NEW ZEALAND
GOVERNMENT GAZETTE,
(PROVINCE OF NELSON.)

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ALFRED GREENFIELD, Provincial Secretary.

VOL. XVI. NELSON, MONDAY, JUNE 8, 1868. No. 29.

PROCLAMATION.

By his Honour Oswald Curtis, Esquire, Superintendent of the Province of Nelson, in the Islands of New Zealand, &c., &c.

WHEREAS by certain proclamations issued under the hand of Alfred Saunders, Esquire, as Superintendent of the Province of Nelson, and bearing date respectively the thirty-first day of July, 1865, the first day of September, 1866, and the third day of September, 1866, certain lands within the said Province were declared to be a Gold-field, within the meaning of the "Gold-fields Act," and called or styled the "Nelson South-West Gold-fields":

And whereas, it is desirable and expedient to alter and extend the boundaries of the said Gold-field:

Now, therefore, I, Oswald Curtis, Superintendent of the Province of Nelson, by virtue, and in exercise of the powers and authorities in me vested in that behalf, do hereby revoke all former proclamations declaring the boundaries of the Nelson South-West Gold-fields, and declare and proclaim that on and after the date hereof: All the land comprised within the undermentioned boundaries shall be a Gold-field, for the purposes of "The Gold-fields Act, 1866," and that the same shall be called "The Nelson South-West Gold-fields;" commencing at Weka Kura Point, on the sea-coast, thence following the boundary of the Collingwood Gold-field to Mount Arthur, thence in a straight line to Mount Owen, thence along the top of the ranges eastward of the river Hope to its junction with the Buller, thence to the nearest peak of range forming the watershed between the River Howard and Lake Rotaroa, thence along the top of the range to Mount Travers, thence along the top of the range to Mount Mackay and Mount Franklin, thence along the top of the range of the Spencer Mountains to Travers' Peak, thence following the watershed to the saddle between the heads of the Teremakau and Hurunui Rivers, thence by the Northern boundary of the County of Westland to the mouth of the River Grey on the sea-coast, thence along the sea-coast to Weka Kura Point: excepting:—

1. All the sections now surveyed in the District of Karamea.

2. All the surveyed sections in the townships of Westport and Hampden, other than those on the "Public Quay and Colliery Reserve," on the township of Westport.

3. All that piece or parcel of land containing by admeasurement one thousand four hundred and one acres, be the same more or less, being Sections numbered 1 and 2 on Square numbered 119 on the plan of the Province of Nelson, bounded as follows: by a line bearing 90° 15′ magnetic, from a peg marked △ on the bank of the River Grey, 3,350 links; thence by a line bearing 180° 15′ magnetic, to a peg marked A, 2,900 links; thence by a line bearing 143° magnetic, 8,650 links; thence by line bearing 233° magnetic,

10,400 links; thence by a line bearing 143° magnetic, 18,000 links, to a peg marked F on the banks of the River Grey; and thence by the banks of the River Grey to the peg marked △ from which the boundary commenced.

4. All that piece or parcel of land containing by admeasurement 5,700 acres, be the same more or less, and bounded on the northward partly by a line running east and west magnetic, 27,500 links; and partly by the land last mentioned as excepted, 3,350 links; on the eastward and southward by the banks of the River Grey; and on the westward by a line drawn from the letters A to B on the plan of the town of Cobden, 19,600 links, the same being the south-west side of the street to the eastward of the Cemetery in the said town.

5. All that parcel of land known as the Totara Flat, and containing by admeasurement 2,400 acres, be the same more or less, bounded on the northward and westward by the banks of the River Grey, on the eastward by a reserve 14,000 links, and on the southward by a line drawn from the south-west angle of the said reserve to peg marked XV on the traverse of the River Grey, 22,600 links.

Given under my hand, and issued under the public seal of the Province of Nelson, this eighth day of June, in the year of our Lord one thousand eight hundred and sixty-eight.

OSWALD CURTIS,
Superintendent.

Attested—
ALFRED GREENFIELD,
Provincial Secretary.

PROCLAMATION.

BY his Honour OSWALD CURTIS, Esquire, Superintendent of the Province of Nelson, in the Colony of New Zealand.

WHEREAS by a certain Proclamation bearing date the thirty-first day of July, one thousand eight hundred and sixty-six, issued under the hand of ALFRED SAUNDERS, Esquire, then Superintendent of the Province of Nelson, certain Rules and Regulations were made and declared to be in force on the Nelson South-west Gold-fields;

And whereas it is expedient to alter and amend the said Rules and Regulations:

Now, therefore, I, OSWALD CURTIS, Superintendent of the Province of Nelson, in exercise of the power and authority in me vested on that behalf, do hereby proclaim and declare that the said Rules and Regulations shall be and continue in force until the thirtieth day of June instant, and no longer; and I do hereby further proclaim and declare that, from and after the said thirtieth day of June instant, the following Rules and Regulations shall be in force on the Nelson South-west Gold-fields.

Given under my hand and issued under the public seal of the Province of Nelson, this eighth day of June, one thousand eight hundred and sixty-eight.

OSWALD CURTIS,
Superintendent.

Attested—
ALFRED GREENFIELD,
Provincial Secretary.

RULES AND REGULATIONS

OF THE

NELSON SOUTH-WEST GOLD-FIELDS.

I.—PRELIMINARY REGULATIONS.

1. Interpretation Clause.

In the construction, and for the purposes of these Regulations, the following terms shall, if not inconsistent with the context or subject matter, have the respective meanings hereby assigned to them (that is to say):

The word "Warden" shall mean Warden, Commissioner, Resident Magistrate, or any other officer entrusted with the superintendence of the Gold-fields, or any portion thereof, and holding a commission duly empowering him to have charge thereof, and shall include "Warden and Assessors," except where it is otherwise specially provided.

The word "person" shall mean the holder of a Miner's Right, Business or other License or Lease.

The word "claim" shall mean the portion of land which each person shall be lawfully entitled to mine in or occupy, or any share or interest in any claim, or registered right held or granted under these Regulations, or under the provisions of the "Gold-fields Act, 1866."

The words "ordinary claim" shall mean all mining claims except river, quartz, wet, extended and prospecting, and tunnelling claims.

"River claims" shall mean all claims in the beds of rivers or permanent streams.

"Wet claims" shall mean claims in flooded ground, which cannot be worked without appliances for drainage, and defined as such by the Warden.

"Extended claims" shall mean claims surveyed and granted by certificate, as hereinafter provided.

"Prospecting claim" shall mean such portion of ground as may be granted and defined by the Warden, on gold being struck in new ground.

"Prospecting area" shall mean such portion of ground as may be allowed and protected for the purpose of prospecting, as hereinafter provided.

"Race" shall mean any artificial channel or ditch for the conveyance of water, and also the natural bed of any creek or gully through which water is diverted for mining purposes.

"Sluice-head" shall mean twenty superficial inches of water gauged as hereinafter directed.

Words importing the singular number shall include the plural number, and words importing the masculine gender shall include the feminine gender.

2. The Miner's Right and Business License.

Every person residing on a Gold-field, and engaged in mining for gold, or holding any share in any mining interest except a gold-mining lease, shall be possessed of a Miner's Right; and every person residing on a Gold-field, and engaged in vending or disposing of any goods, merchandise, or chattels, whether by hawking or in any other manner, shall be possessed of a Business License: and every Miner's Right and Business License shall be produced for inspection when demanded by the Warden, or by any person duly authorized in that behalf, in writing, by the Warden.

II.—CLAIMS.

1. Size of Claims.

Ordinary claims and wet claims shall not exceed 60 feet by 60 feet for each person.

For	1	man	60 feet	× 60 feet	=	3,600	square feet.
,,	2	men	60 ,,	× 120 ,,	=	7,200	,,
,,	3	,,	73 ,,	× 146 ,,	=	10,800	,,
,,	4	,,	85 ,,	× 170 ,,	=	14,400	,,
,,	5	,,	95 ,,	× 190 ,,	=	18,000	,,
,,	6	,,	104 ,,	× 208 ,,	=	21,600	,,
,,	7	,,	112 ,,	× 224 ,,	=	25,200	,,
,,	8	,,	120 ,,	× 240 ,,	=	28,800	,,
,,	9	,,	127 ,,	× 254 ,,	=	32,400	,,
,,	10	,,	134 ,,	× 268 ,,	=	36,000	,,
,,	11	,,	140 ,,	× 280 ,,	=	39,600	,,
,,	12	,,	147 ,,	× 294 ,,	=	43,200	,,

2. Form of Claims.

Claims may be of any form, provided that no ordinary, wet, or prospecting claim shall, except in the case of spare ground between claims, exceed in length twice the breadth thereof.

3. Claims to be Marked.

Claims shall be marked by substantial and conspicuous pegs standing not less than two feet above the surface of the ground, or by ⌐ trenches at least a yard long at each corner thereof; or in the case of river claims by /|\ marks not less than one foot in length, to be cut upon the rocks above high flood mark, and such pegs, trenches, or marks shall be maintained during the occupancy of the ground, provided that when any corner cannot be marked on account of the nature of the ground, the peg, trench, or mark, may be placed at the nearest practicable point.

4. Surplus Ground to be Forfeited.

If any person shall occupy a larger area of ground than that to which he is entitled under these Regulations, he shall forfeit the surplus measured from any two pegs along a boundary line of the original claim, at the option of the party claiming the surplus, unless in any special case such good cause shall be shown as shall, in the opinion of the Warden, entitle the prior occupant to the choice of ground; provided that if any shaft, face, or works, shall come within the area of the surplus ground so forfeited, the party claiming the ground shall pay compensation to the original holder.

5. Shepherding.

All persons, during the first seven days from the date of occupation, must be present on their claims for two consecutive hours, between nine, a.m., and twelve noon; and no person shall be deemed to possess a valid title to any claim unless the same shall be fairly worked during the entire period of occupancy. Any claim not represented as above provided, during the first seven days, or unworked at any time for twenty-four consecutive hours, shall be deemed to be forfeited, unless sufficient reason, such as sickness or other good cause, shall be proved to the satisfaction of the Warden.

6. Amalgamation.

The Warden may, upon sufficient cause being shown, permit the amalgamation of two or more adjoining claims; and persons desirous of amalgamating their claims shall give notice and otherwise proceed as directed by Section IX.

III.—WET CLAIMS.

1. To what Districts applicable.

The subjoined regulations for "wet claims" shall be declared by the Warden to be in force upon any portion of a Gold-field, upon the receipt by him of a memorial signed by a majority of not less than three-fourths of the claim-holders affected thereby; and the boundaries of such district shall be set forth in notices to be posted outside of the

Warden's office, and in some newspaper circulated in the district; and it shall be lawful for the Warden, upon receipt of a further memorial, signed by a like proportion of claim-holders, to alter the boundaries of such district, or to suspend the operation of the regulations contained in this section.

2. Drainage.

The owners of wet claims shall, whenever practicable, cut a sufficient drain to convey the water to a main channel, which channel shall be cut and kept clear by or at the proportionate expense of all parties interested.

3. Baling.

The owners of any wet claim refusing or neglecting to bale their fair proportion of water, shall render their claim liable to forfeiture.

4. Continual Baling.

When the quantity of water renders constant baling necessary, it shall be compulsory on all parties holding claims below a given point on the lead (such point to be determined by the Warden and Assessors), to work in sinking and baling both day and night, until the claims are worked out or abandoned, or until baling is suspended by general consent.

5. Compensation for Drainage.

When any person shall drain any ground by any means whatever, such person shall be entitled to receive compensation from the holders of all claims benefited thereby; and the amount of compensation to be paid by each party shall be determined by the Warden, or, if preferred by any party, by the Warden and Assessors, who shall determine in what manner such compensation shall be paid, whether in one sum or by instalments, weekly or otherwise, by way of rental, during such time as the benefit lasts, and the said amount may be re-adjusted from time to time as may be equitable.

IV.—QUARTZ CLAIMS.

1. Marking off Quartz Claims.

All quartz claims must be marked off at each corner by a post; and the boundary-lines meeting at each corner-post shall be as near as practicable at right angles to each other. The length of all quartz claims shall be with the course, or supposed course of the reef, and all veins, leaders, and alluvial deposits within the said claims shall be the property of the holders thereof.

2. Prospecting Quartz Claims.

Any miner or miners prospecting or discovering a quartz reef, shall be entitled to hold in length one hundred (100) feet, by a breadth of three hundred (300) feet, for each holder of a miner's right.

3. Ordinary Quartz Claims.

In ordinary quartz claims, each miner shall be entitled to hold in length sixty (60) feet along the course, or supposed course of the reef, by a breadth of three hundred (300) feet.

4. Quartz Claims to be Numbered.

All quartz claims shall be numbered consecutively on either side from the prospecting claim; the claim adjoining the prospecting claim shall be number one.

5. Sludge.

Where machinery is employed, an embankment for the purpose of retaining the sludge must be constructed, except the sludge can be more conveniently carried off by drainage without injury to any other person.

