be punished with a fine of from 30\$000 reis to 180\$000 reis, and shall lose any mining rights that may belong to him.

Art. 29. Any person occupied in mining works, and who may commit, attempt to commit, or encourage, sedition or rebellion, or resist the summons of the authorities, shall lose all mining rights which belong to him besides incurring the general penalties corresponding to the deed or intention.

Art. 30. Any person destroying or attempting to destroy works, apparatus, workshops or machines for the purpose of mining, shall

suffer such punishment as he may have incurred in accordance with the general regulations.

Art. 31. The trade of precious stones and precious metals shall be regulated by the Governor of the Province in terms of general legislation.

Art. 32. Stamp duty and emoluments which in terms of the law may be due for any title, document or diploma, which has to be granted in accordance with the present Decree shall always be paid by parties concerned at such occasion as shall be indicated to them by the authority who grants the document.

X1. Fifty per cent of the items collected in accordance with Article 42 and 54 shall form the emoluments of the Secretary.

X2. No document shall be delivered without previous payment of the stamp duty and emoluments due.

Art. 33. In special cases, and when a concession abandoned in terms of present Decree has exceptional importance either on account of its richness or of the development of the works, it shall not be declared free land but be open to tender for fresh concession.

X1. The tenders shall be made to the authority who may have declared the abandonment according to a special form, which shall be published as widely as possible, and in regard to the formation of which the Engineer of Mines or whoever may be acting for him, shall always be heard.

X2. The period during which the tenders may be made shall not be less than sixty days, and in the form no clause contrary to the dispositions of the present Decree can be inserted, tenders shall be based solely on an auction of a percentage to be paid annually to the State in place of the proportional tax, than which it shall never be less, and which can be made to substitute the same.

Art. 34. The failure to carry out the legal dispositions, and those specially designated in the "title" of concession will involve according to its gravity a fine or other penalty or even the loss of those rights which the authorities have conferred.

Art. 35. The Governor may make such regulations as may be necessary for the compliance of present Decree, which shall come into force in each colonial Province when published in the Official Gazette.

X1. Such regulations may impose fines up to the maximum limit fixed in the present Decree.

CHAPTER II

Prospecting and the rights and Obligations of a prospector

Art. 36. Any person, whether Portuguese or foreign, can undertake prospecting on lands public or private, of his own or of another in the territories of Portuguese colonies, such as are not in the possession of a Chartered Company, in compliance with the present Decree and subject to the laws in general.

Art. 37. Any person not being the proprietor of the land where he intends to prospect must be previously provided with an ordinary licence (forms A & B), or a special licence (form C) which may be solicited from any of the authorities designated in the following

Article and which is valid for a period of one year, ending on the same date of the year subsequent to the one in which it was issued.

X1. Proprietors of lands can dispense with the licence to which the present Article refers provided prospecting operations are not carried beyond the limits of their property.

X2. One individual can only be granted one mining licence, ordinary or special, which can only be renewed on expiry or after having been used to obtain manifests to which it gives the right.

X3. The granting of a special mining licence may be refused by the authorities when it is considered that the applicant does not offer the necessary guarantees for its proper use.

Art. 38. The following officials are authorised to grant ordinary licences for prospecting in the area of their jurisdictions.

1. Governors of Districts.
2. Commanders of Military Divisions or Heads of townships.
3. Residents, Military Commandants, Captains of Posts or any other authority exercising administrative functions, and directly subordinate to the Government of the District or the Province.

X1. The powers of these functionaries cease for the effect of the present Article when the ground to be prospected is incorporated in an officially declared mining "camp" or when prospecting has been prohibited therein under the terms of Art. 18.

X2. Authorities designated in 1 and 2 can issue licences for prospecting which may extend throughout the area of the District, division or frontier township, recovering in this case double tax fixed in Art. 42 and observing the following:

- a) For beyond a district a licence can only be granted by the Governor of the district.
- b) Authorities designated in 2 and 3 of this Article have equal powers within the district.
- c) In a case as provided in X2 above the authority who granted the licence shall at once communicate the fact to the authority in whose jurisdiction the area referred to may be.

Art. 39. The following officials are authorised to grant special licence for prospecting.

1. The Governor General of the Province.
2. The Governor of the District when specially deputed by the Provincial Government.

Art. 40. The number of licences which can be granted for the same area is unlimited.

Art. 41. In the office of each of the authorities indicated in (1), (2), and (3) of Art. 38 and in (1) and (2) of Art. 39 as also in that of the authorities named in (1) and (2) and noted to Art. 160 a book shall be kept in which prospecting licences shall be registered consecutively.

X1. This register of licences shall be initialled and numbered on every page by the person responsible for it, and shall bear the date of commencement and conclusion.

due form. When such is the case the licence shall be granted, and a correct copy kept, immediate arrangements to produce the book for registration purposes being made; the licence or licences which may have been issued before, with their respective dates, shall be entered therein, these circumstances being stated in a note at the commencement.

(3. The parties or authorities mentioned in (2) and (3) of the preceding Article, shall immediately send a copy of all licences to the Governor of the District to be recorded in the archives in chronological order.

(4. Governors of Districts shall send to the Government of the Province at the commencement of each year, for publication in the Official Gazette, a general list of all licences issued during the previous year with an extract of their principal conditions.

Art. 42. For each ordinary mining licence a tax of 5\$000 reis, and for special licence 50\$000 reis shall be recovered at the time of issue, by the official who issues it.

(1. If the applicant is not a Portuguese, he shall, before receiving the licence, sign a declaration (model D) which shall thereafter be registered in the office of the Secretary to Government of the District. The applicant shall therein declare that he has renounced his rights, as a foreigner in all that may occur with respect to mining operation and he shall undertake when his assistance is demanded, to sustain and support the authority of the law.

(2. Together with the mining licence one or more forms (model E) shall be given to the applicant. Should he desire to fill them up under the conditions of Art. 51 he must sign the same before an authority, the seal of the Secretary's office where the licence is issued, being placed against the signature.

