

TITLE 23

Natural Resources Law

TABLE OF CONTENTS

Chapter

4. Conservation of Fish Resources

 Subchapter B. Fish Resources.

 Subchapter C. Administration

An Act to Amend Natural Resources Law to Abolish Mining Board

5. Mining Board; Bureau of (Repealed)

6. Ownership and Development of Mineral Resources

6-A. Control of the Diamond Industry

7. Repealers

Chapter 4. CONSERVATION OF WILDLIFE AND FISH RESOURCES

Editor's Note: Chapter 1 to Chapter 3, and Subchapter A of Chapter 4 were repealed by legislative Act Creating the Forestry Development Authority (FDA).

Subchapter B. Fish Resources

§ 90. Licenses for captains or owners of fishing trawlers or sports fishermen.

§ 91. Registration of boats for fishing.

§ 92. License plates for boats for fishing.

§ 93. Gear on fishing boats.

§ 94. Use of dynamite.

§ 95. Placing harmful substances in streams.

§ 96. Nets and seines.

§ 97. Crabs and lobsters found with eggs.

§ 98. Personnel of Bureau of Fisheries on fishing boats.

§ 99. Zones of fishing areas.

§ 100. Reports by licensed fishermen.

§ 101. Penalty for violations.

Subchapter C. Administration

§ 105. Rules and regulations.

Subchapter B. FISH RESOURCES

§ 90. Licenses for captains or owners of fishing trawlers or sports fishermen.

It shall be unlawful for any fishing industry to operate through fishing in the marine or fresh waters of Liberia unless the owner or captain of any trawler which is used in such industry shall obtain a license from the Bureau of Internal Revenues. Such license may be obtained only on presentation of a certificate from the Bureau of Fisheries of the Ministry of Agriculture stating that the applicant is qualified to receive such license, and on payment of the fee indicated below:

Captain or owner of trawler measuring fifty feet in length or over.....	\$150.00
Captain or owner of trawler measuring under fifty feet.....	75.00
Fisherman for sport.	10.00

Such license must be renewed annually.

This section shall not apply to captains or owners of trawlers operated by or for the Bureau of Fisheries.

§ 91. Registration of boats for fishing.

All fishing vessels and gear used for fishing shall be registered in the Bureau of Fisheries of the Ministry of Agriculture. A person desiring to obtain such registration shall file an application with the Bureau of Fisheries on a form prescribed by the Bureau showing the fitness of the applicant to engage in fishing, the type of fishing to be engaged in, and the type of gear or contrivances and the size and number of vessels to be used. On approval of the application by the Bureau of Fisheries and the presentation by the applicant of an official revenue receipt certifying that the annual license fee for boats prescribed by section 12.31 of the Revenue and Finance Law has been paid to the Bureau of Internal Revenues, the Bureau of Fisheries shall issue a registration card in favor of the vessel and gear as to which application was made.

§ 92. License plates for boats for fishing.

All boats used for fishing except those operated by or for the Bureau of Fisheries shall be required to obtain license plates from the Bureau of Fisheries of the Ministry of Agriculture. The plate for each boat shall be placed at a conspicuous place on the outer body thereof. A fee of five dollars shall be charged for each plate payable at the Bureau of Internal Revenues. A license plate shall not be issued by the Bureau of Internal Revenues under this section to any person within the purview of section 85 of this Title who is not in possession of a license required by that section.

§ 93. Gear on fishing boats.

Owners of fishing boats shall provide sufficient and adequate life saving gear for members of the crew. The Bureau of Fisheries may refuse to grant or may cancel the registration of any fishing boat which does not possess adequate life saving gear.

The Bureau of Fisheries may prohibit fishing in any area with any type of fishing gear which it finds harmful to the fish resources of that area.

§ 94. Use of dynamite.

1. It shall be unlawful for any person, company, or corporation to dynamite in any waters of Liberia, fresh or marine, as a means of killing fish, except for scientific investigation duly authorized by the Ministry of Agriculture or by special permit granted by the Minister of Agriculture or an official so designated by him. For the implementation of the objective of this section, duly appointed and authorized officials of the Bureau of Fisheries shall have the right to inquire into the means of capture of any quantity of fish, of any person or persons engaged in fishing, and, upon reasonable grounds for suspicion, have them prosecuted in any court of competent jurisdiction in the Republic.

2. All persons importing dynamite shall file a declaration in the office of the Collector of Customs after the arrival of such dynamite in bond, stating that the dynamite is intended for some special purpose, which shall be specified, and a promise not to use the dynamite for any other purpose. Any person violating the provisions of paragraph 2 of this section shall forfeit all the dynamite imported.

§ 95. Placing harmful substances in streams.

1. It shall be unlawful for any person to put into any of the creeks, swamps, rivers, streams or other waters of the Republic any poisonous barks, leaves, shrubs, roots, or other poisonous substance for the purpose of destroying or catching fish.

2. No person shall allow sawdust, mill waste or other material that is harmful to fish to enter any stream or waterway in Liberia.

§ 96. Nets and seines.

For the purpose of maintaining a sustained yield of the fishery on trawl-nets with cod ends, smaller than three inch mesh shall be used for fishing in Liberian waters. No beach seines with cod ends less than two and one-half inches shall be used for fishing; but the wings of beach seines may be two and one-half, three, or four inches according to the election of the fisherman. For the convenience of fishermen all mesh measurements shall be "stretched mesh."

§ 97. Crabs and lobsters found with eggs.

To ensure the propagation of the species, all fishermen fishing in Liberian waters shall release crabs and lobsters caught and found with eggs.

§ 98. Personnel of Bureau of Fisheries on fishing boats.