6. Wall to be Left.

A wall of six (6) feet shall be left between quartz claims. Should any party neglect to leave a full wall, it shall be competent to deduct the length necessary for such wall from

his claim, and assign it for a wall where omitted; and should more ground than sufficient be left for the wall at the marking of the claim, the Warden shall curtail such excess, and deal with it in such manner as shall be most equitable and just. Walls between quartz claims shall be the common property of the parties adjoining, and neither of them shall take down, mine into, damage, or endanger any wall, without first obtaining the consent in writing of the owner of the adjoining claim. Should openings be required through any wall for ventilation, and the parties interested cannot agree upon the terms, the Warden shall give the necessary order for making the said openings, and also for the division of any auriferous deposit found therein, or removed therefrom.

V.—RIVER CLAIMS.

1. Size of River Claims.

River claims shall not exceed sixty (60) feet in length for each person, to be measured in the direction of the course of any stream, by a width of not less than thirty (30) feet; but when the stream exceeds thirty (30) feet in width, the width of the claims shall be taken from bank to bank, the banks to be defined, when necessary, by the Warden.

2. Notice of Diversion to be Given.

Any person desirous of diverting the course of a permanent stream for the purpose of working the bed thereof, shall give notice to the Warden, and proceed as directed by Section IX.

3. Wall to be Allowed.

Holders of river claims shall be allowed a sufficient wall between the channel of diversion and the bed of the stream, and the width of such wall shall be defined by the Warden.

VI.—EXTENDED CLAIMS.

1. When any extraordinary expenditure of capital or labour is requisite, or when ground has been fairly tested, and has been abandoned for three months, extended mining claims may be granted by the Warden upon application being made as hereinafter directed, subject to the condition that there shall be constantly employed thereon or in connection therewith—for the first quarter of an acre, two men; and for each additional quarter of an acre, one man: provided that such claim shall in no case exceed three acres in extent.

2. Form of Application.

Application for extended claims shall be made to the Warden in the form of Schedule C., and be accompanied by a deposit of £5; and upon receipt of such application and deposit, or as soon thereafter as may be, the Warden shall direct a Surveyor to proceed to the land applied for, and to survey the same, and to report as to the area, boundaries, and description thereof; the character of the ground, the likelihood of any river, creek, or permanent water-spring, or artificial reservoir, which may be included within the boundaries of the said land, being required for, or the feasibility of the same being applied to, public purposes, or for the use of the miners generally; and also as to any claims to prior occupancy which shall come to his knowledge, inquiry as to which it shall be his duty to make while making the survey; and to furnish a plan of such land on a scale of *not less* than five chains to the inch, and connect the same with some fixed point; and such plan shall be lodged in the Warden's office, and a copy or tracing supplied to the applicants.

3. Surveyor to post Notices.

The Surveyor shall, at the time of making the survey hereinbefore directed, post a notice in the form D in the Schedule, in some conspicuous place on the ground; and such notice shall be maintained by and at the expense of the applicants until the application has been heard and determined; and if no valid objection is offered, the Warden, upon hearing the application, may issue a Certificate of Registration specifying all necessary particulars, and the special conditions (if any) upon which such certificate has been granted.

4. Forfeiture.

If at any time the requisite number of holders of Miners' Rights shall not be employed or occupied upon any such "Extended Claim," the Warden may, upon proof thereof being produced before him, in the presence of all parties interested, cancel the Certificate of Registration, either in the whole or in part, as may be equitable.

VII.—PROSPECTING.

1. Discovery to be Reported.

Any person discovering new gold workings, and being desirious of obtaining an increased area thereon, shall mark off an area of ground according to the subjoined scale, and shall immediately report such discovery, with full particulars, to the Warden, and the ground so marked off shall be protected until the Warden, or Mining Surveyor, shall have visited the ground, and finally refused or granted the claim. The claim so to be marked off shall not exceed a double area where the ground is distant not more than three miles from existing workings, and shall not exceed a treble area where the distance is more than three miles, provided that the increased grant be not given to more than six persons comprising the party.

DOUBLE AREA.

For	1	man	7,200	square feet	= 120 feet	× 60	feet.
,,	2	men	14,400	,,	= 170 ,,	× 85	,,
,,	3	,,	21,600	,,	= 208 ,,	× 104	,,
,,	4	,,	28,800	,,	= 240 ,,	× 120	,,
,,	5	,,	36,000	,,	= 268 ,,	× 134½	,,
,,	6	,,	43,200	,,	= 294 ,,	× 147	,,

TREBLE AREA.

For	1	man	10,800	square feet	= 147 feet	× 73½	feet.
,,	2	men	21,600	,,	= 208 ,,	× 104	,,
,,	3	,,	32,400	,,	= 255 ,,	× 127½	,,
,,	4	,,	43,200	,,	= 294 ,,	× 147	,,
,,	5	,,	54,000	,,	= 328 ,,	× 165	,,
,,	6	,,	64,800	,,	= 360 ,,	× 180	,,

2. Prospecting Area.

The Warden may, if he shall think fit, grant protection for a prospecting area, in ground not within one mile of existing workings, or within half a mile of any other such protected area, not exceeding 100 feet per man frontage by a depth of 400 yards; and such protection shall continue in force until gold be struck or the ground abandoned for twenty-four hours, provided that such certificate of protection shall be brought to the Warden for renewal monthly.

3. Prospecting Areas to be Marked.

All such areas shall be marked at each corner by posts, six inches through and four feet above the surface of the ground, and a notice shall be maintained upon each post with the words "Prospecting Area" legibly written upon a board; and upon payable gold being struck, the party shall mark off a prospecting claim, and proceed as directed by Clause 1 of this Section.

4. Notices to be Posted by the Warden.

Notices of all prospecting claims and areas granted, with full particulars of locality, yield of gold, and description of workings, shall be posted by the Warden on the outside of his office, for public information.

VIII.—TUNNELLING.

1. Definition.

Hills where the sinking exceeds twenty feet shall be considered tunnelling ground.

2. Frontage Tunnelling Claims.

Persons engaged in tunnelling to strike a lead, shall be protected in the occupancy of a claim of a depth of 600 feet from the mouth of the tunnel, and a frontage for each person of the length allowed in ordinary claims by Section II., Clause 1.

3. Registration and Marking.

Claims under the preceding section must be registered (without the previous posting of notices), and the boundaries marked and maintained by rows of pegs placed not more than 50 feet apart, and such pegs shall be at right angles with the frontage of the hill along the entire depth allowed.

4. Discovery of Payable Ground.

On the discovery of payable auriferous ground, tunnellers shall immediately mark off their claims in blocks, in accordance with the regulations relating to ordinary claims; and the above-mentioned registration of the tunnelling claim shall sufficiently entitle them to the occupation of the tunnel leading thereto.

5. Parallels.

Persons tunnelling shall not drive beyond their own parallels.

6. Walls.

A wall of not less than ten feet shall be maintained on each side of any main tunnel, or between two main tunnels.

7. Tunnels Outside of Claims.

Any person intending to construct a tunnel outside of the boundaries of a claim previously occupied, shall give notice to the Warden, and proceed in the manner prescribed by Section IX.

8. Removal of Walls.

If any person is desirous of removing any wall, he can do so on obtaining the consent, in writing, of the holder of the adjacent claim.

9. Ventilation.

When cross drives or openings are required for ventilation, and the various parties concerned cannot agree thereon, the Warden may issue an order for making such drives or openings, and for the allocation of the work to be performed, and also for the distribution of any auriferous deposits which may be found in the intervening wall.

IX.—APPLICATIONS, REGISTRATIONS, AND TRANSFERS.

1. Notices to be Posted on Application.

Head Race.
Tail Race.
Branch Race.
Flood Race.
Alteration or extension of a Race.
Diversion of the course of a Creek.
Tramway or Shoot for Mining purposes.
Dam or Puddling Machine.
Amalgamation of Claims.
Residence Area.
Tunnel.
Protection for more than seven days, and renewal.
Protection for the site of a Hut or other property.
Special Site for Machinery, or for any purpose.

Any person desirous of obtaining a registered right to any of the above-mentioned privileges, shall give notice to the Warden and to all persons whose interests will obviously be affected, and shall obtain from the Warden's Office, and post and maintain for seven clear days, copies of such notices, in such conspicuous places as are hereinafter more particularly specified.

2. Notices to contain Particulars.

All notices must contain the name of each member of the party, together with the number of his Miner's Right; and there shall also be set forth in the notice a statement, signed by the Warden or his clerk, of the time and place at which the application and objections (if any) will be heard and decided.

3. Where Notices are to be Posted.

Notices for application for races, or tramways, or diversion of a creek, must be posted at each end of the proposed corner of the race, tramway, or diversion, and at each separate

source of a head-race; and the intended course must also be conspicuously indicated by pegs or flags placed not more than 100 yards apart, or if through bush, by a blazed line.

Notices of application for tunnels must be posted at the mouth of the tunnel, and also on the claim.

All other notices must be posted on the claim, right, or privilege to which the application refers; and in all cases one copy of each set of notices must be left with the Warden, to be posted in such place as he may think fit.

4. Objections.

Any person objecting to the grant of any privilege for which application has been made, shall give notice to the applicant, and shall appear to substantiate his objection at the time and place appointed for the hearing.

5. Hearing.

At the time and place appointed for the hearing, the name of the applicant's party shall be called, and the application and objections heard; and if no valid objection is lodged, and if the Warden sees no valid objection, he may issue, for any of the above-mentioned privileges a Certificate of Registration (containing the names of those whose Miners' Rights have been produced), upon such terms as he may think necessary or desirable for the public good.

6. Costs.

The Warden may, when he considers that any applicant or objector, either by failing to appear, or by the frivolous or vexatious nature of his application or objection, has caused any person unnecessarily to incur expense, allow such expenses as he may consider just and equitable.

7. Certificate may be Cancelled.

If any Certificate of Registration shall have been obtained by misrepresentation, or if any of the prescribed conditions have not been duly complied with, or if, after the issue of any certificate any objector shall appear and show to the satisfaction of the Warden that he has a valid objection, and shall also show good cause for not having appeared at the time and place appointed for the hearing, the Warden may, upon proof thereof, cancel such certificate, or make such other order therein as may be just and equitable: provided that no certificate shall be invalidated by reason of any merely technical informality in any of the proceedings.

8. Registration.

All claims, rights, and privileges, mining partnerships and agreements between holders of Miners' Rights or Business Licenses *may* be registered; but all privileges for which it is necessary to post notices of application, and all quartz claims, prospecting claims, and tunnelling claims, *must* be registered.

9. Transfers.

Any claim, right, or privilege held under these Regulations may be transferred or assigned; but, in all cases where it is provided that any such claim, right, or privilege must originally be registered, the transfer or assignment thereof must also be registered and noted on the back of the original certificate.

10. Certificate Renewable Annually.

Every Certificate of Registration shall be brought to the Warden for renewal annually, and if any such grant or certificate is not so brought within thirty days after the expiration of twelve months from the date at which it has been granted, it may be deemed to be forfeited, and the registration thereof may be cancelled, unless good cause to the contrary be shown to the satisfaction of the Warden.

11. Registration Fees.

The fees payable in respect of the registration of extended claims and prospecting claims shall be ten shillings; residence areas, special sites, and protection for hut or building, five shillings; and all other registrations not elsewhere specified, two shillings and sixpence: and such fees shall include payment for copies of notices, but not for any survey or other expenses.

12. Information to be obtained from Registrar.

Any person requiring any information from the mining registers, may obtain the same on payment of one shilling, and it shall be the duty of the Mining Registrar, or, if there is no Mining Registrar, of the Warden's Clerk, to furnish such information.

X.—WATER RIGHTS AND RACES.

1. Application.

Any person desiring to obtain a registered water-right, or to construct a head-race, tail-race, or flood-race, or a branch-race for the distribution of water, or to alter or extend a race, shall proceed as directed by Section IX.

2. Ground Allowed on Each Side of a Race.

The holder of a certificate of registration for a race shall be entitled to occupy, as a site for such race, five feet on each side of its central line; provided that this regulation shall not apply to such portions of a race as may be flumed, or to branch races.

3. Superiority of Right.

Superiority of right to a supply of water shall be determined by priority of occupation, the earlier occupant having the superior right. In all cases when the occupier claims, under a certificate or other authority in writing, granted by a Warden or Commissioner, occupation shall be taken to have commenced at the date of such certificate or authority.

4. Races to be Commenced within One Month.

The cutting and formation of races must be commenced within one calendar month from the date of registration, and the occupiers shall continue cutting and forming the same until the work is completed, otherwise any superiority of right to which they may be entitled by virtue of such registration shall be deemed to be forfeited.

