



NEW ZEALAND  
GOVERNMENT GAZETTE  
(PROVINCE OF NELSON).

Published by Authority.

*All Public Notifications which appear in this Gazette, with any Official Signature thereunto annexed, are to be considered as Official Communications made to those Persons to whom they may relate, and are to be obeyed accordingly.*

*By His Honor's command,*

J. C. RICHMOND, Provincial Secretary.

VOL. XI.

NELSON, TUESDAY, SEPTEMBER 15, 1863.

No. 28.

PROCLAMATION.

By his Honor JOHN PERRY ROBINSON, Esquire, Superintendent of the Province of Nelson, in the Islands of New Zealand, &c., &c., &c.

WHEREAS, by "The Gold-fields Act, 1862," it is provided that it shall be lawful for the Governor in Council from time to time to delegate to the Superintendent of any province, or such other person as he may deem fit, certain powers under the said Act: And whereas his Excellency has been pleased to delegate to me, so far as relates to the Province of Nelson, the powers so authorised to be conferred:

Now, therefore, I, the Superintendent of the Province of Nelson, in exercise of the said recited powers, do constitute and appoint all the territory hereinafter described to be a Gold-field under the provisions of the said Act, that is to say, All that territory whereof the boundary commences at Rangihacata Head, at the mouth of the River Takaka; thence up the western bank of that river to its junction with the Anatoki River; thence up the eastern bank of the Anatoki River to the western angle of section numbered 136,

on square numbered 11, of the map of the Province of Nelson; thence, following the western boundary of the surveyed lands in the Districts of Takaka and Upper Takaka, to the south-west angle of section numbered 40, on square numbered 8, of the said map; thence up the Waituhi Stream to its source, near Mount Campbell; thence along the watershed of Blind Bay, and of the valley of the River Takaka to the source of that river, at Mount Arthur; thence, in a straight line, to the most north-easterly source of the Karamea River; thence down that river to its mouth; thence, by the sea-coast, to the north head of the Whakapohai or Heaphy River; thence along the Whakamarama range to the summit of Mount Burnett; thence, by a straight line, to the mouth of the Ruataniwha River; thence, by the sea-coast, to the mouth of the Aorere River; thence, following the seaward boundary of sections numbered 237 and 238 of the Suburbs of Collingwood, to the north-west angle of the Township of Collingwood; thence, following the inland boundary of that Township, and of the Native Reserve called Papakowhai, to the sea; thence, by the sea-coast, to the northern angle of section numbered 104, on square numbered 14, of the said

map; thence along the landward boundaries of the block containing sections numbered 104, 65, 66, and 103, on the said square numbered 14, to the southern angle of the said section numbered 103; thence along the sea-coast to the commencing point at the mouth of the Takaka River.

Given under my hand, and issued under the Public Seal of the Province, at Nelson, this Fifteenth day of September, in the year of our Lord One thousand eight hundred and sixty-three.

J. P. ROBINSON,  
Superintendent.

### PROCLAMATION.

By his Honor JOHN PERRY ROBINSON, Esquire, Superintendent of the Province of Nelson, in the Islands of New Zealand, &c., &c., &c.

**WHEREAS**, by "The Gold-fields Act, 1862," it is provided that it shall be lawful for the Governor in Council from time to time to delegate to the Superintendent of any province, or such other person as he may deem fit, certain powers under the said Act: And whereas his Excellency has been pleased to delegate to me, so far as relates to the Province of Nelson, the powers so authorised to be conferred:

Now, therefore, I, the Superintendent of the Province of Nelson, in exercise of the power and authority vested in me in that behalf, do hereby proclaim and declare that the Rules and Regulations contained in the Schedule hereto annexed (being the Rules and Regulations heretofore in force) shall continue and be in force in the Gold-fields constituted in the said Province, under the authority of the said Act.

Given under my hand, and issued under the Public Seal of the Province, at Nelson, this Fifteenth day of September, in the year of our Lord One thousand eight hundred and sixty-three.

