

Supplement to Government Gazette

OF WESTERN AUSTRALIA,

OF THURSDAY, 6TH OCTOBER, 1892.

WESTERN AUSTRALIA.

Regulations for the Management of Goldfields.

*Department of Lands and Surveys,
Perth, 4th October, 1892.*

HIS Excellency the Governor in Executive Council has been pleased to make the following Regulations under the provisions of "The Goldfields Act, 1886," to come into force on the 1st day of November next.

W. E. MARMION,
Commissioner of Crown Lands.

REGULATIONS UNDER "THE GOLD-FIELDS ACT, 1886."

PART I.—PRELIMINARY.

Repeal of former Regulations.

1. All regulations heretofore made under "The Goldfields Act, 1886," and "The Goldfields Act Amendment Act, 1888," are hereby repealed, provided that such repeal shall not affect the validity of any act done or document issued under such regulations.

Interpretation.

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

"Miner," "Miners."—Any person being the holder of a miner's right or any number of persons each being the holder of a miner's right. 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.

"Minister."—The responsible Minister of the Crown for the time being appointed by the Governor to administer the Goldfields Act.

"The Act."—"The Goldfields Act, 1886," together with any Act or Acts amending the same.

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 Goldfields Act, 1886."

Regulations to apply to Goldfields.

3. These Regulations shall apply to all Goldfields under the Act, and, as far as applicable, to all other Crown Lands known or presumed to be auriferous.

Minister has power of a Warden.

4. With respect to Crown Lands not within a Goldfield, but known or presumed to be auriferous, the Minister or his agent duly authorised in that behalf shall have all the powers of a Warden of a Goldfield, so far as necessary or applicable.

PART II.—MINERS' RIGHTS AND BUSINESS LICENSES.

Miners' Rights.

5. A Miner's Right in the form of Schedule No. 1 hereto annexed, to be in force for a period not exceeding ten years, will be issued to any person not being an Asiatic or African alien, upon application to the Minister, or his agent, or a Warden, on payment of the prescribed fee of One pound per annum, and any person desiring to prospect or mine for gold must first obtain such a Right. The rights and privileges conferred by a Miner's Right are set forth in Section 9 of the Act.

(1.) A Miner's right issued by the Minister or by any authority other than the Warden shall have no force or effect within a proclaimed Goldfield until endorsed and renumbered by the Warden, which shall be done free of charge upon application by the holder.

(2.) A Miner's Right issued by the Minister, Wardens of Goldfields, or any other authority, shall have full force and effect over any Crown Lands outside of a proclaimed Goldfield.

One Miner's Right sufficient.

6. A miner may himself or by his agent take up and hold any number of claims, or shares in claims, provided such claims or shares in claims are worked by miners in accordance with these regulations, and every person working in or in connection with a mine must be the holder of a Miner's Right.

Consolidated Miner's Right.

7. A consolidated Miner's Right in the form of Schedule No. 2 hereto annexed, to be in force for a period not exceeding ten years, will be issued upon the application of the Manager, or any Trustee or Trustees of any Company or co-operative body of persons who shall have agreed to work in co-ownership or co-partnership, as provided in Sections 7 and 8 of the Act, on payment of a sum at the rate mentioned in Clause 5 of these regulations multiplied by the number of Miners' Rights which the Consolidated Miner's Right is to represent.

Business Licenses.

8. A Business License in the form of Schedule No. 3, hereto annexed, to be in force for a period not exceeding ten years, will be issued to any person not being an Asiatic or African alien, upon application to the Warden, and upon payment of the prescribed fee of four pounds per annum. The rights and privileges conferred by a Business License is set forth in Section 18 of the Act.

Residence and Business Area.

9. 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 Goldfield with the consent of the Warden as to locality—

(a.) By the holder of a Miner's Right for the purpose of residence.

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

Every such area must be registered in the manner prescribed in Clauses 15 and 74 of these regulations, and the prescribed fee of ten shillings paid for registration. 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,

as provided in Clause 10 of these regulations. The form of application is prescribed in Schedule No. 4 hereto annexed.

Residence and Business areas may be registered as exempt from occupation.

10. The holder of any residence or business area upon which there are substantial improvements of the value of not less than Five pounds may, upon application to the Warden, in the form of Schedule No. 8 hereto annexed, and upon 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. Such registration may be renewed upon payment of a like fee.

PART III.—PROTECTION AREAS.

Size of protection area.

11. A miner desirous of prospecting may mark off and hold a protection area of the following dimensions, viz. :—

Beyond the limits of a proclaimed goldfield, 400 yards by 400 yards.

Within the limits of a proclaimed goldfield and more than three miles from the nearest gold workings, 300 yards by 300 yards; not more than three miles, and more than one mile from such workings, 200 yards by 200 yards; not more than one mile, and more than 400 yards, 150 yards by 150 yards.

The foregoing part of this clause refers to prospecting for alluvial of any kind or quartz reefs, but a miner searching for a new reef at any distance not more than 400 yards from any reef being worked may mark off and hold a protection area of 150 yards by 150 yards.

Provided that there shall in no case be granted more than one protection area on one and the same line of reef.

Must be marked and registered.

12. All protection areas must be marked at each corner with a post standing three feet above ground, and four inches in diameter, such posts to be kept uncovered and set in L trenches three feet long and six inches deep along each boundary line, and such marking shall be deemed a sufficient title for thirty clear days, subject to the labor conditions; after which all protection areas within the limits of a proclaimed goldfield must be registered in the manner prescribed in Clauses 15 and 74 of these regulations, and the prescribed fee of ten shillings paid for such registration, the form of application is prescribed in Schedule No. 4, hereto annexed. A notice shall be posted on some conspicuous part of the area with the names of the holders, the numbers, and dates of their miners' rights, the date on which the area was marked, and the date of registration thereof.

Labor conditions.

13. Every protection area and share therein must be worked continuously in accordance with Clause 76 of these regulations every ordinary working day after seven clear working days after marking, with at least half the number of miners whose names appear on the notice as the holders of the area or share therein. Any area or share not so worked shall be liable to forfeiture. Any work other than *bonâ fide* prospecting shall render such protection area or share therein liable to forfeiture.

Prospector must report finding gold.

14. Within seven clear days after the finding of gold in apparently payable quantities within any protection area, the holder shall report the said finding at the Warden's office under pain of forfeiture of such area. The Warden shall then proceed to the ground, and if sufficient gold has been found to warrant it, he shall allot the prospectors a reward claim in addition to the number of ordinary claims to which they would otherwise be entitled.

PART IV.—CLAIMS.

Mode of taking up a claim.

