

# Supplement to Government Gazette

OF WESTERN AUSTRALIA,

OF THURSDAY, 30TH JUNE, 1892.

(Issued 4th July, 1892.)

*Department of Lands and Surveys,  
Perth, 29th June, 1892.*

HIS Excellency the Administrator in Council has been pleased to make the following Regulations under the provisions of "The Mineral Lands Act, 1892."

All Regulations heretofore made under the said Act are hereby cancelled.

W. E. MARMION,  
Commissioner of Crown Lands.

## WESTERN AUSTRALIA.

### Regulations under "The Mineral Lands Act, 1892."

#### PART I.—PRELIMINARY.

*Regulations to apply to Mining Districts.*

1. These Regulations shall apply to all Mining Districts under "The Mineral Lands Act, 1892," and as far as applicable to all other places in which minerals may be found.

#### *Definition.*

2. The following terms, in inverted commas, shall, for the purpose of these Regulations, unless the context otherwise indicate, bear the meanings set against them respectively—

"Miner," "Miners."—Any person being the holder of a Mining License, or any number of persons each being the holder of a Mining License. The singular to include the plural, and the plural the singular.

"Owner," "Owners."—Any owner, whether jointly or in severalty, and the singular shall include the plural, and the plural the singular.

"Lode."—Any vein, seam, reef, dyke, or blow containing minerals other than alluvial.

"The Act."—The Mineral Lands Act of 1892.

Any other words or terms used in these Regulations shall have the like interpretation as is provided for the same words or terms in "The Mineral Lands Act of 1892."

#### PART II.—MINING, QUARRY, AND BUSINESS LICENSES.

*Mining Licenses.*

3. A Mining License, in the form of Schedule No. 1 hereto annexed, will be issued to any person, not being an Asiatic or African alien, upon application to the Minister or his Agent or a Registrar, on payment of the prescribed fee of Ten shillings; and any person desiring to prospect or mine for any mineral other than gold must first obtain such a license. The rights and privileges conferred by a Mining License are set forth in Clause 5 of the Act.

A Mining License issued by the Minister or by any authority, other than the Registrar, shall have no force or effect within a Mining District; but the Registrar of the Mining District shall, on application, issue a Mining License free of charge in substitution therefor, for the unexpired period of such first-mentioned Mining License.

A Mining License issued by the Minister, a Registrar, or any other authority, shall have full force and effect over any Crown lands outside of a Mining District.

*One mining license sufficient.*

4. Any holder of a mining license may hold any number of claims or shares in such claims, provided that such claims or shares are duly worked and represented by miners, and every person working in or in connection with a mine must be the holder of a mining license.

*Quarry Licenses.*

5. A License, in the form of Schedule No. 2 hereto annexed, to quarry, dig for, and carry away any rock, soil, or other material on any Crown lands for building purposes, and to make bricks or any other commodity, will be issued to any person upon application to the Minister, or his Agent, or a Registrar, on payment of a fee to be determined by the Governor, but not being less than Five shillings per month for each man so employed.

*Business Licenses.*

6. A Business License in the form of Schedule No. 3 hereto annexed, will be issued to any person not being an Asiatic or African alien upon application to the Minister, or his Agent, or a Registrar, on payment of the prescribed fee of Four pounds. The rights and privileges conferred by a Business License are set forth in Clause 9 of the Act.

*Business and residence area.*

7. An area of land not exceeding one quarter of an acre the frontage of which to any main thoroughfare, creek, or waterhole does not exceed sixty-six feet by a depth not exceeding one hundred and sixty-five feet may be occupied in any Mining District with the consent of the Registrar as to locality—

- (a.) By the holder of a Business License for the purpose of residence and carrying on his business.
- (b.) By the holder of a Mining License for the purpose of residence.

Every such area must be registered at the Registrar's office. Provided such registration may be cancelled should the holder cease to occupy such area without first registering the same as exempt from the condition of occupation. The form of application is prescribed in Schedule No. 12.

*Business and residence areas may be registered as exempt from occupation.*

8. The holder of any business or residence area upon which there are substantial improvements of the value of not less than Five pounds may, upon application to the Registrar, in the form of Schedule No. 20 hereto annexed, and payment of the prescribed fee of Two shillings and sixpence, have such area registered as exempt from the condition of occupation for any period not exceeding twelve months.

#### PART III.—CLAIMS.

*Mode of taking up a claim.*

9. A miner may take up and work any unoccupied Crown lands as a claim by fixing firmly in the ground, at each corner thereof, a post four inches in diameter, standing at least three feet above the surface, set in L trenches three feet long and six inches deep on each boundary line, such posts to be kept at all times uncovered. Provided that when registration is required, such miner shall within seven days after such marking make application, in the form of Schedule No. 12 hereto annexed, to the Registrar. The Registrar shall thereupon deliver to the applicant a certificate, in the form of Schedule No. 13 hereto annexed, who shall cause it to be posted on some conspicuous part of the ground applied for, and a copy thereof at the

Registrar's Office, for a period of one week. If no objection be lodged against such application within such period, the applicant shall be entitled to be registered for the claim by the Registrar, and receive a certificate of registration in the form of Schedule No. 14 hereto annexed; should, however, any objection be lodged within the time specified, the Registrar shall defer registration until the matter has been heard and determined, and therein be guided by the evidence submitted to him.

*Size of Claims—Lode—Alluvial.*

10. The extent of ground allowed for each miner in any lode claim shall not exceed three chains by five chains. The width of all lode claims must be marked at right angles to the lode or base line, but the whole or any part of such width may be marked on either side of the lode or base line at the option of the miner.

The extent of ground allowed for each miner in any alluvial claim shall not exceed four chains by four chains.

*Marking too much ground.*

11. Any miner marking off more ground than he is entitled to shall be liable to have the surplus ground pegged off at either end of the claim, at the option of any other miner applying to the Registrar for the surplus.

*Registration of Claims.*

12. All lode claims must be registered and alluvial claims (after the boundaries are defined to the satisfaction of the Registrar) may be registered, in accordance with the provisions of Clause 54 of these Regulations.

*Mode of application for an occupied claim or share liable to forfeiture.*

13. Whenever an occupied claim or share therein is liable to forfeiture, any miner may apply for possession of such claim or share by posting a notice in the form of Schedule No. 16 hereto annexed, at or as near as possible to the then working shaft of such claim, and at the Registrar's office for one week, and serving a copy thereof on the holder of such claim or share, or his agent.

Any person objecting to such registration must within the week hereinbefore mentioned lodge a notice of objection with the Registrar, in the form of Schedule No. 15 hereto annexed, stating the grounds of such objection; upon receipt of which the Registrar shall defer registration until the matter has been heard and determined, and shall therein be guided by the evidence submitted to him.

If no objection be lodged within the time specified, the Registrar shall register the claim or share for the applicant.

*Taking forcible possession a forfeiture of rights.*

14. Any miner taking forcible possession of any claim or share therein, or commencing to work the same after his right to take possession thereof has been disputed, shall forfeit all right and title which he has acquired to the possession of such claim or share.

*Abandonment of shares in claims.*

15. Any shareholder in a registered claim wishing to abandon his share therein may do so by serving on the lienee (if any) and one of the remaining shareholders, or his agent, a notice to that effect, and posting a copy thereof at the Registrar's office and on the claim; in such case the Registrar, after satisfying himself that the notices have been served and posted in manner aforesaid, shall forthwith cancel the registration by which such share has been held, and the said shareholder shall be released from any further liability in respect of such share thereafter incurred, and the lienee, if any, shall have for three working days after abandonment a preferent right to be registered for the abandoned share. On failure by the lienee to avail himself of such preferent right, the lien shall be cancelled and the remaining shareholders shall thereupon have jointly a preferent right, for three working days, to be

registered for the abandoned share. Provided that on failure of the remaining shareholders to avail themselves of such right, any applicant for such abandoned share may at once be registered for the same without process of any kind beyond his written application.

*Stacking earth, the produce of forfeited claim.*

16. Any miner having forfeited or abandoned his claim, or share in a claim, may retain possession of any earth—the produce of such claim or share—that may have been raised at the time of the forfeiture or abandonment, provided such earth is stacked on ground not interfering with the working of the claim. And the Registrar shall, upon application being made to him, and upon receipt of the prescribed fee of Five shillings, register the same as the property of such miner for any period not exceeding twelve months. A copy of such registration, in the form of Schedule No. 17 hereto annexed, shall be affixed on the stack; and no person during the period of such registration shall remove the said stack of earth without the permission of the owner thereof.