J. P. ROBINSON,  
Superintendent.

### SCHEDULE.

#### RULES AND REGULATIONS FOR THE GOLDEN BAY GOLD-FIELDS.

#### INTERPRETATION.

Wherever the term "Commissioner" is used in these Regulations, it shall be understood to mean the Commissioner, Warden, or Resident Magistrate, or any other officer en-

trusted with the superintendence of the Gold-field, or any portion of it, and holding a commission under the hand of the Governor, duly empowering him to have charge thereof.

The words "miner," "person," and "claim" shall be read as singular and plural.

The word "miner," as used in these Regulations, shall mean an "authorised person," being the holder of a "Miner's Right," and no other.

The word "claim," shall be taken to apply to any authorised holding, but generally to claims held under "Miners' Rights."

#### ISSUE OF "MINERS' RIGHTS."

1. *By whom Miners' Rights shall be issued.*—"Miners' Rights" shall be issued by an officer specially authorised in that behalf, on payment of a fee of One pound.

#### EXTENT AND POSITION OF CLAIMS.

2. *Extent allowed for each Claim in Alluvial Workings.*—The extent of ground that shall be occupied in alluvial workings by any miner in respect of a miner's right shall be, whether for sinking, surface digging, tomming, or cradling, or for sluicing on ground or plank, whether in new or old ground, seventy-two (72) feet square.

3. *Extent allowed for each Claim in River Mining.*—Seventy-two feet frontage for each miner will be allowed in the beds of rivers or main creeks running across the whole bed, unless the Commissioner deem the river of such a breadth as to render a division desirable, in which case he will determine the division.

4. *Two preceding Clauses not to interfere with Claims of greater Area held under previous Regulations.*—Nothing in the foregoing clauses shall be deemed to prejudice the right to occupation of any claim of greater area than seventy-two (72) feet square, sanctioned by the Commissioner, and held previously to the publication of these Regulations, so long as the conditions attending such sanction be fulfilled.

5. *Manner in which Claims shall be held by Miners working in Parties or Associations.*—Any number of miners working together in parties or associations, shall be entitled to hold any number of contiguous claims not exceeding their own number. Provided that in no case shall the block or claim thus held by such party or association exceed in length twice its breadth.

6. *Walls left between Claims.*—A space or wall of six feet clear in breadth shall be left between the boundaries of adjoining claims, if held by miners belonging to different parties or associations. On the working out of the claims, such wall may be divided between the parties holding the claims on each side of it.

7. *Claims to be staked out.*—Every claim must be distinctly marked by pegs, driven firmly into the ground, one at each corner thereof, and standing at least one foot above the surface of the ground, and all to be kept clearly visible so long as the claim is occupied. Provided that when any corner cannot be so marked, on account of the nature of the ground, such peg to be fixed at the nearest practicable point.

8. *Rights of Servants vested in Employers during Service.*—If any person or persons holding miners' rights shall hire himself or themselves to employers for wages, the right to occupy the claim or claims of such hired servants shall vest in the employers during the period of such service.

9. *Reversion of Right on Close of Service.*—If the claim so worked on hire by any servant shall have been occupied by himself previous to the commencement of service, it shall, on the termination thereof, at once revert to him; but if not, then he shall have no title to occupy it, unless the employer fail to engage another holder of a miner's right to occupy it within one week.

10. *Copies of Written Agreements to be lodged with the Commissioner.*—When any mining partnership is entered into by a written agreement, a copy of such agreement shall be lodged in the office of the Commissioner.

11. *On Refusal of Member of Association to pay Share of Expenses incurred, a Portion of his Claim may be sold.*—If any member of an association or party shall refuse for one month to pay his fair share or proportion of any expenses incurred in carrying on the digging or mining operations of the party or association to which he belongs, his partners or associates may complain to the Commissioner, and in the event of such refusal or incompetency to pay being proved, it shall be lawful for the Commissioner to cause any portion not exceeding one-half of the claim of such person so refusing to be sold by public auction, to defray his share of the expenditure.

12. *Beds of Streams may be laid bare.*—Any person, with consent of the Commissioner, may lay bare the bed of any river, either by diverting the stream, or by other means; but ground intended to be so laid bare must be marked off by stakes, and the stream returned into its natural channel below the workings.