5. Abandonment of Races.

All right to any race shall become forfeited if abandoned for the space of one calendar month, unless in case of sickness or unavoidable absence, or in consequence of failure of water; but it shall be lawful for the Warden, in his discretion, upon sufficient cause being shown, to suspend the operation of this regulation for a further period; and a certificate of such suspension shall be given in writing to the occupiers, who shall post a copy of such certificate at the head and termination of the race; and no such suspension shall continue in force for more than one month at a time.

6. Heads of Races.

All races that may hereafter be cut shall have a point specified at which they shall be taken from the creek or river. In races already cut, this point shall be taken to be the spot from which the race now heads. No person shall shift or alter the head of any race without the written sanction of the Warden, nor to the prejudice of any existing right.

7. Insufficient Supply of Water.

If the water flowing in any creek or river is insufficient to supply all the races connected therewith, the owner of any right shall, on receipt of a written notice from the owner of a superior right, stating that the supply of such superior right is less than he is entitled to, immediately cease to use the water, or such portion thereof as may be necessary to make up the supply of the superior right.

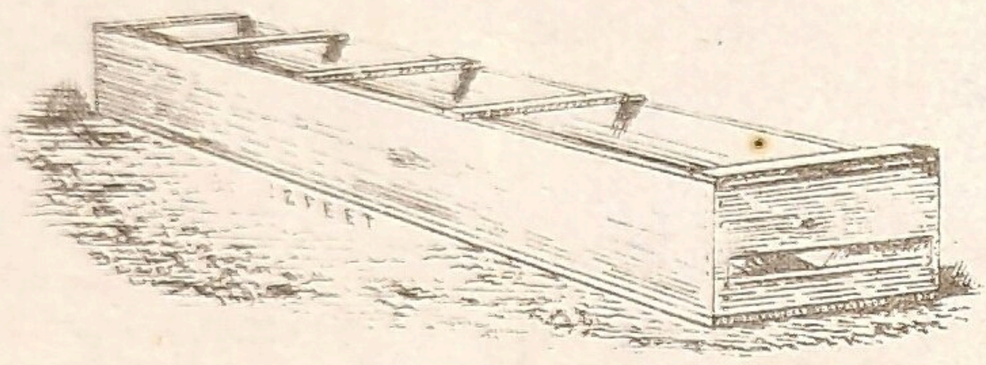
8. Water to be left Running in Creeks.

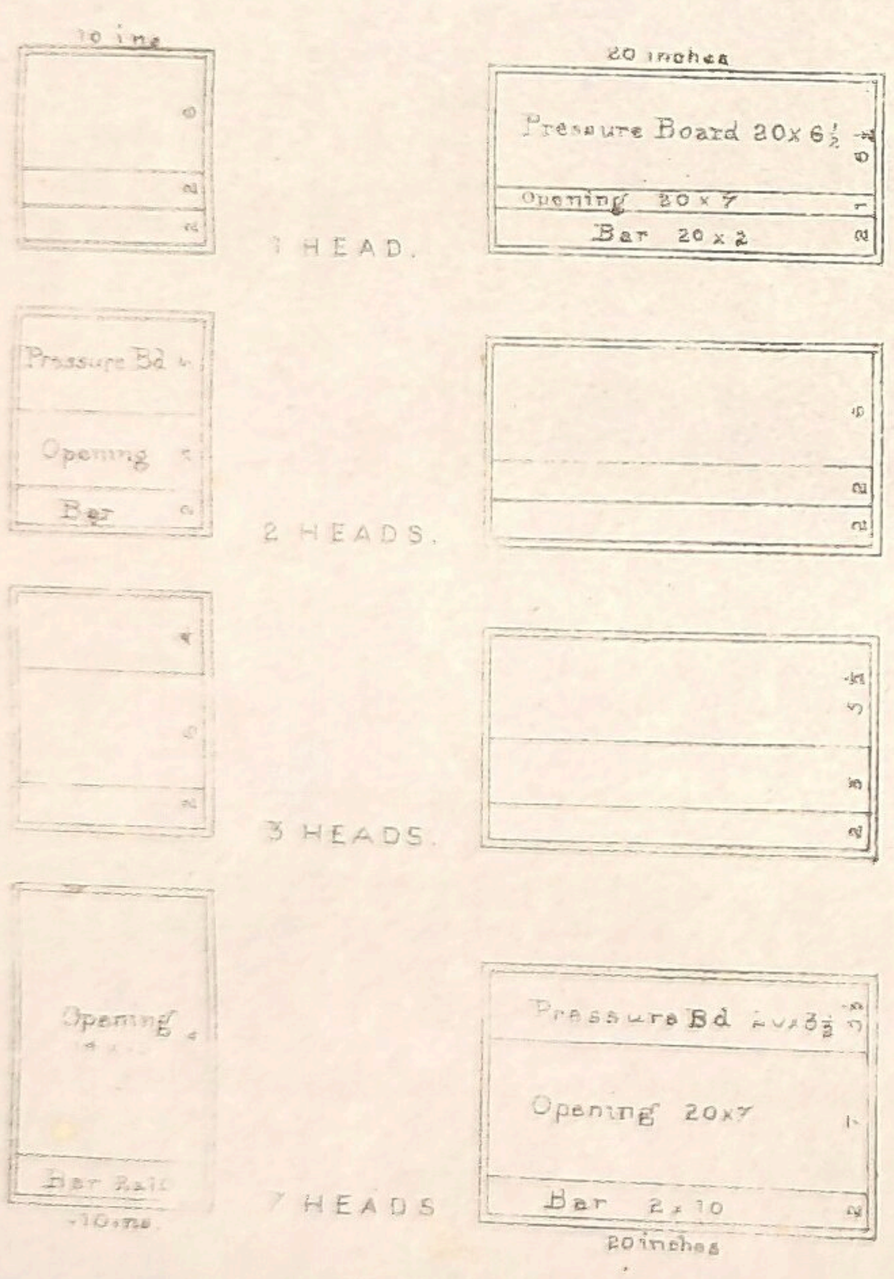
The holders of water-rights shall not be entitled to take water from any river or permanent stream, when by so doing they will reduce the quantity of water in such stream to less than one sluice-head.

9. Water Guage.

A sluice-head of water shall be twenty superficial inches, with a pressure of seven inches above the centre of the aperture from which it flows.

GUAGE BOXES
FOR
SLUICE HEADS





SCALE $\frac{1}{10}$TH OF FULL SIZE

T. HODGSON *Lith*

Water shall be guaged by a box twelve feet long, and of the depth and width shown in the annexed tables and diagram, all measured in the clear.

The box shall be placed on a level, and must not be covered, but must be kept full without overflowing. The entrance end of such box must be left entirely open, but the exit end must be fitted with a bar two inches high, affixed to the floor of the box, and with a pressure-board affixed to the top of the box, leaving an aperture of twenty square inches for each sluice-head allowed.

When more than one sluice-head is to be guaged, the box may be enlarged either horizontally or vertically, but there must always be a depth of seven inches from the top of the box to the centre of the aperture; and this object must be attained by making such alterations in the dimensions of the pressure-board and box as are shown in the accompanying tables and diagram:—

WIDTH OF BOX TEN INCHES.

No. of Heads.	Pressure-board.	Opening.	Bar.	Total depth of Box.
1	6 inches	2 inches	Two inches in all cases.	10 inches.
2	5 "	4 "		11 "
3	4 "	6 "		12 "
4	3 "	8 "		13 "
5	2 "	10 "		14 "
6	1 "	12 "		15 "
7	Nil.	14 "		16 "

WIDTH OF BOX TWENTY INCHES.

No. of Heads.	Pressure-board	Opening.	Bar.	Total depth of Box.
1	6½ inches	1 inch	Two inches in all cases.	9½ inches.
2	6 "	2 inches		10 "
3	5½ "	3 "		10½ "
4	5 "	4 "		11 "
5	4½ "	5 "		11½ "
6	4 "	6 "		12 "
7	3½ "	7 "		12½ "
8	3 "	8 "		13 "
9	2½ "	9 "		13½ "
10	2 "	10 "		14 "
11	1½ "	11 "		14½ "
12	1 "	12 "		15 "
13	0½ "	13 "		15½ "
14	Nil "	14 "		16 "

NOTE.—When not more than seven sluice-heads are to be guaged, either of the above scales may be used.

10. WATER TO BE GUAGED WHEN DEMANDED.

All holders of water-rights shall place a guage-box in their respective races, within seven days after receiving a written notice from any person entitled to receive a supply of water from the same source; but when the sluice-head of water allowed by Clause 8 is required in the natural course of a stream, it shall be the duty of the person requiring it to guage it immediately above the point where the water is required.

When water is taken from one source only, the supply shall be gauged at the source of supply; but if the race is fed or supplied in part by any side stream or streams, the gauge-box shall be placed immediately below the last of such side streams.

11. NUMBER OF SLUICE-HEADS ALLOWED.

The number of sluice-heads allowed for any race shall, in ordinary cases, be one head for each person: provided that in races not exceeding one mile in length, it shall not be lawful for the Warden to grant any water-right exceeding four sluice-heads, unless there shall appear to him to be extraordinary difficulties in the construction of the race; and that in races exceeding one mile in length where a large outlay is required, any larger number of sluice-heads may be allowed, due regard being had to the amount of water in the source from which the race heads, and to the probable requirements of the persons in the neighbourhood thereof: and provided also, that there shall be engaged in making beneficial use of the water at least one person for each sluice-head.

12. WATER NOT TO BE WASTED.

Holders of rights shall not allow any water to run to waste; but such water shall be appropriated to the use of the next holder of a right, according to the date of their respective registrations.

13. Keeping Races in Repair, Bridging, etc.

The holder and occupier of any race shall keep the same in repair, and shall make an efficient bridge where any road in ordinary use is crossed by the race.

14. Side-streams and Watersheds.

When a race crosses any water-course, the use of which is required by any person, or the watershed of any registered dam, the race shall be carried over or under the same, so as not to interfere with the water-supply of such dam, or with the natural flow of water in the water-course.

15. Use of Tail-races.

Any person wishing to use a tail-race, may do so on condition of first paying to the owner of such tail-race a proportionate share of the expense of construction, and of any enlargement that may be rendered necessary by such use: provided that the person so using any tail-race shall bear an equal share in any labour or expense incurred in clearing the same, or such portion thereof as may be so used, whenever it shall be necessary to do so; and provided also, that in cases of ground-sluicing, it shall be at the discretion of the Warden whether a party shall be entitled to use the tail-race of another claim, and if so, on what terms.

16. Control of Tail-water.

All right or control over water shall continue in the holder of the water-right until the water leaves any claim, channel, or tail-race to which he is legally entitled.

XI.—DAMS AND PUDDLING MACHINES.

1. Notice of Construction to be Given.

Any person intending to form a dam or erect a puddling machine, shall proceed as directed by Section IX.

2. Main Sludge Channel to be first Constructed.

No person shall be permitted to erect a puddling machine in any locality wherein puddling operations have not heretofore been carried on, until a main sludge channel shall have been constructed; and in all cases, such main channel must be constructed by and at the expense of the person desirous of erecting such machine.

3. Main Sludge Channels to be Approved by the Warden.

The position and course of all main sludge channels, and the width and depth thereof, shall be subject to the approval of the Warden, who shall have power to alter and vary the same whenever it shall seem to him necessary so to do; and upon the approval of any such main channel, the Warden shall grant a certificate of the same to the applicant.

4. Expense of Construction.

The expense of the construction of such channel shall be borne by the persons then or afterwards using the same, in proportion to the position of each machine relatively to the said channel, and payment of such proportion to the person constructing the same shall be made prior to the granting of any Certificate of Registration.

5. Sludge Drains and Channels to be kept Clear.

Main sludge channels shall be kept clear and in good repair by the joint labour of the machine-owners in each locality; and the owner of each machine shall further keep clear and in good order the private sludge drains connected with such machine, and on no pretence whatever shall the sludge from any main channel or private drain be permitted to overflow the banks, or edges thereof.

6. Forfeitures of Dams or Machines.

The site of any dam or machine not commenced within seven days from the date of the grant thereof, or not completed within a reasonable time, or any dam or machine unoccupied for one calendar month during a period when sufficient water has been available, shall be deemed to be forfeited, and may be granted by the Warden to any person who may apply for the same.

7. Injury to Property by Dams.

If any claim shall be flooded or property injured by the bursting or overflow of any dam or sludge channel, the owner of such dam or sludge channel shall be liable for any loss or damage occasioned thereby; provided that it is proved to the satisfaction of the Warden that such breaking away or overflow resulted from the faulty construction of such dam or sludge channel, or from the negligence of the holders thereof.

XII.—ROADS AND TRAMWAYS.

1. Right of Roadway.

Every person holding a claim under these Regulations shall be entitled to a roadway, whereby he may at all times obtain free ingress and egress thereto and therefrom.

2. Sludge and Water to be kept off Roads.

No person shall allow any sludge or water to run or spread over any road or crossing-place.