*Extended claims—Lode or alluvial.*

17. Where the expense of erecting mining machinery or works is likely to be great, or the poverty of the ground warrants it, or the ground has been previously worked and abandoned, the Registrar may, on application, allot to each miner an extended claim not to exceed in area four ordinary claims. And only half the number of miners to whom the ground is allotted need be employed on the claim until the preliminary work has been done, such as sinking a deep shaft, cutting a race, or erecting machinery, after which the full number must be employed. Every such applicant for an extended claim must comply with the conditions of application as mentioned in clause 9 of these Regulations.

*Union of claims.*

18. Two or more contiguous claims may, upon application being made to the Registrar in the form of Schedule No. 18 hereto annexed, with the consent of not less than a two-thirds majority in number and interest of the shareholders of each such claim, respectively, be united. Provided that the conditions of the separate claims shall in the aggregate, apply to the amalgamated claim; and the Registrar shall grant a certificate of union in the form of Schedule No. 19 hereto annexed, and shall register the same upon receipt of the prescribed fee of five shillings.

*Claims continuously worked—Exceptions.*

19. Every claim must be continuously worked, in accordance with clause 55 of these Regulations, by the requisite number of men within two working days after it has been marked off, otherwise any share or shares therein unworked shall be liable to forfeiture. Provided that no miner's interest in any claim shall be liable to forfeiture under this Regulation if he be employed at any necessary work in connection with the said claim, or if his absence be caused through sickness, attendance at a court of justice, a general cessation from work through floods or rain, or on any public holidays, or on holidays proclaimed by the Minister or Registrar.

*Exemption from work.*

20. The owner of any registered claim may apply to the Registrar, after posting a copy of the application in the form of Schedule No. 20 hereto annexed, at the Registrar's office and on the claim, one week prior to the day of hearing the application by the Registrar, to have the claim registered as exempt from work for a period not exceeding six months; and provided it has been duly registered and continuously worked for the preceding six months, the Registrar may grant the exemption applied for upon receipt of the prescribed fee of Ten shillings, and on proof that the claim is not payable through any cause

over which the owner has no control, and such exemption may, on good cause being shown, be renewed in the same manner for a like period on payment of the prescribed fee of Ten shillings; but the Registrar may grant exemption from work on any claim for a period not exceeding thirty days upon application by the owner thereof, of which notice must be given by posting a copy of the application at the Registrar's office and on the claim, three working days prior to the hearing of the application. Provided that no payment of fee shall be required if it be proved to the satisfaction of the Registrar that cessation from work is necessitated by want of water or other natural causes over which the owner has no control.

*Applications for exemption to be heard in open Court.*

21. The Registrar shall hear and determine in open court all applications for exemption from work, and objections thereto, and may grant the exemption applied for upon terms as to bailing or any other conditions he may deem necessary. Any failure to comply with such terms or conditions shall be deemed a forfeiture of the exemption.

PART IV.—WATER RIGHTS.

*Mode of application.*

22. Any miner intending to divert and use water for mining or general purposes, or to cut a race, or construct dams or reservoirs in connection therewith, shall give notice in writing thereof to the Registrar, in the form of Schedule No. 22 hereto annexed, and such notice shall set forth the source from which the water is to be obtained, and describe with sufficient accuracy the point at which it is to be diverted or used, the quantity in sluice-heads required, the number of dams (if any) in which such water is to be stored and their situation, the probable length of the race, its intended course and termination, and the name of the applicant; and copies of such notice shall be kept posted for one week at the Registrar's office, at the source from which the water is to be obtained, at the proposed termination of the race, and on the site of any proposed dam or reservoir; and if no valid objection be lodged at the expiration of one week, the Registrar shall grant the required permission, in the form of Schedule No. 23 hereto annexed.

*Dam may be constructed on a claim or lease.*

23. Any holder of a claim, or lease, may construct dams within his boundaries for the purpose of turning water into his flood-race, on the condition that his dams are only of such a height and at such a distance, according to the natural fall of the water, from his upper boundary as in no way to interfere with the natural level of the stream above his claim or lease, to the injury of any other claim or lease, and he may extend his flood-race or tail-race for such distance beyond his claim or lease as may be necessary for the effectual working of the same, provided that no other claim or lease be injured thereby. In cases of dispute, in all running streams the level of running water at the upper boundary shall be considered the natural level, and the Registrar may order any dam to be lowered or altogether removed if he deems it necessary for the purposes of this clause.

*Heads of water—how gauged.*

24. A box sluice-head shall be a body of water one inch by twelve inches; a ground sluice-head shall be a body of water three inches by twelve inches, and shall be gauged in the following manner:—A box six feet long and twelve inches in width, with a scale of inches marked on the inner side at the lower end, shall be placed at the head of the race, having a fall not exceeding six inches in the entire length of it, and the gauge of water shall be taken at the mouth of the box where the water is discharged. When the length of the race exceeds one mile, the width of the box may be increased half-an-inch for each mile.

*Quantity of water taken and left running.*

25. The quantity of water allowed under one water-right for sluicing purposes shall not exceed two ground sluice-heads; and in all running rivers and creeks from which water is diverted for mining purposes, there shall be left running at least one ground sluice-head for general use when required.

*Priority of water-rights.*

26. The priority of water-rights derived from a common source shall be determined by the date of grant and registration; and in case of failure of water supply, the person last registered shall forego his rights during such failure of water as against the person previously registered, and so on in rotation as the supply diminishes. Provided always that the holder of a water-right in the bed of a stream has a preference over the holder of a water-right whereby the water of such stream is diverted from its natural course.

*Right to cut race anywhere.*

27. Any miner or party of miners may cut a race or drain for mining purposes through any claim, or over or under any race or drain belonging to any other miner or party of miners, provided that no injury be done to such claim, race, or drain, through or over or under which the first-mentioned race is cut; and the original line of any race may be altered or deviated from by the consent of the Registrar, if no prior right be injured thereby.

*Right of original owner to hired water.*

28. The holder of any water-right, when not using the water held under such right, shall, if required by the Registrar so to do, turn off the water at the head of his race into its natural channel. No person hiring water from the owner of a water-right shall have any claim to such water after it has passed his works, but such water shall revert to the original owner.

*Registrar may compel repair of race.*

29. When from imperfect construction or neglect any race is in such a state as to cause a waste of water, or to be a nuisance to the public, the Registrar may order the water at the head of such race to be turned off until the defective portion is made good.

*Protection to race.*

30. No miner shall be permitted to sink, drive, or cut timber within ten feet of any occupied race, without the consent of the owner of such race, or as otherwise provided for by these Regulations.

*Exemption from use of race.*

31. The holder of any water-right, or race, dam, or reservoir in connection therewith, desirous of retaining the same unused for any longer period than fourteen days, must post notices to that effect, in writing, in the form of Schedule No. 20 hereto annexed, on the said race, dam, or reservoir and at the Registrar's office for one week; and on good cause shown, and if no valid objection be lodged, the Registrar may issue a certificate of exemption from use, in the form of Schedule No. 21 hereto annexed, for a period not longer than six months, and register the same on receipt of the prescribed fee of Ten shillings.

*Water diverted for sale or hire.*

32. Any miners who construct a race for the conveyance of water to any mining district for sale or hire, for mining purposes or general use, shall not be restricted in the quantity of water they may divert. Provided that no prior right be prejudiced, or any injury of a private or public nature caused thereby; and provided further that the entire quantity of water so diverted is being actually sold and disposed of in a *bonâ fide* manner; and any water conveyed in excess of the quantity that is being so sold and disposed of shall, when the Registrar directs, be allowed to flow in its natural channel.

*Right to sell water.*

33. The holder of a water-right may sell or dispose of the right to the whole or any portion of such water; and the property and interest in any race, well, dam, or reservoir, and in the water contained or flowing therein, or through any race, shall be deemed to be a chattel interest, and the owner may recover in a summary way any sum of money due in respect of any water supplied from any such race, well, dam, or reservoir.

*Water not to be taken or polluted.*

34. No person shall take water from any race, well, dam, or reservoir, without the consent of the owner, nor permit sludge or other noxious matter to flow into or otherwise pollute the water in the same, nor injure the banks thereof, nor the works connected therewith; but the right to any water under any water-right shall terminate whenever the water so held is discharged into any natural stream or watercourse.

*Wells, Dams, or Reservoirs.*

35. Any miner intending to construct a well, dam, or reservoir outside the boundaries of his claim or lease to collect and store water therein for mining or general purposes may apply, by notice in writing, to the Registrar, describing with sufficient accuracy the site and capacity, in gallons of the proposed well, dam, or reservoir, and the water-sheds from which the water is to be collected. Copies of such notices must be posted at the Registrar's office and on the site of the proposed well, dam, or reservoir for seven clear days. If no valid objection be lodged during that period, the Registrar may grant to the applicants authority to occupy the site applied for, and a right to cut drains on the watershed described, or such portions thereof as he may think fit, for the purpose of collecting the water therefrom; and the applicant shall thereupon be deemed to have an exclusive right to such water, provided no public interest or prior right is injured thereby.