13. *Such Works not to be obstructed.*—No person shall obstruct, or in any manner interfere with such work, either in progress or completed; nor do anything to prevent the object proposed to be accomplished thereby.

14. *Right to Surplus Ground.*—If more ground shall be laid bare than the number of miners' rights held by the party shall entitle them to occupy, they shall be allowed one week, from a notice thereof by the Commissioner, to place thereon as many holders of miners' rights as they shall think fit; after which time any miner may occupy the surplus ground, if there then remain any, paying to the party who constructed the works a fair proportion of the expense incurred in diverting the stream. In the event of a dispute arising as to the amount to be paid, it shall be lawful for the Commissioner, in conjunction with two assessors, one to be appointed by each of the parties concerned, to award such sum or sums to be paid as may seem to them, or any two of them, and of whom the said Commissioner shall always be one, to be justly due to the persons who constructed the works.

15. *Works not to be injured by the careless felling of Trees.*—If any person shall fell any tree, log, or timber, either intentionally, or by undermining or other means, he shall remove it beyond the reach of floods, so that it may not be drifted down any stream. If any person shall fell timber on to an adjoining claim, he shall, on demand of the occupier of such claim, immediately remove the same.

16. *Right of Road over Claims, &c.*—Upon any four or more persons applying for a road or crossing place over any gully, creek, quartz reef, tail race, or other obstruction, and guaranteeing that they will make the same, if sanctioned, the Commissioner shall determine whether or not such road or crossing place is necessary, and shall make such order relative thereto as he may deem requisite; and no person shall in any way resist the making of any such road or crossing place after its formation shall have been authorised by the Commissioner. Provided that when a road shall have been formed on an occupied claim, it shall be lawful for the holder or holders of such claim to work the ground over or through which the road passes, if he or they previously construct another road in lieu thereof, and equivalent in value or usefulness to that proposed to be worked by him or them.

#### PROSPECTING.

17. *Additional Claims as a Reward or Prospecting.*—As a reward for the discovery of gold in any new locality, the Commissioner may in his discretion allot to any miner or party of miners discovering the same, in addition to the claims which each individual would be entitled to, any number of claims not exceeding five, if the discovery

be within a known gold mining district, and not exceeding ten if at a distance of five miles from the limits of any known gold mining district; such claims shall, however, be taken in conjunction, and if practicable be measured in a rectangular block. For the purpose of this regulation, a new locality shall be taken to mean ground previously unworked, and capable of affording employment to not less than fifty miners.

FORFEITURE AND REGISTRY.

18. *Seven Days' Absence to forfeit Claim.*—Any person discontinuing the working of his claim for seven consecutive days shall be considered to have forfeited such claim, except as hereinafter provided.

19. *Jumping, or taking Possession of forfeited Claim.*—Any holder of a miner's right may take possession of a claim legally forfeited by its last occupant. Provided that if it shall be found, on reference to the Commissioner, that the claim had not been legally forfeited, or that the holder was absent from causes beyond his control, the Commissioner shall replace such occupant in possession.

20. *Claim during Absence may be registered.*—If any person shall satisfy the Commissioner that he has reasonable cause for longer discontinuance than seven days, the Commissioner may register his claim; and such protection as aforesaid shall be granted to him upon such registration for a term not exceeding three months. Provided that no person so discontinuing under this or the preceding regulation shall have any right to occupy any other claim during such absence.

21. *Claim not forfeited by necessary Suspension of Working.*—If any person shall find it impossible to continue the working of his claim, from flooding of rivers, scarcity of water, or other natural causes, over which he has no control, on proving to the satisfaction of the Commissioner that such obstruction actually exists, he may be allowed to register his claim with the Commissioner for a term not exceeding three months, during which time he shall be entitled to occupy a claim elsewhere. Provided that if any claim so registered shall at any time prove workable or the natural cause or impediment be removed, it shall be lawful for the Commissioner, on the complaint of four miners that such claim, although registered, is remaining unworked, and that it is practicable to work it, to inquire into the same, and, on sufficient proof being given that such is the case, to cause the holder of such registered claim to commence to work the same within seven days after the service of a written notice on him so to do, on penalty of forfeiture to the persons complaining.