For the purpose of collecting odd samples and other data for records of the Ministry of Agriculture, the Bureau of Fisheries may place any of its personnel on any fishing boat.

§ 99. Zones of fishing areas.

1. The Ministry of Agriculture is hereby authorized and empowered to divide the fishing areas of Liberia into zones, and shall take all action necessary and consistent with the objectives of this subchapter to protect and preserve the species from extermination, and may set aside any area or zone for special type of fishing or for experimental purposes.

2. The Ministry of Agriculture is hereby authorized and empowered to close any area or zone found to be breeding ground for shrimps or any marine fish for a definite season in order to save the eggs and young of such marine life.

§ 100. Reports by licensed fishermen.

All licensed fishermen shall submit a report to the Ministry of Agriculture through the Bureau of Fisheries on or before the 28th day of each month, showing:

- (a) The area or zone in which the fish are caught
- (b) Tonnage of total catch
- (c) Type of gear used
- (d) Approximate value of the total catch
- (e) Species of fish caught.

A person, company, or corporation engaged in processing fish shall show in its monthly report:

- (a) Kind of fish processed
- (b) Quantity of fish processed
- (c) Value of fish processed.

§ 101. Penalty for violations.

The penalty for violation of any provision of this subchapter for which no other penalty is prescribed shall be a fine of not less than fifty dollars nor more than five hundred dollars or imprisonment for a term not less than two calendar months nor more than eighteen months. Any fish unlawfully caught may be confiscated by the Ministry of Agriculture.

Subchapter C. ADMINISTRATION

§ 105. Rules and regulations.

1. The President is hereby authorized, empowered and directed to cause to be made and promulgated regulations for the zoning of hunting grounds and to restrict hunting for stated periods

in order to preserve and protect the fauna and wild life of the country from extinction.

2. The Minister of Agriculture shall from time to time make such rules and regulations as may be necessary for the implementation of the provisions of this Chapter. Such rules and regulations shall be submitted to the President and shall have the full force and effect of law from the date of his approval subject to the provisions of section 28.2 of the Executive Law. Rules and regulations pertaining to wildlife shall be administered by the Forestry Development Authority and those pertaining to fish shall be administered by the Bureau of Fisheries.

CHAPTER XLI

AN ACT TO REPEAL CHAPTER 5 OF THE NATURAL RESOURCES LAW AND TO AMEND THE EXECUTIVE LAW TO CREATE THE MINISTRY OF LANDS AND MINES.

CHAPTER XXVI (June 1, 1962)

AN ACT TO AMEND THE NATURAL RESOURCES LAW TO ABO-LISH THE MINING BOARD AND THE BUREAU OF NATURAL RESOURCES AND SURVEYS AND TO TRANSFER THE ADMINI-STRATION OF MINING LAWS TO THE MINISTRY OF LANDS, MINES AND ENERGY.

Section 1. Sections 110 through 117, constituting Chapter 5 of the Natural Resources Law, are hereby repealed.

Section 2. Henceforth, the word "Bureau" appearing in the Definitions Natural Resources Law shall be changed to "Ministry", the phrase "Bureau of Natural Resources and Surveys" shall be changed to "Ministry of Lands, Mines and Energy", and the phrase "Director of Natural Resources and. Surveys " shall changed to Minister of Lands, Mines and Energy".

Chapter 6. OWNERSHIP AND DEVELOPMENT OF MINERAL RESOURCES

§ 140. Law of Mines.

§ 141. Definition of terms.

§ 142. Notice to principal.

§ 143. Mining operation a public utility.

§ 144. Property rights in minerals.

§ 145. Persons eligible for mining privileges.

§ 146. Lands not subject to mining privileges.

§ 147. Kinds of mining privileges.

§ 148. Extent of mining privileges.

§ 149. Limit on non-exclusive mining privileges.

§ 150. Method of obtaining a license to explore.

§ 151. Procedure on refusal of land owner to allow exploration.

§ 152. Effect of license to explore.

§ 153. Tunnel sites.

- § 154. Method of obtaining permission to prospect.
- § 155. Effect of permission to prospect.
- § 156. Classes of mining rights.
- § 157. Limit on mining claims.
- § 158. Method of obtaining mining claims.
- § 159. Effect of mining claim.
- § 160. Method of obtaining mining concession.
- § 161. Discovery of other minerals on mining claim or concession.
- § 162. Surface rights under mining concessions.
- § 163. Right of concessionaire to operate transportation and communication lines.
- § 164. Other rights over land for concessionaires.
- § 165. Right of concessionaire to dispose of mineral.
- § 166. Employment of citizens on concessions.
- § 167. Mill sites.
- § 168. Reports by concessionaires.
- § 169. Reports by holders of other mining privileges; permits for inspection.
- § 170. Inspection of mining premises and books.
- § 171. Requirement for maps.
- § 172. Working conditions.
- § 173. Settlement of survey and boundary disputes.
- § 174. Disputes arising out of placer mining privileges.
- § 175. Penalty for violation of Law of Mines.
- § 176. Grounds for cancellation of mining privileges.
- § 177. Effect of cancellation of mining privileges.
- § 178. Notices of grants and cancellation.
- § 179. Application for right to deal in precious stones.

§ 140. Law of Mines.

All mines, mining operations, prospecting for mines or minerals, metals, oils, and other products generally obtained by mining or prospecting shall be regulated and subject to the following law which shall be known as the "Law of Mines"; provided, however, that insofar as the provisions of this Chapter are inconsistent with the provisions of Chapter 6-A of this Title relating to control of the diamond industry, the provisions of Chapter 6-A shall prevail.

§ 141. Definition of terms.

As used in this Chapter, the following terms have the indicated meanings:

"Person" includes corporations, societies, and associations which have been authorized to operate within the confines of the Republic.