*Washing Area.*

36. The holder of any claim or lease requiring water for washing earth raised from such claim or lease may apply to the Registrar, in the form of Schedule No. 12 hereto annexed, for an area, including portion of any river, creek, or watercourse, not exceeding three chains in length in the direction of such river, creek, or watercourse, by two chains in width; and a certificate of such application in the form of Schedule No. 13 hereto annexed, with a description of the ground, must be posted at the Registrar's Office, and on some conspicuous part of the ground applied for, fourteen days before the hearing by the Registrar. Should no valid objection be lodged, and no public interest be likely to suffer thereby, the Registrar may grant the same as a "Washing Area" on payment of one year's rent at the rate of twenty shillings per annum, and issue a certificate in the form of Schedule No. 14 hereto annexed, which shall be in force for a period of twelve months only. The holder of such area shall have the exclusive right to use the water within his boundaries, but on the condition that if he constructs any dams they are to be subject to the provisions of Clause 23 of these Regulations. Provided that the Registrar may cancel such registration should the holder not use the area in a *bonâ fide* manner for washing earth, or stacking earth for washing, for a period of six months.

## PART V.—MACHINE AND OTHER AREAS.

*Machine area.*

37. Application for a machine area, with particulars of machinery proposed to be erected, must be made in writing to the Registrar, in the form of Schedule No. 12 hereto annexed, after the ground has been marked, accompanied with a sketch plan thereof; and a certificate of such application, in the form of Schedule No. 13 hereto

annexed, must be posted on the ground on which it is proposed to erect the machinery, as well as at the Registrar's office, for one week before the hearing of the application. If no valid objection be lodged, the Registrar may grant permission to occupy an area not exceeding five acres, in the form of Schedule No. 14 hereto annexed, and register the same, upon receipt of twelve months' rent at the rate of One pound per acre per annum in advance. Provided the Registrar may before doing so demand a plan and description of the ground as actually surveyed and marked. Any such permission to occupy may be cancelled should the holder thereof fail to commence the erection of machinery thereon within four months from the date of permission to occupy, or should the machinery thereon be removed, or the annual rent not be paid yearly in advance; and provided, further, that under the same conditions as to rent, mode of application, and occupation, the Registrar may grant an area not exceeding ten acres for the erection of furnaces.

*Area for stacking tailings.*

38. Application may be made to the Registrar, in the form of Schedule No. 12 hereto annexed, after the ground has been marked, for an area not exceeding five acres, for the purpose of stacking tailings, by posting a certificate of application, in the form of Schedule No. 13 hereto annexed, on the ground and at the Registrar's office, with a description of the ground applied for, one week before the hearing. The Registrar may, if no valid objection be lodged, grant the application, in the form of Schedule No. 14 hereto annexed, and register the same upon receipt of twelve months' rent at the rate of One pound per acre per annum in advance. Provided that the Registrar may cancel such registration should the holder not use the area in a *bonâ fide* manner for stacking tailings for six months, or the annual rent not be paid yearly in advance.

*Market Garden Area.*

39. Any person requiring land for the purpose of growing garden produce may apply to the Registrar, in the form of Schedule No. 12 hereto annexed, for an area not exceeding five acres for such purpose, by posting a certificate of application, in the form of Schedule No. 13 hereto annexed, with a description of the ground, at the Registrar's office and on some conspicuous part of the ground, fourteen days before the hearing by the Registrar. Should no valid objection be lodged, and no public interest be likely to suffer thereby, the Registrar may grant permission to the applicant to occupy the land, in the form of Schedule No. 14 hereto annexed, and register him therefor on receipt of twelve months' rent, at the rate of One pound per acre per annum, in advance. The Registrar may, before such registration, demand from the applicant a proper survey and plan of the ground. Provided that the applicant or some other person resides on the area and keeps constantly in cultivation at least one-half thereof, such cultivated portion to be securely fenced; and any garden area not so cultivated and fenced, and on which the condition of residence is not fulfilled, or for which the rent is not paid yearly in advance, may be declared forfeited by the Registrar.

## PART VI.—MINERAL LEASES.

*How applied for.*

40. Any miner desirous of obtaining a lease under the Act shall apply to the Registrar for the same, in the form contained in Schedule No. 4 hereto annexed, and subject to the following regulations:—

- (1.) The area applied for to work tin, silver, or antimony shall not exceed forty acres.
- (2.) The area applied for to work minerals, other than tin, silver, and antimony, shall not exceed one

hundred and sixty acres, except in the case of coal, the area for which shall in no case exceed six hundred and forty acres.

- (3.) The term shall not exceed twenty-one years.
- (4.) The rental shall be at the rate of Five shillings per acre, or for any part of an acre, payable yearly in advance, except in the case of a lease for coal mining, which shall be at the rate of Sixpence an acre per annum, and a royalty of Threepence per ton on the coal raised from the land during the first 10 years, and Sixpence per ton during the remainder of the term, subject to the reduction mentioned in Section 24 of the Act.
- (5.) The applicant shall, thirty days prior to his application being heard by the Registrar, post a notice, in the form of the Schedule No. 5 hereto annexed, on a conspicuous part of the ground applied for and at the Registrar's office, and advertise the same in any newspaper circulating in the District.
- (6.) Each application must be signed by the party or parties applying for the lease, or by accredited agents, and must be accompanied with a sketch plan defining the position of the land applied for.
- (7.) In mining districts, where a mining surveyor has been appointed by the Government, the applicant shall, within six months after such application is lodged, furnish to the Registrar a plan in duplicate and description showing the boundaries of the land as actually surveyed and marked, but, upon good cause being shown, the Registrar may recommend further necessary extensions of time. The plan and description of a mineral lease shall be executed in accordance with the general directions issued by the Minister.
- (8.) Where no mining surveyor has been appointed, a survey made by a licensed surveyor may be accepted; such survey must be lodged within nine months after application, otherwise such application shall be liable to be cancelled.
- (9.) In all cases where the land is so available the area applied for shall be rectangular, and its length shall not exceed twice its breadth; but when, owing to the positions of adjoining boundaries or natural features, a regular rectangular area is not available, any intervening or irregularly-shaped piece of land may be applied for, and a lease of such piece may be granted by the Minister.
- (10.) Each application must be accompanied with a deposit of the required rent, together with the survey fees prescribed by Schedule No. 33, which deposit of rent and survey fees shall be forfeited should the lease, when approved, not be taken out. In the event of the application being refused after survey, the deposit of rent only will be returned. If the application be withdrawn before survey, the survey fee only will be returned.
- (11.) The term of all mineral leases granted under these Regulations shall commence from the 1st of January preceding the date of application. All rents of mineral leases shall be calculated as from the 1st of January to the 31st December, and shall be paid to the Minister at the Land and Survey Office, Perth, or to his Agents at the various Resident Magistrate's Courts in the Colony, or to the Registrar of the Mining District, on or before the 1st of March in each year; and if the rent for any lease is not paid within thirty days from that date, the lease shall be absolutely forfeited. Leases applied for during the year will be

charged rent from the beginning of the quarter previous to the date of application.

- (12.) The rights and privileges conferred by a Mineral Lease, and the further conditions to which it is subject, are set forth in Parts V. and IX. of the Act.
- (13.) A Form of Lease is given in the Schedule No. 6 hereto annexed, but such form may be varied by the Minister as the circumstances of the case may require.

*Registrar to report.*

41. The Registrar shall report to the Minister on each application whether the lease should be granted or not. If any objection to the granting of the lease be made, the evidence taken at the hearing of the objection shall be forwarded, with the report, immediately after the case has been heard.

*To be worked half-handed pending decision.*

42. In all cases where no objections have been lodged against the issue of any lease within thirty days from the date of the application being lodged with the Registrar, the ground applied for shall be worked half-handed; but when intimation has been given that the lease has been granted, the ground shall within one month be effectually worked full-handed. On any failure to comply with the provisions of this clause, the Minister may, on the report of the Registrar, declare the application or lease, as the case may be, absolutely forfeited.

*Labor conditions.*

43. All ground held under a mineral lease shall be worked in accordance with Clause 55 of these Regulations by not less than one man for every five acres or fraction of five acres, unless exemption or partial exemption from work has been granted, but this clause shall only apply to Leases issued under the Land Regulations of 1887, from and after the first day of August, 1892.

