

MINING CODE OF NICARAGUA 1906

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Mining Code of Nicaragua 1906 by Delaronde Ducros

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DELARONDE DUCROS

**MINING CODE OF
NICARAGUA 1906**

Nicaragua.

MINING CODE
of Nicaragua

1906



TRANSLATED FROM
SPANISH TO ENGLISH
BY

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MINING CODE OF NICARAGUA.

TITLE I.

Of Mines and Their Ownership.

ARTICLE 1.—The State is the owner of all the gold, silver, copper, platinum, mercury, lead, zinc, bismuth, antimony, cobalt, nickel, solder, arsenic, iron, chromium, magnesia, molybdena, vanadium, rodium, iridium *tugsteno* and sulphur mines as well as of those of saltpetre, precious stones, coal and other fossil substances contained in the bowels of the earth notwithstanding the dominion of individuals or corporations over its surface.

ART. 2.—Individuals are conceded the right of prospecting and excavating on lands of any ownership with a view of searching for the mines referred to in the preceding article; to work and improve the said mines and also dispose of them as owners upon filling the legal requisites and complying with the rules prescribed in this Code.

ART. 3.—The acquisition of the mines referred to in Article 1 is free to all individuals whatever may be the origin or formation, with the exception, however, of those of sulphur, saltpetre, coal and other fossils, the exploitation of which shall be by contract with the Government of the Republic.

ART. 4.—Those mineral substances which are to be found in the uncultivated or vacant lands of the State or Municipalities may also be freely acquired by individuals.

ART. 5.—The precious stones and metals found isolated and in their natural state on the surface of uninclosed lands, no matter who owns the land, belong to him who first took possession of them, *i. e.*, the precious stones or metals.

ART. 6.—Stones for construction or adornment, sand, slate, argil or alumina, lime, puzzolana, peat, marl, and other substances found on unoccupied lands belonging to the State or Municipalities can be commonly exploited by individuals; but without prejudicing the right of the State or Municipalities to concede them in their extension under conditions to be specified by special contracts or established by special regulations.



ART. 7.—The substances mentioned in the preceding article, which are found on individual property, belong to the owner thereof.

ART. 8.—The exploitation of auriferous sands, as well as other sands, and any other mineral productions of the rivers and placers is free whenever these are found on uncultivated lands, notwithstanding any right of ownership by others.

But when the exploitation is carried on with fixed establishments, then this shall be done in the form of mining claims.

ART. 9.—The clearings, waste and "tailings" of abandoned mines form an integral part of the mine to which they belong; but as long as the mine has not passed into individual ownership, they may be put to common use.

The use of the waste and "tailings" of old mining plants abandoned by the owner is free to all when these are found on lands not fenced or walled in.

ART. 10.—When the existence of a mine has been recognized, then the surface of the land becomes subject to the servitude of occupancy over the extent necessary for the convenient exploitation of the mine as the works and improvements thereof require. This servitude is for the purpose of establishing ore bins, terraces, furnaces, machinery for the extraction and working of the metals, even when mixed with others; for the building of laborers' houses and roads of transportation to the commons, not only for transporting the productions of the mine, but also that which is necessary for its exploitation and working of its metals.

ART. 11.—The wood found on surfaces of uncultivated or uninclosed lands can be made use of for the purposes of the works of the mine; but this right of cutting the wood ceases when the owner of the land delivers the wood already cut.

ART. 12.—The servitudes referred to in the preceding articles can only be constituted by previous indemnity, not only of the value of the land occupied and that of the materials extracted from it, but also all damages caused to the owner of the surface or to any other person.

ART. 13.—The roads opened by a mine can be made use of by the others which are in the same neighborhood; but the costs of maintaining the roads shall be divided *pro rata* according to the use which is made of them.

ART. 14.—The surface of the land (where the mine is located) as well as that of adjacent lands is subject to the servitude of pasturage for the animals employed in the exploitation

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