15. A miner may take up and work any unoccupied Crown Land 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 along each boundary line, such posts to be kept at all times uncovered. Provided that when registration is required such miner shall, within ten days after such marking, make application, in the form of Schedule No. 4 hereto annexed, to the Warden. The Warden shall thereupon deliver to the applicant a certificate in the form of Schedule No. 5 hereto annexed, who shall cause it to be posted on some conspicuous part of the ground applied for, and a copy thereof at the Warden's office, for a period of six clear working days. If no objection be lodged against such application within such period, the applicant shall, on payment of the prescribed fee of ten shillings, be entitled to be registered for the claim by the Warden and to receive a certificate of registration in the form of Schedule No. 7 hereto annexed; should, however, any objection be lodged within the time specified, the Warden shall defer registration until the matter has been heard and determined, and thereafter be guided by the evidence submitted to him or by the order of the Warden's Court.

ALLUVIAL CLAIMS.

Ordinary alluvial claims.

16. Ordinary alluvial claims shall be—

For one miner 50 feet by 50 feet

And so on for any number of miners up to ten men's ground. Provided that the claim of each party shall be a rectangular block no side of which shall be less than fifty feet.

Wet alluvial claims.

17. In wet ground, when water other than surface water exists, and necessitates slabbing throughout, or in rocky ground requiring blasting for thirty feet in the sinking of the shaft, the size of claim shall be as follows:—

For one miner 50 feet by 100 feet

And so on in the same proportion for any number of miners up to ten men's ground. Provided that no one side of the claim of more than one miner shall be less than 100 feet. All claims taken up under this clause must be registered in the manner prescribed in Clauses 15 and 74 of these regulations.

Reward claims.

18. The size of reward claims which shall be given for the discovery of payable gold in any creek, river, or ordinary alluvial ground shall be in proportion to the distance from the nearest occupied gold workings of the same description, and as follows:—

If distant over 400 yards ...	Two claims of one man's ground.
„ one-half mile ...	Three ditto.
„ one mile ...	Four ditto.
„ two miles ...	Six ditto.
„ three miles ...	Ten ditto.

If beyond the limits of a goldfield, Twenty ditto.

The above reward shall be in addition to the number of claims to which the party would be otherwise entitled in ordinary alluvial claims, and may be marked off in one block in any rectangular shape at the option of the prospectors. Provided that no side of the block shall be less than 50 feet.

QUARTZ REEF CLAIMS.

Definition.

19. The term "reef" shall be taken to mean gold seam or quartz or any substance containing gold other than alluvial.

Reward claims.

20. The reward claim which shall be given for the discovery of gold in apparently payable quantities on any new reef, or the re-discovery of the same on any reef previously occupied and abandoned, shall be in proportion to the distance from any reef being worked, and as follows:—

If distant less than 400 yards: 100 feet along the line of reef.

If distant more than 400 yards and less than one mile: 150 feet along the line of reef.

If distant more than one mile and less than two: 200 feet along the line of reef.

If distant more than two miles and less than ten: 300 feet along the line of reef.

If distant ten miles or more: 500 feet along the line of reef.

With a width of 400 feet. The above reward shall be in addition to the number of claims the party would be otherwise entitled to in ordinary quartz claims. The measurements of distance to be on the surface of the ground by the nearest practicable route. Claims to be measured on the horizontal plane.

Ordinary quartz claims.

21. The extent allowed for each miner in any ordinary quartz claim shall be 75 feet along the supposed line of reef by a width of 400 feet. The width of all quartz claims must be marked off at right angles to the base line, but the whole or any part of such width may be marked on either side of such line at the option of the shareholders.

Must be registered.

22. All quartz claims must be registered in the manner prescribed in Clauses 15 and 74 of these regulations and the names of the shareholders, together with the dates and numbers of their miners' rights under which the claim is held, as also the name of the reef upon which it is situated, and the number of the claim, must be registered in a book to be kept by the Warden, and a copy of the entry must always be kept posted at or as near as possible to the working shaft.

Number of Miners to be employed.

23. Only one-half the number of miners to whom any quartz claim has been allotted need be employed thereon until it has been proved payable. When payable the whole number must be employed; when it ceases to be payable again only one-half the number of miners need be employed. The onus of proof that the claim is not payable shall rest upon the shareholders.

When payable.

24. A claim on a quartz reef shall be deemed to be payable, on notice from the Warden that he so considers it, such notice to be posted at the Warden's Office and on some conspicuous part of the said claim.

RIVER AND CREEK CLAIMS.

Size of claim.

25. A frontage of 50 feet in the general direction of the course of the stream will be allowed each miner in the creek or river, with a width from bank to bank, unless such width shall exceed 100 yards, in which case the excess may be claimed by any other miner.

Must be registered.

26. All claims taken up under the preceding Clause must be registered in the manner prescribed in Clauses 15 and 74 of these regulations.

TUNNELLING CLAIMS.

Protection Area.

27. "Tunnelling ground" shall mean any portion of Crown Lands containing hills or plateaux in which the superincumbent stratum shall be at least 100 feet above the roof in any part of the tunnel. The protection

area allowed on such ground shall be 800 feet on each side of the tunnel, with a length of half-a-mile across the hill or plateau.

Boundary lines.

28. The boundary lines of such protection area must be parallel with each other, and marked with posts four inches in diameter, standing three feet above ground.

Ordinary claim.

29. The size of ordinary quartz claims in tunnelling ground shall be double the area prescribed by Clause 21 of these Regulations: Provided that the reef in the prospector's claim shall be at least 200 feet from the mouth of the tunnel, otherwise the size shall be the same as ordinary quartz claims.

Reward claim.

30. The reward claim allowed for finding a payable quartz reef in any such tunnel shall be double the area prescribed by Clause 20 of these Regulations, and in addition 50 feet along the line of reef for every hundred feet beyond 200 feet comprised in the length of the tunnel.

Protection to tunnels.

31. Each party shall drive their tunnels within their own parallels as defined on the surface, but two or more parties may, by agreement registered by the Warden, use the same tunnel or any portion thereof. 20 feet of ground on each side of any tunnel or portion of a tunnel which may be outside of any claim held in connection therewith shall be protected from occupation.

Space for depositing quartz, rubbish, &c.

32. A space of 200 feet square will be allowed at the mouth of every tunnel, or for every claim using a common tunnel, for the purpose of depositing quartz or rubbish.

PUDDLING CLAIMS.

Claims.

33. A puddling claim may be taken up on alluvial ground which has been previously worked and abandoned, or on ground which has been tested and found to be too poor to pay for the ordinary method of working such ground, to be worked in connection with a puddling machine, and must be registered in the manner prescribed in Clauses 15 and 74 of these regulations.