"Ministry" means the Ministry of Lands, Mines and Energy.

"Minister" means Minister of Lands, Mines and Energy.

"Mining privileges" includes licenses to explore, permits to prospect, mining claims, and mining concessions.

A "mining right" refers to either a mining claim or a mining concession.

"Opening of a mine" refers to any shaft or aperture either vertical or inclined.

The right given by this Chapter to any person to carry any matter to a tribunal to be there determined will be understood to include the right to appeal to a superior tribunal unless expressly stated to the contrary.

§ 142. Notice to principal.

The principal will be conclusively presumed to be always advised and legally notified by any notice brought or known to any of his agents who have been duly authorized to act for him in the Republic.

§ 143. Mining operation a public utility.

In consideration of the importance of the mining industry to the development of the Republic, the mining operations provided for and permitted by the Law of Mines are hereby declared to be a public utility and as justifying the exercise of the power of eminent domain!

§ 144. Property rights in minerals.

1. Mineral substances of all kinds which may be found on the surface of the ground or in the soil or subsoil of the national territory, except substances of the character listed in Paragraph 2 of this section or others of a similar character which may be designated by the Ministry of Lands, Mines and Energy, are the property of the State and anything pertaining to their development and use shall be governed by the provisions of this law.

2. Ordinary non-metallic constructional materials, including building stone, sand, gravel, clays, common salts, belong to the owner of the land and may be exploited without permission obtained from the Government. The Ministry of Lands, Mines and Energy is authorized to add other items to this list from time to time, subject to restrictions or limitations as the Ministry may determine are necessary.

3. A mineral deposit of the character specified in Paragraph 2 but which is found in lands which are the property of the Republic may be exploited by the Republic or by any person who has contracted with the Ministry of Lands, Mines and Energy to protect the rights of the Republic in the same manner as if the mineral belonged to a private person and was exploited for such private person.

Nothing contained in this Law is to be construed to prevent allotment of public lands by the Government for agricultural and other uses, but such grants shall not be deemed a transfer of rights

to the mineral substances in such lands in contravention of the provisions of paragraph 1 of this section.

§ 145. Persons eligible for mining privileges.

Any person of legal age or any association of such persons, or any corporation, national or foreign, may be granted mining privileges except the President of the Republic, the Cabinet Ministers, members of the Liberia National Police, the Minister of Lands, Mines and Energy, or any other person while in the employment of the Ministry, members of the Judicial Branch of the Government, members of the Legislature, and sheriffs, constables, and the local police may not be granted mining privileges in the territory which they represent or in which they exercise jurisdiction.

§ 146. Lands not subject to mining privileges.

Mining privileges will not be granted for mineral substances located on lands occupied by cities, commonwealth districts, municipal districts, cemeteries, transportation or communication facilities, aqueducts, barracks, ports, Poro bush reserves, or public services, except with the consent of the controlling authorities and subject to such special terms and reasonable conditions as they may prescribe for the protection of surface uses.

§ 147. Kinds of mining privileges.

No person may exploit any mineral substances which are the property of the State under the provisions of section 144 (1) of this Chapter or explore or prospect for them unless he is the holder of:

- (a) A valid license to explore or a tunnel site;
- (b) A valid permission to prospect;
- (c) A valid mining claim;
- (d) A valid mining concession.

A license to explore or permission to prospect permits only the doing of such work as may be necessary to carry to completion the exploration or location work of a mine.

This law shall not be construed to require the obtaining of a license to explore or permit to prospect before a mining claim or mining concession will be granted, or the obtaining of a prospecting permit before a license to explore.

§ 148. Extent of mining privileges.

A mining privilege of any kind extends to an indefinite depth in the earth within the bounds of vertical planes extended downward from the surface boundaries of the land as to which the privilege

has been granted. Any person holding a mining privilege under this Chapter is expressly prohibited from following a vein of mineral beyond such vertical planes.

§ 149. Limit on nonexclusive mining privileges.

No person shall hold more than two non-exclusive mining privileges at the same time, nor shall any person hold non-exclusive mining privileges comprising more than one hundred acres at the same time.

§ 150. Method of obtaining a license to explore.

Any person who wishes to secure a license to explore for minerals shall first obtain permission to explore the land from the owner and post any notices which may be required by the regulations. He may then apply for the license to the Ministry, which may grant nonexclusive rights. An application for exclusive exploratory rights if approved by the Minister, shall be transmitted to the Ministry of Lands, Mines and Energy, which may grant or deny the application. The rights when granted shall conform with applicable regulations including those with respect to maximum area of exploration and the duration of the license. No license to explore shall be granted until the applicant shall have paid the license fee of two hundred one dollars in revenue stamps as required by section 12.31 of the Revenue and Finance Law.

§ 151. Procedure on refusal of land owner to allow exploration.

In case the owner of land refuses permission to explore to a person wishing to obtain a license to explore, such person shall file a petition with the Ministry setting forth the facts of the case and specifying as exactly as possible the land on which permission to explore for minerals has been refused. The Ministry shall then issue a notice to the owner of the land to present himself on a day therein to be specified but which shall not be more than sixty days from the date of the filing of the petition in the Office of the Minister. On the day fixed, the Ministry shall hear the reasons for the refusal and shall assess to be paid to the owner of the land any actual damages for loss or destruction of goods or property which may be necessary in order that the exploration be carried out; or if such sum cannot then be determined, the Ministry may order the filing of a bond in a penal sum which in its opinion will be sufficient to cover such damage. The owner of land may not refuse permission to explore for minerals for any reason other than the causing of damages to his property. The landowner or the petitioner if aggrieved at the decision of the Ministry may seek a determination by the Circuit Court.