*Returns to be furnished monthly.*

44. Every lessee of a mineral lease shall furnish the Registrar with a monthly statement of the working and proceeds of such mine; verified by statutory declaration and distinguishing the minerals raised and specifying such other particulars as the Registrar shall from time to time require; such return must be lodged with the Registrar not later than the 7th of each month. Any lessee neglecting to furnish this return shall be liable to a fine not exceeding £10.

*Exemption from work for one month.*

45. Any lessee or applicant for a lease may apply, in the form of Schedule No. 20, to the Registrar, after posting a notice on the ground and at the Registrar's office of his intention three working days before the hearing, to have his lease or application exempted or partially exempted from work for a period not exceeding one month; and provided no valid objection be lodged the Registrar may, upon good cause being shown, grant, in the form of Schedule No. 7, such exemption or partial exemption from work upon the receipt of the prescribed fee of One pound one shilling, and upon such conditions as to bailing or other requirements as he may deem necessary; and any failure on the part of the lessee to fulfil such conditions shall be deemed to be a forfeiture of such exemption.

*Exemption from work for six months.*

46. Any lessee or applicant for a lease may apply, in the form of Schedule No. 20, through the Registrar to the Minister, after posting a notice on the ground and at the Registrar's office, stating the grounds on which such application is made, one week before the hearing thereof by the Registrar, for exemption or partial exemption from work for a period not exceeding six months. If any objections be lodged against the granting of the exemption, the Registrar shall take evidence thereof in writing,

and shall, upon receipt of the prescribed fee of Three pounds three shillings, forward the evidence, together with his report recommending the Minister to grant, or grant on conditions as to bailing or other requirements, or refuse the exemption applied for, such report to be read in open court to the applicants and objectors, if any; and the Minister may grant through the Registrar, in the form of Schedule No. 8, the exemption upon such conditions as he may deem necessary. Any failure on the part of the lessee or applicant to comply with the conditions shall be deemed to be a forfeiture of such exemption. Any exemption obtained under this clause may, on good cause being shown, be renewed in the same manner for a like period by the Minister on payment to the Registrar of the prescribed fee of Three pounds three shillings. Provided that no payment of fee shall be required if it be proved to the satisfaction of the Minister that cessation from work is necessitated by want of water or other natural causes over which the lessee or applicant has no control.

*Transfer.*

47. Any lease or share therein, or any interest in an application for a lease, may be transferred in the form prescribed by Schedule No. 9, which must be deposited at the Registrar's office with the instrument of lease, if issued, and the prescribed fee of One pound for registration.

*Forfeiture of Leases.*

48. Each application for forfeiture of a lease shall be heard by the Registrar in open Court, and the evidence taken at the hearing, together with his report recommending the Minister to approve the forfeiture or otherwise (which report shall be read in open Court to the parties concerned), shall be forwarded to the Minister for his decision immediately after the hearing of the case.

*Miner giving notice of leasehold being liable to forfeiture to have preferent right.*

49. Any miner giving notice to the Registrar that a lease or ground held under application for lease is not being worked in accordance with these Regulations, and applying for the forfeiture thereof, shall, in the event of such lease or application being forfeited, have a preferent right for seven days after such forfeiture to take possession of the ground so forfeited, or any portion thereof, as a claim, or to apply for the same as a lease.

*Application Book.*

50. Every Registrar shall keep a register in which he shall enter all applications for mineral leases, in the consecutive order of their receipt, and the day and hour on which they were lodged, and such register shall be open to public inspection during office hours, as provided in clause 76 of these Regulations.

*Register of mineral leases.*

51. A book shall be kept at the Registrar's office in all mining districts where ground is held under lease, to be called a Register of Mineral Leases; in which book shall be entered the names of all lessees, the share each lessee holds, all transfers made, and all liens upon lessees' shares.

**PART VII.—LICENSES AND LEASES FOR COAL MINING.**

*Prospecting Licenses for Coal.*

52. Any miner desirous of obtaining a license to prospect Crown lands for Coal under the Act shall apply to the Registrar for the same, in the form of Schedule No. 10 hereto annexed. Each application must be signed by the party or parties applying for the license, or by his or their accredited agent, and must be accompanied with a sketch plan defining the position of the land applied for. Every Registrar shall keep a register, in which he shall enter all applications for prospecting licenses in the consecutive order of their receipt, and the day and hour on

which they were lodged, and such register shall be open to public inspection during office hours, as provided in clause 76 of these Regulations.

The privileges conferred by such license, and the conditions to which it is subject, are set forth in Part VI. of the Act.

*Leases for Coal Mining.*

53. The holder of a license to prospect for coal, or any other miner desirous of obtaining a lease for coal mining, shall apply to the Registrar in the manner prescribed by Clause 40 of these Regulations. The rights and privileges conferred by such lease, and the conditions to which it is subject, are set forth in Part VI. of the Act.

**PART VIII.—GENERAL AND MISCELLANEOUS.**

*Registration of Mining Tenements.*

54. All mining tenements for which registration is required must apply to the Registrar for registration of the same within ten working days from the date of their being entitled to such registration. Provided that non-registration within the prescribed time shall not be deemed a breach of these Regulations if cause be shown for such delay to the satisfaction of the Registrar. Nor shall any penalty be inflicted for the non-performance within the prescribed time of any act required by these Regulations to be done by the holder of any such claim or mining tenement, if such holder can prove that the non-performance, as aforesaid, was caused by any circumstance over which he had no control, or by the neglect or default of the Registrar.

*What considered a sufficient working.*

55. A mine shall be considered effectively worked when eight hours' *bonâ fide* work is performed thereon or in connection therewith by the complement of men required by these Regulations, on every working day except Saturday, when four hours' work is sufficient. In any case where machinery has been erected upon any lease or claim, and is kept constantly at work, the Registrar may in his discretion dispense with such portions of the labor conditions as to him may seem fit.

*Boundary posts and marks to be shown.*

56. All authorised holdings must be marked at each corner with a post four inches in diameter, fixed firmly in, and standing at least three feet above the ground; and the owners thereof shall point out the corner posts and boundary lines of any such authorised holdings to any person requiring to see the same; and no person shall remove, injure, or obliterate any boundary posts or marks of any authorised holdings or any posted notice relating thereto.

*False representation.*

57. Any person who shall by false representation or fraudulent concealment of facts obtain registration of any mining or other interest, or who shall by such means obtain a certificate of exemption from work or occupation of the same, shall be liable to forfeit his share of the property in respect of which such registration or certificate of exemption has been so obtained.

*Declaration of loss of mining license, certificate of registration, or transfer certificate.*

58. When any miner has lost his mining license, certificate of registration, or transfer certificate, he may make a declaration of such loss, in the form of Schedule No. 26 hereto annexed, before a Registrar or any other Justice of the Peace, and such declaration shall be received at the Registrar's office in lieu thereof for all the purposes required in making a transfer, on payment of the prescribed fee of Five shillings for filing the same.

*Transfers.*

59. The holder of any registered holding, other than a mineral lease, may transfer the same, or any part thereof, after posting a notice, in the form of Schedule No. 27 hereto annexed, of his intention so to do at the Registrar's office and on the registered holding aforesaid, for three working days; and upon production at the Registrar's office of his certificate of registration, transfer certificate (or declaration of loss thereof), and upon payment of the fee prescribed in Schedule No. 32 hereto annexed, the Registrar shall issue to the transferee a transfer certificate, in the form of Schedule No. 29 hereto annexed, provided no valid objection be lodged against the same; and the transferee shall be liable for all incumbrances, agreements, and conditions registered against the property so transferred.

*Liens.*

60. The holder of any authorised holding whatsoever, or share or interest therein, may give a lien upon the same as security for the due payment of any debt:—

*How effected.*

- (1.) Upon the production to the Registrar of the mining licenses of the lienor and lienee, and upon the execution by the lienor of a lien ticket duly attested, in the form of Schedule No. 30 hereto annexed, and on payment of the prescribed fee of five shillings, exclusive of stamp duty, if any, the Registrar shall register a lien on the claim, or other authorised holding or share, or interest therein, and shall then issue to the lienee a duplicate of the lien ticket; and every such lien registered as aforesaid shall be a specific charge upon such claim, or other authorised holding or share or interest therein, until the debt has been paid in full; and if more than one lien be effected on any claim, or other authorised holding or share or interest therein, such liens shall take precedence according to the date of their respective registrations.

*Cancellation of.*

- (2.) Provided that, upon the delivery to the Registrar by the lienor of a certificate duly signed by the lienee, and attested, that the debt or liability for which such lien was held has been fully discharged, the Registrar shall forthwith cancel such lien.