3. Protection to Public Roads.

No person shall dig within the distance of five feet from any road in common use, nor drive underneath, nor in any way interfere with such road without first obtaining the authority of the Warden.

4. Holes near Roads to be Fenced.

If any person shall sink a shaft or make any excavation within the distance of twenty feet from any road, footpath, or crossing-place in ordinary use, he shall properly protect such shaft or excavation by a sufficient barricade to the satisfaction of the Warden, and no person shall at any time remove or injure such barricade.

5. Roadway along Banks of Rivers, etc.

A width of two chains, for the purposes of public roads and wharves, shall be reserved from occupation along the banks of all rivers, lakes, and other waters navigable for boats, provided that it shall be in the power of the Warden to allow mining thereon, subject to such conditions as he may deem necessary.

6. Tramways and Shoots.

Any person desiring to construct a tramway or shoot for mining purposes, and to occupy an area of ground for such tramway or shoot, shall proceed as directed by Section IX.

XIII.—PROTECTION.

1. Protection for Fourteen Days.

The Warden may, without prior notice, grant protection to any claim for a period not exceeding fourteen days, and such protection shall be given in writing, in the form set forth in Schedule H, and a copy thereof shall be posted on the claim.

2. Protection for an Extended Period.

If any person shall be desirous of obtaining protection for a claim for a longer period than fourteen days, he shall give notice, and otherwise proceed as directed by Section IX.

3. Notice of Protection to be Posted.

When any claim is under protection for a longer period than seven days, the occupier thereof shall post, and at all times maintain on some conspicuous part of the said claim, a board not less than nine inches square, with the word "Protected," and the number of his Certificate painted legibly thereon.

4. Limitation of Protection.

Protection for a longer period than seven days shall not be granted to any claim which has not been fairly wrought for at least one month, unless such claim cannot be worked

without the aid of machinery. The most extended period for which protection may be granted at any one time shall be thirty days; and such protection shall not be renewed unless it is proved to the satisfaction of the Warden that the claim is unworkable.

5. Renewal of Protection.

Application for renewal shall be made in the same manner as is provided in Section IX, and such renewal, if granted, shall be endorsed on the back of the Certificate, and recorded in the Registration Book.

6. Protection during Notice.

When any notice has been given and posted in conformity with these Regulations, the claim, right, or privilege to which such notice may refer, shall be protected during the currency thereof, and until the application has been finally dealt with by the Warden.

7. Protection during Operation.

All claims, rights, and privileges, of whatsoever nature, lawfully held and enjoyed under these Regulations, shall be protected during the time that the owners or holders thereof shall be actually engaged in operations connected therewith.

8. Registration of Huts.

The holder of a Miner's Right *may*, on application to the Warden, register his hut or place of abode; and any hut or place of abode, so registered, shall be protected during the absence of the owner, for such a period, not exceeding six months, as may be assigned.

9. Holidays.

All claims, rights, and privileges shall be deemed to be protected while the holders thereof are attending elections of members of the House of Representatives, or of the Provincial Council, or of other public bodies, or attending any Court of Justice; and also during the following periods, viz., from Good Friday to Easter Tuesday inclusive, on her Majesty's Birthday, from the 24th December to 2nd January inclusive, and on any day proclaimed a holiday by the Warden.

10. Lunacy, etc.

No claim, right, or privilege shall be deemed to be forfeited or abandoned in consequence of the death, lunacy, or bankruptcy of any person; but every such claim, right, or privilege shall be protected for the benefit of his heirs, executors, trustees, creditors, or representatives, as the case may be, provided that expenses incurred in working any claim shall be paid out of the proceeds thereof.

11. Stacking Auriferous Substances.

Any person wishing to retain possession of auriferous substances may have the same protected for a period not exceeding three months, provided that such substance is properly stacked on ground not supposed to be adapted to mining purposes; and that a board, with the owner's name, address, and date of stacking, legibly written or painted thereon, be posted close to such stack.

XIV.—SPECIAL SITES.

Any person who may be desirous of obtaining a site for the erection of machinery, or for stacking tailings, headings, or other substance, or as a washing site, or for any other special purpose, shall give notice, and otherwise proceed as directed by Section IX.

XV.—RESIDENCE.

1. Area which may be Occupied for Residence.

Subject to the conditions hereinafter set forth, the holder of a Miner's Right shall be entitled to occupy for residence an area of Crown land not exceeding half an acre, or 2,240 square yards.

2. Residence Area to be Registered.

Any person desirous of occupying land under the preceding regulation, shall mark the corners of the area which he proposes to occupy with ⌐ trenches, or substantial posts standing at least three feet above the surface, and shall give notice, and otherwise proceed as directed by Section IX.

3. Space to be left between Residence Areas.

A space of seventeen feet shall at all times be left between residence areas for the purposes of a road, and no person shall be entitled to occupy more than one residence area.

4. Test Ground.

The holder of a Miner's Right shall be entitled to occupy for residence an area of twelve by twenty-four feet without registration: provided that such area shall not be taken up on known auriferous ground, nor in the line of any workings, nor on land set apart for business purposes.

XVI.—BUSINESS SITES AND LICENSES.

1. Business License.

The fee for a Business License shall be £5 for an annual license, £3 for a half-yearly license, and £2 for a quarterly license; and the holder of any such license shall be entitled, subject to the ensuing regulations, to occupy in surveyed townships one surveyed allotment of an area not exceeding forty perches, or on land not surveyed an area of a frontage of thirty-three feet and a depth of ninety-nine feet; provided that such area shall not be taken up on any mining claim or in the line of any workings.

2. Townships may be Surveyed.

The Warden may, wherever it shall be necessary for the public convenience, set apart land to be occupied for business purposes, and direct a surveyor to lay out such land in the most convenient manner; and no person shall occupy any part of any land so set apart except under a Business License, and any site marked out previously to such survey shall be held merely on sufferance subject to such survey, and the whole or any portion of such site may be taken for streets or public reserves, if required for the public convenience; provided that such survey shall not affect the right of any holder of a business site to so much of a surveyed section as lies within the limits of his original site.

3. Sites to be Marked by Pegs.

Occupants of sites for business purposes shall place and maintain at each frontage corner of such site, in addition to any survey pegs which may be there, a peg not less than two inches square, standing at least one foot above the surface.

4. Space between Buildings.

In order that, if required, a right-of-way may be left between buildings, the holder of a single business site shall only be entitled to build upon twenty-seven feet of his frontage. The holder or occupier of two or more adjoining sites may build upon thirty-three feet frontage for each additional site.

5. Streets.

A space of sixty-six feet shall at all times be left for a road or street between the frontages of business sites, and no person shall on any pretence whatever encroach upon such road or street.

6. Occupancy of Sites.

Business sites can only be held or occupied by holders of business licenses; and to constitute sufficient occupation to hold a business site, it shall be necessary either that the holder of a business license shall be actually residing thereon, or that such considerable business or operations be carried on upon the site, or in connection therewith, as shall in the opinion of the Warden amount to *bona fide* beneficial occupation; and any site unoccupied for more than twenty-four hours, if it be not protected, shall be deemed to be forfeited, unless sufficient reason, such as sickness or other urgent cause, be proved to the satisfaction of the Warden.

7. Protection before Occupancy.

Business sites may be protected by the Warden for ten days, whilst the holder is engaged in preparing for the occupancy thereof; and such protection may be renewed by the Warden for one additional period of ten days; and such renewal shall be endorsed on the Certificate, and recorded in the Registration Book. Not more than one site shall be under protection at one time for any one person, and if any such protected site be in any public manner offered for sale, the protection shall thereby be forfeited.

8. Protection.

Upon good cause being shown to the satisfaction of the Warden, any holder of a business site who shall have erected thereon a substantial building, or any person who shall be desirous of occupying as a business site, as soon as it shall have been worked out or abandoned, any ground occupied for mining purposes, may obtain protection for the same for a period of three months; and such protection may be renewed from time to time for not more than one month at each renewal: provided that the Business License under which the site is held shall be lodged with the Warden, and that the protection shall only continue in force while a Business License is held specially for such site.

9. Notice of Protection to be Posted.

When any business site has been protected, the holder thereof shall post and maintain thereon a board not less than nine inches square, with the word "Protected," and the date and number of the registration, legibly written or painted thereon.

10. Registration.

All protections and renewals of protection of business sites shall be registered, and the fee for each registration or renewal shall be five shillings.

11. Buildings on Abandoned Sites.

Any person taking possession of a forfeited or abandoned business site on which a building has been erected, may, if the building be not removed within seven days of such possession being taken, either remove it at the expense of the owner thereof, or take possession of it, and pay to him compensation, to be estimated by valuation.

XVII.—GENERAL REGULATIONS.

1. Interference Prohibited.

No person shall, under any pretence whatever, damage, destroy, or otherwise interfere with any race or dam, or the water therein, or with any sludge-channel, drain, machine, or other appliance connected therewith, or with any claim, pegs, or notices, or other right or privilege lawfully held, unless the sanction of the owners thereof, or the authority of the Warden, shall first have been obtained for such interference.

2. Compensation in Case of Forfeiture.

In all cases of forfeiture, the Warden may adjudge compensation to be paid, by the person to whom any claim or right may be awarded, to the former owner or holder thereof, and to appoint a time within which such payment shall be made: provided that such compensation shall not exceed in amount two-thirds of the estimated value of any work performed, which may be of any actual benefit to the person to whom the claim or right that is forfeited may be awarded.

3. Permission to Enter Claims.

The Warden shall have power to authorize in writing the entry of any surveyor, assessor, or any other person into and upon any claim for the purpose of measuring the depth of any shaft, or the dip, direction, inclination, or length of any tunnel or drive, or for any other purpose.

4. Neglect of Warden's Orders.

No person shall neglect or refuse to comply with any lawful notice or order given by the Warden.

5. Races, etc., may be Carried through Claims.

The Warden shall have power, when it shall be proved to his satisfaction to be necessary, to authorize any person to pass any race, tunnel, road, or tramway, over, under, or through any claim or right: provided that compensation shall be paid for estimated damage, if any, prior to the commencement of the construction of any such race, tunnel, road, or tramway; and provided also, that this shall not affect the right of the holders of any claim to any gold which may be in any of their ground over, under, or through which such race, tunnel, road, or tramway is taken.

6. Sites proving Auriferous.

Any person desirous of mining for gold upon any business site, residence area, or special site, or upon any ground on which any race, tramway, sluice, dam, machine, or other right or privilege is situated, or upon any road or public reserve, may do so: provided that, before commencing work, an equally good road, race, tramway, or dam be constructed, or compensation be paid at a valuation for any estimated damage; and provided also, that the sanction of the Warden be first obtained: and the Warden may make such orders relative to the mode of working the ground, the restoration of the soil, and other conditions, as he may deem necessary or desirable; and in the case of business sites and public roads and reserves, he may require that a sufficient sum be deposited in his office as security for the fulfilment of any conditions imposed.

7. Plurality of Shares.

No person can possess a title to more than one claim, unless he holds an additional Miner's Right for each additional claim. *Vide* Section VIII., "Gold-fields Act, 1866."

8. Claims not to be Forfeited by Neglect of Hired Workmen.

No claim, right, or privilege shall be deemed to be forfeited through the neglect or absence of any hired servant thereon: provided that, if after seven days' notice in writing of such neglect or absence has been given to the owner or holder thereof (either personally or by leaving the same at his last known place of residence), such neglect or absence is continued, any such claim, right, or privilege shall be deemed to be absolutely relinquished.

9. Wages Man may be Put On.

When any person is absent from a claim, the other shareholders may, if they think proper, put on a wages-man to supply his place, and such wages-man shall have a lien on the claim for the amount of wages due to him.

10. Causing Claims to be Flooded.

No person shall back the water of any creek, river, race, or watercourse upon any claim, to the injury of any person, or otherwise cause any claim to be flooded, either wilfully or by neglect.

11. Obstructions to Water-Courses.

No person shall deposit any earth, stones, tailings, or other substance in the bed of any watercourse, so as to obstruct the flow of water therein, to the injury of any person.

12. Disposal of Tailings.

In all creeks or watercourses used for general washing sites, the following regulations shall be observed:—

(*a*). No box shall be placed in the centre of a creek so as to impede the natural flow of water.

(*b*). All flood-gates shall be left open for one day in each week, at the convenience of the majority of the parties washing in the creek, for running off tailings.

(*c*). The Warden may order, if it be required, that all parties assist in making and keeping clear a good flood channel in the centre of the creek, or other convenient course, to be used by all parties for running down tailings; and such channel shall be properly secured.

13. Ground to be Secured.

The Warden may, whenever he may deem it necessary for the public good, make such order as may be required for the proper securing or safe working of any claim, or order the suspension of work in any claim until it can be worked without danger to others.

14. Lost Miners' Right.

When, in compliance with Section XLVII., of "The Gold-fields Act, 1866," a Certificate is applied for on account of the loss of a Miner's Right, a parchment Miner's Right of the same date as the original one may, at the option of the applicant, be issued on payment of a fee of two shillings and sixpence, which shall include the fee for certificate provided by the Act and all other expenses.