Art. 43. Any person who is found prospecting without a licence shall be liable to a fine of not less than 30\$000 reis and not exceeding 180\$000 reis.

(1. Proprietors of the ground are excepted.

Art. 44. Prospecting is prohibited:

a) In an area protected by a prospecting notice except for the prospectors who put up the notice according to the terms of the present law.

b) Within 750 or 2850 metres respectively from a place when another prospector is working in the case of an ordinary or special licence.

c) Within 100 metres of any public edifice, road, railroad, canal, cemetery, or public spring, and within 2,000 metres of the glacis of fortifications.

d) Within 100 metres of any private edifice, and also within grounds enclosed by masonry walls, or those within any other enclosure which are used for any special cultivation.

e) In lands in which prospecting has been prohibited in terms of Art. 18 by the Government of Portugal.

(1. In cases referred to in clause (c) the Governor of the district at the request of the person concerned can reduce the distance, and in each case there must be noted in the licence, which shall be published in the Official Gazette, the conditions to which the applicant undertakes to guarantee that his work

X2. In cases indicated in clause (d) a reduction of the limit shall only be allowed on permission in writing being obtained from the proprietor of the edifice. In municipal lands the permission of the municipality shall suffice.

X3. Any person infringing the conditions laid down in this Article shall be obliged to pay as compensation double the value of the damage caused, and in addition to this, shall incur a penalty variable between 60\$000 reis and 600\$000 reis.

Art. 45. An ordinary mining licence for prospecting confers the following rights :

a) To prospect in any part of the territory for which it has been issued, complying with the restrictions of Art. 18 and 44.

b) Free circulation in territories of Portuguese Colonial Possessions and protection of the authorities.

c) To protect by putting up a "prospecting notice" an area of free land of 750 metres radius, the centre of which shall be the point where the notice is placed.

d) To sink pits, cut galleries, adits or drains, or do any other work which does not result in dislodging useful minerals substance except such as may naturally occur in cutting trial trenches, etc., through a reef or lode.

e) To "manifest" an ore bed found, the manifest superceding all other documents in terms of Article 52 and, to make a provisional demarcation of the bed if convenient. Provisional marks should be clearly visible and at least one and half metre above ground level, and should bear on the outer face the following :

1. Number of mining licence.
2. Name of the prospector.
3. Locality of the starting point.
4. Nature and number of claims.

If the mark is in accordance with (a) it should be surrounded by a heap of stones.

Any person removing or causing the marks referred to in (e) or Art. 81 to be removed, except by the order of the Engineer of Mines in the act of demarcation, is punishable by a fine of 120\$000 to 1.200\$000 reis.

X1. With a special mining licence a prospector can take up under note (c) an area of 2.850 metres radius, and obtain all the guarantees which the present article confers, except that discribed in that same note.

X2. When the "prospecting notice" has been put up the prospector should communicate the fact to the nearest authorities, or to the Department of Mines, who shall acknowledge the date of receipt thereof.

X3. Prospecting notices should be printed on white cloth, numbered and sold at cost price at the office of the authorities mentioned in Art. 33, 39 and 160 n. 1 and 2.

The communication should be signed by the party, and whenever possible by two witnesses at least, and should describe as exactly as possible the place where the notice has been put up.

The authorities shall note the name and number of the prospector's licence to whom they have been sold.

In the absence of notices the prospector should write them himself according to form F in a legible manner.

Art. 46. No prospector can take up more than one such area on one and the same mining licence.

Art. 47. Any person removing or destroying a "prospecting notice" or who is accessory thereto, shall loose all mining rights; or shall be punished by a fine of 100\$000 to 600\$000 reis. The same penalties are applicable to such as put up false notices or having abandoned an area do not withdraw the prospecting notices erected thereon.

Art. 48. A prospector shall always be responsible for all kind of damages caused by his operations and is obliged to pay equivalent compensation.

CHAPTER III

Manifest of mines and rights and obligations of manifestor

Art. 49. The rights of priority of a mineral concession are proved by priority of prospection garanteed by prospecting notice of discovery and manifest, saving the restrictions imposed by Art.56 A manifest secures the right to concession when no previous rights exist.

Art. 50. Every prospector who discovers, or supposes he has discovered a deposit of useful mineral substances, and wants to secure his right, shall work the precise locality of his labours in an easily visible manner by means of a notice of discovery Form G; performing this if possible before vitnesses, and shall appear before any one of the officials indicated in Art. 38 or 160 to execute his manifest. In the manifest the locality of his prospecting works shall be designated with all information or particulars which can possibly be given of its situation of its starting point or the centre for demarcation which he has chosen, thereby thoroughly defining its position and shall add such other features which may add identification of the bed, and determine the area which he desires to demarcate, following as far as possible model H.

X1. The manifestor, when he judges such to be expedient can execute the same manifest before more than one of the officials in Art. 38 to be registered, in every case; the rights or priority are established by the date of the first manifest made.

When the manifestor wishes to avail himself of this privilege, he must declare in each manifest which may be a repetition of the last when, where and under what conditions, the previous manifest or manifests have been made, and also exhibit, on each occasion, the titles of previous manifests, or declare on his responsibility the reason why he does not exhibit the same.

X2. Any omission or false declaration with respect to the dispositions of the preceding para, shall be punished with a fine variable between 1.200\$000 and 6.000\$000 reis.

X3. The title of manifest should be given to the applicant as soon as the deed of manifest is recorded in the proper book, in which it shall always be stated if the manifestor is or is not a prospector provided with the proper licence, and if so provided state the date thereof and the name of the officer who issued the same.

X4. A prospector who has made a provisional demarcation in terms of Art. 45 (a) shall...

describing as exactly as possible the position of the provisional marks which he has put up.