*Sale under.*

- (3.) In the event of such lienor failing to redeem such authorised holding, or share or interest therein, at the time appointed, the lienee may cause the same to be sold by auction, after having advertised his intention of so doing in a newspaper circulating in the District, and posted a copy of such advertisement on a conspicuous part of the claim, and at the Registrar's Office, not less than thirty days before the day of sale. And the lienee shall stand possessed of the proceeds of such sale, upon trust, to pay all costs consequent on such default, then to pay the debt secured by the lien, and to pay the balance, if any, to the lienor. The lienor shall be entitled to redeem at any time before sale, upon payment of the debt and expenses incurred.

*Purchaser shall be registered.*

- (4.) In case of any sale under the powers herein contained, the Registrar shall, upon production of the lien ticket, accompanied with a statutory declaration of default having been made of the money secured thereby, and the mining license of the purchaser, register such purchaser as the holder of such authorised holding, or share or interest therein, in lieu of the lienor.

*Lienee not a co-partner.*

- (5.) A lienee shall not, by virtue of the lien, be held to be a co-partner in any authorised holding, or any share therein in which he holds a lien.

*Agents to be appointed.*

61. Any person holding a share in any mining tenement or other authorised holding shall, in the event of being absent for a longer period than fourteen days from the mining district in which such share is held, appoint an agent, in the form of Schedule No. 31 hereto annexed, whose acts shall be held as those of the principal, and the name and address of such agent shall be registered at the Registrar's office. In the event of such registration not being so made, any notice, legal process, or document required by these Regulations to be served shall be deemed to have been sufficiently served upon such absent person, provided a copy of such notice, process, or document be posted for the period required at the Registrar's office, and on some conspicuous part of the mining tenement or other holding to which the same refers.

*Absentee shareholder's interest may be represented by hired miner.*

62. When a shareholder in a claim or lease absents himself from his work without being duly exempted by the Registrar or these Regulations, and fails to provide an efficient substitute, his partners may, if they think fit, hire a competent miner to fill his place; and such absent shareholder shall be responsible for any reasonable wages due to the person so employed, and in the event of non-payment of such wages the person so employed shall be deemed to have a lien on the share of the absentee in the claim or lease in which he has been employed to the amount of wages at the current rate due to him.

*Claim not to be forfeited through absence of hired men without due notice to owner.*

63. If any miner who is employed to represent a share in a mine neglects to represent such share, unknown to the owner thereof, the same shall not be forfeited unless it remain unrepresented for one week after notice of such absence or neglect has been served on the owner or his agent.

*Interest of a defaulting shareholder to be sold by auction.*

64. The non-payment by any shareholder in a claim or lease (when no deed of partnership exists) of calls made on him for the purpose of defraying the working expenses of such claim or lease shall entitle the other shareholders to a preferent lien upon the defaulting shareholder's interest in the claim or lease in which such expenses are owing until the calls are paid.

Whenever any calls remain unpaid upon any share in a claim or lease (when no deed of partnership exists) for a period of thirty days from the call being due, a majority, in number and interest, of the shareholders who have paid their calls may request the Registrar to inquire into the matter, and if he be satisfied that such sum is legally due on such share, he shall cause it to be sold by auction, of which sale due notice shall be given by advertisement in any local newspaper, and the proceeds shall be applied to the payment of all legal expenses incurred by the process and the calls due on such share; and the residue, if any, shall be paid to the late owner of the share, and the Registrar shall register such share without further process, in the name of the purchaser thereof.

*Mining plant not to be forfeited with claim or lease.*

65. The tools, appliances, and mining plant on or in connection with any forfeited claim or lease shall not be forfeited therewith: provided always, they are removed from the claim or lease within one month from the declaration of the forfeiture, or within such further reasonable time as the Registrar may direct.

Within three days after the declaration of the forfeiture of a share in a claim or lease, the Registrar shall assess and declare the value of the forfeiting shareholder's

interest in the tools, mining plant, and appliances used in or in connection with the said claim or lease, and within one week after the declaration of such forfeiture the incoming shareholder shall pay into the Registrar's court the full amount of such value for the use of the owner of such share; in default thereof, the share may be granted to any other miner applying for the same and paying into the Registrar's court the assessed value of the forfeiting shareholder's interest in the tools, &c.

*Unauthorised shafts, &c.*

66. No person shall sink any shaft, or disturb the surface of the ground, or erect works, or deposit earth or other material in any place so as to interfere with the supply of water used by the public, or so as to obstruct a public thoroughfare; and no person shall undermine any road in such a manner as to endanger the public safety.

*Compensation.*

67. Any authorised holding may be mined upon: provided the miners intending to mine thereon, before commencing work, compensate the owner thereof for any loss, damage, or injury to the improvements thereon that may be sustained by him in consequence thereof. The amount of such compensation shall be determined by the Registrar.

*Roads across claims, &c.*

68. When requisite for the efficient working of any claim, lease, or machine, the Registrar may authorise the making of a road over any authorised holding, within any mining district, in such manner and under such conditions as he may determine. Provided that compensation be paid by the person or persons benefited thereby for the removal of, or injury caused to, any improvements thereon.

*No injury permitted to claims or roads.*

69. No person shall cause or permit sludge, tailings, or water to accumulate in or flow from his authorised holding, so as to cause danger, injury, or obstruction to any public road, or any danger, inconvenience, or damage to any public or private interest.

*Bailing compulsory.*

70. The owners of any claim or lease in which water has accumulated to the injury of any adjoining claim or lease shall, on receipt of complaint to that effect from the party injured, or his agent, bail their claim or lease, or in some other manner effectually remedy the injury; or the party injured may at once lodge a complaint with the Registrar, who may order the owners of such claim or lease causing the injury to bail their claim or lease and keep it continuously free from any injurious accumulation of water whilst occupied by them. And the Registrar may assess and determine the amount of damage or injury suffered from such accumulation of water by any person complaining, and may order the owner of such claim or lease causing the damage or injury to pay the amount thereof.

*Drainage.*

71. When the owner of any claim or lease, by the erection and working of any appliance for drainage, can prove that a saving of labor is effected thereby in the working of adjoining claims or leases, the owners thereof shall be liable to pay in respect of such saving any reasonable sum of money, and at such times, as may be ordered by the Registrar. Provided that the Registrar may subsequently, on application being made by either party and a re-hearing of the case, cancel or vary such order so as to meet any altered circumstances.

*Shafts and holes near roads to be secured.*

72. Any miner having a shaft within twenty feet of a public road, in ordinary use, shall securely fence or log the same, and any miner abandoning any such shaft or hole shall first either fill up or securely fence or log the

same, or in some other way make it safe in a permanent manner; and no person shall throw down or remove therefrom any fence or timber, or other material placed for such purpose, or at any time wilfully injure or destroy any shaft, drive, or other workings in any mine so as to prevent or impede the further working of such mine or any adjacent ground.

*Liability to penalty for allowing work in insecure shafts, &c.*

73. Whenever the Registrar has reason to believe, or upon report being made to him, that the shaft or underground workings of any claim or lease are unsafe through insufficient timbering or any other cause, so that loss of life or bodily injury may be occasioned thereby, he shall cause an examination of such shaft or workings to be made by two competent miners, and upon their report the Registrar may order the owner of such claim or lease to do within a specified time whatever may be considered necessary to remove the cause of danger, and may prohibit any other work being done in such claim or lease until the same is made safe as ordered.

*Accidents to be reported.*

74. In the case of any accident in a mine, whereby loss of life or serious bodily injury has been occasioned, the mining manager or person in charge of the mine, or one of the shareholders, shall immediately report at the Registrar's office the nature of the accident, and the Registrar shall cause an inspection to be made of the mine where the accident occurred by two competent persons, and proceed to hold an inquiry into the nature and cause of the accident, and shall forward a copy of the evidence taken at such inquiry, with his report thereon, to the Minister, any expenses incurred in holding such inquiry shall be borne by the owner of the mine.

*Props or timber not to be removed or ventilation obstructed without consent.*

75. The owner of any claim or lease shall not remove any props or timber therein, the removal of which may endanger the workings of any other claims or leases; and whenever the underground workings of two or more claims or leases, or of a claim and lease, communicate with each other, so as to afford the means of ventilation, such ventilation shall not be obstructed by the owner of any claim or lease without the consent of the owner of any claim or lease affected thereby.

*Examination of registers by owners and others.*

76. Any registered shareholder of a claim or other authorised holding may, upon application at the Registrar's office, examine the register, so far as it relates thereto. Any other person may examine the registers at the Registrar's office, of any claims or other holdings, upon payment of the prescribed fee of Two shillings and sixpence.