15. Nuisances.

The Warden may order the removal of any slaughter-yard or piggeries, or any nuisance, at the expense of the owner, and may prohibit the exercise of any noisome or unwholesome trade.

16. Felling Trees across Roads or Claims.

Any person who may fell, or cause to be felled, any tree across or upon any road, foot-path, crossing-place, claim, water-race, or other right or privilege, shall cause the same to be removed within twelve hours after the felling of such tree, or notice of such obstruction being given.

17. Removal of Slabs or Props.

No person shall remove slabs from any abandoned shaft without filling up such shaft as the slabs are removed; and no person shall remove any props or timber, the removal of which may endanger any claim, right, or privilege.

18. Suspension of Regulations.

If any portion of the Rules and Regulations of the Nelson South-west Gold-fields shall be deemed to be inapplicable to the requirements of any district, the Superintendent may, if he shall think fit, upon the receipt of a memorial to that effect, signed by holders of Miners' Rights and Business Licenses residing in such district, suspend the operation of any regulation, or section of a regulation, so far as such district is concerned, and may again annul such suspension, renew the operation of such regulation or section, or may substitute others in lieu thereof.

SCHEDULES OF FORMS.

SCHEDULE A.

Notice of Intention to Amalgamate Claims.

To the Warden at

[District and date.]

I [or we] hereby apply to amalgamate our situate for the following reasons.

Names.	Number of Miner's Right.	Number of Claims to be amalgamated.	Class of Claims.	Area of Claims held by each Party.

Objections will be heard at on the day of 186

Warden.

SCHEDULE B.

Notice of Intention to Divert a Creek.

To the Warden at

[District and date.]

No.

I hereby give notice, that I propose to divert the course of and to form a new channel therefor, commencing at a point situate and terminating at a point situate

[State names, and numbers of Miners' Rights.]

Objections will be heard at on the day of 186

Warden.

SCHEDULE C.

Form of Application for Extended Claim.

To the Warden at

[District and date.]

I [or we] hereby give notice, that I [or we] desire to obtain an extended claim of situated at and I [or we] deposit herewith the sum of Five Pounds as security for the payment of any expenses connected therewith.

[Signature, with date and number of Miner's Right held by each member of the party.]

SCHEDULE D.

Form of Notice to be be Posted by the Surveyor.

To all Persons whom it may concern.

I hereby give notice that residing did on the day of 186 , apply to me for an "Extended Claim" of of land, which the Mining Surveyor has this day marked out, and that any person desiring to object to such extended claim must, within seven clear days from the date of this notice, enter his objection at my office. And I further give notice, that I will hear and determine this application, and the objection (if any) lodged thereagainst, at my office aforesaid, on the day of 186 .

Warden.

Dated the day of 186 .

Posted by me this day of 186 .

Mining Surveyor.

SCHEDULE E.

Notice of Application for Race, Tunnel, or Tailrace.

To the Warden at

[District and date.]

No.

We hereby give notice that we intend to construct a for mining purposes, commencing at a point and terminating at or thereabouts, and its intended course is

The length of the is

The number of sluice-heads which we desire to obtain is

[Names, and numbers of Miners' Rights.]

Objections will be heard at on the day of 186

Warden.

SCHEDULE F.

NOTICE OF APPLICATION FOR SPECIAL SITE FOR DAM OR MACHINE.

To the Warden at

[District and date.]

We hereby apply for a Certificate of Registration for an area of at
for
[Names, and numbers of Miners' Rights.]
Objections will be heard at on the day of 186

Warden.

SCHEDULE G.

FORM OF NOTICE OF APPLICATION FOR PROTECTION.

[District and date.]

No.

I hereby give notice that I desire to obtain a Protection Certificate for my claim situate at and that the following particulars are true in all respects :—

1. Classification of Claim
2. Date at which occupation commenced
3. Time during which the Claim has been worked
4. The Claim [has not, or has] been protected before
5. Cause for which protection is required

[Names, and numbers of Miners' Rights.]

Objections will be heard at on the day of 186

Warden.

SCHEDULE H.

FORM OF PROTECTION.

[District and date.]

No.

I hereby give notice that I have granted protection for days to the claim occupied by and situate at

Warden.

SCHEDULE K.

RESIDENCE AREA.

No. District of

186

I hereby give notice, that I desire to occupy for residence of land situate at and that I have this day marked the corners of such land with in conformity with the Regulations herein made and provided.

[Signature of the Applicant, and the number and date of his Miner's Right.]

WARDENS' COURTS.

RULES FOR REGULATING THE PROCEDURE AND PRACTICE OF WARDENS' COURTS.

1. The Schedule of Forms and Scale of Fees hereunto annexed, shall form part of these Rules.

2. In construing those Rules and Forms, the following terms, in inverted commas, shall bear the several meanings set against them respectively:—

"The Act:" The Gold-fields Act, 1866, as amended by The Gold-fields Act Amendment Act, 1867.

"Clerk," "Bailiff:" The clerk, bailiff, or person duly appointed and authorized to act as such respectively.

"Oath" shall include affirmation.

Words importing the masculine gender only shall include females, and importing the singular number shall be extended to the plural number.

3. Every Warden's Court shall be holden in such place and at such times as the Warden shall appoint, and he may from time to time adjourn the Court.

4. There shall be for every Warden's Court a clerk, who shall be appointed by, and hold office during the pleasure of the Governor, or the Superintendent, or other person or authority duly delegated by the Governor to exercise such power under the Act.

5. It shall be lawful for the Warden to appoint a deputy, to act for the clerk, as often as he shall be prevented by illness or other cause from acting in his office, and an entry of such appointment, and the cause of the clerk's absence, shall be made in the minute-book of the Court.

6. The Clerk of the Court shall issue all summonses, warrants, and writs of execution keep an account of all proceedings, take charge of and keep an account, in a book to belong, to the Court, of all fees and fines payable or paid into Court, and of all moneys paid into and out of Court, adjourn the Court to any day he may deem convenient when from any cause a Court cannot be held on the day appointed, and shall do and perform all other acts and duties properly incident to the office of clerk.

7. There shall also be a bailiff of the Court, who shall be appointed by and hold office during the pleasure of the Warden thereof.

8. The bailiff shall attend the sittings of the Court, unless when his absence shall be allowed by the Warden, and shall, when required, serve all summonses and orders, and execute all the warrants and writs issued out of the Court, and in other respects shall be subject to the directions of the Warden.

9. The parties in every complaint, action, and proceeding, shall appear and act personally, or by a barrister or solicitor of the Supreme Court, or in the absence of any barrister or solicitor, and by leave of the Warden, by an agent to be appointed by the plaintiff or defendant, in writing.

10. No officer of the Court shall, either by himself or by any partner or person in his employment, be directly or indirectly engaged as counsel, attorney, or agent for any party in any proceeding in the Court.

11. Every action shall be commenced by a complaint and summons, in the form or to the effect in the Schedule hereto annexed.

12. In the complaint and summons there shall be set forth the christian and surname, and place of abode and calling, and description of the complainant, and likewise of the defendant; but where the christian and surname of the latter are not known, he may be designated by any name or names which he may have acquired by usage or reputation.

13. In every complaint and summons there shall be set forth briefly, but distinctly and explicitly, the ground or cause of complaint; and if there be more than one ground or cause of complaint, each shall be stated substantively, and consecutively numbered; and there shall also be set forth the relief claimed.

14. The service of any summons shall be by delivering a copy of the same to the defendant (or if more than one, to each of them) personally; or if he cannot be found, by leaving such copy at his place of abode; or in case of co-partners, at the claim, station, or other place of business of the firm, at least twenty-four hours before the time appointed for the hearing, unless the Warden shall otherwise direct at the time of issuing the summons.

15. The summons may be served by the bailiff, or by any other person whom the Court may authorize; and he shall, by a certificate under his hand, certify the time and mode of such service, to be endorsed on the summons, without prejudice to the Warden taking proof thereof by oath, if he think fit.

16. Either party may obtain from the clerk of the Court, summonses to witnesses, to be served at the option of such party, either by himself or his agent, or by the bailiff of the Court, with or without a clause requiring the production of books and writings in their possession or under their control.

17. The parties shall be heard in open Court upon the day appointed; but the Warden may adjourn the hearing of any cause in such manner, and on such terms as to payment of costs and otherwise, as to him may seem fit.

18. If the complainant do not appear at the time appointed, and good cause for his absence be not shown, the Warden shall dismiss the complaint, and award a sum to the defendant as costs, or adjourn the hearing of the same.

19. If the defendant do not appear, the Court may either hold him as confessed, and give judgment accordingly, or institute such inquiry into the cause of action as may be deemed necessary, and thereupon pronounce such decision as may be consistent with the ends of justice.

20. The costs for the summoning and attendance of assessors shall be paid into Court before they are summoned.

21. It shall not be necessary to summon more than eight assessors to attend any one sitting of the Court; and those summoned for the trial of any one cause shall be deemed to have been summoned for the trial of all causes to be tried at the same sittings of the Court, with the assistance of assessors.

22. It being competent to the Court, whenever it shall see fit, to order the working of any miner's claim affected by any matter in dispute brought before the Court, to be suspended until such matter shall have been investigated and adjudicated upon, if in any complaint there shall be set forth sufficient grounds, in the opinion of the Court, for the interim order or injunction on the person complained against to desist from working his claim, or from any act or proceeding in the working thereof likely to cause irreparable or serious injury; and if such relief or remedy be then claimed, the Warden may issue such order or injunction in the meantime; and afterwards, on hearing the parties, may recal the same, or otherwise decide as he may see fit.

23. All the costs of any complaint or proceeding shall be taxed by the Warden, and shall be paid or apportioned by or between the parties, or such of them, and in such manner as to the Warden shall seem fit; but in default of any special direction, such costs shall abide the event of the action.

24. The Warden shall, in each case, direct what number of witnesses shall be allowed between party and party, and their allowance for attendance shall in no case exceed the highest rate of the allowance mentioned in the Schedule hereto annexed.

25. The costs of witnesses, whether they have been examined or not, may in the discretion of the Warden be allowed, although they may not have been summoned.

26. The Warden may make such order as he may think fit concerning the times, and by what instalments, any sums of money for which judgment shall be obtained, shall be paid; and all such money shall be paid into Court, unless the Warden shall otherwise direct.

27. The Warden may at all times amend all defects and errors in any proceedings of the Court.

28. In default of the payment of any fees, payment thereof, by order of the Warden, may be enforced by such means as may be employed to recover any sum of money adjudged by the Court to be paid.

29. The Warden, the Clerk, and any other officer, may refuse to do any act for which a fee shall be demandable, unless such fee shall first be paid.

30. The Judge may, in pursuance of Section XCVI. of the Act, prescribe such additional Regulations as may from time to time be necessary for the orderly transaction of the business of this Court.

SCHEDULES OF FORMS.

I.—Complaint.

In the Warden's Court of District, in the of , New Zealand.

Be it remembered, that upon the day of 18 , cometh before me the undersigned, Judge of the District Warden's Court, sitting at in the said , A.B. [address, description, &c.], and complains against C.D. [address, description, &c.], defendant.

1. That [here set forth briefly, but distinctly and explicitly, the ground or cause of complaint; and if there be more than one ground or cause of complaint, state each substantively, numbering them 1, 2, 3, &c.]

Wherefore the complainant claims that the defendant be adjudged to [here state the nature of the claim or relief sought].

Stated before me at aforesaid, this day of 18 .

Judge.

II.—Summons.

In the Warden's Court of District, in the of , New Zealand, A.B. [address, description, &c.], complainant; and C.D. [address, description, &c.], defendant.

Whereas complaint hath this day been made before me, the undersigned, the Judge of the said Court, by A.B. [address, description, &c.], complainant, against C.D. [address, description, &c.], defendant.

1. That [here set forth briefly, but distinctly and explicitly, the ground or cause of complaint; and if there be more than one ground or cause of complaint, state each substantively, numbering them 1, 2, 3, &c., as in complaint]. Wherefore complainant claims that the defendant be adjudged to [here state the nature of the claim or relief sought, as in the complaint]: These are therefore to command you, the said C.D., in her Majesty's name, to be and appear, on the day of 18 , at o'clock in the noon, at the Court-house, at , before me, to answer to the said complaint and demand [in any case falling under Rule 22, in which in the complaint an interim injunction is claimed, here insert]. And in the meanwhile you are hereby enjoined to desist from [here state the matter of injunction distinctly] under the penalty, in case of disobedience of this injunction, contained in the Act.

Given under my hand and seal this day of in the year of our Lord 18 , at in the district aforesaid.

Judge.

[L.S.]

III.—Certificate of Service.

I, , bailiff to the Warden's Court at do hereby certify that I served , mentioned in the within summons, with a copy thereof, on the day of 18 , between the hours of and noon.