X5. With an ordinary mining licence only one manifest can be made the licence being filed by the Department where the manifest is made. In the case of a prospector not producing his licence he must declare the reason for not doing so in the manifest, a false declaration incurs the penalties established by law and cancellation of the manifest.

X6. With a special mining licence as many manifests can be taken out as are required for demarcation of an area which shall not exceed 500 hectares or a dredging claim.

Art. 51. A prospector can be represented by another person for the provisions of the preceding article, sending by him and by means of the printed form to which note 2nd of Article 42 refers, particulars and data required by the Article. When not provided with that printed form, he shall be able to make his communication by some other means, or by individual authorized by special power of attorney.

X1. Whatever may be the form of manifest the competent authority shall declare in the same document in which communication of manifest be made, the day and hour in which it has been exhibited to him, entering a note at the time in the proper book, and returning the documents with respective title of manifest to the applicant or his representative.

Art. 52. Any person who by simple inspection of land or by other means has found a bed of useful mineral substance can secure his right to concession by executing a manifest in terms of Art. 50.

Art. 53. Concessions annulled or declared abandoned can be the object of new manifest and concession in terms of the present law except in the case prescribed in Art. 33.

Art. 54. The act of manifest shall be recorded in a special book stating therein the day and hour in which the manifest has been received; and the applicant shall pay therefore 5\$000 reis, receiving in exchange the title of manifest (Form 1).

X1. The book recording deeds of manifests shall bear the date of commencement and conclusion, and shall be numbered and initialled on each page by the Governor of the district.

X2. No blank space shall be left between two records of consecutive manifests in the aforesaid book, and the applicant or his representative shall, if he so desires sign the deed of manifest.

X3. When at the seat of the respective authority there is no book of acts duly legalised in terms of X1, act of manifest shall be made on a loose sheet; in such case a record book shall immediately be applied for and shall be supplied by the Governor of the District to which shall be transferred the deed already made stating the facts; the act or acts made on loose sheets shall be sent to Head Quarters of District Government, where they shall be filed.

X4. If on account of the manifest being made in terms of the note of Art. 37 or 52 the manifestor has not a preceding licence and prospecting licence and is a foreigner he shall sign a deed of relinquishment of national rights as demanded from prospectors in terms of X1 of Art. 42 before the title of manifest is issued to him.

X5. The authority before whom the act of manifest is made is responsible for the compliance with the formality prescribed in

declaration of relinquishment of national rights this fact shall be mentioned in the book of acts, taking witness if possible, these signing the same act, and the title of manifest shall be withheld.

X6. Within the period of three months from the date of manifest, a foreign manifestor who under any circumstances may not have yet signed the terms of relinquishment which X5 of this Article treats of shall solicit the title of manifest which shall be granted to him as soon as he signs the terms referred to, and which is at the same time valid from the date on which it was registered.

X7. Only after the act of manifest has been made, the execution of which shall never be obstructed, but before the aforesaid title is issued, it is necessary to obtain the document of relinquishment of foreign rights.

Art. 55. When the manifest is made in the District Government Office there shall at once be published in the Headquarters of the District and in that command or township to which the manifest refers and also in the Government Gazette, during a period of 90 days' notices, calling on any persons who consider they have any right to oppose the demarcation and concession of the mineral deposits to which the deed of manifest refers.

X1. When the manifest is made before any of the officials which Art. 38 or 160 refers to, these shall immediately publish a notice which the present Article refers to, and shall send to the Governor of the District one copy of the deed of manifest and three copies of the notice to be published at the Headquarters of the District and also in the Official Gazette.

X2. On the expiry of the period of the 90 days, of the notice, the above mentioned officials shall send to the Government of the District, a copy of any counter claims that may have been lodged, or a report stating that there has been no opposition.

X3. Notices can be dispensed with, at the request of the applicant, when he declares in writing that the land manifested is free, and when this Certificate is confirmed by the Engineer of Mines or whoever is acting for him.

These declarations should be attached to the documents mentioned in Art. 93.

In all such cases, a manifestor shall at no time have a right to any counter claim, when it is found that the land manifested was not free, and when by this reason the manifest or concession is cancelled.

Art. 56. When two or more prospectors, provided with the respective licences and working according to legal conditions, manifest the same mineral bed with an interval of not more than one month, that one, shall have the preference to concession who in terms of Art. 45, first commenced prospecting and subsequently first put up a notice of discovery and made a manifest, and when circumstances are identical preference is given to the proprietor of the land if he is a prospector and failing this to the prospector whose licence is of earlier date.

Art. 57. Any person not provided with a licence for prospecting, shall only be able to obtain a title of manifest for land, whose starting point may be at a distance of less than 750 metres from the starting point indicated in the title of manifest of another person, within the period of six months from the date of the other manifest, making a deposit of 600\$000 reis, besides any other payment indicated

X1. If the manifest to which this Article refers has been granted on a special miners licence the distance referred to shall be increased to 2.850 metres.

X2. The same applies to persons who solicit a title of manifest under the conditions of the present Article, holding a licence for prospecting of more recent date than the application for manifest previously made, of the same mineral bed.

X3. The amount of deposit prescribed by this Article shall be returned as soon as the party concerned shows proof of having spent on any works of prospecting made in the area indicated in the manifest, a sum of more than 2.400\$000 reis.

Art. 58. In the case of deposits of precious stones or precious metals, whatever be the manifested area and number of corresponding claims, the Governemnt of the province has the power to reduce the number of claims to be granted on each manifest, to one number.

X1. When however the Governor General thinks fit to use this power he shall do so by public notification in the Boletim Oficial, and this shall only affect manifests drawn out on licences dated subsequent to the notice. In such case the present disposition shall be applied equally to all manifestor, who have not rights of discoverer, and the selection of a claim or claims shall proceed in order of precedence of date or respective titles of manifest.

Art. 59. Every possessor of a title of manifest can, independently, of a mining licence, proceed to prospect, in land comprised by his manifest.

Art. 60. The title of manifest shall be transferred by a simple endorsement legally registered.