§ 152. Effect of license to explore.

During the existence of a valid license to explore, no mining concession nor mining claim may be given or allowed over the land covered by the license to explore; provided, however, that this prohibition does not affect the right of the holder to explore to have granted a mining concession or to file a valid mining claim as hereinafter provided in this Chapter.

§ 153. Tunnel sites.

Tunnel sites may be granted by the Ministry on approval of the Minister of developing veins or doing exploration work. The grant of such a tunnel site will be in the nature of a license to explore as heretofore provided, except that the tunnel site granted must be exactly described and shall not exceed one hundred meters in depth or length by the actual width of the tunnel.

Application for tunnel sites shall be made as in the case of applications for a license to explore, but the application for a tunnel site must show, in addition to the statutory requirements for an application for license to explore, the area of the dump where it is proposed to put the material removed from the tunnel, and a map must accompany the application to show the dump in its relation to all natural objects and water courses in the immediate vicinity. The tunnel site when granted must be marked on the surface of the ground by actual survey of a precision of 1:10,000 with stakes on the surface along the center line. Such stakes or monuments shall be established at not more than 100 meter intervals and shall be intervisible in all cases and shall be so maintained. The area of the dump shall be accurately staked out.

Holders of tunnel site permits shall have the same rights as those provided for under licenses to explore and shall in addition have the right to make application for a mining concession within the provisions of this Chapter for all veins or lodes discovered in such tunnels within 1000 meters from the points where the tunnel first enters cover on the center line of the tunnel, providing such vein was not previously known to exist. Claims made on the line of such tunnels of veins or lodes not appearing on the surface, made by other parties after commencement of the tunnel and while it is being prosecuted with reasonable diligence, shall not be valid.

Failure to prosecute the work of the tunnel site for six months shall be construed to be an abandonment of the right to all undiscovered veins along the line of such tunnel.

§ 154. Method of obtaining permission to prospect.

Applications for permission to prospect shall be made to the Ministry of Lands, Mines and Energy, which shall require the exhibition of a permit from the Minister of Internal Affairs in those cases in which the applicant desires to prospect in the Hinterland. The Ministry may in all cases approve applications for non-exclusive rights of this type and for exclusive permission to prospect for placer deposits. Applications for exclusive permission to prospect for other than placer deposits shall be submitted by the Ministry with its recommendations to the Minister, which may approve or deny the application. Permission to prospect shall be issued by the Ministry on the payment of a fee of fifty dollars and twenty-five cents in revenue stamps.

§ 155. Effect of permission to prospect.

Permission to prospect shall grant the right to sink pits for the test and sampling of minerals but shall not permit commercial mining.

Nothing in the granting of a permit to prospect shall be construed to grant a prospector the right to

explore private lands against the owner's permission as is provided for in the license to explore.

A license to prospect for placer deposits shall in no case be understood as authorizing the exploiting of raw gold. A violation of this provision shall be punishable by a fine of not less than sixty dollars nor more than one hundred dollars with forfeiture of the mining property and cancellation of the license to prospect.

§ 156. Classes of mining rights.

Mining rights shall be divided into four classes as follows:

(a) Rights to oil, coal, gas, or asphalts;

(b) Lode rights which shall refer to metal mines including gold, tin, and other minerals not in placers or bedded deposits;

(c) Placer rights, which shall consist of auriferous gravels or any other material bearing gold, platinum, tin, or other precious minerals or gems;

(d) Bedded deposits commonly known as blanket veins, such as ore bearing beds of iron, zinc, phosphates, or other minerals which occur as nearly flat or stratified deposits as distinguished from apex or lode veins or out-crops.

§ 157. Limits on mining claims.

No single mining claim shall exceed two thousand acres.

§ 158. Method of obtaining mining claims.

Anyone who is (a) within the requirements set forth in section 145 of this Chapter and (b) the owner in fee of the land claimed or who has taken out a license to explore or a permit to prospect may file a claim to the minerals in such land in the following manner:

After discovery of the minerals, he shall drive a post or erect a monument at each corner or angle of the claim. The size of the area which he may stake shall be limited by the provisions of section 157 of this Chapter. In the most prominent and visible spot on the claim he shall post a notice stating his claim to the mineral discovered by him, the location thereof, and date of his discovery. A copy of the notice shall be filed with the nearest District Commissioner if the claim is located in the Hinterland, and in such a case it shall be the duty of the Commissioner to forward immediately a copy of such notice to the Minister with a memorandum of the date and time of filing. If the proposed mining claim is located in any of the counties, the claimant shall post a copy of his claim in the office of the Superintendent of the county who shall endorse on a copy of the notice in the claimant's possession the time and date of filing, and shall send a copy to the Minister with a memorandum of the date and time of filing endorsed thereon. Any official who shall refuse or neglect to comply with these provisions shall be subject to a fine of fifty dollars for each such offense, but such neglect or refusal

shall not be permitted to prejudice the claimant's rights. The claimant shall also forthwith send to the office of the Minister a copy of the notice to be filed in the office of the Minister, and he shall note on this copy for the information of the Ministry the time and date of filing of this notice in the office of the District Commissioner or the Superintendent, as the case may be. The claimant shall also certify to the Minister that he is able to inaugurate and maintain operations on the claim. If the Ministry shall approve the claim, the notice of claim shall be transmitted to the Minister for his concurrence. Upon approval by both the Ministry and the Minister, the claim shall be allowed and recorded in the office of the Minister in a book especially provided for that purpose; provided that on an application for placer mining rights, the approval of the Minister shall be effective as allowance of the claim without the concurrence of the Ministry.