Size.

34. The size of claims allowed shall be 100 feet by 100 feet for every man employed on the claim, or at the puddling machine, or in connection therewith.

Marking too much ground.

35. 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 Warden for the surplus.

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

36. Whenever under these Regulations an unoccupied claim or share in an occupied claim is liable to forfeiture, any miner may apply for possession of such claim or share therein by posting a notice in writing, in the form of Schedule No. 26, hereto annexed, at, or as near as possible to the then working shaft of such claim and at the Warden's office, and serving a copy thereof on the holder of such claim or share, or his agent.

If no objection be lodged within six clear working days of the posting and service of such notices, the Warden may, if requested, and on payment of the prescribed fee of ten shillings, register the claim or share for the applicant.

Any person objecting to such registration must within the six clear working days hereinbefore mentioned lodge a written notice of objection with the Warden in the form of Schedule No. 6 hereto annexed, stating the grounds

of such objection, upon receipt of which the Warden shall defer registration until the matter has been heard and determined, and shall thereafter be guided by the evidence submitted to him, or by the order of the Warden's Court.

Taking forcible possession a forfeiture of rights.

37. 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 may have acquired to the possession of such claim or share.

Abandonment of shares in claims.

38. Any shareholder in a registered claim wishing to abandon his share therein may do so by serving on one of the remaining shareholders, or his agent, a notice to that effect (and if there be a lien on such share, then serving a like notice on the lienee), and posting a copy thereof at the Warden's office and on the claim; in such case the Warden, 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 thereupon be released from any further liability in respect of such share thereafter incurred, and any applicant for such abandoned share may, on payment of the prescribed fee of ten shillings, at once be registered for the same without process of any kind beyond his written application. Provided that the lienee, if any, shall have for three clear working days after abandonment a preferent right to be so 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.

Stacking quartz, earth, etc., the produce of forfeited claim.

39. Any miner having forfeited or abandoned his claim, or share in a claim, shall be at liberty to retain possession of any stone, or earth, or other substance containing gold—the produce of such claim or share in a claim—that may have been raised at the time of the forfeiture or abandonment, provided such stone, earth, or other substance shall be stacked on ground not interfering with the working of the claim. And the Warden 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. 28, hereto annexed, shall be affixed on the stack; and no person during the period of such registration shall remove the said stack of stone, earth, or other substance, or any of it, without the permission of the owner thereof.

Union of Claims.

40. Contiguous claims may, to the extent of ten men's ground, upon application being made to the Warden, in the form of Schedule No. 15, 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 Warden shall grant a certificate of union in the form of Schedule No. 16, hereto annexed, and shall register the same upon receipt of the prescribed fee of five shillings.

Labor Conditions.

41. Every claim must be continuously worked in accordance with Clause 76 of these Regulations by the requisite number of miners within two clear 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 clause if he be employed at any necessary work in connection with it, 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 Warden.

Exemption from Work.

42. The owner of any registered claim may apply to the Warden, after having posted a copy of the application, in the form of Schedule No. 8, hereto annexed, at the Warden's office and on the claim, six clear working days prior to the day of hearing the application by the Warden, 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 and is not then payable, the Warden may grant the exemption applied for upon receipt of the prescribed fee of ten shillings. Provided that the Warden may grant the exemption from work on any claim for a period not exceeding thirty days upon application by the owners thereof, of which notice must be given by posting a copy of the application at the Warden's office and on the claim three clear working days prior to the hearing of the application by the Warden. Provided further that no payment of fee shall be required if it be proved to the satisfaction of the Warden that cessation from work is necessitated by want of water or other natural causes over which the owner has no control.

PART V.—WATER-RIGHTS.

Mode of application.

43. 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 Warden, in the form of Schedule No. 17 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 names of the applicants, and copies of such notice shall be kept posted for seven clear working days at the Warden'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 seven clear working days, the Warden shall, on payment of the prescribed fee of ten shillings, grant the required permission, in the form of Schedule No. 18 hereto annexed.

Heads of water—how gauged.

44. 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.

45. The quantity of water to which any party shall be entitled under one water-right for sluicing purposes on any claim 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.

46. 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 shall have 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.

47. Any miner or party of miners may cut a race or drain for gold-mining purposes through any claim, or over or under any race or drain belonging to any other 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 may be cut; and the original line of any race may be altered or deviated from by the consent of the Warden, if no prior right be injured thereby.

Right of original owner to hired water.

48. The holder of any water-right, when not using the water held under such right, shall, if required by the Warden 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 any water-right shall have any claim to such water after it has passed his works, but such water shall revert to the original owner.

Warden may compel repair of race.

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

Protection to race.

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

Exemption from use of race.

51. 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. 8 hereto annexed on the said race, dam, or reservoir, and at the Warden's office, for seven clear working days; and on good cause shown, and if no valid objection be lodged, the Warden may issue a certificate of exemption from use in the form of Schedule No. 9 hereto annexed, for a period of not longer than six months, and register the same on receipt of the prescribed fee of ten shillings.

Water diverted for sale or hire.

52. Any miners who may construct a race for the conveyance of water to any goldfield for sale or hire, for gold-mining purposes or general use, shall not be restricted in the quantity of water he may divert. Provided that no prior right be prejudiced, or any injury of a private or public nature be 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 Warden directs, be allowed to flow in its natural channel.

Right to sell water.

53. The holder of a water-right may sell or dispose of the right to the whole or any portion of such water, or let the use of such water for a stated period; and the property and interest in any race, well, dam, or reservoir, and in the water contained therein, 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.

54. 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.

Dam may be constructed on a claim or lease.

55. 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 Warden may order any dam to be lowered or altogether removed if he deems it necessary for the purposes of this clause.

Wells, Dams, or Reservoirs.

56. 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 the form of Schedule No. 10 hereto annexed, to the Warden, 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 notice must be posted at the Warden's office and on the site of the proposed well, dam, or reservoir, for seven clear working days. If no valid objection be lodged during that period, the Warden may, on payment of the prescribed fee of ten shillings, grant to the applicant in the form of Schedule No. 11, hereto annexed, 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.

PART VI.—MACHINE AND OTHER AREAS.

Machine area.

57. Applications for machine areas, with particulars of machinery proposed to be erected, must be made in writing to the Warden in the form of Schedule No. 4 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. 5 hereto annexed, must be posted on the ground on which it is proposed to erect the machinery, as well as at the Warden's office, for seven clear working days before the hearing of the application. If no valid objection be lodged, the Warden may grant permission to occupy an area not exceeding five acres, in the form of Schedule No. 7 hereto annexed, and register the same upon receipt of twelve months' rent at the rate of One pound per acre per annum in advance, and the prescribed fee of ten shillings for registration. Provided the Warden 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 entirely removed, or the annual rent not be paid yearly in advance.