X1. The acknowledgement can be made in the District Government Office, should the manifestor be known there or by producing two witnesses worthy of credit who may prove his identity.

Art. 61. None of the officials indicated in Art. 38 shall refuse to sign the act of manifest and pass or issue the respective title, on the same day and occasion on which it may be required from him, when it complies with the terms of the present Decree, not even under the pretext that the land which the manifest refers to has already been taken up by some other manifest or mining concession.

Art. 62. Every possessor of a title of manifest shall have the right not only to the kind of mineral manifested, but also to all and any other mineral bed which may be found within the area of demarcation which was officially made, save the exception laid down in X2 of the present Article. Meanwhile, if after having been officially consulted the party declare that he cannot or does not wish to exploit the new deposit, it can be allotted in compliance with any manifest made on this other deposit.

X1. All useful mineral substance shall be considered as forming part of the manifested deposit, which is found within the mass marked by the vertical planes which pass through the lines of demarcation officially made, and also that which is found within this area on the surface of the soil (alluvions).

X2. Excepting the case of deposits of precious stones, or of precious metals found within a bed of one of those mineral substances, which do not belong to those varieties, and only when they are found together in the same vein covering mineral mass being accessories of the mineral substance which has been the object of concession.

13. Should there be found deposits of precious metals in the area of a demarcation already officially made for a mineral substance of another kind, and which may not form a part of the bed or strata or mineral mass demarcated the manifestor or concessionaire of this, has the right to demarcate up to 20 claims under the conditions laid down in Art. 7 and its notes, after any discoverer's claim have been demarcated.

Art. 63. Any person removing or distroying a notice of discovery or erecting false notices of discovery, shall incur the penalties laid down in Art. 47.

Art. 64. Any person in whose favour a title of manifest is issued shall state his adress, any change thereof, stating the locality; in the event of his absence from the District, he must leave duly an authorized representative whom the authorities can adress, and who shall also state his place of residence and any change thereof.

11. Failure to comply with this disposition renders void all appeals, even those authorized by the law, against any steps officially communicated by the administration which may not reach the adreesee or his representative at the place of residence officially registered.

Art. 65. Any counter claim which may be raised against the party who has made a mainfest, shall be communicated officially to him or his representative at the end of period allowed for publication of the notices for him to show the cause of the right of his claim within three months.

Art. 66. Manifests made in the following manner are invalid, and carry with them no rights to the manifestor:

- a) Contrary to the dispositions of the present Decree.
- b) In lands prohibited for prospecting in terms of Art. 18; except under the terms prescribed in the same Article.
- c) Outside the mining camp in which the manifested land is incorporated.
- d) In lands which may be in possession of companies with mining rights, when the manifest has not been executed in presence of their representatives.
- e) In land which may already be a mining concession.
- f) In case provided under Art. 50, 74 and 77.

11. All manifests in which the starting point is situated within an area legally manifested on a prior date are also invalid, and in the case of this starting point being fixed within the area prescribed by official demarcation of claims corresponding to a manifest of prior date.

12. Validity of a title of manifest expires after a period of one year from the date of issue, if no concession or extension has been applied for, or when the terms of Art.73, 16 have not been complied with.

Art. 67. During the term of validity of a manifest the manifestor may make a provisional demarcation in the terms of 14 Art.50 when he has not done so already. And he may also occupy within the area of his claim, any vacant state land, required for instalations, but he has not the rights of a tenant on such land unless obtained under the terms of the law relating thereto.

Art. 68. A manifest made on an ordinary mining licence can be renewed for a further year on payment of 50\$000, after the plan of the bed has been made.

Art. 69. Manifests made on a special mining licence can be renewed for another year on payment of 500 reis, per hectare of land manifested, or 20\$000 reis for a dredging claim after the plan of the bed has been made.

X1. Manifests made under the terms of this Article can be renewed for more than one year on payment of double the amount above stated.

Art. 70. If up to the termination of the period of the validity of a manifest or its extension, the concession of the ground has not been applied for, the manifest shall be considered null and void and the area be declared free.

CHAPTER IV

Recognition and Demarcation of Mineral Claims

Art. 71. Recognition of the deposit is made after the preparation of the plan or at the time of making it. The plan may be prepared by the Government Engineer of Mines or whoever acts for him, or by some authorized surveyor.

Art. 72. The following are authorized surveyors:

- a) Officers qualified in the Military or Naval School.
- b) Engineers, skilled agriculturists and conductors of Portuguese nationality, passed in any national or foreign school.
- c) Those of any nationality who fulfil the following conditions.

1. An application accompanied by documents showing them to be practised in surveying and a certificate of character may be submitted to the District Government Office.

2. They may pass an examination at the instance of provincial Government, by a Board consisting of the Government Mining Engineer or whoever acts for him and two other members nominated by the Governor General.

X1. Persons referred to in (a), (b) and (c) must sign a declaration by which they undertake to observe the conditions of the mining laws in their work, and only after receiving a licence may the duties of authorized surveyor be performed.

X2. Persons to whom the last paragraph refers must pay 30\$000 for the licence.

X3. The licence will be cancelled if any instance of mistrust or official error occurs, the delinquent being at the same time subject to such penalties as are applicable by law.

Art. 73. Recognition and demarcation shall be made by the Mining Engineer or by one who acts for him, within a period of three months from the date of the request for demarcation, or concession.

X1. In order that these acts may, however, be carried out the manifestor shall present at the Headquarters of District Government, a plan of the deposit made by an authorized surveyor, and deposit a sum of 1\$000 reis for each kilometre of distance between the Headquarters of the Engineer and the said deposit, to meet the expenses

X2. When the plan is prepared by the Government Engineer of Mines or whoever acts for him, the manifestor must pay in addition, to the sum fixed in the last paragraph for the cost of recognition and demarcation the following:

120\$000	reis	for a concession	up to 20 hectares	
200\$000	do	from	20 to 50	"
300\$000	do	"	50 to 100	"
400\$000	do	"	100 to 200	"
500\$000	do	"	200 to 400	"

and for each additional 100 hectares or fraction thereof a further sum of 50\$000.

