



T H E
NEW ZEALAND
GOVERNMENT GAZETTE
(PROVINCE OF NELSON).

Published by Authority.

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

EUGENE J. O'CONNOR, Provincial Secretary.

VOL. XXIII.

NELSON, TUESDAY, NOVEMBER 17, 1874.

No. 50.

PROCLAMATION.

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

WHEREAS certain Rules and Regulations have been proclaimed under the authority of the "Goldfields Act, 1866," in force in and within the boundaries of the proclaimed goldfields of the Province of Nelson: **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 in that behalf, do hereby proclaim and declare that from and after the **FIRST** day of **JANUARY**, 1875, the Rules and Regulations at present in force on and within the boundaries of all proclaimed goldfields in the Province of Nelson **SHALL BE** altered and amended in manner hereinafter mentioned, that is to say:

Sub-section 11 of Section X. of the said Rules and Regulations shall be revoked, and the following substituted in lieu thereof:—

11. REGISTRATION FEES.

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

Sub-section 7 of Section XVII. of the said Rules and Regulations shall be revoked, and the following substituted in lieu thereof:—

7. REGISTRATION FEES.

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

Sub-sections 23, 24, 25, and 26, and Schedule F. of the Gold-mining Lease Regulations at present in force on and within the boundaries of all goldfields in the Province of Nelson shall be repealed, and the following shall be in force:—

23. TRANSFER OR ASSIGNMENT OF LEASES TO BE REGISTERED.

All transfers or assignments of goldmining leases, or shares in goldmining leases, shall be registered in the Warden's office.

A deed to the effect set forth in Schedule F shall be the form of transfer for mining leases or interests therein.

24. LEASES MAY BE CANCELLED.

If any applicant fails or neglects to execute his lease within one month after service of notice from the Warden that such lease is ready for execution, or if the rent upon any lease shall not be paid within twenty-one days from the day it becomes due, or if any of the conditions of the lease shall not have been complied with, it shall be lawful for the Superintendent to declare the lease cancelled, and the ground shall thereupon become open for occupation to the holders of Miners' Rights and Business Licenses.

If any lessee fails or neglects to perform any condition contained or implied in his lease, application may be made by any person for cancellation thereof in the form or to the effect set forth in Schedule G hereto, and at the time of lodging such application there shall be deposited therewith the sum of £20, as security for the due prosecution of the application, and in satisfaction of any expenses to which the lessee may be put by such application if unsuccessful, and if such application should not be prosecuted or should fail, so much of such deposit may be handed over to the lessee as may be necessary to repay the expenses of such lessee, and the balance, if any, shall be refunded to the applicant after deducting the cost of the service of the notice hereinafter mentioned.

A copy of such application shall be served personally on the lessee, or in such other manner as the Warden may direct, or, at the discretion of the Warden, may be posted in some conspicuous portion of the ground for such time as the Warden may direct, together with a notice in the form or to the effect set forth in Schedule H hereto.

At the enquiry in the notice mentioned the Warden shall take evidence in relation to the application, and the lessee's answer to the neglect complained of, and immediately thereafter he shall forward to the office of the Superintendent of the province the application and the evidence taken by him as aforesaid, with his opinion thereon, and the non-appearance of the lessee, or any one on his behalf, on the day of hearing in the notice mentioned shall be sufficient *prima facie* evidence of the neglect complained of for the cancellation of the lease.

In the event of the cancellation of any lease upon such an application as above-mentioned, the applicant shall have the prior right to take up the ground or any part thereof, under Miner's Rights, in accordance with the Regulations for the time being in force, and in the event of such claim not being pegged out by such applicant within seven clear days from the date of notice of such cancellation being posted on the notice board of the nearest Warden's office in the district, the same shall be open for occupation by any other person. If such priority of right be exercised over the whole of the ground, it shall not be necessary to have such claim resurveyed.

In all cases it shall be lawful to substitute a monetary fine in lieu of cancellation, and to allow thereout a sufficient sum to defray any reasonable expenses incurred by the applicant in the prosecution of his application.

Notice of any fine so inflicted shall be given on the notice board, as in cases of cancellation, and if such fine be not paid into the Warden's office within fourteen clear days after the posting of the notice aforesaid, the lease shall thereupon be cancelled, and notice thereof shall be given, and priority of right may be exercised as hereinbefore mentioned.

These Regulations shall not prevent the cancellation of a lease by the Superintendent without any such application as above mentioned.

25. WITHDRAWAL, REFUSAL, AND NON-EXECUTION.

Every withdrawal of an application shall be in writing, and immediate notice of such withdrawal shall be placed on the notice board, and the ground shall become open to occupation after the lapse of two clear days from the posting of the notice, and not before, except in such cases as in regulation so mentioned.

Where an application is disallowed, or an applicant fails to execute his lease within the required time, or a lease is surrendered, notice shall be given, and the ground shall become open to occupation, as in the last preceding clause, but no application extending over ground already subject to a prior application shall come within the meaning of this clause.

26. 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 attorney of such lessee or lessees, shall be permitted to execute such lease for and on his or their behalf.

27. 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 I, and the execution thereof shall be attested by a Justice of the 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 F.—CLAUSE 23.

FORM OF TRANSFER OF MINING LEASES OR INTEREST THEREIN.

This Deed made the _____ day of _____ one thousand eight hundred and _____ Between _____ of _____ in the Province of _____ and Colony of New Zealand of the one part and _____ of the other part Witnesseth that in consideration of the sum of _____ paid by the said _____ to the said _____ (the receipt whereof is hereby acknowledged) the said _____ doth hereby transfer and assign to the said _____ his executors administrators and assigns All that _____ part share or interest (the whole into _____ equal parts being considered as divided) of and in the grants made by that Gold-mining Lease numbered _____ in the

District of _____ Province of Nelson and dated
 the _____ day of _____ one thousand eight
 hundred and seventy-

(Special provisions—if any.)

In witness whereof the said parties to these presents
 have hereunto subscribed their names.

Witness

Residence.

Occupation.

SCHEDULE G.—CLAUSE 24.

FORM OF APPLICATION FOR CANCELLATION OF
 LEASE.

To the Warden at

I [or we] hereby make application for the Cancel-
 lation of Gold-mining Lease No. _____ originally
 granted to _____ and now occupied by
 _____ upon the following grounds:

[here state grounds specifically.]

[Signature.]

SCHEDULE H.—CLAUSE 25.

FORM OF NOTICE TO LESSEE.

The above application will be heard at
 on the _____ day of _____ 187 _____ at the hour
 of _____ and you are hereby required then and
 there to appear in answer thereto and to produce the
 Lease above referred to.

Warden.

SCHEDULE I.—CLAUSE 27.

Know all men by these presents, that I, A.B., [or
 we, A.B. and C.D.] do hereby make, nominate, con-
 stitute, and appoint, and in my [or our] place and
 stead put E.F., of _____, 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
 187 _____, applied, and the deed of which was on the
 day of _____ 187 _____, executed by his Excellency
 the Governor's delegate, 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 accept-
 ance, 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 whatsoever the said E.F. shall
 lawfully do or cause to be done in or about the premi-
 ses by virtue of this power.

In witness thereof, &c.

Given under my hand at Nelson, this Seventeenth
 day of November, one thousand eight
 hundred and seventy-four.

OSWALD CURTIS,
Superintendent.

Attested—

EUGENE J. O'CONNOR,
Provincial Secretary.