E. F.

IV.—Summons to a Witness.

In the Warden's Court of , holden at between A. B., plaintiff, and C. D., defendant.

You are hereby required to attend at the Court-house, in , on the day of , 18 , at the hour of in the , to give evidence in the above cause, on behalf of [plaintiff or defendant as the case may be], and then and there to have and produce [state any particular documents required], and all other books, papers, writings, and other documents relating to the said action which may be in your custody, possession, or power. In default of your attendance, you will be liable to a penalty of five pounds, under "The Gold-fields Act, 1866."

Dated this day of 18 .

C. D.,
Clerk of the Court.

To A. B. [address, description, &c.]

V.—Clerk's Notice to Assessors.

In the Warden's Court of , holden at between A. B., plaintiff, and C. D., defendant.

Take notice that this case will be tried by assessors, the plaintiff [or defendant, as the case may be] having demanded a trial by assessors.

Dated this day of 18 .

C. D.,
Clerk of the Court.

To the plaintiff or defendant, as the case may be [address, description, &c.]

VI.—Summons to Assessor.

In the Warden's Court of , holden at

You are hereby summoned to appear and serve as an assessor in this Court, at the [Court-house], on the day of 18 , at the hour of in the noon, upon the trial of the cause or causes to be taken and tried by assessors; and in default of attendance, you will be liable to a penalty of five pounds, under "The Gold-fields Act, 1866."

Dated this day of 18 .

C. D.,
Clerk of the Court.

To

VII.—Order Fining an Assessor for Non-attendance.

In the Warden's Court of , holden at

Whereas was duly summoned to appear and serve this day as an assessor in this Court, upon the trial of the cause or causes to be tried by assessors at this Court; and whereas he has neglected, without sufficient cause shown, to appear and serve as an assessor at this Court: It is hereby ordered, that he shall forthwith [or on the day of 18] pay to the Clerk of this Court a fine of £ for such neglect.

Dated the day of , 18 .

C. D.,
Clerk of the Court.

Hours of attendance at the office of the Clerk [place of office], from until , except on [here insert the days of the week on which the office will be closed], when the office will be closed.

VIII.—Table of Fees.

	£	s.	d.
Summonses	0	2	0
Summonses to Witnesses	0	2	0
Service of Summonses (if within one mile of the Court-house)	0	3	0
For every extra mile, one way	0	1	0
Hearing	0	4	0
Adjournment of Hearing, when made on application of plaintiff or defendant	0	2	0
Swearing Witnesses, exceeding three on either side	0	2	0
Summoning Assessor	1	4	0
Payment for the Assessors, each day	2	0	0
Entering up Judgment	0	2	0
Filing Notice of Ground of Appeal	0	8	0
Writ of Execution against Goods	0	4	0
Writ of Execution against the Person	0	4	0
Issuing Warrant to Bailiff to deliver possession to a Plaintiff of premises recovered	0	8	0
Executing any Writ of Execution beyond one mile from the Court House, for every extra mile, one way	0	1	0
Poundage on the sum levied or received, or for which the body is taken in execution, for every £1	0	1	0
Serving or executing any Writ of Arrest, Injunction, Writ of Attachment, or any Summons, Order, Warrant, Precept, Writ, or other process not hereinbefore provided for, if within one mile of the Court House	0	8	0
For every extra mile, one way	0	1	0
For keeping possession, per diem, any sum not exceeding	0	8	0
For every extra mile beyond one mile, one way	0	1	0
Auctioneers' Commission on goods sold, not exceeding five per cent.			
Advertising—For three lines of space, not exceeding 3s.; and 3d. for every additional line.			
Bailiff's Fee for executing Writ against the goods, if satisfied within two hours of the levy	0	4	0
For every Search	0	1	0
For any document required in Proceedings, and not enumerated in the Schedule	0	2	0
For every complete Folio of ninety words above one	0	1	0
Copy of any Proceedings (first folio)	0	1	0
For every complete Folio of ninety words	0	0	8
Cartage of goods seized in execution to Auction Room actually or place of security, reasonable expenses paid.			

IX.—Allowances to Witnesses.

Professional men, merchants, and esquires, not exceeding, per diem	1	1	0
Tradesmen, mechanics, labourers, &c., ditto	0	10	0
Mileage, one way	0	1	0

GOLD-MINING LEASE REGULATIONS.

1. Interpretation.

Whenever the term "Warden" is used in these Rules and Regulations, it shall be taken to mean the Commissioner, Warden, or Resident Magistrate, or any other officer entrusted 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.

2. What Lands may be Leased.

Auriferous Crown lands in the Province of Nelson may be leased under these Regulations, except—

(1) The whole or any part of any land which any person other than the applicant is entitled to occupy, and actually does occupy, for mining purposes or for residence, by virtue of a Miner's Right or Business License.

(2) The whole or any part of any land in or over which any person other than the applicant has any interest or authority other than those above-mentioned, which he may lawfully use and exercise for mining purposes, or for discovering the existence of gold or other metal or mineral.

(3) Lands containing within their boundaries any river, stream of permanent water, or spring, which may be required for public purposes, or for the use of the miners generally.

3. Boundaries of Land applied for to be Defined.

Persons intending to apply for a lease of auriferous Crown lands shall, previous to making application as hereinafter directed, erect, or cause to be erected at each angle of the land proposed to be leased, a post three inches square, and standing at least three feet in height above the surface of the ground; and such posts shall be maintained at the expense of the applicant until the application shall have been granted or refused by the Governor.

4. Mode of Application.

Application shall be made in the form in the Schedule hereunto annexed, marked A, and shall be addressed in duplicate to the Warden of the Gold-field within which the land so applied for is situate.

5. Applicant to make a Deposit, etc.

At the time of applying for such lease, the applicant must deposit with the Warden a sum equal to one year's rent, not being more than twenty pounds (£20), of the said land so applied for, as a guarantee for the payment of any expenses which may be incurred by the survey of the land applied for, or by reason of any objection to such application being allowed; and such Warden shall give to the applicant a receipt therefor in the form in the Schedule hereunto annexed, marked B, and any surplus will be held for the first year's rent if the application is approved of; and if the application is disallowed, the amount will be returned to the applicant, after deducting all expenses or penalties incurred as aforesaid.

6. Penalty for Withdrawing Application, etc.

Out of the sum of twenty pounds (£20) deposited by any person making application for a Gold-mining Lease, shall be deducted, the sum of five pounds (£5), in addition to the previously authorized costs and expenses, in case such person shall withdraw his application, or forfeit or abandon his claim, or within one month after notice by the Warden that the lease is prepared shall not accept the same.

7. Official Survey.

Upon receipt of such application and deposit, the Warden aforesaid shall, as soon as may be, direct a surveyor to proceed to the land applied for, and to survey the same, and to report as to the area, boundaries, and description thereof, the character of the ground, the

likelihood of any river, creek, or permanent water spring, or artificial reservoir which may be included within the boundaries of the said land, being required for, or the feasibility of the same being applied to public purposes, or for the use of the miners of the district generally; and also as to any claims of prior occupancy which shall come to his knowledge, inquiry as to which it shall be his duty to make while making the said survey; and to furnish a plan of such land, on a scale of sixteen inches to the mile, together with a tracing of so much of the general map of the district as will be sufficient to connect the particular area applied for with at least one trigonometrical station, or, in the absence of any such, with some fixed point.

8. Surveys made at Expense of Applicant.

All surveys shall be made at the expense of the applicant.

9. Surveyor to affix Notice.

The surveyor shall, at the time of making the survey hereinbefore directed, place a notice in the form in Schedule hereunto annexed, marked C, in some conspicuous place on the ground, and shall post a copy of such notice on the outside of the Warden's office.

10. Priority of Application.

In the event of more than one application being made for the same land, or any part thereof, such one of such applications as shall have been first left with the Warden shall be first considered; and in case any two or more of such applications shall be left with the Warden at the same time, it shall be in the discretion of the Governor to which of the applicants the lease shall be granted.

11. Objectors to give Notice.

Any person objecting to the issue of a lease so applied for shall, within twenty-one days after the posting of the notice by the Surveyor, forward to the Warden full notice of all such objections, and shall (except in cases of encroachment) deposit a sum to be fixed by the Warden, not exceeding ten nor less than five pounds, and such Warden shall give to the person making such deposit a receipt in the form in the schedule annexed, marked D, as security for the due prosecution of his objections, and in satisfaction of any expense to which the applicant may be put by such objections if disallowed; and if such objections should not be prosecuted or should fail, so much of such deposit shall be handed over to the applicant as may be necessary to repay the expenses of such applicant, and the balance (if any) shall be refunded to the person so objecting.

12. Cases of Encroachment.

When applications shall have been made for a lease of any land, to the whole or any part of which any person other than the applicant shall claim to be entitled by virtue of prior occupation under a Miner's Right or Business License, the objection to the granting of such lease may be heard by the Warden in the same way as a case of encroachment under the Gold-Fields Act, and such Warden shall immediately report the hearing of any such objection, and the decision arrived at therein, to the Superintendent of the province.

13. Inquiry into Application.

After the expiration of twenty-one days allowed for objections, the Warden shall appoint a time and place for holding an inquiry into the truth of the particulars alleged by the applicant, and of the objections (if any) made by each objector, and two clear days' notice of the hearing of such inquiry shall be given to each of the parties interested therein.

14. Proceedings at Inquiry.

At such inquiry, the Warden shall take evidence in relation to the application and objections, and immediately thereafter he shall forward to the office of the Provincial Secretary the application and objections (if any) thereto, and the evidence taken by him as aforesaid, with his opinion thereon, together with the report, plan, and tracing furnished to him by the Surveyor as hereinbefore directed.

15. Leases Issued after Time Prescribed.

The Governor shall, if he shall think fit, upon the recommendation of the Superintendent of Nelson, issue to any applicant a lease of land applied for, or any part thereof, after the time prescribed by the 29th Clause of "The Gold-Fields Act Amendment Act, 1865," viz.,

two months after the notice of the intention to grant the same shall have been published in the General Government *Gazette*, and at least one of the local newspapers best calculated to give publicity to the same amongst the persons specially interested.

16. Date of Lease.

Every lease shall bear date the day of execution thereof by the Governor, and shall be transmitted to the Warden, at whose office the same may be obtained; and the Warden shall deliver the same to the applicant, or such person as shall be duly authorized to receive and execute the same upon his application therefor, and execution thereof, within the time hereinafter prescribed, and upon delivery to the Warden of a receipt, showing that a fee of one pound, together with the first half-year's rent, has been paid to the Receiver of Land Revenue, or Gold Receiver for the district.

17. Execution of Lease.

Upon receiving the lease, the Warden shall cause notice to be given to the lessee, or lessees, requesting his or their attendance at the Warden's office, or other convenient place, to execute and take delivery thereof within a reasonable time, not exceeding thirty days from the date of such notice; and should the said lessee or lessees, or his or their lawful attorney, as hereinafter provided for, fail to comply therewith, or to show reasonable cause for an extension of the time allowed for the purpose, the Warden shall report the circumstances to the Provincial Secretary, and the Superintendent may thereupon declare the lease forfeited, or take such other action therein as he may think fit.

18. Proceeding in Case of Refusal of Lease.

If any lease so applied for shall be refused, either in the first instance, or after a failure to comply with the terms of the notice in the preceding clause, or if any application for a lease shall be withdraw, a notice thereof shall be published in the *Government Gazette*, and the Warden shall thereupon instruct a mining surveyor to proceed without delay to the ground described in such mining lease, and cause all posts, notices, &c., by which such ground shall have been distinguished as applied for under the Leasing Regulations, to be removed; and further, to post notices at each angle of the lease applied for, and at the Warden's office, for the information of the miners in the vicinity, that such ground is open to persons holding Miners' Rights or Business Licenses, or to applicants for a lease, as if no lease of the said ground had ever been applied for.

19. Costs.

All costs and expenses incurred by, or on behalf of, or by direction of the Government, by reason of the withdrawal of any application for mining leases, or of the non-execution of any such lease within the time aforesaid, shall be considered expenses within the meaning of the fourth clause of these Regulations.

20. Term.

The term of the lease cannot in any case exceed fifteen years.

21. Areas of Leases.

The extent of any lease granted under these Regulations shall be, except in special cases hereinafter provided for, on quartz lodes or veins, not less than one hundred (100) yards nor more than four hundred (400) yards in length along the line of the lode, by a width of not less than fifty (50) yards nor more than two hundred (200) yards, measured across the lode; and in alluvial workings, an area not exceeding ten (10) yards.