Tailings area.

58. Application may be made to the Warden, in the form of Schedule No. 4 hereto annexed, after the ground has been marked, for an area not exceeding five acres, for

the purpose of stacking tailings, and a certificate of application, in the form of Schedule No. 5 hereto annexed, must be posted on the ground and at the Warden's office, with a description of the ground applied for, seven clear working days before the hearing. The Warden may, if no valid objection be lodged, grant the application, in the form of Schedule No. 7 hereto annexed, and register the same upon receipt of twelve months' rent at the rate of one pound per acre per annum in advance, and the prescribed fee of ten shillings for registration. Provided that the Warden 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.

59. Any person requiring land on any proclaimed goldfield for the purpose of growing fruit, vegetables, fodder, or other garden produce, may apply to the Warden, in the form of Schedule No. 4 hereto annexed, for an area not exceeding five acres for such purpose, and a certificate of such application, in the form of Schedule No. 5 hereto annexed, with a description of the ground must be posted at the Warden's office, and on some conspicuous part of the ground, fourteen days before the hearing by the Warden. Should no valid objection be lodged, and no public interest be likely to suffer thereby, the Warden may grant permission to the applicant to occupy the land, in the form of Schedule No. 7 hereto annexed, and register him therefore on receipt of twelve months' rent at the rate of one pound per acre per annum in advance, and the prescribed fee of ten shillings for registration. The Warden may, before such registration, demand from the applicant a proper survey and plan of the ground. Provided that the applicant, or some other person to whom he may transfer, shall reside on the area, and keep 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 registered holder does not reside, or for which the rent is not paid yearly in advance, may be declared forfeited by the Warden.

PART VII.—GOLD-MINING LEASES.

How applied for.

60. Any person desirous of obtaining a lease for gold mining purposes under "the Act" shall apply to the Warden for the same in the form contained in Schedule No. 19 hereto annexed, and subject to the following regulations:—

- (1.) The area applied for shall not exceed twenty-five acres.
- (2.) The term shall not exceed twenty-one years.
- (3.) The rental shall be at the rate of one pound per acre, or for any part of an acre, per annum, payable yearly in advance.
- (4.) The applicant shall, thirty days prior to his application being heard by the Warden, post a notice in the form of the Schedule No. 20 hereto annexed, on a conspicuous part of the ground applied for, and at the Warden's office.
- (5.) 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.
- (6.) On goldfields where a mining surveyor has been appointed by the Government, the applicant shall, within three months after lodging the application, furnish to the Warden a plan in duplicate and description showing the boundaries of the land as actually surveyed and marked by the mining surveyor; where no mining surveyor has been appointed, a survey made by a licensed surveyor may be accepted,

in which case the plan and description shall be lodged within six months after application; but in either case the Warden shall have power to recommend further necessary extensions of time. The plan and description of a gold-mining lease shall be executed in accordance with the general directions issued by the Minister.

- (7.) In case where the Government have appointed a mining surveyor to act within the limits of any proclaimed goldfield or district, all surveys for gold-mining leases shall be executed only by such mining surveyor, and the fees prescribed in Schedule No. 32 hereto annexed shall be deposited with the application for lease.
- (8.) 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, regular rectangular areas are not available, any intervening or irregularly-shaped piece of land may be applied for, and a lease of such piece may be granted.
- (9.) Each application must be accompanied with a deposit of the required rent as provided in Clause 65 of these Regulations, together with the survey fees prescribed in Schedule No. 32 hereto annexed, when required under subsection No. 7 of this clause, 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.
- (10.) The rights and privileges conferred by a Gold-mining Lease, and the further conditions to which it is subject, are set forth in Sections 10 to 16 inclusive of the Act.
- (11.) The Form of Lease is given in the Schedule No. 21 hereto annexed.

Warden to record applications and report to Minister.

61. The Warden shall record each application for a Lease, and immediately after the hearing shall forward the same to the Minister, together with a report as to whether it 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, but no lease shall be issued until after the ground applied for has been surveyed and described by a duly licensed or mining Surveyor, and correct plans lodged in the Warden's office, as provided in Sub-section 6 of the preceding clause. Provided that the Warden may give a certificate to the applicant that he has recommended the issue of the lease on the condition of due compliance with the foregoing conditions as to survey.

To be worked half-handed pending decision.

62. In all cases in which no objections have been lodged against any lease within thirty days from the date of the application being lodged with the Warden, the ground applied for shall, until the decision of the Minister is made known, be worked half-handed; but when intimation has been given that the lease will be granted, the ground shall within thirty days be effectually worked full-handed. A failure to comply with this clause may entail forfeiture whether the lease has been issued or not, subject to the provisions of Clause 12 of "The Act."

Labor conditions.

63. All ground held under lease shall be continuously worked in accordance with Clause 76 of these Regulations, by not less than one miner for every three acres or part of three acres, unless exemption or partial exemption from work has been granted. Provided that no lease or ground applied for as a lease shall be worked by less than two miners.

Returns to be furnished quarterly.

64. Every holder of a Lease shall furnish the Warden with a quarterly statement, in the form of Schedule No. 25, hereto annexed, of the working and proceeds of the mine. Such return must be lodged with the Warden not later than the seventh day after the termination of the quarter. Any lessee neglecting to furnish this return shall be liable to a fine not exceeding Ten pounds.

Term and payment of rent.

65. The term of all Leases granted under these Regulations shall be computed from the 1st of January preceding the date of the application.

The rents of all Leases shall be calculated as from the 1st of January to the 31st of December, and shall be paid in advance 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 Warden of the Goldfield, 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.

Leases conditionally surrendered to be worked full-handed until surrender accepted.

66. When the holders of a Lease surrender such lease conditionally upon an application for a new lease being granted, they shall, until such surrender has been accepted, continue to fulfil the working conditions of the lease surrendered, and put on such additional miners as may be required to hold any other ground included in the application for a new lease.

Exemption from work for one month.

67. Any lessee or applicant for a lease may apply to the Warden, in the form of Schedule No. 8 hereto annexed, after having posted a notice on the ground, and at the Warden's office of his intention, three clear 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 Warden may, upon good cause being shown, grant, in the form of Schedule No. 22 hereto annexed, such exemption or partial exemption from work upon payment of the prescribed fee of One pound one shilling, and upon such conditions as to bailing as the Warden may deem necessary, and any failure on the part of the lessee or applicant to fulfil such conditions shall be deemed to be a forfeiture of such exemption.

Exemption from work for six months.