*In absence of Registrar he may appoint a Deputy to grant and register claims, exemptions, &c.*

77. In the absence of the Registrar from any mining district, he may appoint a Deputy temporarily to grant and register areas, claims, or shares therein, business and residence areas, exemptions from work or occupation, in the same manner as the Registrar.

*Penalties for breach of Regulations.*

78. Any person committing a breach of these Regulations, or disobeying a lawful order of the Registrar or Registrar's court, shall for every such offence for which a penalty is not otherwise specially provided by the Act or these Regulations, be liable to a penalty not exceeding Ten pounds, and in default of payment may be imprisoned by order of the Registrar for any period not exceeding one month.



apparatus, tools, waggons, carts, carriages, engines, plant, and all other goods, chattels, and effects whatsoever in, upon, and about the said land and premises; and every distress thus made may take away, sell, and dispose of as in cases of distress for rent reserved in common leases, and out of the moneys arising thereby retain so much as shall be sufficient to satisfy the said arrears, and which shall at the time of such sale be unpaid, and all expenses incurred by him or them in or in respect of such seizure, distraint, removal, and sale; and if there be any surplus, such officer shall pay the same to the lessee, executors, administrators, or transferees, and the acceptance or receipt of rent or royalty by the Minister after breach of any covenant hereinafter contained shall not be, or be deemed to be, a waiver of the right of Her Majesty, or the Minister or other officer on behalf of Her Majesty, to enforce the observance of such covenant. And if the lessee, executors, administrators, or transferees shall mine for or win from the said land, mine, and premises any gold, other than gold in association or combination, with or any mineral, other than without the express sanction first had and obtained of the Minister, the Governor, with the advice of the Executive Council, may declare these presents void, and thereupon all the right, title, and interest of the lessee, executors, administrators, and transferees under these presents shall cease and determine both at law and in equity, but no such declaration shall relieve the lessee, executors, administrators, or transferees from liability to the penalty mentioned in Sec. 35 of the said Act, and the lessee do hereby for heirs, executors, administrators and transferees, covenant with the Minister in manner following, that is to say—

1. That the lessee, executors, administrators, and transferees, shall and will during the said term pay unto the Minister or his agents on behalf of Her Majesty, her heirs and successors, the rent and royalty hereby reserved, at the times and places appointed for payment thereof, clear of all deductions.

2. And shall and will upon and during all lawful working days, except when prevented by inevitable accident or during the execution of repairs, make, construct, and work the said land, mine, and premises in the best and most effectual manner, and to the best advantage, without interruption, except as authorised by the said Regulations, and shall and will diligently explore and search for in, on, and under the said land, mine, and premises.

3. And, also, shall during the said term employ, and keep employed, not less than one man for every five acres of the land demised, in working upon the said land and in searching for or raising according to the said Regulations.

4. And also will observe and conform to and hold the said mine, land, and premises according and subject to the provisions of "The Mineral Lands Act, 1892," and the Regulations made thereunder and now in force.

5. And shall and will during the said term effectually drain the said mine, and pump all water likely to cause injury thereto, or which would prevent or interfere with the working thereof; and if the said mine shall be affected, or be liable to be affected, by the same flow or body of water as any other mine or mines contiguous thereto, shall and will, if and whenever requested so to do, contribute with the lessee or lessees, or owner or owners, of such other mines a reasonable proportion of the machinery and labor necessary to free and keep such mine or mines free from water to a workable extent; or if the said mine shall be kept free from water to a workable extent, either wholly or partially by means of the machinery and labor of a contiguous mine or mines, or by reason of any works constructed or money expended by the lessee or lessees, owner or owners, of such contiguous mine or mines—then shall and will pay to such lessee or lessees, owner or owners, as aforesaid, a reasonable portion of the cost of such machinery, labor, or works, or a reasonable proportion of the money so expended; and the Minister may, if and whenever he may think fit, depute some efficient person, who shall have access to and inspection of all such mines, to determine when the said mine is so freed or kept wholly or partially free from water, and what are the reasonable proportions of such expenses as aforesaid, and to whom and when the same are to be paid—such decision to be final and conclusive on all parties.

6. And shall and will make such provision for the disposal of the detritus, dirt, waste, or refuse of the said mine that the same shall not be an inconvenience, nuisance or obstruction to any roadway, river, creek, or private or Crown lands, or shall not in any manner occasion any public or private damage or inconvenience.

7. And shall and will, as often as required so to do during the term, make and deliver to the Minister, or any officer appointed or instructed to collect, obtain or receive the same, all such true and proper plans and sections, returns, and statistics of the workings and operations of the said mine, made up to the last day of the preceding month (the truth and accuracy of which shall be verified by the statutory declaration of the lessee for the time being, or the manager or other officer having the charge, control, and direction of the works of the said mine) as the Minister shall from time to time direct. And shall and will,

whenever required by the Minister so to do, deliver to any officer appointed or instructed as aforesaid samples of the minerals, metals, and ores, or any of them, found in or upon such mine and land.

8. And shall and will permit any Registrar, Mining Surveyor, or other person duly authorised in that behalf, with all proper and necessary assistants, at all reasonable times during the said term, quietly to enter into and upon the said land, mine, and premises, to survey and examine the state and condition thereof; and for the purposes aforesaid to descend all pits and shafts, and to enter into and to use all adits, levels, galleries, drives, and excavations, and to use all roads, ways, engines, ropes, machinery, gear, appliances, materials, labor, and other things in or on the said land and mine, which shall be by him deemed necessary, without making any compensation for the same, so nevertheless that in so doing no unnecessary interference is caused with the carrying on of the said mining works.

9. And further shall and will at all times during the said term keep and preserve the said mine and premises from all avoidable injury or damage, and also the levels, drifts, shafts, water courses, roads, ways, works, erections, and fixtures therein and thereon in good repair and condition, except such of the matters and things last aforesaid as shall from time to time be considered by a Mining Surveyor or other proper officer authorised by the Minister to inspect and report upon such matters and things to be unnecessary for the proper working of the said mine or any contiguous mine, and in such state and condition shall and will, at the end or sooner determination of the said term, deliver peaceable possession thereof, and of all and singular the premises hereby demised, to Her Majesty, her heirs and successors, or to the Registrar or other officer authorised to receive possession thereof. Nevertheless the Minister may if he thinks fit permit the lessee, executors, administrators, and transferees, within six months after possession shall have been received as aforesaid, to enter upon the said land and remove therefrom such machinery, plant, and apparatus, as shall have been erected and fixed upon such land, and such earth rock, ore, mineral, or metal as shall have been won from and raised to the surface of such mine.

10. And shall not nor will use or occupy or permit to be used or occupied the said land or any part thereof for other than mining purposes or for pasturage or as sites for dwellings or garden ground for the persons employed in, on, or about the said mine.

11. And shall not nor will mine in or upon the said mine, land, and premises for any mineral, metal or ore other than without the express sanction of the Minister.

12. And shall not nor will close up any adit or adits to or from any contiguous mine or mines whereby fresh air is admitted or ventilation promoted.

13. And shall not nor will plead acceptance of rent or royalty, as a waiver of the right of Her Majesty, or the Minister or other officer on behalf of Her Majesty, to enforce observance of the covenants, conditions, stipulations, and provisos herein contained, or of the right of the Governor, with the advice of the Executive Council, to declare these presents void for breach of any such covenant, condition, stipulation, or proviso: Provided always, and it is hereby agreed and declared in manner following:—

14. That it shall be lawful for the holder of any pastoral lease of Crown lands or of any portion of any such lease within which the land hereby demised may have been comprised, to have free access at all times to any surface water, or any water which may have by artificial means been procured, and to which he is entitled with or without cattle, horses, sheep, and other live stock, and to use and enjoy such water for the purpose of consumption by such cattle, horses, sheep, and live stock, and generally for his own benefit, use, and advantage as he shall think proper, provided always that such access, use, and enjoyment shall not interfere with the proper and efficient working of the mine, and may be determined by the Mining Registrar of the district by written notice to the person entitled to such access, use, and enjoyment on the application of the lessees, his heirs, executors, administrators, or transferees.