X3. Under exceptional circumstances at the discretion of the Governor of the District, the manifestor may be obliged to pay the travelling expenses of the Engineer of Mines or whoever acts for him instead of 1\$000 reis per kilometre to which X1 refers.

X4. The manifestor can apply for the final recognition and demarcation at any time during the term of validity of his manifest in respect of application for concession.

X5. When, on the same journey several demarcations are made referring to manifests belonging to several persons, each person shall pay a share of the item for travelling expenses according to X1 distributed in equal shares by the Governor of the District.

X6. To comply with the disposition of the preceding paras, the persons concerned shall be duly notified (beforehand) by the Government of the District in which the deposits are situated, of the proposed date of departure of the Engineer, it being understood that they relinquish all rights by the title of manifest, if they, after having been notified, do not pay the sum which are allotted to them before the evening of the day preceding that fixed for the departure of the Engineer.

X7. A receipt shall be passed for the sums received in terms of X1, 2, and 3, stating what for they are paid.

X8. If, during the period of notice fixed by Art. 46, a counter claim should be made, the survey shall be deferred until after the lapse of the period conceded for the purpose of defence by the person against whom the counter claim is made.

Art. 74. When a survey verifies that the mineral bed does not exceed or that this does not contain any useful mineral substance, the manifest and its respective title shall be valid, and its possessor shall have no right to compensation or refund of the sums paid.

X1. The person concerned may continue prospecting during one year more and apply for a fresh visit, once more complying with the dispositions of the preceding Article, informing the Engineer at the time of survey that he wishes to do so, making this declaration in writing, so as to be notified of the occasion of new survey.

Art. 75. If, within the period of six months, which follow the date of request for concession and compliance with the prescription of Art. 73, the demarcation and recognition of the mineral deposit is not made, the holder of a title of manifest may commence the digging and dispose of the mineral substance collected.

X1. Works of digging shall, however, in no case begin unless the person concerned may have lodged in the Office of District Government Secretary or of the mining camp, a plan of the mine to a scale of 1/1000, signed by the person appointed as Engineer or Conductor of Mines, this plan may be considered approved provisionally when, within a maximum period of 30 days, it is not modified

by the District Engineer of Mines or by the person acting for him, and if the modifications thought necessary in the plan of the mine have not been communicated to him such can be notified at any time and are therefore compulsory.

¶2. It is permitted at any time to propose a change of the plan of the mine previously approved, even when it may be in execution, but no alteration is allowed in the adopted plan or in the execution of works without express and written approbation from the District Engineer of Mines or from one who is acting on his behalf.

¶3. Persons infringing ¶1 and 2 shall be subject to a fine from 120\$000 to 1.200\$000 reis.

¶4. Outside the cases referred to in this Article and Art. 94 (2) and without affecting any other formalities to be complied with prescribed by this or any following chapter, no deposit can be mined until after the application for concession has been made.

Art. 76. When, by some justified opposition to the title of manifest made by a second person concerned in the business, the holder of the title of manifest does not obtain the concession of a mineral deposit, he shall not have any right to compensate for work which he may have done.

Art. 77. In surveying and demarcating any deposits of mineral substances, the Engineer of Mines or one who is acting for him, shall observe the following procedure:

1. To perform demarcation when a useful mineral substance is found, following as far as possible the statements of the applicant, or the plan submitted by him, departing from such only, for reason to be justified in his report; but always including in demarcation the greater portion of the stratum layer, or mineral mass manifested and observing ¶7 of this Article.

Under these terms he can maintain or order the removal of the boundaries placed by the applicant according to Art. 50.

2. He shall prepare as exact as plan as possible when not submitted by the manifestor as in Art. 73, to a scale of 1/1000 of demarcation of claims of precious stones, of 1/2500 of demarcations of claims of precious metals, and of 1/10000 of claims of any other mineral substance, principally with a view to fixing the boundaries of a concession in relation to the prominent features of the land when a plan has been submitted by the manifestor the Engineer of Mines or whoever acts for him must verify its accuracy. In the event of the plan being incorrect in regard to the position of marks and the error not being in bad faith, the Engineer should proceed as if the manifestor had not submitted a plan, but the sums fixed in Art. 73, ¶2 must be paid to the Engineer at the time.

If the error of the manifestor is intentional the Engineer should withdraw without proceeding to recognize and demarcate, and report the matter to the District Government.

The plan shall be prepared according to true meridian, and longitude and latitude of its centre point, or any other important point within the area of the concession.

For the preparation of a plan and fixing of boundaries, labour and necessary materials with the exception of topographical instruments, shall be supplied by the applicant.

3. He shall invite concessionaires or technical directors of

who may have counter claimed against the concession in terms of Art. 55. to be present at the demarcation.

4. He shall examine in detail the grounds of any written counter claim which may have been handed to him by the Governor of District.

5. He shall submit a report in terms of Art. 80 in which he shall describe the demarcation made and its justification, remark on the value of any counter claim, describe the minerals deposit, the kinds of mineral contained therein, the ground in which it formed and also the conditions of mining to which the deposit may be susceptible, technically and economically.

6. If in tracing the demarcation of a mine, newly surveyed, and which may not be of precious metals or of precious stones an open space remains between this demarcation and some other earlier ones, a new demarcation shall be formed in order to avoid intruders who may detract from the value of the mines already existing, and an offer of the same shall be made to the earlier concessionaire, and if he does not accept it shall be offered to the present one; and if he finally refuse it then this ground shall be declared to be free.

7. The minimum area of one of these concessions shall be 20 hectares; but this addition is allowed to other and older concessions of an area of less than 20 hectares, if the convenience of these additions is recognized.

