

REGULATIONS

Prescribing the Manner of acquiring Title, by Discoverers,
to portions of Mineral Lodes

ON THE

MAXWELL LAND GRANT.



ADOPTED AT THE ANNUAL MEETING OF THE STOCKHOLDERS OF THE MAXWELL
LAND GRANT AND RAILWAY COMPANY

HELD AT

Cimarron, New Mexico, October 10, 1873.

"NEWS" PRINT, Cimarron

REGULATIONS.

Prescribing the Method of Acquiring Title to Mining Claims upon veins and lodes bearing native metals and ores, upon the Property of the Maxwell Land Grant and Railway Company.

Be it resolved that for the purpose of promoting the discovery, development and working, of lodes and veins of quartz, or other rock in place, bearing gold, silver, quicksilver, lead, tin, bismuth, zinc, copper, or manganese, upon the property of the Maxwell Land Grant and Railway Company, the lands of said company are hereby declared free and open to exploration and lease, under the regulations hereinafter prescribed.

SEC. 1. Mining claims upon veins or lodes of quartz or other rock in place, bearing gold, silver, quicksilver, lead, bismuth, zinc, tin, copper, or manganese, whether located by one or more persons, may equal, but shall not exceed, one thousand feet in length along the vein or lode, beginning at and extending on one side of the discovery shaft or tunnel, which side shall be optional to the discoverer, and one hundred feet on each side of the vein or lode, but no location of a mining claim shall be made until the discovery of a vein or lode bearing one or more of the above-named metals, within the limits of the claim located. The end lines of each claim shall be parallel to each other.

SEC. 2. Locations under the provisions of the foregoing section, may be made only by the discoverer or discoverers, his or their authorized agent or attorney, and after one claim has been located upon any vein or lode, no further location or locations shall be made upon the same vein or lode, but the whole of such vein or lode with its extensions, remaining after such location, shall be and remain the property of the Maxwell Land Grant and Railway Company. And in order to entitle any person claiming as discoverer, to the benefits of these regulations, he must establish to the satisfaction of the Chief Engineer of the Maxwell Land Grant and Railway Com-

pany, that his claim is not situated upon a vein or lode upon which a location has been previously made.

SEC. 3. The locators of all mining claims, so long as they comply with these regulations, shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations, and of all veins, lodes and ledges throughout their entire depth, the top or apex of which lies inside of such surface lines extended by planes downward, vertically, and which are included within said lines, extended by planes downward, parallel to the principal lode or vein: *Provided*, that their right of possession to such outside parts of said veins, or lodes, shall be confined to such portions thereof, as lie between vertical planes drawn downward as aforesaid, though the end lines of their locations so continued in their own direction, that such planes shall intersect such exterior parts of said veins or lodes: *And provided further*, that nothing in this section shall authorize the locator or possessor of a vein or lode, which extends in its downward course beyond the vertical lines of his claim, to enter upon the surface of a claim owned or possessed by another.

SEC. 4. Where a tunnel is run for the development of a mine, or for the discovery of veins or lodes, the owners of such tunnel shall have the right of possession of all veins or lodes within three thousand feet from the face of such tunnel, on the line thereof, not known to exist before the commencement of such tunnel, discovered in such tunnel, to the same extent as if discovered from the surface. And locations on the line of such tunnel of veins or lodes not appearing on the surface, made by other parties after the commencement of the tunnel, and while the same is being prosecuted with reasonable diligence, shall be invalid. But failure to prosecute the work on the tunnel for six months shall be con-

considered as an abandonment of the right to all undiscovered veins or lodes, on the line of such tunnel: *Provided*, that the party or parties proposing to drive the tunnel as aforesaid, shall file a notice of his or their intention to drive said tunnel, with the Secretary of the Maxwell Land Grant and Railway Company, or such other officer as may be hereafter designated, and they shall also put a notice to the same effect and also defining the direction of such tunnel, on a conspicuous place near the mouth of such tunnel.

SEC. 5. The location of a claim must be distinctly marked on the ground, so that its boundaries can be readily traced. All locations of mining claims shall be recorded in the office of the Secretary of the Maxwell Land Grant and Railway Company, or such other officer as may hereafter be designated for that purpose. And such record shall contain the name or names of the locators, the date of the location, and such a description of the claim located, by reference to some natural object, or permanent monument, as will identify the claim. On each claim located, until the lease shall have been issued therefor, not less than one hundred dollars worth of labor shall be performed, or improvements made each year. Upon a failure to comply with these conditions, the claim or mine upon which such failure occurred shall be forfeited to the Maxwell Land Grant and Railway Company.