15. That it shall be lawful for Her Majesty, her heirs, successors, and assigns to make and use in, on, or under the said land any levels, drifts, leads, shafts, water-courses, adits, roads, ways and passages for freeing and keeping free any other lands or mines from water, or for conveying water to any other lands or mines for mining purposes, or for supplying any other mines with fresh air, or for effectually working any other mines, or for any public purpose whatsoever, causing as little damage, obstruction, or interference as possible to or with the said mine and the works thereof. And if at any time during the term hereby created any part or parts of the land hereby demised, or any part or parts of the surface thereof, shall be required for the purpose of any township, village, railway, road, canal, water-course, reservoir or for any other public purpose, it shall be lawful for the Governor for the time being, with the advice of the Executive Council, on giving three months' notice of his intention so to do, to cause to be set out the part or parts of the said land, or of the surface thereof which shall be so required, and as soon as the same shall be so set out such part or parts of the said land or of

the surface thereof shall cease to be included in the land hereby demised, and the lessee executors, administrators, or transferees shall not be entitled to any abatement of rent or any compensation whatever in respect thereof.

16. And lastly, that if the lessee executors, administrators, or transferees shall at any time during the said term fail to use such land *bona fide* for the purpose for which it has been demised; or if, and whenever the said rent or any royalty shall be in arrear for 30 days after the time appointed for payment thereof, whether the same shall have been legally demanded or not, or if and whenever there shall be a breach of or non-compliance with the covenants, conditions, stipulations, and provisos herein contained, or any of them, or of the provisions of "The Mineral Lands Act 1892," or of the Regulations made thereunder, by the lessee executors, administrators, or transferees, the Governor, with the advice of the Executive Council, who alone and finally shall judge and determine the matter upon the evidence and reports submitted by the Minister, may declare these presents void, and upon publication in the *Government Gazette* of notice of such declaration, all the right, title, and interest of the lessee executors, administrators, and transferees, under these presents shall cease and determine both at law and in equity, and the production of a copy of the *Government Gazette* containing such notice purporting to be signed by the Minister declaring the lease void shall be conclusive evidence in all Courts whatsoever in the Colony of Western Australia of a breach of or non-compliance with the covenants, conditions, stipulations and provisos herein contained or of the provisions of the said Act or Regulations sufficient to authorise and sustain such declaration having been lawfully made, and that the interest created hereunder has been lawfully determined, and thereupon it shall be lawful for Her Majesty, her heirs and successors, or her or their agents or officers, or for any bailiff or other person duly authorised thereto, or for any holder of a mining license who has the permission of the Minister, without any previous demand whatsoever, to enter forthwith into and upon the said land and premises hereby granted, and the same to repossess and enjoy, on behalf of Her Majesty, her heirs and successors, as fully and effectually to all intents and purposes as if these premises had not been made, and the lessee executors, administrators, and transferees, to expel and remove, without any legal process, and as effectually as the Sheriff might do in case judgment in ejectment had been obtained and a writ of *habere facias possessionem* had been issued on such judgment, and in case of such entry and any legal proceeding taken in respect thereof, the defendant or defendants in any such proceeding may plead leave and license in bar thereof, and these presents shall be conclusive evidence of such leave and license by the lessee executors, administrators, and transferees, or other the person or persons, plaintiff or plaintiffs, in such proceedings, for such entry or other matters complained of in such proceedings.

In witness whereof the said parties to these presents have heretunto set their hands and seals the day and year first above written.

Signed, sealed, and delivered by the }  
Minister in the presence of }  
  
Signed, sealed, and delivered by the }  
above-named in the }  
presence of }

Schedule No. 7.

*Certificate of Registration of Exemption from Work for one month.*

No. Fee, One Pound One Shilling.

This is to certify that I, Registrar, at have this day of 18, granted one month's exemption from work (subject to the under-mentioned conditions) to the\* Mining Lease No. in the Mining District, in terms of clause 14 of the Regulations issued under the provisions of "The Mineral Lands Act of 1892," and that I have received the sum of one pound and one shilling, being the fee for the registration for such exemption.

Registrar.  
Mining District.

*Conditions above referred to.*

\* Lessee of, or applicant for, as the case may be.

Schedule No. 8.

*Certificate of Registration of Exemption from Work for months.*  
No.

Fee, Three Pounds Three Shillings.

The\* Mineral Lease No. in the Mining District, having on the day of 18, paid to me the sum of three pounds and three shillings, and made application for months' exemption from work of the said †, under the provisions of Clause 20 of the Regulations issued under the provisions of "The Mineral Lands Act of 1892."

This is to certify that the above-mentioned application was granted by the Minister on the day of 18, for the period of months, in terms of the Regulations issued under the provisions of "The Mineral Lands Act of 1892," subject to the conditions specified hereunder.

day of 18 Registrar.  
Mining District.  
*Conditions above referred to.*  
Registrar.  
Mining District.

NOTE.—This Certificate is not to be issued until the above application has received Ministerial approval.

\* Lessee of, or applicant for, as the case may be.  
† Application or Lease, as the case may be.

Schedule No. 9.

*Transfer of Mineral Lease or share therein.*

No.

Know all men by these presents that\* mineral lease No., known as in the Mining District, commencing at , and containing acres roods perches, do hereby transfer and assign all right, title, and interest in the said lease to ; and hereby request that this transfer may be registered at the office of the Minister, and at the office of the Registrar for the Mining District accordingly.

In witness whereof have hereto set hand and seal this day of 18 (Signature of Transferrer).

Signed, sealed, and delivered by the said in my presence.

*Mining Licenses.*

Transferrer No. date  
Transferee No. date  
Received this transfer at o'clock on the day of 18, with fee of £1.

Registrar.  
Mining District.

\* Proprietor of, or applicant for, as the case may be.

Schedule No. 10.

*Application for License to prospect Crown Lands for Coal.*

No.

In accordance with the provisions of "The Mineral Lands Act of 1892," I do hereby apply for a license to occupy for one year the Crown lands described in the annexed schedule, and I herewith tender the sum of sixpence for each acre comprised within the area.

Given under my hand this day of 18  
Signature

Received this application at o'clock on the day of 18, from the sum of pounds shillings and pence, being the amount of occupation fee chargeable on the above application.

Registrar.  
Mining District.

*Schedule to application for license.*

Name in full and Address of Applicant.	District or Locality.	Area.

Plan or Description :

Schedule No. 11.

WESTERN AUSTRALIA.

License to occupy Crown Lands to prospect for Coal.

No.
District of
Locality:
Area:

In accordance with the provisions of "The Mineral Lands Act of 1892," I, the Minister of the Crown appointed by the Governor to administer the said Act, do hereby authorise of to occupy for the purpose of prospecting for Coal, for the term of one year from the date hereof, the land known as , and which land is more particularly described in the schedule hereto annexed, such occupation to be subject to the conditions prescribed in the aforesaid Act, and the Regulations framed under the said Act.

Given under my hand this day of , 18 , Minister.

Schedule to license to occupy Crown Lands.

Description or Plan:

Schedule No. 12.

Application for a Claim, Area, &c.

No.

I, the undersigned, hereby give notice to the Registrar for the Mining District that I did, on the day of at the hour of o'clock .m., mark off a piece of ground situated or thereabouts; and I hereby make application to the said Registrar, and request the said Registrar to grant me registration thereof as a

Dated at this day of 18 . (Signature.)

Mining License.

No. Date.

Name in full. Address. Received this application at o'clock on the day of , 18 , with fee of Five shillings. Registrar. Mining District.

Schedule No. 13.

WESTERN AUSTRALIA.

Certificate of Application.

No.

This is to certify that the undermentioned person did this day of , at the hour of o'clock .m., make application for a piece of ground measuring situated at to be held under the provisions of clause of the Regulations as a , and should no valid objection be lodged on or before the day of the said person will be granted registration for the said ground, to be held as a

Given under my hand, at this day of 18 . Name Registrar. Address Mining District.

Mining License No. date

NOTE.—This form is to be posted on the ground applied for, and at the Registrar's office.

Schedule No. 14.

WESTERN AUSTRALIA.

Certificate of Registration.

No. Fee This is to certify that I have this day registered of as the holder of subject to Dated at this day of 18 . Registrar. Mining District.

NOTE.—This certificate is to be issued to each shareholder, and must specify the interest or share held, and must be produced at the Registrar's office when a transfer of the interest is required.

Schedule No. 15.

Form of Objection.

I, the undersigned, do hereby give notice that I object to the registration of for the following reasons:— And I hereby require the Registrar to withhold the registration of the said pending the hearing of any objection by the said Registrar.

(Signature.) Received at the Registrar's office, this day of 18 , at the hour of .m. Registrar. Mining District.

Schedule No. 16.

Notice of Application for a Claim or Share liable to Forfeiture.

No. I, , of , do hereby make application to the Registrar of the Mining District, to be registered for share in the claim known as the said share being abandoned by who is now the registered holder thereof.

Dated at this day of 18 . Name in full (Signature.) Address

Mining License.