22. *Notice of intended Registration must be given.*—Any person who desires to register his claim shall give one week's notice of his intention to the Commissioner, unless urgent business compels an immediate registration.

23. *Fee for Registration of Claims.*—The fee charged for registering claims shall be one pound (£1) for every claim so registered, except in the case of any person unable to work from sickness, or by being in attendance at any court of justice, when the claim of such person will be registered free of any fee or charge whatsoever, but only for the period during which such person is suffering from sickness, or whilst he is attending such court of justice.

24. *Claims registered to be advertised.*—All claims which are registered shall be advertised in one of the local newspapers.

25. *Registered Claims to be marked.*—The holder of any registered claim shall, previous to leaving it, drive a strong stake into the centre of his claim, to which a board must be attached, with the name of the holder and the words "Registered Claim" written on it.

WATER PRIVILEGES.

26. *What constitutes a Water Privilege or Right.*—A water privilege shall mean the right to convey by means of a race cut in the ground, or in boxes, leads, or pipes, or in any other manner, a specified quantity of water to any locality. Such water shall be measured by a plank sluice head, having a sectional area of twelve inches by one, with a fall of one in twelve; ground sluice heads shall have twice that sectional area. The water privilege will be considered distinct from the ground claim, and, with the Commissioner's consent, may be held in connection with fresh claims.

27. *Applications to be made to the Commissioner.*—Applications for water privileges or rights, or for permission to cut races for sluice washing, or to erect dams, or to lead water for domestic purposes, must be made in writing to the Commissioner, who will not grant such privilege or permission if, in his opinion, the public interest would be injuriously affected by a compliance with such application; and in any case where any such water privilege shall have been granted, the water must be allowed to return to the ordinary channel whenever the Commissioner shall so direct.

28. *Right to Surplus Water.*—Persons wishing to divert water from races for the purpose of gold mining, may be permitted by the Commissioner to use the surplus water on payment to the proprietor of the race such sum or sums as shall be awarded by the said Commissioner and two assessors, to be

appointed as aforesaid, or in case of difference of opinion between the said assessors, by such Commissioner and one of the assessors.

29. *Defining the term "Surplus Water."*—Surplus water shall be taken to mean all water in excess of the water privilege, the water privilege being the right to convey a certain number of sluice heads of water from some stream or dam.

30. *Registering Water Privileges, and Fee for the same.*—Every water privilege or right shall be registered in a book to be kept at the office of the Commissioner, and the fee to be charged for registering every such water privilege or right shall be after the rate of Ten shillings for each ordinary sluice head of water, or Twenty shillings for each ground sluice head of water contained in it.

31. *Forfeiture of Water Privilege.*—All water privileges not used and upheld for a period of three months shall be held to be forfeited, unless such abandonment be explained to the satisfaction of the Commissioner.

32. *Right of Original Proprietor to Boxes or Leads.*—In the event of any water privilege or right being so forfeited, and such water having been led in wooden leads or in pipes, it shall be lawful for the Commissioner to cause the person jumping or taking possession of the same to pay such remuneration to the proprietors of such wooden leads or pipes as shall be awarded by the said Commissioner and two assessors, to be appointed as aforesaid, or in case of a difference of opinion between such assessors, then by the Commissioner and one of the said assessors. Provided that the person jumping such water privilege or right shall not be compelled to pay for such leads or pipes, if he shall consider that it would be more advantageous to him to bring the water otherwise from the stream or gully, and that he uses no part or portion of the leads or pipes belonging to the previous holder of the water privilege.

33. *Right to lead Water through or over occupied Claims.*—Any miner may, with the consent of the Commissioner, lead water over or through an occupied claim, whether such claim is held under a miner's right, license, or lease. Provided that such water shall not be led in such a manner as to injuriously affect the interests of the occupier of any such claim, but shall be subject to the approval of the Commissioner, and be done in such a way as to be fair to all persons concerned.