SEC. 6. A lease for ninety-nine years, for any claim located upon any mineral lode or vein as hereinbefore provided, may be obtained in the following manner:

Any person, association, or corporation, having discovered and located a claim on the Maxwell Land Grant, and having complied with the provisions of these regulations, may file in the office of the Secretary of the Maxwell Land Grant and Railway Company, or such other officer as may hereafter be designated, an application for a lease under oath, showing such compliance, together with a plat and field notes of the claim, made by or under the direction of the Chief Engineer of the Maxwell Land

Grant and Railway Company, showing accurately the boundaries of the claim, which shall be distinctly marked by monuments on the ground; and shall post a copy of such plat, together with a notice of such application for a lease in a conspicuous place on the land embraced in such plat, previous to the filing of the application for a lease, and shall file an affidavit that such notice has been duly posted as aforesaid, and shall file a copy of such notice in such office, and shall thereupon be entitled to a lease for ninety-nine years for said mining claim in the manner following:

The Secretary of the Maxwell Land Grant and Railway Company, or other officer hereafter designated, upon the filing of such application, plat, field notes, notices and affidavits, shall publish notice that such application has been made, for the period of sixty days, in a newspaper to be by him designated, published in Colfax county, New Mexico, or Las Animas county, Colorado, and he shall also post such notice in his office for the same period.

The claimant, at the time of filing this application, or at any time thereafter, within the sixty days of publication, shall file in the said office, a certificate of the Chief Engineer of the said Company, that five hundred dollars worth of labor has been expended, or improvements made upon the claim; that the plat is correct, with such further description with reference to natural objects, or permanent monuments, as shall identify the claim, and furnish an accurate description to be incorporated in the lease; and that no prior location has been made on the same vein or lode. At the expiration of the sixty days of publication, the claimant shall file his affidavit showing that the plat and notice have been posted in a conspicuous place on the claim, during said period. If no adverse claim shall have been filed in said office at the expiration of the sixty days of publication, it shall be assumed that the applicant is entitled to a lease, as aforesaid, upon payment to such officer of the expenses made in behalf of his claim, and the additional sum of one dollar, and that no adverse claim exists, and thereafter no objections from third

parties to the issuance of a lease shall be heard except it be shown that the applicant has failed to comply with these regulations.

SEC. 7. Where an adverse claim shall be filed, during the period of publication, it shall be upon oath of the person or persons making the same; and all the proceedings except the publication of notice, and the making and filing of the affidavit thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction to determine the right of possession, and prosecute the same with reasonable diligence to final judgment; and a failure to do so shall be a waiver of his adverse claim.

After such judgment shall have been rendered, the party or parties entitled to the possession of the claim may, without giving further notice, file a certified copy of the judgment roll with the Secretary of the Maxwell Land Grant and Railway Company, or such other officer as may be designated, together with the certificate and description, required by section six of these regulations, and upon the payment of the expenses before-mentioned, he or they shall be entitled to receive a lease, as aforesaid, to said mining claim.

SEC. 8. In all cases where a lease shall be given for mining claims under these regulations, the right of way shall be reserved to the Maxwell Land Grant and Railway Company, and its grantees, for railways, tramways, wagon roads, or ditches, upon payment to the lessee of the claim of a reasonable compensation for his actual damages.

SEC. 9. The descriptions of vein or lode claims upon surveyed lands shall designate the location of the claim with reference to the lines of the surveys of the Maxwell Land Grant and Railway Company, but need not conform therewith, but where a lease shall be issued as aforesaid, for claims upon unsurveyed lands the Chief Engineer of the Maxwell Land Grant and Railway Company in extending such surveys shall adjust the same to the boundaries of such leased claim, according to the plot and description thereof, but so as in no case to inter-

fere with or change the location of any such leased claim. The term surveyed lands, in this section, shall be understood to mean such as have been laid off into township of six miles square of the surveys of the Maxwell Land Grant and Railway Company.

SEC. 10. That where two or more veins or lodes intersect or cross each other priority of title shall govern, and such prior locator shall be entitled to all ore or mineral contained within the space of intersection, *Provided however*, that the subsequent locators shall have the right of way through the space of intersection for the purpose of the convenient working of the said mine, which right of way is also reserved to the Maxwell Land Grant and Railway Company, and its grantees. *And provided further*, that where two or more veins or lodes unite, the oldest or prior location shall take the vein or lode below the point of union including all the space of intersection.

SEC. 11. That for the purpose of working any mining claim, obtained as aforesaid, the lessee or lessees thereof shall be entitled to the right of way for tramways, wagon roads, or ditches over the property of the Maxwell Land Grant and Railway Company, upon payment of a reasonable compensation for the actual damages occasioned thereby, *Provided*, that no ditch shall permanently divert the waters of any stream from its natural channel.

SEC. 12. To all persons who shall acquire mining claims under these regulations, or who shall desire to erect quartz mills, arrastras, or reduction works, for the purpose of working ores, this Company will afford all reasonable and necessary facilities for the location thereof, upon payment of a reasonable compensation for the use of the ground so occupied, and timber necessary for their use, regard being had to the due protection and preservation of water rights, and the prevention of any monopoly of mill sites for speculative purposes. And it is hereby declared to be the policy and purpose of this Company to encourage, by all reasonable means, the development and working of all mines, acquired within the limits of its territory.

SEC. 13. In case any claim or mine, acquired under these regulations, shall be abandoned and remain unworked for a period of five years, then such claim shall be deemed forfeited by the lessee or possessor, and shall revert to and become the property of the Maxwell Land Grant and Railway Company, without further notice.