68. Any lessee or applicant for a lease may apply, in the form of Schedule No. 8 hereto annexed, through the Warden to the Minister, after having posted a notice on the ground and at the Warden's office, stating the grounds on which such application is made, seven clear working days before the hearing thereof by the Warden, for exemption or partial exemption from work for a period not exceeding six months. If any objections are lodged against the granting of the exemption, the Warden shall take evidence thereof in writing, and shall forward the same, together with his report recommending the Minister to grant, or grant on conditions as to bailing, 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 the exemption through the Warden in the form of Schedule No. 23 hereto annexed, upon such conditions as to bailing as he may deem necessary, and upon payment of the prescribed fee of three pounds three shillings. Any failure on the part of the lessee to comply with the conditions of the exemption shall be deemed to be a forfeiture of such exemption. 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.

Miner giving notice lease liable to forfeiture to have preferent right.

69. Any miner giving notice to the Warden of a goldfield 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 clear working 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.

Forfeiture of Leases.

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

Abandonment of Shares in Leases.

71. Any shareholder in a lease wishing to abandon his share therein may do so on complying with the conditions relating to abandonment of shares in claims as prescribed in Clause 38 of these regulations.

Transfers.

72. Any lease or share therein, or any interest in an application for a lease, may be transferred in the form of Schedule No. 24 hereto annexed, which must be deposited at the Warden's office with the instrument of lease, if issued, and the prescribed fee of One pound one shilling for registration, in addition to Stamp duty if any.

Register of Gold Mining Leases.

73. A book shall be kept at the Warden's office on all Goldfields where ground is held under lease, to be called a Register of Gold Mining 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 VIII.—GENERAL AND MISCELLANEOUS.

Registration of mining tenements.

74. The holders of all claims or other authorised mining tenements for which registration is required must apply to the Warden for registration of the same within ten clear 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 good cause be shown for such delay to the satisfaction of the Warden, 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 the neglect or default of the Mining Registrar or Warden, or from any circumstance over which he had no control.

Rules and agreements to be binding.

75. All rules and agreements entered into by a majority of at least two-thirds in number and interest of the shareholders of any claim or lease for the management and working thereof shall be binding on the shareholders of such claim or lease, and on any person becoming a shareholder therein, provided such rules and agreements are not contrary to the Act or these Regulations. All such rules and agreements shall be registered by filing a copy, signed by the parties or their agents, at the Warden's office, and payment of the prescribed fee of five shillings; and such rules or agreements may be abolished or amended at any time by a like majority of the shareholders in any such claim or lease.

What considered a sufficient working.

76. A lease, claim, or protection area shall be considered as effectively worked when eight hours' *bonâ fide* work

is performed thereon by the complement of miners required by these Regulations, on every working day except Saturday, when four hours' work shall be considered sufficient.

In any case where machinery has been erected upon any lease, claim, or protection area, and is kept constantly at work, the Warden may, in his discretion, dispense with such portions of the labor conditions as to him may seem fit.

Applications for exemptions to be heard in open Court.

77. The Warden shall hear and determine in open court all applications for exemption from work, occupation, or use, 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.

Boundary posts and marks.

78. Claims, leases, business, residence, and machine areas, and 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 owner or any shareholder thereof shall point out the corner posts and boundary lines of any such claim or other authorised holding to any person requiring to know the same, and no person shall remove, injure, or obliterate any boundary posts or marks of any claim or other authorised holding, or any posted notice relating thereto.

False representation.

79. 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 miner's right, certificate of registration, lien ticket, or transfer certificate.

80. When any miner has lost his miner's right, certificate of registration, transfer certificate, or lien ticket, he may make a declaration of such loss, in the form of Schedule No. 27 hereto annexed, before a Warden or any other Justice of the Peace, and such declaration shall be received at the Warden's office in lieu thereof for all the purposes required in making a transfer, on payment of the prescribed fee of five shillings required for filing the same.

Transfers.

81. The holder of any registered claim, or share therein, any registered business, residence, machine, or market-garden area, or any other registered holding (other than a Gold Mining Lease) under "The Act," or these Regulations, or any interest therein, or the registered holder of any lien thereon, may transfer the same after having posted a notice of his intention so to do at the Warden's office, and on the area or other registered holding aforesaid, for three clear working days, and upon production at the Warden's office of his certificate of registration, transfer certificate, or lien ticket (or declaration of loss thereof), and payment of the fee prescribed in Schedule No. 31 hereto annexed, the Warden shall issue to the transferee a transfer certificate in the form of Schedule No. 14 hereto annexed, provided no valid objection be lodged against the same; and the transferee shall be liable for all encumbrances, agreements, and conditions registered against the property so transferred.

Liens.

82. The holder of any authorised holding whatsoever, or share or interest therein, held under "The Act" or these Regulations, may give a lien upon the same as security for the due payment of any debt:—

How effected.

- (1.) Upon the production to the Warden of the miner's rights of the lienor and lienee, and

upon the execution by the lienor of a lien ticket duly attested, in the form of Schedule No. 29 hereto annexed, and on payment of the prescribed fee of five shillings, exclusive of stamp duty, if any, the Warden shall register a lien upon the 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 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 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 Warden 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 Warden 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 posted in writing his intention of so doing on a conspicuous part of the claim, and at the Warden'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 Warden shall, upon production of the lien ticket, accompanied with a statutory declaration of default having been made of the money secured thereby, the miner's right of the purchaser, and on payment of the prescribed fee for registration, 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 on which he holds a lien.

Agents to be appointed.

83. Any person holding any share in any mining tenement or other authorised holding under "The Act" or these Regulations shall, in the event of being absent for a longer period than thirty days from the goldfield on which such share is held, appoint an agent in the form of Schedule No. 30 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 Warden'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 by these Regulations at the Warden'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.

84. When a shareholder in a claim or lease absents himself from his work without being duly exempted by the

Warden 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 or Lease not to be forfeited through absence of hired men without due notice to owner.

85. If any miner who is employed to represent a share in a claim or lease absents himself from such claim or lease or otherwise neglects to represent such share unknown to the owner thereof, the same shall not be forfeited unless it remains unrepresented for seven clear working days 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.

86. 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 shareholders 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 (30) days from the call being due, a majority, in number and interest of the shareholders who have paid their calls may request the Warden to enquire into the matter, and if he is 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 posted at the Warden's office, 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 Warden shall, upon payment of the prescribed fee of ten shillings, register such share without further process, in the name of the purchaser thereof.

Mining plant not to be forfeited with claim or lease.

87. 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 two calendar months from the declaration of the forfeiture, or within such further reasonable time as the Warden may direct.