Upon filing the notice of claim in the office of the County Superintendent or District Commissioner, the claimant shall pay a fee of one dollar. Upon filing in the office of the Minister a notice of claim to mineral substances other than placer deposits, a filing fee of ten dollars shall be paid in revenue stamps. The claimant shall thereafter pay one dollar per annum per acre during the period for which he holds the claim.

The applicant for placer mining rights shall pay a fee of fifty dollars and twenty-five cents on the approval of his claim for a license to engage for one year in placer mining.

§ 159. Effect of mining claim.

Any person who, in accordance with the foregoing provisions, shall have located a mining claim for mineral substances other than placer deposits, shall be entitled to the privilege of operating and developing it during the period of two years from the date of discovery, provided: (1) That such person produces proof in the office of the Minister before the expiration of each year during which he is operating the claim that he has done not less than one hundred dollars' worth of development work on the mining claim during the preceding year, and (2) That within two years from the date of the discovery he shall make application through the Ministry for the grant of a mining concession.

The development work required annually to hold a mining claim for mineral substances other than placer deposits must be expended in the making or driving of shafts, tunnel excavation, etc., for the development of the vein, lode, or strata of the mineral. Work done on buildings, machinery, roads, etc., shall not be considered "development work" for the purposes of this Section.

The conditions under which claims to placer deposits may be held and worked shall be prescribed by regulations issued by the Minister of Finance under the authority of section 21.2 of the Executive Law.

§ 160. Method of obtaining mining concession.

Any person who is within the requirements set forth in Section 145 of this Chapter may apply to the Minister of Lands, Mines and Energy for a mining concession. An application for such a concession

shall state the name and address of the person making the application; the kind of mineral or metal that it is proposed shall be mined; and the date of the discovery and the name of the discoverer of the mine deposits which it is proposed to exploit. In addition, an application for a concession of the second, third, or fourth class as stated in section 156 of this Chapter shall prove:

- (a) Existence of the mineral on the property in question;
- (b) If a claim has been filed, that a notice has been posted as required by section 158;
- (c) That a discovery shaft has been sunk;
- (d) That boundaries of the land on which a concession is sought have been marked by monuments of stones or concrete which shall be not less than one and one-half meters in height at the corners or angles of such land;
- (e) If a claim has been filed, that the notice was filed with the Ministry.

If the applicant is a foreigner, the application shall include his home address as well as his Liberian address, and the application must be signed by the consul of the country of which he is a citizen as an indication that he has compared the name and address of the applicant as stated in the application with the information of record in his consulate. The application shall be accompanied by an accurate survey made with the precision of not less than 1:10,000 and accompanied by a map which shall show the geographic position of the claim with reference to adjacent natural landmarks such as rivers, mountains, town, county, state or other known boundaries. If there should be any permanently marked Government survey station located within ten kilometers of the proposed mining concession, such Government survey station is to be connected with the points shown on the map and its direction and distance is to be shown. With the application there shall be submitted a program of exploration work to be undertaken by the concessionaire within his concession during the ensuing year.

The Minister of Lands, Mines and Energy shall review the application for a concession and if he approves, he shall submit it to the President, who may, if he also approves, appoint a committee to examine the application. If the committee is of the opinion that a concession should be granted, it may request the Minister of Justice to draft the necessary papers, which shall then be submitted to the President, and if he approves, to the Legislature, which may grant or deny the concession.

§ 161. Discovery of other minerals on mining claim or concession.

Every person holding a mining concession who in the course of development of mining operations discover that the mine contains another metal or mineral of the same class according to the classification stated in section 156 of this Chapter, may hold to the mining concession by filing additional papers; but any person holding a mining claim as distinguished from a mining concession

shall file a separate notice of claim as to each mineral which has been discovered and is to be mined; provided, however, that if a new ore should be discovered on the premises operated by virtue of a mining concession, or if a mineral should be found of a different class from the mineral as to which the concession was issued, then an application shall be made to the Government for permission to have the mining right amended to cover the new mineral if the concessionaire intends to mine it. In such a case the concessionaire shall not operate until the application shall have been made to the Ministry for such amended mining concession.

§ 162. Surface rights under mining concessions.

Unless otherwise specified in the contract, the grant of a mining concession shall carry the following surface rights:

- (a) Erection of habitations, office buildings, mill buildings, engine houses, store houses;
- (b) Building of dumps, ditches for drainage, roads within the surface boundaries of the mining site;
- (c) Making of trenches and open cuts, constructed for and necessary for mining operation;
- (d) Cutting of timber only in so far as it is necessary to clear for buildings and such works as are mentioned in subdivisions (a), (b), and (c) of this section and to use in construction of the mining site;
- (e) Use of water and other resources necessary for the prosecution of the work.

Unless otherwise specified in the contract, the grant of a mining concession shall not carry agricultural or surface rights other than those herein indicated or those indicated in section 163 of this Chapter. The concessionaire shall not be entitled to cut timber for sale unless such right shall be expressly granted.

§ 163. Right of concessionaire to operate transportation and communication lines.

Mining concessions shall not in the absence of contrary provisions in the contract be deemed (a) to convey the right to operate a railroad except between the pit, mine opening, placer workings and the mill, nor (b) to grant the right to operate telephone, telegraph, water system, hydraulic or electric system, or any other public utility except within the bounds of the mining site and between the mining site and the mill.

§ 164. Other rights over land for concessionaires.

A concessionaire may petition the Government for rights over all types of land and temporary occupancy of public lands to the extent necessary to the operations of the concessions. Such rights may be granted subject to applicable law and the rules and regulations governing the administration of the provisions of this Chapter.

§ 165. Right of concessionaire to dispose of mineral.