22. Amount of Rent, how to be Determined.

The applicant shall state on his application the amount, by way of rent or royalty, he is willing to pay for the lease. The surveyor directed to make the official survey to the Warden shall state the amount which in his jugdment the lessee ought to be required to pay as rent or royalty, together with the grounds upon which he has formed his opinion. If, in the opinion of the Warden, the amount as rent or royalty proposed to be paid is less than ought to be required, he, at or after the inquiry held into the truth of the particulars alleged by the applicant, shall pronounce to the applicant his opinion of the amount which ought to be paid by the lessee as rent or royalty, and shall ascertain from the applicant what sum he is willing to pay as rent or royalty; and shall forward to the Provincial Secretary, with the application, a statement of his opinion on the matter, and shall report what sum, as rent or royalty, the applicant is willing to pay. The Superintendent shall, if he recommends the grant of any lease, state the amount which he recommends the Governor to require as a rent or royalty.

23. Rent Payable in Advance.

The rent shall be made payable half-yearly in advance.

24. Attorney may be Appointed.

In case of the inability of any lessee or lessees, by reason of absence, sickness, or any other lawful impediment, to execute a lease, the lawful attorney or attorneys of such lessee or lessees shall be permitted to execute such lease for and on his or their behalf.

25. Power-of-Attorney.

All such attorneys shall be appointed under power-of-attorney, in the form or to the effect set forth in the Schedule hereunto annexed, marked E, and the execution thereof shall be attested by a Justice of Peace; and every such power-of-attorney shall be registered in the office of the Registrar of Deeds before it shall be acted upon.

SCHEDULE OF FORMS.

SCHEDULE A.

Form of Application for Lease.

[Place and date.]

To

Sir—I herewith deposit the sum of twenty pounds, as required by the Mining Lease Regulations of Nelson; and I agree, if my application (the particulars of which are hereunder set forth) be investigated, that such sum shall in all respects be held subject to the terms of such Regulations, and that, upon the approval of this application, I will execute a lease upon the basis therein stated, if the Governor shall think fit to grant the same.

I have, &c.,

[Signature of applicant.]

Name and Address in full of Applicant.	Style under which it is intended to conduct the Business.	Extent of Land applied for.	Minimum Number of Men to be employed by the Lessee.	Amount of Capital proposed to be invested.	Proposed Mode of Working the Land.	Precise Locality.	Term for which Lease required.	Time of Commencing Operations.	General Remarks.
			1. For the first month's men. 2. Subsequent, when in full work, men.						

SCHEDULE B.

Form of Receipt for Deposit with Warden.

In the matter of the Application for a Lease under the Mining Lease Regulations.
Received from the above-named parties, the sum of twenty pounds (£20), pursuant to the Regulations for leases of lands for gold-mining.

[Signature of Warden.]

Dated, &c.

SCHEDULE C.

Form of Notice to be Posted by the Surveyor.

To all Persons whom it may concern.

I hereby give notice that residing at did on the day of 18 apply to the Warden at for a Gold-mining Lease of [acres or yards] of land, which I have this day marked out, and that any person desiring to object to the issue of such lease must, within twenty-one clear days from the date of this notice, forthwith enter his objection at the office of the said Warden. And I further give notice that the said land is exempted from occupation for any purpose whatsoever until the application of the aforesaid has been finally dealt with.

[Signature of Surveyor.]

Dated the day of 18

SCHEDULE D.

Form of Receipt for Deposit with Warden.

In the matter of the application of for a Lease under the Mining Lease Regulations, and of objections thereto, lodged by A. B., C. D., &c.

Received from the sum of ten pounds (£10), pursuant to the Regulations for Leases of Crown Lands for Gold-mining,

Dated, &c,

(Signed)

Warden.

J. K. }
L. M. } Names of applicants, and addresses.

SCHEDULE E.

Know all men by these presents, that I, A. B. [or we, A. B. and C. D.] do hereby make, nominate, constitute and appoint, and in my [or our] place and stead put E. F., of [residence and addition], to be my [or our] true and lawful attorney, for me [or us] and in my name [or our names] to accept the lease of auriferous Crown land for mining purposes for which I [or we] on the day of 18 , applied, and the deed of which was on the day of 18 executed by his Excellency the Governor, and for me [or us] and in my name [or our names], and as my [or our] act and deed, to sign, seal, and deliver such deed of lease, and for me [or us] and in my name [or our names] to enter into all such covenants and agreements as I [or we] shall be required to enter into in and by said deed or otherwise, in the matter of said lease, and generally for me [or us] and in my name [or our names] to do, execute, and perform all such other acts, deeds, and things as may be necessary, or may be required to be done, executed, or performed in and about the acceptance and execution respectively for me [or us] and in my name [or our names] of such lease and deed of lease respectively; and I [or we] do hereby ratify and confirm and covenant that I [or we] will ratify and confirm all and whatsover the said E. F. shall lawfully do or cause to be done in or about the premises by virtue of this power.

In witness whereof, &c.

N.B.—Printed copies of the forms in these Schedules will be issued at the Warden's office free of expense.

AGRICULTURAL LEASES.

REGULATIONS.

1. Mode of Application.

Every application for an agricultural lease must be made in the form of the first Schedule hereto, or to the like effect, to the Warden of the district wherein the land is situate; and copies of such application must be posted and maintained by the applicant for a period of fourteen (14) days, on boards standing not less than three (3) feet above the surface of the ground, and erected one at each corner of the land so applied for.

2. Deposit to be Paid by Applicant.

Before any such application shall be received by the Warden, the applicant must pay to a Receiver of Gold Revenue the sum of ten pounds (£10) as a deposit, and every application must be accompanied by a deposit-receipt for the sum so paid in the form in the second Schedule hereto.

3. Charge on Deposit.

Each deposit as aforesaid shall be chargeable with survey fees, to be assessed as hereinafter set forth, and with a fee of one pound (£1) for the preparation of the lease, and with the first half-year's rent to be charged in all cases, and also with any costs or expenses that may be incurred by any person who shall make a valid objection to the granting of the lease, the amount of which costs and expenses shall be adjudged by the Warden, the balance, if any, of such deposit will be returned after the application has been finally dealt with.

4. Objectors to make Deposit.

Any person objecting to the issue of an agricultural lease shall, within fourteen (14) days from the date of the application, give notice thereof, setting forth the grounds of his objection in writing to the Warden, and shall therewith deposit the sum of two pounds (£2) with a receiver of Gold Revenue as security for the prosecution of his objection, or in satisfaction of any costs and expenses to which the applicant may be put by reason of such objections if disallowed; and if such objection should not be prosecuted, or should fail, so much of the deposit shall be handed over to the applicant as may be necessary to repay the expenses of such applicant, and the balance, if any, shall be refunded to the person so objecting.

5. Boundaries must be Marked.

The boundaries of the land applied for must be marked on the ground by ⌊ trenches, and substantial posts standing not less than three feet above the surface at each corner thereof.

6. Areas must be Rectangular.

Every area of land so applied for must be rectangular in form, unless a creek or river or other natural obstacle renders a deviation from the rectangular form necessary, and shall be laid out in accordance with the rules contained in Section XIV. of "The Nelson Waste Lands Act, 1863."

7. Survey.

Immediately after the hearing of an application, the Warden (if there be no objection against the granting thereof) shall direct a surveyor to proceed to the land for the purpose of surveying and reporting on the same; and upon receipt of such surveyor's report, the Warden shall, without delay, forward the application for the Superintendent's approval.

8. Valid Objections.

If any valid or seemingly valid objection is lodged against the granting of an application, or if there should be any cause known to the Warden why such application should not be granted, the Warden shall forthwith forward the application, together with his own report thereon, to the Superintendent.

9. Protection during Application.

Land for which application shall have been made in the manner aforesaid, shall be protected from the date of such application until such decision shall have been made known to the Warden.

10. Possession where no Objection.

If, upon the hearing of any application, it shall appear that no objection thereto has been lodged with the Warden, and there shall be no cause known to the Warden why such application should not be granted, the Warden shall upon application therefore issue a certificate of the same to the applicant, and such applicant may thereupon take possession of the land so applied for, and such land shall thereafter be surveyed as nearly as possible in the form in which it has been taken up, and in conformity with the sixth regulation as hereinbefore prescribed, but to the extent of fifty (50) acres only.

11. Exemptions.

Agricultural leases will not, except in special cases, be granted for land within the boundaries of proclaimed townships or public reserves, nor for any area including a permanent watercourse, or which may present auriferous indications, and in all cases a public roadway, one chain in width, will be reserved along the margins of navigable streams and rivers.

12. Non-execution of Lease.

If any applicant fails or neglects to execute his lease within one (1) month after service of notice from the Warden that such lease is ready for execution, such lease will (unless special cause for delay is shown) be cancelled, and a fee of one pound (£1), in addition to the charges hereinbefore mentioned, shall thereupon be deducted from the deposit.

13. Cancellation of Leases.

Leases will be forfeited and may be cancelled if the land is sub-let or transferred without the sanction and authority of the Superintendent; or, if planting, cultivation, or other permanent improvement is not commenced within three months after the issue of a certificate or lease; or, if one-fourth in acreage of the land is not planted, cultivated, or otherwise improved within twelve months from the date of any such certificate or lease; or if at any time during the currency of the lease the land shall be neglected for a period of six months.

14. Transfer.

Agricultural leases will not be transferable without the special sanction and authority of the Superintendent, and for every such transfer a fee or fine of one pound (£1) will be charged; and no such transfer will be sanctioned in any case, unless and until the conditions with respect to improvement shall have been duly complied with by the original applicant, and all rents due shall have been fully paid.

15. Rent.

The rent charged shall be at the rate of two shillings and sixpence (2s. 6d.) per acre, payable half-yearly in advance from the date of the certificate, or lease, as the case may be, and every fractional part of an acre will be considered as an acre, and charged accordingly.

16. Survey Fees.

The fees charged for survey shall be as follow:—

For an ordinary survey, when the area does not exceed ten (10) acres, three pounds (£3).

For any larger area, three pounds (£3), and an extra two shillings (2s.) for every acre in excess of ten acres.

17. Land may be taken for Roads.

The Superintendent reserves the right to survey through any land held under an agricultural lease, such roads as may be deemed essential for public convenience, and to throw them open to public traffic, subject to the allowance of valuation for improvements, and for any standing and growing crops which may be in or upon such line of road only at the period when possession thereof is taken by the Superintendent.

18. Conditions of Entry to Search for Gold, etc.

The Superintendent reserves the right of free entry to any land so leased as aforesaid, for the purpose of searching for gold, or for any other metal or mineral, and of determining any lease when such gold, metals, or minerals, shall have been discovered therein; and also of granting permission to prospect, without compensation, upon any unimproved land, subject to such regulations as the Superintendent may hereafter think fit to make, upon any application for such permission being made to him.

SCHEDULES.

SCHEDULE I.

Notice.

No.

[Place and Date.]

To Warden

I hereby apply for a lease of land for agricultural purposes situate at [here state the locality] and comprising acres or thereabouts: and I deposit herewith the Gold Receiver's receipt for the sum of ten pounds (£10), and agree to pay any further costs and expenses which may be incurred, in accordance with the Agricultural Leases Regulations made under "The Gold-fields Act, 1866."

Signature [name in full and address].

SCHEDULE II.

Agricultural Lease Deposit Receipt.

District of

[Date.]

No. of application
Received from the deposit of ten pounds (£10) pursuant to the "Agricultural Leases Regulations" made under "The Gold-fields Act, 1866."

Receiver of Gold Revenue.

EXTRACTS FROM "THE GOLD-FIELDS ACT, 1866."

SECTION VII.—Right of Servant vested in Employer.

If any person being the holder of a Miner's Right shall hire himself for wages to an employer, the right to hold and occupy any claim by virtue of such Miner's Right, and to any gold therein, shall be vested in such employer: Provided always, that in the event of non-payment of such wages, any person so employed shall be deemed to have a lien upon the claim whereon he has been employed to the extent of the amount of wages due to him.

VIII.—Additional Miners' Rights.

It shall be lawful to issue any number of Miners' Rights, not exceeding six, to any person applying for the same; and the holder of such Miners' Rights shall be entitled to occupy, either separately or conjointly, a corresponding number of claims: Provided that there shall be employed thereon at least one man for each claim so occupied.

LII.—Holders of Agricultural Leases entitled to Purchase.

Any person being the holder of a lease of land for agricultural purposes under the provisions of this or of any preceding Act authorizing the issue and granting of such lease upon a Gold-field, and who shall have planted, cultivated, or otherwise improved two-thirds or more of the same, shall be entitled to purchase the fee-simple thereof, without competition, at any period being not less than three nor more than seven years after the date of such lease, and at the upset price which at the date of such purchase shall have been fixed by law for Crown Lands of the same class in the province wherein such land shall be situate: Provided that there shall be no renewal of such leases under this Act.

XCVII.—Penalty on Person Mining without Miner's Right.