At the time of the declaration of the forfeiture of a share in a claim or lease, or within three clear days thereafter, the Warden, or the Warden and assessors who tried the case, shall assess and declare the value of the forfeiting shareholders interest in the tools, mining plant, and appliances, used in or in connection with the said claim or lease, and within six clear working days after the declaration of such forfeiture the incoming shareholder shall pay into the Warden'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 Warden's court the assessed value of the forfeiting shareholder's interest in the tools, &c.

Unauthorised shafts, &c.

88. No person shall sink any shaft, or disturb the surface of the ground, or erect works, or deposit earth, stone, 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 manner as to endanger the public safety.

Unauthorised occupation of Crown Lands.

89. Any person being in unauthorised occupation of Crown Lands on any proclaimed goldfield may be summarily removed therefrom by order of the Warden, and any person resisting or obstructing the carrying out of any such order shall be liable to a penalty not exceeding ten pounds.

Compensation.

90. Any business, residence, or machine area or site occupied by any dam, water race, reservoir, tramway, and for stacking tailings, or any other authorised holding in actual occupation, may be mined upon; provided the miners intending to mine thereon shall, 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 may be determined by the Warden, or Warden and assessors.

Roads across claims, etc.

91. When requisite for the efficient working of any claim, lease, or machine, or for the public interest, the Warden may authorise the making of a road over any gully, creek, claim, or lease, residence, business, machine, or market garden area, or site for stacking tailings, within any goldfields, in such manner and under such conditions as he may determine. Provided that compensation be paid by the person or persons benefitted thereby, for the removal of, or injury caused to, any improvements thereon.

No injury permitted to claims or roads.

92. No person shall cause or permit sludge, tailings, or water to accumulate in or flow from his claim, lease, reservoir, dam, machine area, or other 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.

93. 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 Warden, who shall have power to 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 Warden shall further have power to assess and determine the amount of damage or injury suffered from such accumulation of water by any person complaining, and to make an order that the owner of such claim or lease causing the damage or injury shall pay the amount thereof.

Drainage.

94. 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 has been effected thereby in the working of adjoining claims or leases, the owners of such claims or leases in which such saving has been effected shall be liable to pay in respect thereof such reasonable sum of money, and at such times, as may be ordered by the Warden. Provided that the Warden 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.

95. 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.

96. Whenever the Warden 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, who shall be remunerated in accordance with Schedule No. 14 of the Judicial Regulations, hereto annexed, and upon their report the Warden 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 has been made safe as ordered; such cost of inspection shall be borne by the claim or leaseholder proved to be in default. This regulation shall apply only to such claims or leases as do not come within the provisions of any Mining Act that may hereafter be in force for the regulation of mines.

Accidents to be reported.

97. In the case of any accident in connection with mining, whereby loss of life or serious bodily injury has been occasioned, the mining manager or other person in charge of the mine or other works, or some one of the shareholders, shall immediately report at the Warden's office the nature of the accident, and the Warden shall cause an inspection to be made of the mine or other works 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.

98. The owner of any claim or lease shall not remove any props or timber in his claim or lease, 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.

99. Any registered shareholder of a claim, lease, or other authorised holding, or any registered licensee on any such holding, may, upon application at the Warden's office, examine the register, so far as it relates thereto. Any other person may examine the registers, at the Warden's office, of any claims, leases, or other holdings, upon payment of the prescribed fee of two shillings and sixpence.

In absence of Warden, Mining Registrar may grant and register claims, exemptions, &c.

100. In the absence of the Warden from any goldfield the Mining Registrar may, if no objection be lodged, grant and register protection areas, claims, or shares therein, business and residence areas, exemptions from work or occupation, in the same manner as the Warden.

Penalties for breach of Regulations.

101. Any person committing a breach of these Regulations, or disobeying a lawful order of the Warden or Warden'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 Warden for any period not exceeding one month.

PART IX.—REWARDS FOR DISCOVERIES OF NEW GOLDFIELDS.

102. Rewards shall be paid to the discoverers of new Goldfields as follows:—

A reward of not less than £500 and not more than £1,000 shall be paid to any person or persons who shall

discover a Goldfield—deemed by the Governor in Executive Council to be a payable Goldfield—in any of the following Divisions of the Colony, as defined by the Land Regulations on the 2nd March, 1887, namely:—

South-West Division.
Gascoyne Division.
North-West Division.
Eucla Division.
Eastern Division.

Not more than one such reward shall be payable in respect of each of the said Divisions.

The reward shall be paid to such person or persons as may be deemed to be entitled thereto by the Governor in Executive Council, whose decision on any matter arising under this Regulation shall be binding and final without appeal.

SCHEDULES.

PROCEEDINGS under the Act and these Regulations shall be in the following forms hereinafter set forth, or as near thereto as circumstances will permit:—

Schedule No. 1.

WESTERN AUSTRALIA.

No.	Fee.
	<i>Miner's Right.</i>
Issued to	under the provisions of "The Goldfields Act, 1886," to be in force until
Place of issue:	
Date of issue:	Warden.
[Not transferable.]	

Schedule No. 2.

WESTERN AUSTRALIA.

No.	£
	One pound per annum for each person.
Date of Issue:	Goldfield.
	<i>Consolidated Miner's Right.</i>
	(For persons for years.)
Issued to	under the provisions of "The Goldfields Act, 1886," to be in force until
	Warden.
[Not transferable.]	

Schedule No. 3.

WESTERN AUSTRALIA.

No.	Fee—£4 per annum.
	<i>Business License.</i>
	(For year .)
	, having duly paid the stipulated fee in that behalf, is authorised to occupy the prescribed area of Crown Land for the purpose of residence and carrying on business on the goldfield, subject to the provisions of "The Goldfields Act, 1886," and to all Regulations issued or to be issued in pursuance thereof.
	This license will be in force for year from the date hereof
	Place of issue:
	Date of issue:
	Date of expiration:
	Warden.

Schedule No. 4.

Application for a Claim, Area, &c.

I, the undersigned, hereby give notice to the Warden for the Goldfield 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 Warden, and request the said Warden to grant me registration thereof as a

Dated at this day of 18 .

(Signature.)

Miner's Right.

No. _____ Date. _____
 Name in full. _____
 Address. _____
 Received this application at _____ o'clock _____ on the
 day of _____, 18 _____, with fee of _____ shillings.
 _____ Warden,
 _____ Goldfield.

Schedule No. 5.

WESTERN AUSTRALIA.

No. _____
Certificate of Application.
 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..... Warden,
 Address..... Goldfield.

MINER'S RIGHT.

No. _____ Date. _____

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

Schedule No. 6.