A concessionaire has the right freely to dispose within Liberia of all the mineral substances extracted under the terms of his concession, and he may export all such mineral substances in their original or changed form subject to specific provisions of the concession, statutory provisions, and general regulations relating to exports; provided, that the sale and export of diamonds shall be governed by the provisions of Chapter 6-A of this Title.

§ 166. Employment of citizens on concessions.

In so far as Liberian citizens are qualified to perform the work on a mining concession with reasonable efficiency and without undue hazard to the safety of the operations or other personnel, mining concessionaires shall give preference in employment to such citizens and shall maintain such training and advancement for them as may be prescribed in the general regulations issued for the administration of this Chapter.

§ 167. Mill sites.

The right to use public lands for a mill site will be given without charge other than a nominal fee if applied for in connection with mines in actual operation. Such sites when granted may be held only while such mine is in continuous operation, which is to be construed to mean while the mine has not been shut down in its operation for a period exceeding six months.

Application for a mill site may be made by petition through the Ministry for the allotment of public lands for the purpose of a mill site. Such application must be accompanied by a sworn statement as to the necessity of such a mill and description of the mill, its estimated cost, and the statement that to the best of the affiant's knowledge and belief the work will be commenced within one year from the date of the permit. If the work is not commenced and carried out in accordance with the application, the allocation of land for a mill site shall become void and of no effect, and the same land may be allocated to some other person on application.

§ 168. Reports by concessionaires.

Each concessionaire shall submit to the Ministry not later than March 31 of each year a report giving statistical and descriptive information concerning the operation of the concession. Each concessionaire shall demonstrate, upon request, to the satisfaction of the Minister of Lands, Mines and Energy that the provisions of the Law of Mines and the regulations issued pursuant thereto are being complied with.

Not later than December 15 of each year during the life of a concession, the concessionaire shall submit to the Minister of Lands, Mines and Energy a program of exploration work to be undertaken by the concessionaire within his concession during the ensuing year.

A concessionaire shall also transmit to the Ministry such permits of inspection as are required by

regulation.

§ 169. Reports by holders of other mining privileges; permits for inspection.

Every holder of a license to explore, a permit to prospect, or a mining claim shall submit such reports and such permits for inspections as are required by the regulations established for the administration of this Chapter.

§ 170. Inspection of mining premises and books.

The Ministry shall have the right to order an inspection at any time of any premises as to which a mining privilege has been granted, and of the books and records kept by the holders of the privileges.

§ 171. Requirements for maps.

The Ministry may order topographical maps and underground maps to be filed by the holder of a mining privilege at any time, but not oftener than once every six months. All such maps must be sworn to by a competent surveyor, who in his affidavit shall set forth a statement of his training and ability.

§ 172. Working conditions.

All work on mining operations shall be prosecuted with due regard to safety and health of the employees and in accordance with all existing labor legislation.

§ 173. Settlement of survey and boundary disputes.

In case of any survey dispute or boundary dispute arising out of the grant or development of a mining privilege, either party may apply to the Ministry for a survey of the disputed area. A deposit of the estimated cost shall accompany the application. If the survey proves the petitioning party to have been at fault, he shall forfeit that part of the deposit used to pay the costs of the survey and shall receive a refund of the balance; or if the deposit was not sufficient to pay the costs of the survey, he shall pay the excess. If the survey shall prove the petitioning party to have been correct, he shall have the right to recover the amount of the costs of the survey from the other party in an ex parte proceeding before a court of competent jurisdiction.

§ 174. Disputes arising out of placer mining privileges.

Disputes of an administrative nature arising out of the granting or operation of placer mining privileges may be decided by the Ministry of Lands, Mines and Energy on application of either of the parties. Outside Montserrado County such a dispute may be decided by the Superintendent of the county or the Commissioner of the District wherein it arose.

Administrative settlement of such a dispute shall not be a prerequisite to commencement of suit in the appropriate court; but such a settlement shall be conclusive unless the losing party shall within two days thereafter signify his objections to the decision in writing and shall within fifteen days

institute suit in the appropriate court.

§ 175. Penalty for violation of Law of Mines.

The holder of any mining privilege who shall violate a provision of this Chapter or any regulation issued pursuant thereto for which a penalty is not otherwise specified, may be fined by the Ministry not less than five dollars and not exceeding fifty dollars for each violation. Appeals from such fines may be heard by the Circuit Court.

§ 176. Grounds for cancellation of mining privileges.

Mining privileges may be cancelled for (1) violation of the Law of Mines or regulations issued thereunder or the terms on which the privilege was issued, or (2) falsity in any material statement in any affidavit required by the provisions of this Chapter.

§ 177. Effect of cancellation of mining privileges.

Any mineral substances subject to mining privileges which have been cancelled under the provisions of this Chapter shall be subject to grant to another person.

§ 178. Notices of grants and cancellations.

Notice of the grant or cancellation of any mining claim or concession shall be published in the *Official Gazette*, but the failure to publish such notice shall not in any way affect the rights of the holder or former holder of such claim or concession.

§ 179. Application for right to deal in precious stones.

An application for a license to purchase, sell, import, or export precious stones shall be made to the Ministry of Lands, Mines and Energy. Such a license shall be issued by the Bureau of Internal Revenues (Ministry of Finance) only after approval by the Ministry of Lands, Mines and Energy and payment by the applicant of the license fee fixed by the Revenue and Finance Law, section 12.31, Schedule B.22.

Chapter 6-A. CONTROL OF THE DIAMOND INDUSTRY

§ 190. Application for license.

§ 191. License fees.

§ 192. Restriction on foreigners.

§ 193. Effect of license to prospect for diamonds.

§ 194. Procedure to obtain mining claim; limitation of acreage.

§ 195. Effect of license to mine diamonds.