No. : Date: Received this application at o'clock on the day of 18 , with fee of five shillings. Registrar. Mining District.

I hereby give notice that, in pursuance of the above application, I intend to register as the first applicant for the share alleged to have been abandoned by . Provided that no valid objection be lodged with me within one week from the posting and due service of this notice.

Registrar. Mining District.

NOTE.—This notice must be posted for one week on the claim, and at the Registrar's Office, and served on the registered holder and the lienee, if any.

Schedule No. 17.

WESTERN AUSTRALIA.

Certificate of Registration of Stack of Earth.

Fee, Five Shillings.

No.

Under the provisions of the Mineral Land Regulations I have this day registered as the property of the stack of on the claim known as situated at , and provided the conditions of the said Regulations are complied with, no person shall remove the said , or any part thereof, for a period of months from the date hereof, without the permission in writing of the said

Dated at this day of 18 . Registrar. Mining District.

NOTE.—This certificate must be kept posted on the stack.

Schedule No. 18.

Application for Union of Claims.

No.

We, the undersigned, being the registered holders of not less than two-thirds of the interests in the claims numbered respectively , and situated , hereby request the Registrar of the Mining District, to unite the claims aforesaid as one claim, under the style of

Dated this day of 18 . Signatures {

Mining Licenses.

Table with 4 columns: Name of holder, No., Date, Share in united Claim.

Received this application at o'clock , on the day of 18 , with fee of Five shillings. Registrar. Mining District.

**Schedule No. 19.**

WESTERN AUSTRALIA.  
*Certificate of Union.*

No.

This is to certify that I have this \_\_\_\_\_ day of \_\_\_\_\_ at the hour of \_\_\_\_\_ o'clock, .m., united as one claim, under the style of \_\_\_\_\_ the undermentioned claims, that is to say :—

Names of Shareholders.	Share in united Claim.

Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_  
Registrar.  
Mining District.

**Schedule No. 20.**

*Application for Exemption from Work, &c.*

No.

I, the undersigned, shareholder in the \_\_\_\_\_ do hereby give notice that, after the expiration of \_\_\_\_\_ from this date, we intend to apply for exemption from \_\_\_\_\_ \* of the above \_\_\_\_\_ for the period of \_\_\_\_\_ calendar months on the grounds following, viz. :—

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_ (Signature.)

Objections against the above application must be lodged at the Registrar's office on or before the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_

Received this application at \_\_\_\_\_ o'clock \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_, with fee of \_\_\_\_\_  
Registrar.  
Mining District.

NOTE.—This application must be posted for one week on the ground and at the Registrar's office.

\* Work, occupation, or use, as the case may be.

**Schedule No. 21.**

WESTERN AUSTRALIA.  
*Certificate of Protection Registration.*

No.

Notice is hereby given, that I have this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock .m., registered the \_\_\_\_\_, and known as \_\_\_\_\_ numbered \_\_\_\_\_, situated at \_\_\_\_\_, and provided the reasons or causes assigned for holding the said \_\_\_\_\_ in reserve and \_\_\_\_\_ \* be good and sufficient, the owners of the said \_\_\_\_\_ are hereby protected for a period of \_\_\_\_\_ from the date hereof from fine or forfeiture for non-performance of †  
Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_

Registrar.  
Mining District.

\* Unworked, unoccupied, or unused, as the case may be.  
† Work, occupation, or use, as the case may be.

**Schedule No. 22.**

*Notice and Application for Water-right.*

No.

I, the undersigned, hereby give notice that it is my intention to take and divert \_\_\_\_\_ sluice-heads of water, and to cut a race for the purpose of leading such water to and to construct a \_\_\_\_\_ at \_\_\_\_\_ for the purpose of storing such water. The length of the race aforesaid will be \_\_\_\_\_ or thereabouts; and it is my intention to make application on the \_\_\_\_\_ day of \_\_\_\_\_ to the Registrar for the \_\_\_\_\_ Mining District, for registration of the water-right aforesaid.  
Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_

(Signature)

*Mining License.*

No: \_\_\_\_\_ Date: \_\_\_\_\_

Received this application at \_\_\_\_\_ o'clock on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_  
Registrar.

Copy of this notice must be posted for one week at the Registrar's Office, at the source from which the water is to be obtained, at the proposed termination of the race, and on the site of any proposed dam or reservoir.

**Schedule No. 23.**

WESTERN AUSTRALIA.  
*Certificate of Registration of Water-right.*

No.

This is to certify that the undermentioned person did, on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock, .m., notify to me his intention to take and divert \_\_\_\_\_ sluice-heads of water from \_\_\_\_\_, and to construct \_\_\_\_\_ at \_\_\_\_\_ for the purpose of storing such water, and did at the same time produce to me the undermentioned mining license, and having received no notice or objection thereto, I have this day registered the same as a Water Right.

Given under my hand at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_

Registrar.  
Mining District.

Name  
Address

*Mining License.*

No: \_\_\_\_\_ Date: \_\_\_\_\_

**Schedule No. 24.**

*Application for a Well, Dam, or Reservoir Site.*

No.

I, the undersigned, do hereby give notice that it is my intention to construct a Well, Dam, or Reservoir, at \_\_\_\_\_ and to cut a drain (or drains) from \_\_\_\_\_ the capacity of the proposed Well, Dam, or Reservoir will be \_\_\_\_\_ gallons; and it is my intention to make application on the \_\_\_\_\_ day of \_\_\_\_\_ to the Registrar of the \_\_\_\_\_ Mining District for registration of the said site, under Clause 35 of the Regulations under "The Mineral Lands Act, 1892."

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_ (Signature)

*Mining License.*

No: \_\_\_\_\_ Date: \_\_\_\_\_

Received this application at \_\_\_\_\_ o'clock on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_  
Registrar.  
Mining District.

Copy of this notice must be posted at the Registrar's Office and on the site of the proposed Well, Dam, or Reservoir, for seven clear days.

**Schedule No. 25.**

WESTERN AUSTRALIA.  
*Certificate of Registration of Well, Dam, or Reservoir Site.*

No.

This is to certify that the undermentioned person did, on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_, at the hour of \_\_\_\_\_ m., notify to me his intention to construct a (Well, Dam, or Reservoir), at \_\_\_\_\_, for the purpose of storing water, and did at the same time produce to me the undermentioned mining license, and having received no notice or objection thereto, I have this day registered the same as a Well, Dam, or Reservoir site, under Clause 35 of the Regulations under "The Mineral Lands Act, 1892."

Given under my hand at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_

Registrar.  
Mining District.

Name  
Address

*Mining License.*

No: \_\_\_\_\_ Date: \_\_\_\_\_

**Schedule No. 26.**

*Form of Declaration in lieu of Certificate.*

No. \_\_\_\_\_ Fee, Five shillings.  
I, \_\_\_\_\_ of \_\_\_\_\_, in the Colony of Western Australia, do solemnly and sincerely declare that I have lost my \_\_\_\_\_ No. \_\_\_\_\_, by virtue of which I hold \_\_\_\_\_ and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Ordinance made and passed in the eighteenth year of the reign of Her present Majesty, No. 12 intituled, "An Ordinance for the abolition of unnecessary oaths, and to substitute Declarations in lieu thereof."

I request that for the purposes of transfer of the said \_\_\_\_\_ this declaration may be received in lieu of the said lost \_\_\_\_\_

(Signature)

Declared before me at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_

Registrar (or J.P.)



No. 5020.—C.S.O.

“The Electoral Act, 1889.”

*Colonial Secretary's Office,  
Perth, 2nd July, 1892.*

HIS Excellency the Administrator, with the advice of the Executive Council, has been pleased to appoint the following persons “Special Magistrates” to be Courts of Revision under the provisions of “The Electoral Act, 1889,” for the purpose of settling the Registers of Voters in the several Districts, as follows:—

District.	Revision Court.	Where held.
Fremantle ... ..	L. W. Clifton ... ..	Court House, Fremantle
North Fremantle ... ..	Do. ... ..	Do.
South Fremantle ... ..	Do. ... ..	Do.
Greenough ... ..	Hon. Thos. Burges ... ..	Court House, Greenough

And the following persons to constitute the Revision Court for the Electoral District of Williams:—

District.	Revision Court.	Where held.
Williams ... ..	{ Charles Hamersley ... .. A. W. Piesse ... .. }	Court House, Williams

Also, the following persons to be “Electoral Registrars” for the Electoral Districts opposite their respective names:—

District.	Name.
Moore ... ..	Hugh Francisco
Beverley ... ..	William John Huggins
Greenough ... ..	James Watson

GEORGE SHENTON,  
Colonial Secretary.