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 said Warden to withhold the regis-
 tration of the said _____ pending the hearing of any
 objection by the Warden.
 _____ (Signature.)
 Received at the Warden's office, _____ this _____
 day of _____ 18 _____, at the hour of _____ m.
 _____ Warden,
 _____ Goldfield.

Schedule No. 7.

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 _____
 _____ Warden,
 _____ Goldfield.

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

Schedule No. 8.

Application for Exemption from Work, Occupation, or Use.

No. _____
 I, the undersigned, shareholder in the _____ do
 hereby give notice that, after the expiration of _____ clear days
 from this date, I intend to apply for exemption from _____* of
 the above _____ for the period of _____ calendar months on
 the grounds following, viz. :—

Dated this _____ day of _____ (Signature.)
 18 _____

Objections against the above application must be lodged at
 the Warden's office on or before the _____ day of _____ 18 _____.

Received this application at _____ o'clock _____ on the
 day of _____ 18 _____, with fee of _____
 _____ Warden,
 _____ Goldfield.

NOTE.—This application must be posted on the ground and at the
 Warden's office.

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

Schedule No. 9.

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
 numbered _____ situated at _____

and known as _____
 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 _____
 _____ Warden,
 _____ Goldfield.

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

Schedule No. 10.

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 Warden of the
 _____ Goldfield for registration of the said site, under
 Clause 56 of the Regulations under "The Goldfields Act."

Dated at _____ this _____ day of _____ 18 _____
 _____ (Signature.)

MINER'S RIGHT.

No. _____ Date. _____
 Received this application at _____ o'clock on the _____ day
 of _____ 18 _____, with fee of ten shillings.
 _____ Warden,
 _____ Goldfield.

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

Schedule No. 11.

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 Miner's Right, and having
 received no notice or objection thereto, I have this day regis-
 tered the same as a [Well, Dam, or Reservoir Site] under Clause
 56 of the Regulations under "The Goldfields Act."

Given under my hand at _____ this _____ day of _____
 18 _____
 _____ Warden,
 _____ Goldfield.

Name _____
 Address _____

MINER'S RIGHT.

No. _____ Date. _____

Schedule No. 12.

Notice of Transfers.

No. _____
 I, the undersigned, hereby give notice that it is my intention
 to transfer the _____ No. _____ now registered in my
 name to _____, and I intend at the expiration of three
 days from this date to make application to the Registrar for the
 Registration of the said Transfer.

Dated at _____ this _____ day of _____ 18 _____

This notice to be posted for three days at the Registrar's
 Office and on the ground to be transferred.

Schedule No. 13.

Transfer.
No.
I, of for valuable consideration, do hereby transfer to of my situated of subject to all and singular the terms and conditions under which the said has been held by me; and I, of do hereby accept the said subject to the terms and conditions aforesaid.
Dated at this day of 18 .
Witness to Signatures. Signature of Transferrer. Signature of Transferee.
Received this transfer at o'clock on the day of 18 , with a fee of shillings.
Warden, Goldfield.

Schedule No. 14.

WESTERN AUSTRALIA.
Transfer certificate.
No.
This is to certify that I have this day registered a transfer from to of and the said is now the registered holder thereof subject to
Dated at this day of 18 .
Warden, Goldfield.
NOTE.—This Certificate must be produced at the Warden's office when this interest is to be again transferred.

Schedule No. 15.

Application for Union of Claims.
No.
We, the undersigned, being the registered holders of not less than two-thirds of the interest in the claims numbered respectively , and situated hereby request the Warden of the Goldfield to unite the claims aforesaid as one claim, under the style of
Dated this day of 18 .
Signatures {
Miners' Rights.

Table with 4 columns: Name of holder, No., Date, Share in United Claim. Below the table, text: Received this application at o'clock on the day of 18 , with fee of five shillings. Warden, Goldfield.

Schedule No. 16.

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:—
Name of Shareholder. Share in United Claim.
Given under my hand this day of 18 .
Warden, Goldfield.

Schedule No. 17.

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 Warden for the Goldfield, for registration of the water-right aforesaid.
Dated at , this day of , 18 .
(Signature).

MINER'S RIGHT.

No. Date.
Received this application at o'clock on the day of 18 , with fee of ten shillings.
Warden, Goldfield.

Copy of this notice must be posted for seven clear working days at the Warden'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. 18.

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 cut a race for the purpose of leading such water to and to construct at , for the purpose of storing such water, and did at the same time produce to me the undermentioned miners' right, 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 .
Name
Address
Miner's Right.
No. Date.
Warden, Goldfield.

Schedule No. 19.

Application for Auriferous Lease.
No.
Pursuant to the provisions of "The Goldfields Act, 1886," and to the Regulations established thereunder, I, * do hereby apply for a lease of situated on the Goldfield (which is more particularly described in the annexed schedule, for the purpose of mining for gold; and hereby tender the sum of as deposit, in accordance with the existing regulations.
Given under hand , this day of A.D. 18 .
† (Signature.)
To the Warden, Goldfield.
Received this application at o'clock on the day of 18 from with the sum of being the amount of deposit on application for auriferous lease.
Warden, Goldfield.

* "I" or "We." All names to be given in full.
† Here follows a signature of applicant. Applications should always be signed by the applicant or applicants, or by his or their accredited agents.

Schedule to accompany Application for Auriferous Lease.

Table with 4 columns: Names in full and address of applicant, Situation and boundaries of the ground applied for, Area, The term or period for which the ground is required.

Information on the following head to be subjoined:—

NOTE.—If the application is made by an association or company, the constitution of the association or company by which the ground will be worked, the number of shares, and the names of the shareholders.

† Here follows a signature of applicant. Applications should always be signed by the applicant or applicants, or by his or their accredited agents.

Schedule No. 20.

Notice of Application for Auriferous Lease.

No. _____
 Notice is hereby given, that _____ the undersigned, has made application this day for a lease under the Goldfields Regulations of ground known as _____ containing _____ acres roads _____ perches, commencing _____
 As witness _____ hand and seal at _____ this day of _____ 18 _____ Signature.

This notice must be posted for thirty days on the ground applied for and at the Registrar's office.

Schedule No. 21.

.....Goldfield; Lease No.....

