



**Manitoba Mineral Resources**

Mines Branch  
Director of Mines  
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September 23, 2015

Manitoba Saskatchewan Prospectors  
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P.O. Box 306  
Flin Flon MB R8A 1N1

Manitoba Prospectors and  
Developers Association Inc.  
627 Manchester Blvd. North  
Winnipeg MB R3T 1N9

Attention: Steve Mason, President

Attention: Ruth Bezys, President

Dear Sir and Madame:

I am writing in response to your letters dated September 11<sup>th</sup> and 14<sup>th</sup>, 2015 respectively, regarding the use of pre-made ink stamps when staking a claim on Crown mineral lands.

The legislative provisions related to staking on Crown mineral lands are found in Division 1 (Staking and Recording) under Part 5 of *The Mines and Minerals Act*, C.C.S.M. c. M162 and in Part 4 (Claims) of the *Mineral Disposition and Mineral Lease Regulation, 1992* which is numbered as Regulation 64/92. The Mines and Minerals Act (the "MMA") and Regulation 64/92 are available on-line at:

<http://web2.gov.mb.ca/laws/statutes/ccsm/m162e.php>

<http://web2.gov.mb.ca/laws/regs/current/pdf-regs.php?reg=64/92>

With regards to the staking rush in the Wekusko area, I understand that the Acting Mining Recorder was concerned with the use of a pre-made inked rubber stamp by one of the staking crews. I also understand that the established practice in cases where previously staked ground becomes available for staking, is that no staking activity whatsoever can take occur until 12 Noon of the day following the date of expiry of the interest of the previous claim holder. In this regard I refer you to subsection 89(1) of the MMA which states:

**Claim expires**

**89(1)** The interest of a holder of a claim expires on the day on which

- (a) the holder fails, within the applicable period of time,
  - (i) to perform required work on the claim under section 80 or make a cash payment in the place of work under section 84,
  - (ii) to pay the applicable fees, or
  - (iii) to comply with an order of the recorder or the board;

- (b) the holder removes, or permits or causes to be removed, a stake or post forming part of the staking of the claim or for any purpose changes or effaces, or permits or causes to be changed or effaced, writing or marking that is on a stake or post, without consent in writing of the recorder; or
- (c) the board, after a hearing, determines that the claim is being used for a purpose other than mining;

and the claim is open for prospecting and staking as of 12 noon on the day following the date of expiry of the interest of the holder.

(emphasis added)

The Acting Mining Recorder determined that a pre-made rubber stamp, which included a pre-determined date and time of staking, constituted staking activity carried out prior to the time in which the claim was open for prospecting and staking and that this was contrary to the normal order in which the staking process is to occur, namely (1) inserting a wooden post into the ground; (2) inscribing that wooden post on all four sides with the information by Regulation 64/92; and (3) blazing standing timber or placing pickets to mark the boundary of the claim.

A second issue raised by the Mining Recorder relates to subsection 18(1) of Regulation 64/92, which outlines the manner in which claim posts are to be erected. Subsection 18(1) states that the claim posts shall be "*inscribed in a legible and durable manner*". The Mining Recorder interpreted the use of the word "*inscribed*" as an explicit reference to the need for the information on the claim posts to be hand written. As you are aware, the commonly held practice for staking claims on Crown mineral lands in the Province of Manitoba involves the hand writing of the required information documenting the act of staking and specifying the actual time that staking of the post was completed.

Your letters refer to past instances where inked rubber stamps were used during the course of staking a claim and that their use in those cases was accepted by a former Mining Recorder. While that may be correct, the Mining Act and regulations have changed in the intervening time period. Furthermore, the use of an inked rubber stamp was not challenged by competing staking crews in those cases and, as such, their use would not have been investigated. The fact that in a few isolated cases an inked stamp was used and not rejected by the former Mining Recorder did not create an established practice that would govern all future cases.

I should point out that if there is any concern on the part of your organizations that the recording of the claims in those isolated cases are now in jeopardy I refer you to subsection 67(1) of the MMA which states:

**Claim deemed to be properly staked after 180 days**

- 67(1)** If no notice of dispute is filed against a claim within 180 days after the recording date, the claim
- (a) is deemed to be properly staked and recorded; and
  - (b) is not liable to impeachment, dispute or cancellation except as expressly provided under this Act.

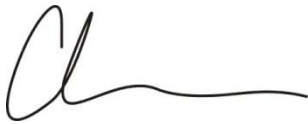
This letter will be posted on the MMR website so that it is made clear to all prospectors that any future use of pre-made rubber (or any other material) stamps is not permitted and that the Mining Recorder will not record claims where inked stamps have been used.

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I hope that this has been helpful in providing you with the position of the Mines Branch with respect to the use of pre-made rubber stamps during the staking process.

Please feel free to contact me or Linda Rogoski, Acting Mining Recorder, should you have any questions arising out of this letter.

Yours truly,

A handwritten signature in black ink, consisting of a large, stylized initial 'C' followed by a long, horizontal, wavy line that tapers to the right.

Chris Beaumont-Smith, Ph.D., P.Geo.  
Director of Mines

- c. Honourable Dave Chomiak, Minister  
Hugh Eliasson, Deputy Minister  
John Fox, Assistant Deputy Minister  
Linda Rogoski, Mining Recorder