8. On all possible occasions and when the surface of the land admits, the area of concession shall be a rectangle of 100 hectares for mines not of precious metals, the point of commencement being the centre of the demarcation indicated in the manifest, but if the land is uneven, covered or presents many difficulties to direct measurement the Engineer in order to eliminate errors shall choose fixed points as may be easily determined, and with them, shall a polygon of an area approximately 100 hectares, giving reasons for any excess thereof.

Claims of precious stones or precious metals shall be dealt with in similar manner, keeping the area of which they are to consist in view.

In all cases the demarcation shall as far as possible be traced in regard to fixed points easily identified at any time.

9. Point of demarcation shall be fixed or varified forth with in presence of the party and of those representatives of neighbouring mines who may appear. A statement is to be drawn up of the demarcation and signed by all present, a copy being given to the manifestor, and the original with the report and plan of survey shall be sent to the Government of the District or to the Headquarters of the mining camp by the Engineer.

X1. If the demarcation with regard to a certain manifest and its limits coincide with another and earlier demarcation, the manifest shall be cancelled.

X2. If, however, such area is not totally covered by the other and some vacant land remains, the Engineer shall remove the centre of the later demarcation so as to bring it in touch of the other, if the possessor of the title of manifest wishes it, and does not prefer to relinquish his rights, he is permitted to retain only the part free from demarcation indicated by him, if not less than one fifth of the area of corresponding claim or claims.

In no cases, however, shall the manifestor have right to compensation or demages.

Art. 78. When the report of the Engineer states that there was no mineral found in the manifested area, and the manifestor does not declare that he wishes to avail himself of the privilege conferred by Art. 74 the field shall be declared according to Art. 87 open for new researches.

(1. Except in the case of the possessor of the title of manifest being concessionaire of a mine next to that camp which is the object of survey and when it is proved that the lode which is being mined runs in the direction or inclination towards the field in question, and that the concessionaire wishes to obtain a new concession to gain the mining of the lode on that side and avoid an intruder. Prospecting shall be dispensed with, if the Engineer in charge of survey justifies the allegations stated in the manifest by the person concerned.

(2. Any manifestor who in bad faith prepares a mineral deposit in order to convince the authorities that there is a mineral substance when really this is not the case, or when he declares a mineral substance different of that existed in a deposit shall be subject to a fine from 120\$000 reis to 1.200\$000 reis and to such penalties as are applicable by law.

Art. 79. If, whilst making the survey, any complaints are made by the representatives of bordering mines regarding the demarcation of a new mine, and the Engineer cannot settle them by locating the new demarcation to the content of all, the Engineer shall remit the whole case to the Governor of the District stating the demarcation which he proposes and his reasons therefore and also the copy of note of demarcation made, together with the complaints made at the time.

Art. 80. If the complaints be made within a period of 90 days, from the date of publication of notices, these complaints shall be given to the Engineer in charge of survey, together with the application of the persons concerned, and his defence, if any, to be inquired into on the spot.

On completion of the work, the Engineer shall forward the whole case, with his remarks on each of the complaints to the Governor of the District who shall decide the cases.

(1. From the decision of the Governor of the District, appeal may be made to the Governor of the Province, who shall finally decide the matter in Council.

Art. 81. Each post or boundary 1 metre high at least, which marks the intersection of lines of demarcation, shall bear the following in clear and legible characters on a signboard:

- a) A letter corresponding to that marking the same point in the note of manifest;
- b) The name of property or locality;
- c) The date of demarcation;
- d) The locality where the mine is manifested;
- e) The name or mark of the proprietor of the title of manifest.

(1. In the demarcation of claims of precious stones or precious metals, there shall extend from each post or boundary mark two ditches of at least, 1 metre long, 2 decimetres broad and 3 decimetres deep, showing the direction of the boundary lines which intersect at that point.

For deposits of other kinds, the ditches shall be 10 metres long,

X2. Posts or boundary pillars and signboards of solid and durable materials shall be furnished by the manifestor and shall be fixed at the time of demarcation, in presence of the Engineer. For each day of delay in marking the points, the possessor of the title of manifest must pay 50\$000 reis.

Art. 82. The concessionaire is responsible for the preservation of boundaries which delimit his claim or claims of mines, and which with the signboards must always be in good order under a penalty variable between 30\$000 reis.

Art. 83. Any person destroying or removing the boundary marks of mineral claims, shall be punished by a fine of from 60\$000 reis to 600\$000 reis.

Art. 84. To demarcate a group of adjoining claims it shall suffice to locate boundaries which define the outside limits of the group.

Art. 85. The concessionaires of one or more claims who may not be proprietors of land, are not permitted to enclose the area of concession by means of fences, barriers, walls, barbed wires, etc. under the penalty of the fencing being destroyed by any authority, at the cost of the party erecting it, in addition to a fine of from 60\$000 reis to 120\$000 reis.

Art. 86. Any person obstructing in any way the topographic operations required for the demarcation of a mineral deposit shall be punished by a fine of from 90\$000 reis to 300\$000 reis, independently of any criminal responsibility which he may incur by this act.

Art. 87. Governors of Districts shall declare a mining camp to be open for new prospecting and manifests, publishing the new declaration in the Official Gazette with the area corresponding to the manifests which are annulled by reason of no useful mineral having been found or on account of the manifestors having relinquished their rights given them by the respective title, when the regulations of Art. 66, 70 and 73 have not been observed, or by virtue of the provisions in Art. 98 X and 99 X3.

CHAPTER V

Concessions and rights and Obligations of Concessionaires

Art. 88. All concessions are for unlimited time, and shall stand good as long as the concessionaire complies with the conditions which are imposed on him by the law and title of concession.

Art. 89. After the existence of the useful mineral substances has been recognized and verified by the Engineer of Mines in the manifested area, an application for concession in accordance with the terms of this Article can be made.

Art. 90. Concession of claims of precious metals and of precious stones are granted by the Governors of the Districts, in accordance with Art. 7, 56, 57 and 66, sending half-yearly statements of such concessions granted, to the Governor of the Province.