§ 196. Requirements for concessionaires.

§ 197. Limitation on number of laborers; identification.

§ 198. Efficient mining practices required; inspection.

§ 199. Safety measures.

§ 200. Living quarters and other facilities for laborers.

§ 201. Sale of diamonds by miners.

- § 202. Restrictions on diamond dealers.
- § 203. Diamond brokers license.
- § 204. Purchase and sale by brokers.
- § 205. Purchase by diamond dealers and others.
- § 206. Forms to be submitted to Ministry.
- § 207. Special diamond purchase.
- § 208. Limitations by Minister on mining operations.
- § 209. Technical assistants and patrolmen.
- § 209-A. Penalties.
- § 209-B. Rules and regulations.
- § 209-C. Savings clause.

§ 190. Application for licenses.

An application for permission to prospect, mine, purchase, sell import, export, or otherwise deal in diamonds in the Republic of Liberia shall be made to the Minister of Lands, Mines and Energy. An applicant to obtain a mining claim with additional rights to purchase, sell, import and export diamonds shall present with his application a statement or certificate from a reputable bank guaranteeing an initial capital of at least two hundred dollars. An applicant for the right to purchase, sell, import and export diamonds as a diamond dealer shall present with his application a statement or certificate from a reputable bank guaranteeing an initial capital of at least ten thousand dollars.

§ 191. License fees.

After approval of the application by the Minister of Lands, Mines and Energy, the applicant shall pay into the Bureau of Internal Revenues (Ministry of Finance) for the issuance of the license the license fee stated in the following schedule plus twenty-five cents for a revenue stamp to be affixed to the license:

<i>Type of license</i>	<i>License fee</i>
Diamond broker.....	\$1,000.00
Diamond mining.....	450.00
Diamond prospecting.....	100.00
Diamond purchase and export.....	15,000.00

The license shall be valid until the end of the fiscal year and shall be renewed annually on payment of the fee above stated.

§ 192. Restrictions on foreigners.

No foreigner or foreign group shall engage in the exploration for and exploitation of diamonds directly or indirectly except upon concession granted by the Legislature; but any foreign group may upon application to the Minister of Lands, Mines and Energy and approval by him purchase, sell and export diamonds if fifty percent ownership is held by Liberians. Any foreigner or any member of a

foreign group who shall violate the provisions of this section shall, upon conviction, be immediately deported from the country.

§ 193. Effect of license to prospect for diamonds.

1. A license to prospect for diamonds shall grant the right to sink pits for the test and sampling of minerals but shall not permit commercial mining.
2. Such a license shall entitle the holder to prospect in tributaries and creeks but not in rivers and large streams of water.
3. Nothing in a license to prospect for diamonds shall be construed to grant a prospector the right to explore private lands.
4. A license to prospect for diamonds shall not give the holder the right to sell diamonds, and any prospector found selling or exporting diamonds shall immediately forfeit his license.

§ 194. Procedure to obtain mining claim; limitation of acreage.

As soon as a discovery of diamonds is made, the prospector shall make application to the Ministry of Lands, Mines and Energy for a diamond mining claim, which is the title deed from the government to the miner for that portion of the deposit described. A mining claim to mine diamonds shall be limited to a maximum of twenty-five acres. No miner shall be granted more than two claims or a total of fifty acres.

§ 195. Effect of license to mine diamonds.

The rights granted under a license to mine diamonds shall be governed by the provisions of the Law of Mines and any rules and regulations promulgated thereunder by the Minister of Lands, Mines and Energy which have become effective in accordance with the provisions of Executive Law, section 33.2. A license to mine diamonds shall entitle the holder to mine in tributaries and creeks but not in rivers and large streams of water.

§ 196. Requirements for concessionaires.

An applicant for a concession shall certify to the Minister of Lands, Mines and Energy concerning his ability to inaugurate and maintain operations under the concession. After the grant of the concession by the Legislature, such operations shall be subject to the provisions of the concession agreement. A concessionaire shall pay an annual rental of one dollar per acre on the mining claim held by him. The acreage covered by the claim shall be duly described at the time of the application for the claim.

§ 197. Limitation on number of laborers; identification.

1. No prospector shall have more than five laborers during the period of prospecting. No miner shall have more than twenty laborers at any time on any one diamond mining claim.

2. Each laborer shall obtain from the Ministry of Labor identification papers with accompanying photographs. Such papers shall be registered at the Ministry of Lands, Mines and Energy before the laborer is permitted to work on a diamond operation.

§ 198. Efficient mining practices required; inspection.

1. Holders of diamond mining licenses shall continuously and systematically work the areas allotted to them in keeping with the mining practices described in section 199 of this Title. They shall employ reasonably efficient methods for the concentration of diamonds so that the highest possible percentage of diamonds in the ground excavated may be recovered, and in such manner that patches of payable ground shall not be underworked.

2. All diamond mining operations shall be inspected by designated officials of the Ministry of Lands, Mines and Energy. Persons who are found to be violating the rules prescribed in this Chapter shall be subject to cancellation of their licenses.

§ 199. Safety measures.

1. Holders of diamond mining licenses shall take adequate measures to prevent persons from accidentally falling into pits or excavations on their claims.

2. The holder of a diamond mining license shall not (a) undercut any face nor shall he wilfully do any act which might precipitate a cavein; or (b) cut or excavate any face of a height exceeding six feet or make any branch of a width of less than four feet.

3. The holder of a diamond mining license shall work in such manner as to leave the ground reasonably level and free from holes or other breeding places for mosquitoes.

§ 200. Living quarters and other facilities for laborers.