34. *Water-works not to be injured wilfully.*—No person shall injure any race or dam, or do anything to obstruct the water, or to deprive the person who has diverted the water of the use thereof.

35. *Tail Races not to be obstructed.*—If any person shall take possession of unoccupied ground over which water escapes from an unoccupied claim, he shall not obstruct the flow thereof so as to throw it back upon the claim from which it escapes.

36. *Rights of Proprietors of Tail Races.*—If a tail race is cut through unoccupied ground, it shall be lawful for the proprietor of such tail race to clear out the same when necessary, and to wash any tailings deposited therein from his claim. Provided that if the ground on each side of such tail race shall afterwards be occupied, the owner of it shall not deposit tailings from the tail race on the land so occupied, but shall, when desiring to clear out his tail race, deposit the tailings on unoccupied ground, or on his own claim, otherwise he shall have no right to wash or remove the same.

37. *Miners' Rights, how affected by Applications for Leases of Auriferous Lands.*—After any application for a lease of land for gold mining purposes has been duly advertised, the right of holders of miners' rights to mine for gold on or to occupy the land so applied for shall cease, save and except in the case of those holders of miners' rights who shall be actually employed in mining for gold within the block applied for at the date of such advertisement, or such miners as shall be employed by the applicant afterwards. Provided that nothing herein contained shall be deemed to interfere with the prerogative of the Crown to disallow any application for a lease of land for gold mining purposes; nor shall the applicant be considered entitled to work the same previous to the execution of the lease, except at his own risk.

38. *Miners' Rights to be shown when demanded.*—Every holder of a miner's right must, on demand of any constable, or of any person being the holder of a miner's right, to see his miner's right, exhibit the same.

39. *On refusal to show Miner's Right, Holder loses Protection.*—In the event of any dispute arising from the refusal of the holder of a miner's right to exhibit it when demanded by another person being the holder of a miner's right, the person so refusing shall not be entitled to any protection, and his claim may be jumped accordingly.

40. *Transfer of Claims and Water Rights.*—Claims or water privileges may be transferred to any authorised person; but such transfer shall not be legal until it has been registered in the office of the Commissioner. The fee for registering the transfer of any claim or water right shall be Five shillings for every claim or water right so registered. Provided that the Commissioner may, if he deems fit, forbid the transfer of a water privilege or right.

41. *Penalty for Breach of Regulations.*— Every person committing any breach, whether of omission or commission, of any of the above Rules and Regulations will be liable to the penalties set forth in section 32 of the "Gold-fields Act, 1862," viz. :—"for the first offence, a fine of any sum not exceeding Ten pounds; and for the second or any subsequent offence, not exceeding Twenty pounds."

TABLE OF FEES.

Publican's License, unless connected with a Ferry or some other extraordinary public convenience . . . . .	£30	0	0
Business License . . . . .	5	0	0
Miner's Right . . . . .	1	0	0
Registering Claim . . . . .	1	0	0
Registering Water Privilege, for each ordinary Sluice-head . . . . .	0	10	0
Registering Water Privilege, for each Ground Sluice-head . . . . .	1	0	0
Registering Written Agreement . . . . .	0	10	0
Registering Transfer of Claim or Water Right . . . . .	0	5	0

Surveying Block not exceeding Thirteen Acres . . . . .	2	0	0
Surveying Block over Thirteen, and not exceeding Thirty Acres, per Acre . . . . .	0	3	0
Surveying Block over Thirty, and not exceeding Fifty Acres, per Acre . . . . .	0	2	0
Deposits on Blocks containing less than Twenty Acres . . . . .	5	0	0
Deposits on Blocks containing more than Twenty Acres . . . . .	10	0	0

Land Office, Nelson,  
September 15, 1863.

**I**N accordance with the provisions of the "Nelson Waste Lands Regulations, 1860," section 25, NOTICE is hereby given that the undermentioned Sections of Land have been *withdrawn from Sale*—

Sections 1 to 24 inclusive, Square 90,  
On the Banks of the RIVER HURUNUI.

J. C. RICHMOND,  
*Commissioner.*