Concessions of claims of any other mineral substance are only made by the Governor of a Province, and under the terms of the Article above mentioned.

Art. 91. The application for concession shall be made at the Headquarters of the Government of the District within a year from

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Art. 91. The application for concession shall be made at the Headquarters of the Government of the District within a year from

the date of the title of manifest, save the case foreseen in X1 of Art. 74 (new survey) in which this period shall be increased to two years, the application shall always be accompanied by the following documents:

a) An authentic copy, or the proper original of the title of manifest, when this has been endorsed the original is required.

b) Certificate of having paid the respective Government Treasury Office a sum of 3\$000 reis for each claim for precious stones or precious metals applied for, or of 100\$000 reis when the claim is for any other mineral substance.

c) A receipt of the sum paid under the terms of Art. 73.

d) The deed executed by a society referred to in Art. 92 when the applicant is a collective body to which the same article refers.

e) A declaration of having relinquished national rights (model D) if the applicant, being a foreigner, possess a title of manifest by virtue of endorsement.

f) A document proving legal acceptance or consent to the Articles of Association and Organisation of a Society according to Portuguese law when the applicant is an anonymous society.

Art. 92. When the rights conferred by the title of manifest may have passed, either by direct application, or by endorsement of the manifest, to a group of persons, these shall, before they apply for concession, form themselves into a society by means of a public deed in which they shall expressly indicate with unanimous accord of all the associates which of the members is charged to represent the society in all its official relations, and who is to act for him in his absence; and in case of these are absent, the deed shall authorize the members present, whatever be their number, to elect a member who shall thus represent them.

X1. In absence of a legal representative, any communications to be made to the concessionary society, shall be published in the Official Gazette and considered as duly notified to the persons concerned within the 30 days which follow the publication.

Art. 93. When the petition of concession is delivered, the case or process shall be constituted of the following items:

1. The petition for concession, together with the documents (a), (b) and (c) indicated in Art. 91.

2. Report of the Engineer who has made the survey and demarcation, as well as the respective plan;

3. Opinion by the Governor of the District when the concession is to be given by the Governor of the Province;

4. Opinion of any other official whom the Governor of the District or of the Province thinks convenient to consult;

5. The documents which clauses (d), (e) and (f) of Art. 91 refer to, when applicable.

X1. When the application is for a concession which under the terms of Art. 90 may be granted only by the Governor of the Province, the process shall be arranged in the Government District Office and sent to the Government of the Province, with the report of the Governor of the District.

Art. 94. In a "process" of concession of a mine abandoned and considered open, the following points are to be considered:

1. The mines being manifested and works of prospecting having been made, it was abandoned before survey and demarcation.

The process of concession will then be, as indicated in preceding Article.

2. The mine being manifested and the survey and demarcation executed.

In the process of concession, a new survey and demarcation can be dispensed with, the report of the Engineer who made the survey and demarcation in consequence of first manifest, shall appear in the "process".

¶1. Concession of ore beds abandoned under the terms of Art. 92, shall only be granted in addition to the conditions which Art. 90 provides, with the obligation to pay to the discoverer when the lode may be a fresh one, a reward of from 300\$000 to 6.000\$000 reís according to the value of deposit, or an annual rent of one or two per cent of profits on the mineral obtained, these forms may be selected by the first concessionaire.

¶2. The reward shall be fixed by the Governor of the District or of the Province, according to which has to grant the concession, in consultation with the Engineer of Mines or whoever is acting for him. If the discoverer does not declare during the period of the six months which follow the date of manifest which of the rewards he prefers he shall receive only the first one.

Art. 95. The new concessionaire of the abandoned mine can avail himself of any subterranean works done without paying therefore to the concessionaire from whom it is withdrawn or by whom it has been relinquished.

¶1. If the new concessionaire wishes to make use of the machinery or other instalations for the purpose of mining, it shall, if possible, be with the consent of first concessionaire, but if the later does not agree, he can have recourse to expropriation on the ground of public utility.

¶2. In the absence of the former concessionaire or of his legal representative the Governor of the District in consultation with the Engineer of Mines can access the amount of compensation, which shall be deposited in Court for payment to whomsoever, the right belongs; and this shall revert to the State if not claimed within a period of ten years.

Art. 96. On the duly prepared "process" and within the period of the six months which follow the application for concession, the proper authority shall record the case and draw up the title of concession, the text of which shall be published in the Official Gazette, the original being handed to the concessionaire.

Art. 97. No mining shall be executed unless a mining plan under the terms of ¶1 and 2 of Art. 75 has been handed to the Government.

Art. 98. In the title of concession the following conditions to which the concessionaire must submit shall be expressed:

1. Mining works shall be executed according to the rules of the craft, the concessionaires, technical directors, clerks and workmen shall submit themselves to the prescriptions established in the regulations.

2. Responsibility for damages which mining causes to another party.

3. To compensate for damages or injury caused by accumulation of water in the working, in conducting it outside, or its introduction into rivers, rivulets or gutters under the cases determined by law and special regulations regarding mines and when it is proved such water is noxious.

4. To pay for damages and injury caused to neighbours by waters accumulated in the works, and if these are not drained, this shall be ordered.

5. To start work within six months from the date of publication of the title of concession, except in circumstances of force major duly proved.

6. To carry out annually work corresponding to a progress of 3 metres at least in claims of precious metals or stones or 200 metres in any other mineral deposit or to expend at least 1.000\$000 reis per alluvial claim or 2.500\$000 reis per "dredging claim".

a) Progress works may be carried on in only one or in several claims.

b) The following are considered progressive work: Pits or shafts, galleries or adits for mining or drainage.

Trenches, when considered of sufficient importance by the Engineer of Mines or whoever acts for him.

7. To carry out in a given period protective works imposed, to avoid the filing in of subterranean works and to maintain the security of transport to the surface of the ground.