Any person not being the owner of a Miner's Right, or of a gold-mining lease under this Act, who shall mine for gold upon any proclaimed gold-field, and any person who shall employ any such unauthorized person so to mine, and any person not being the holder of a Miner's Right, or license, or lease duly empowering him in that behalf, and not being an authorized person within the meaning of this Act, who shall occupy or carry on any business upon any Crown lands within any proclaimed gold-field, shall be liable to the penalties following; that is to say: for the first offence, a sum not exceeding five pounds; for the second or any subsequent offence, a sum not exceeding ten pounds nor less than five pounds, with imprisonment in some gaol, there to remain for any time not exceeding one calendar month, for every five pounds or fractional part of five pounds so to be paid: Provided always, that in any case where a Miner's Right or Business License may have been lost or destroyed, the existence of such right or license may be proved by reference to the books of the Receiver of Gold Revenue of the district wherein such right or license may have been issued; and in such case, a certificate shall be granted to the holder of such right or license securing to him all the privileges held under such right or license until the due expiration of the same, and for which the fee of one shilling shall be paid in the case of a Miner's Right, and five shillings in the case of a Business License; and a statutory declaration shall in all such cases be made as to identity, and the facts of the case.

XCVIII.—Penalty for Mining on Private Property.

Any person who shall knowingly mine or employ any person to mine for gold on any land belonging to a private individual, without the consent of the owner thereof or his duly authorized agent, shall be subject to the like penalties as are mentioned in the last preceding clause: Provided that nothing in this section contained shall prejudice any claim for damages on the part of any such private individual or owner against the person so mining or employing any person to mine.

XCIX.—Forgery of Miner's Right a Misdemeanour.

If any person shall forge or alter any Miner's Right, license, lease, or other document issued under the authority of this Act, with intent to defeat the provisions thereof or to defraud any person whomsoever, he shall be guilty of a misdemeanour, and on conviction thereof before any Court of competent jurisdiction, shall be subject to a fine not exceeding one hundred pounds, or imprisonment with or without hard labour not exceeding three years, or both, at the discretion of the Court.

C.—Penalty on Personation or Misrepresentation.

If any person shall use or exhibit any forged Miner's Right, license, or lease, issued or purporting to be issued under the authority of this Act, knowing the same to be forged, or if any person shall fraudulently personate the holder of any such Miner's Right, license, or lease, or shall falsely and fraudulently represent that any servant or other person is an authorized person within the meaning of this Act, or shall fraudulently use or exhibit as his own any Miner's Right, license, or lease belonging to or granted to any other person, or shall use or exhibit as valid a Miner's Right, license, or lease which shall have expired, he shall be liable to a penalty for every such offence not exceeding fifty pounds, or imprisonment with or without hard labour not exceeding one year, or both, at the discretion of the Court.

CI.—Penalty for Breach of Rules.

Every person committing any breach, whether by way of omission or commission of any of the rules or regulations made under the authority of this Act, shall for every such breach be liable to a fine or penalty not exceeding ten pounds for the first offence, and twenty pounds for any second or subsequent offence.

CII.—Penalty for Non-Attendance as Witness, Assessor, etc.

If any person summoned to attend the hearing of any suitor matter to be heard or determined under the provisions of this Act, whether as assessor, witness, or party to the suit, having been duly summoned, shall neglect or refuse to attend at such time and place as shall be named in the summons, or if he shall refuse to be sworn as witness, or to be sworn or serve as assessor, it shall be lawful for the Warden or Judge of any such Court in any such case, unless some reasonable cause for such non-attendance or refusal be made to appear to such Warden or Judge, to fine such person any sum not exceeding five pounds, as to the Warden or Judge shall seem fit.

CIII.—Penalty for Assaulting Warden or Judge.

If any person shall assault or resist any Warden or Judge of any Court constituted under this Act, or any Resident Magistrate, or any other person whilst in the execution of the duties to be performed by him under this Act, or if any person having had the boundaries of his claim pointed out by any such Court shall encroach or trespass upon the claim of any other person, every such person so assaulting, resisting, or encroaching, shall be fined any sum not exceeding fifty pounds, with imprisonment till payment in some gaol, there to remain for any time not exceeding one calendar month for every five pounds or fractional part of five pounds so to be paid. Provided that the time of imprisonment shall in no case exceed six calendar months, and shall cease upon payment of the penalty ordered to be paid, together with costs.

CIV.—Penalty for Working Claim under Suspension.

If any person after having been ordered to suspend the working of any claim as hereinbefore provided, shall work such claim, he shall be liable to a penalty not exceeding twenty pounds.

CXII.—Incapacity to sue without Miner's Right.

Notwithstanding anything hereinbefore contained, no person shall be entitled to institute proceedings in any Court holden under this Act, or in any other Court, to recover possession of any land which such person is entitled to, or is entitled to occupy by virtue of the provisions of this Act, or of any share in such land, or to recover damages for, or to restrain the occupation of or encroachment upon such land or any part thereof, or to obtain any relief as tenant-in-common, joint-tenant, co-partner, or co-adventurer against his tenant-in-common, joint-tenant, co-partner, or co-adventurer, or to recover any interest or part interest in any water-race, dam, or reservoir, unless such person shall have been the holder of a Mining or Agricultural Lease, Business License, or Miner's Right, at the time when his alleged title to recover such possession, or damages, or interest, or to obtain such relief, first arose or accrued.

CXIV.—Revocation of Regulations not to Affect Interests.

Any right, title, or interest, acquired or created under any regulation or by-law made in conformity with this Act, shall not be in any manner affected by the alteration, amendment, or revocation of such regulation or by-law.

CXV.—Fine may be Substituted for Forfeiture.

In all cases wherein forfeiture is or shall be decreed by this Act, or any regulations made or to be made in conformity therewith, it shall be lawful to substitute a monetary fine in lieu thereof, and to allow thereout a sufficient sum to defray any reasonable expenses incurred by the plaintiff (if any) in the prosecution of this suit.

INDEX.

PAGE

I.—Preliminary Regulations—

1. Interpretation Clause 1
2. The Miner's Right and Business License 1

II.—Claims—

1. Size of Claims 2
2. Form of Claims 2
3. Claims to be Marked 2
4. Surplus Ground to be Forfeited 2
5. Shepherding 2
6. Amalgamation 2

III.—Wet Claims—

1. To what Districts applicable 2
2. Drainage 3
3. Baling 3
4. Continual Baling 3
5. Compensation for Drainage 3

IV.—Quartz Claims—

1. Marking off Quartz Claims 3
2. Prospecting Quartz Claims 3
3. Ordinary Quartz Claims 3
4. Quartz Claims to be Numbered 3
5. Sludge 3
6. Wall to be Left 3

V.—River Claims—

1. Size of River Claims 4
2. Notice of Diversion to be given 4
3. Wall to be Allowed 4

VI.—Extended Claims—

1. Extended Claim may be applied for 4
2. Form of Application 4
3. Surveyors to post Notices 4
4. Forfeiture 4

VII.—Prospecting—

1. Discovery to be Reported 5
2. Prospecting Area 5
3. Prospecting Areas to be Marked 5
4. Notices to be Posted by Warden 5

VIII.—Tunnelling—

1. Definition 5
2. Frontage Tunnelling Claims 5
3. Registration and Marking 5
4. Discovery of Payable Ground 6

VIII.—Tunnelling—*(continued)*

PAGE

5. Parallels 6
6. Walls 6
7. Tunnels Outside of Claims 6
8. Renewal of Walls 6
9. Ventilation 6

IX.—Applications, Registrations, and Transfers—

1. Notices to be Posted 6
2. Notices to contain Particulars 6
3. Where Notices are to be Posted 6
4. Objections 7
5. Hearings 7
6. Costs 7
7. Certificate may be Cancelled 7
8. Registration 7
9. Transfers 7
10. Certificate Renewable Annually 7
11. Registration Fees 7
12. Information may be Obtained 8

X.—Water Rights and Races—

1. Application 8
2. Ground allowed on Each Side of Race 8
3. Superiority of Right 8
4. Races to be Commenced within One Month 8
5. Abandonment of Races 8
6. Heads of Races 8
7. Insufficient Supply of Water 8
8. Water to be left running in Creeks 8
9. Water Guage 9
10. Water to be Guaged when demanded 9
11. Number of Sluice-heads allowed 9
12. Water not to be wasted 10
13. Keeping Races in Repair 10
14. Side-streams and Watersheds 10
15. Use of Tail-races 10
16. Control of Tail-water 10

XI.—Dams and Puddling Machines—

1. Notice of Construction to be given 10
2. Main Sludge Channel 10
3. Main Sludge Channel to be approved 10
4. Expenses of Construction 10
5. Sludge Drains and Channels kept Clear 10
6. Forfeiture of Dams and Machines 11
7. Injury to Property by Dams 11

XII.—Roads and Tramways—

1. Right of Roadway 11
2. Sludge and Water kept off Roads 11
3. Protection to Public Roads 11
4. Holes near Roads to be Fenced 11
5. Roadway along Banks of Rivers 11
6. Tramways and Shoots 11

XIII.—Protection—

PAGE

1. Protection for Fourteen Days 11
2. Protection for Extended Period 11
3. Notice of Protection to be Posted 11
4. Limitation of Protection 11
5. Renewal of Protection 12
6. Protection during Notice 12
7. Protection during Operations 12
8. Registration of Huts 12
9. Holidays 12
10. Lunacy, &c. 12
11. Stacking Auriferous Substances 12

XIV.—Special Sites—

Special Sites 12

XV.—Residence—

1. Residence Area 12
2. Residence Areas may be Registered 13
3. Space to be left between Residence Areas 13
4. Tent Ground 13

XVI.—Business Sites and Licenses—

1. Business Licenses 13
2. Townships may be Surveyed 13
3. Sites to be Marked be Pegs 13
4. Space between Buildings 13
5. Streets 13
6. Occupancy of Sites 13
7. Protection before Occupancy 14
8. Protection 14
9. Notice of Protection to be Posted 14
10. Registration 14
11. Buildings on Abandoned Sites 14

XVII.—General Regulations—

1. Interference Prohibited 14
2. Compensation in case of Forfeiture 14
3. Permission to Enter Claims 14
4. Neglect of Warden's Orders 14
5. Races, &c., may be carried through Claims 15
6. Sites proving Auriferous 15
7. Plurality of Shares 15
8. Claims not Forfeited through Neglect of Hired Workmen 15
9. Wages-man may be put on 15
10. Causing Claims to be Flooded 15
11. Obstructions to Watercourses 15
12. Disposal of Tailings 15
13. Ground to be Secured 15
14. Lost Miners' Rights 16
15. Nuisances 16
16. Felling Trees across Roads or Claims 16
17. Removal of Slabs or Props 16
18. Suspension of Regulations 16

SCHEDULES OF FORMS . . . . . PAGE 16

WARDEN'S COURT RULES 19
Schedules of Forms 21

MINING LEASE REGULATIONS—

1. Interpretation 24
2. What Lands may be Leased 24
3. Boundaries of Land applied for to be Defined 24
4. Mode of Application 24
5. Applicant to make Deposit 24
6. Penalty for withdrawing Application 24
7. Official Survey 24
8. Surveys made at Expense of Applicant 25
9. Surveyor to affix Notice 25
10. Priority of Application 25
11. Objectors to give Notice 25
12. Case of Encroachment 25
13. Inquiry into Application 25
14. Proceedings at Inquiry 25
15. Leases issued after time prescribed 25
16. Date of Lease 26
17. Execution of Lease 26
18. Proceeding in case of Refusal of Lease 26
19. Costs 26
20. Term 26
21. Areas of Leases 26
22. Amount of Rent, how to be determined 26
23. Rent payable in Advance 27
24. Attorney may be Appointed 27
25. Power-of-Attorney 27
Schedules of Forms 27

AGRICULTURAL LEASES REGULATIONS—

1. Mode of Application 29
2. Deposit to be paid by Applicant 29
3. Charge on Deposit 29
4. Objectors to make Deposit 29
5. Boundaries must be Marked 29
6. Areas must be Rectangular 29
7. Survey 30
8. Valid Objections 30
9. Protection during Application 30
10. Possession where no Objection 30
11. Exemptions 30
12. Non-execution of Lease 30
13. Cancellation of Leases 30
14. Transfer 30
15. Rent 31
16. Survey Fees 31
17. Land may be Taken for Roads 31
18. Conditions of Entry to Search for Gold 31
Schedules . . . . .

EXTRACTS FROM "THE GOLD-FIELDS ACT, 1866"— PAGE

Right of Servant vested in Employer 32
Additional Miners' Rights 32
Holders of Agricultural Leases entitled to Purchase 32
Penalty on Person Mining without Miner's Right 32
Penalty for Mining on Private Property 32
Forging of Miner's Right a Misdemeanour 32
Penalty for Personation or Misrepresentation 33
Penalty for Breach of Rules 33
Penalty for Non-Attendance as Witnesss, Assessor, &c. 33
Penalty for Assaulting Warden or Judge 33
Penalty for Working Claim under Suspension 33
Incapacity to sue without Miner's Right 33
Revocation of Regulations not to affect Interests 33
Fine may be substituted for Forfeiture 33

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