Laborers employed on a diamond mining claim may live in camps constructed for the purpose with reasonable living, sanitary, and health facilities or they may live in the nearest town or village where they shall be subject to the local tribal authorities.

§ 201. Sale of diamonds by miners.

All licensed miners shall sell their products to duly licensed dealers or brokers. There shall be made out for each sale a vendor form supplied by the Ministry of Lands, Mines and Energy on which shall be recorded the name of the dealer or broker to whom the goods were sold, the number of diamonds sold, the weight in carats, the amount paid by the dealer or broker, the license number of the dealer or broker, and the date of sale.

§ 202. Restrictions on diamond dealers.

Diamond dealers are strictly prohibited from borrowing or lending licenses permitting them to engage in business. They shall transact business at a fixed address. A diamond dealer or a person

who borrows a license from a diamond dealer shall be subject to a fine of not less than one thousand dollars nor more than three thousand dollars for the first offense, and five thousand dollars for a second offense. An offender guilty of a third offense shall be prohibited from doing further business in Liberia, and the license of a licensee guilty of a third offense shall be cancelled.

§ 203. Diamond broker's license.

A diamond broker's license shall grant the right to purchase and sell diamonds within the Republic but shall not include the right to import or export diamonds. Only Liberians may be granted diamond broker licenses.

§ 204. Purchase and sale by brokers.

For every transaction, a diamond broker shall furnish the Ministry of Lands, Mines and Energy on a special form to be supplied by the Ministry, the license number and name of the miner from whom the diamonds were purchased and the license number and name of the dealer to whom the diamonds are sold with the quantity indicated and date of the transaction.

§ 205. Purchase by diamond dealers and others.

For every purchase a diamond dealer or purchaser of diamonds shall indicate on forms supplied by the Ministry of Lands, Mines and Energy the miner or broker from whom the diamonds were purchased, the license number and name of the miner or broker, the number of diamonds purchased, the weight in carats, and the date of purchase.

§ 206. Forms to be submitted to Ministry.

All miners, brokers, dealers, and purchasers of diamonds shall submit the completed forms as required in this Chapter to the Ministry of Lands, Mines and Energy within thirty days after the sale or purchase. A person violating this section shall be subject to cancellation of his license.

§ 207. Special diamond purchases.

Any individual desiring to make a special purchase of diamonds for personal use may do so by first obtaining a permit from the Ministry of Lands, Mines and Energy, subject to the regulations governing export of precious stones.

§ 208. Limitations by Minister on mining operations.

The Minister of Lands, Mines and Energy may, for the purpose of protecting the diamond industry and with the approval of the President of Liberia, limit in any one year according to trends in output, the number of licenses to mine, purchase, sell, or export diamonds. The Minister of Lands, Mines and Energy may also with the approval of the President declare specific areas as mining districts and limit mining operations to the areas so declared.

§ 209. Technical assistants and patrolmen.

The Minister of Lands, Mines and Energy is hereby authorized to employ and train technical

assistants and patrolmen, who, with their field foremen and crew shall:

(a) Perform with reference to diamonds the administrative functions now carried out by mining agents with reference to the mining of gold;

(b) Assist in exploration and sample collections;

(c) Inspect prospecting and mining operations;

(d) Mark up on line maps provided by the Ministry the drainage pattern of the assigned area, the location of sample collections, and the placer operations of each claim holder;

(e) Verify each claim of discovery and certify each notice of claim before it is forwarded for the allowance of the claim.

(f) Perform such other functions and services as may be warranted or authorized by the Minister of Lands, Mines and Energy.

§ 209-A. Penalties.

1. Any person found mining illicitly shall upon conviction be fined not less than five thousand dollars nor more than fifteen thousand dollars and be imprisoned for five years. The tools of any offender may be confiscated.

2. Except as otherwise specifically provided, the violation of any provision of this Chapter or any rule or regulation promulgated thereunder shall subject the violator to a fine of not less than two hundred dollars and not more than one thousand dollars. The Minister of Lands, Mines and Energy may, in his discretion and after due investigation of the violation charged, cancel the license of the offender.

§ 209-B. Rules and regulations.

The Minister of Lands, Mines and Energy may from time to time issue rules and regulations with the approval of the President for the implementation of the provisions of this Chapter. Such rules and regulations, when approved by the President, shall have full force and effect of law from the date of his approval; provided, that such rules and regulations shall be submitted to the next session of the Legislature and if not approved by that session, they shall become null and void.

§ 209-C. Savings clause.

If any provision of this Chapter or any application of such provision to any person or circumstance shall be held unconstitutional or void, no other provision of the Chapter or the application of such provision to persons or circumstances other than those as to which it was held unconstitutional or void shall be affected thereby.

Chapter 7. REPEALERS

§ 210. Statutes repealed.

§ 210. Statutes repealed.

The following statutes are hereby repealed:

L. 1868-69, 21 (2nd)

L.1894-95, 13

L.1897-98, 15 (2nd)

L.1899-1900, 37 (1st)

L.1902-03, 39 (3rd)

L.1908-09, 45 (1st)

L.1909-10, 64

Crim. Code, secs. 81, 84

L. 1923-24, ch. XXIV

Rev. Stat. (adopted L. 1929, ch. VII), secs. 1171-1176, 1197

L. 1939-40, ch. XIV, secs. 1, 2, 3, 5.

L. 1939-40, ch. XVI, arts. I, II, III, IV, VII, IX, X

L. 1939-40, ch. XVI, arts. I, II, III,

L. 1942-43, ch. XVI

L. 1948-49, ch. V

L. 1951-52, ch. XXX

L. 1952-53, ch.XX L.1954-55, Act to control the exploitation, mining, purchase, sale, import, and export of diamonds, secs. 1, III, IV, arts. I, III, IV