8. Not to mine ambitiously rendering further exploitation of the bed difficult.

9. Not to suspend the works, with the intention of abandoning them without informing the Governor of the District and without keeping them in a safe condition.

10. To pay the taxes established by law.

11. To give information and working plans required by competent authorities.

12. To carry out the works necessary for safety and health of the public and workmen.

13. To carry out the works necessary to avoid the wastage of waters destined to irrigation.

14. To contribute personally and through his workmen and servants for the defence of the territory when officially called upon to do so.

X1. In territories of companies with mining rights, these are able to aid those conditions which clause (b) of Art. 161 refers to.

X2. Besides these general conditions, special ones shall be imposed on the concessionaire with respect to mining in the proper sense or concerning the intervention of military authority, when the mine is situated near the limits of the zone of defence of a fortification, or finally with reference to the precautions which the Governor thinks necessary to prescribe when mining works may be at a distance of about 100 metres from the vicinity of street, canals and railways.

X3. The works referred in 6 shall be checked each year or two or more years by the Government Engineer of Mines or whoever is acting for him, who will hand the other party a certificate which will

enable him to obtain a certificate of inspection from the proper department. The works are obligatory whether the Engineer makes an annual visit or not.

X4. Non compliance with conditions 5,6,8 and 10 involves the cancelation of the concession, except under the circumstances of Art 99 X2 and 4; from compliance with 1,9,11 and 14 will be punished by a fine of 20\$000 to 6.000\$000 reis; and lastly non compliance with 7,12 and 13 after proper notice has been given renders the concessionaire liable to a fine of 20\$000 to 200\$000 the work being executed by the State at the cost of the concessionaire.

Art. 99. When the Government Engineer of Mines or whoever is acting for him, does not verify the work of the mine annually, the concessionaire should apply for a certificate of inspection in the month of January for the previous year, stating in the application on his responsibility the amount and nature of work done in the past year, or the expenditure incurred on alluvial or "dredging claims".

X1. Any false declaration will, on being observed by the Government Engineer of Mines on his visit, be punished by a fine of 500\$000 to 1.000\$000 reis and the cancelation of the concession in the case of a recurrence.

X2. When no work has been done, the concessionaire may obtain release from the certificate of inspection by means of a payment of:

10\$000 reis for each claim of precious metals or precious stones, when the property does not comprise more than 20 claims, and a further 4\$000 reis for each claim in excess of this area.

500\$000 reis for each dredging claim, and 300\$000 reis for claims of any other kind.

These terms apply to the first year in which no progress is made; for a second or third year release from the certificate of inspection may be obtained by means of payment of double or treble respectively of the amount in each case.

X3. Failure to apply for a certificate of inspection or a release therefrom involves the loss of concession.

X4. In cases of "force majeure" the Governor General can allow certificate of inspection of a mining property to be dispensed with.

Art. 100. The following are cases of "force majeure":

- a) War, civil or foreign.
- b) Inundation, or torrential rains causing important difficulties.
- c) Fire in the mine.
- d) A state of the market, completely rendering the formation of mining companies impossible.
- e) Increase of the cost of transport or materials or any other circumstance which renders the profitable exploitation of a mine impossible.

X1. Against the decision of the Governor General on the application of this Article there shall be no appeal.

Art. 101. The title of concession of a mine confers the following rights:

1. Possession of the respective mineral bed.

3. To obtain expropriation for public use of the areas of land which may be necessary for the installation of any apparatus for mining or washing minerals or for metallurgical workshops, ordinary street railways, sheds, offices, dwellings of working people, canals, pipes for conducting water, ect. which may be sanctioned, in consultation with the Engineer of Mines.

4. To employ the rights and privileges which are conferred in chapter VIII, of the present Decree, in so far as all the conditions thereof are fulfilled.

¶1. All these rights elapse, when the concession is annulled by any of the causes mentioned in the present Decree.

Art. 102. If the concessionaire does not accept some of the conditions expressed in the title of concession under the terms of Art. 90, he shall declare it with the period of 30 days after the notice which is given him by the Governor of the respective district, or by the representative of the company with mining rights, and his declararion shall be at once published in the Official Gazette, with an express statement of condition or conditions not admitted, declaring the field to be free.

Art. 103. Every concessionaire of a deposit of mineral substance, shall register his residence in the Government Secretary's Office or in the Headquarters of the mining area. When he absents himself from the district, or command, he must state who is to be his representative. If this is not done, proceedings may be made according to ¶1 of Art. 64 and ¶1 of Art. 92.

Art. 104. Anonymous societies of limited responsibility which possess a mining concession, are obliged to register the names of two persons established in the territory of the Province, who shall be accredited as their agents and be materially responsible for the company which they may represent, in all questions to the said concession.

¶1. The provisions of ¶1 of Art. 64 and ¶1 of Art. 92 are applicable to the persons, which the present article refers to.

¶2. The names of the representatives of partnership, societies, companies, or of the individual concessionaire, shall be registered in a special book at the District Headquarters of Government or of the mining camp in which the respective mineral deposit is situated.

Art. 105. All concessionaires of mines, shall maintain at each mine, the book prescribed by Art, 142 of the present Decree.

Art. 106. Concessionaires of more than one mining property in the same district may apply for concestration of all the works in one single property and the Governor of the District, when the report of the respective Engineer of Mines, or whoever is acting for him, is favourable, shall be able to grant the request.

Art. 107. The concessionaire must keep a daily plan of subterranean workings. If an infraction of this disposition is proved by the Engineer of mines or whoever is acting for him, a fine of from 60\$000 to 600\$000 reis according to the importance of the work, shall be imposed.

Art. 108. The strata of deposits of mineral coal or other mineral deposits are to remain intact to form "safety blocks" in places adjacent to streets, railroads, reservoirs of water, cemeteries parks, buildings, springs, villages and other constructions and works which require protection and to such distance of limits of area so occupied, as is determined by the Engineer of Mines of the