Gold Mining Lease.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, &c., &c., &c.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING :

Whereas _____ of _____ in Our Colony of Western Australia, hereinafter called the "Lessee," has made application to Us for a Lease of the Portion of Crown Lands in Our said Colony described in the Schedule hereinafter written And We having received a Report from Our Officer authorised in that behalf in favor of the said application have consented to grant a Lease of the said Land for the term hereinafter mentioned at the yearly rent of _____ pounds sterling money and under and subject to the covenants terms and conditions hereinafter mentioned and to the terms conditions exceptions reservations and provisos in "The Goldfields Act 1886" and any Act amending the same and the Regulations made thereunder and to all other terms conditions exceptions reservations and provisos in any of the Acts relating to the occupation of Crown Lands affecting the same Now KNOW YE that in consideration of the premises and of the sum of _____ pounds sterling money in hand paid to the Commissioner of Crown Lands for the time being of our said Colony before the issue hereof as and for the rent of the said Land for the year terminating on the thirty-first day of December one thousand eight hundred and _____ being the first year of the said term and also in consideration of the yearly rent covenants provisos and agreements hereinafter reserved and contained on the part of the Lessee executors administrators and allowed assigns to be paid observed and performed We do hereby for Us Our Heirs and Successors Demise and Lease unto the said Lessee executors and administrators and to such assigns of the said Lessee as the Commissioner of Crown Lands of Our said Colony for the time being shall by writing under his hand approve of All that Parcel or Tract of Land situated on the _____ Goldfield containing by estimation _____ be the same more or less and particularly described in the Schedule hereinafter written excepting and reserving from this Demise all such portions of the surface of the said Tract of Land as at the time of making hereof are occupied by persons other than the Lessee executors administrators and allowed assigns for residence or business purposes or any portion of the surface thereof that is now used or may be hereafter required for the erection thereon of any public buildings or for any street road or way with free liberty for the said Lessee executors administrators and allowed assigns to dig sink drive make and use all such pits shafts levels watercourses and other works which may be necessary for obtaining gold and to use the said Land or any part thereof either underground or on the surface except as aforesaid in such manner as may be proper and requisite for making search for and obtaining the same saving reserving and excepting always unto Us Our Heirs and Successors and unto the Commissioner of Crown Lands of Our said Colony and to any and every person or persons hereinafter appointed by him in that behalf free liberty at all times during the continuance of this Demise to enter into and upon the Land hereby demised and all mines and works therein or thereon in order to view and examine the condition thereof and for that purpose to make use of all or any railroads tramroads or other roads or every and all machinery upon the said lands or belonging to the said mines and also to use or make any levels drifts or passages requisite for the purpose of any such inspection. To have and to hold the said Land and Mines and all and singular other the premises hereinbefore mentioned and hereby demised with the appurtenances unto the said executors administrators and such allowed assigns as aforesaid for the full term of Twenty-one years from the first day of January one thousand eight hundred and _____ for the several purposes mentioned and comprised in the Tenth Section of the said Act Yielding and paying therefor unto Us Our Heirs and Successors yearly and every year during the continuance of this Lease by yearly payments thereof in advance on or before the first day of March in each and every year into the hands of Our Commissioner of Crown Lands the sum of _____ pounds sterling money PROVIDED ALWAYS and these presents are upon the con-

ditions following that is to say—Upon condition that the said Lessee executors administrators and allowed assigns shall well and truly pay or cause to be paid unto Us Our Heirs and Successors the rent hereby reserved when and as the same shall become payable in the manner hereinbefore appointed for that purpose And also that the Lessee executors administrators and allowed assigns do and shall during the period of this Demise mine in and upon the said Land in accordance with the provisions of the said Act and Regulations and also that the said Lessee executors administrators and allowed assigns do and shall upon all lawful days and times during the continuance of this Demise employ in mining operations upon the said Land not less than _____ miners And that the Lessee executors administrators and allowed assigns shall and will during the continuance of this Demise work and carry on all Mines upon the said Land in a skilful and workmanlike manner at all times during the said term and for no other purpose whatsoever And also do and shall use the said Land *bonâ fide* for the purpose for which the same is demised as aforesaid and shall permit and suffer all or any person or persons appointed by the Commissioner of Crown Lands for the time being of Our said Colony in that behalf and the Warden of the Goldfield for the time being within which the Land hereby demised is situate at all proper and reasonable times during the continuance of this Demise and whether the mines are working or not without any interruption or disturbance from the Lessee executors administrators allowed assigns agents servants or workmen or any of them to enter into and upon the said mines and all works and buildings connected therewith or any part thereof to view and examine the condition thereof and whether the said mine or mines is or are worked in a proper and workmanlike manner and *bonâ fide* for the purposes aforesaid and for that purpose to use all and every the tramways railroads or other roads or ways and all or any of the machinery and works in and upon the said Land and shall not nor will during the continuance of this Demise place or have any waste or other refuse or rubbish brought out of the said mines near to any creek watercourse or channel of water so that such creek watercourse or channel of water may reasonably be supposed liable to be stopped up or injured thereby And shall not nor will work any of the mines commenced or worked in and upon any of the Land hereby demised out of or beyond the limits or boundaries of the said Land And shall and will erect and keep in good repair a sufficient and substantial three-rail fence around all the pits and shafts which shall at any time during this Demise be open at any part of the Land hereby demised so as effectually to guard against accidents arising therefrom and shall and will at all times during the continuance of this Demise keep and preserve all mines which shall be sunk or worked in and upon the said Land from unnecessary injury and damage and also all levels drifts shafts pits watercourses houses erections sheds tramways railroads and other roads and ways in good order repair and condition except such of the said works as shall from time to time be declared by the Commissioner of Crown Lands of Our said Colony to be unnecessary for the further working of the said mines And shall and will from time to time upon being required in writing so to do by the Warden for the Goldfield within which the Land hereby demised is situate well and sufficiently bale and pump draw away and remove all water from the workings in the Land hereby demised which in the opinion of the said Warden is or may be injurious to the holder of any adjoining claims and continue to keep the said workings free of water so long as it may be so required as aforesaid PROVIDED ALSO and We do hereby specially reserve unto Us Our Heirs and Successors and to the Governor or Officer for the time being Administering the Government of Our said Colony the right and power of taking possession of and resuming without compensation to the Lessee executors administrators and allowed assigns such parts of the surface of the Land within the limit of the Land hereby demised as may be required for public buildings or for the establishing and construction of high roads railways or railway stations and tramways and all necessary approaches thereto every such resumption to take effect upon notice thereof to the Lessee his executors administrators and allowed assigns in writing under the hand of the Commissioner of Crown Lands of Our said Colony or of such other person as may be authorised by Us in that behalf And also reserving unto Us Our Heirs and Successors and the Governor or other Officer for the time being duly authorised by Us or by them without compensation to the Lessee executors administrators and allowed assigns to enter upon any part of the land hereby demised and to cut dig and remove all timber stone gravel earth or other materials in or upon the said Land which shall be required for any lawful public purpose And these presents are upon this further condition that if default shall be made by the Lessee his executors administrators and allowed assigns in payment in advance as aforesaid of the rent hereby reserved and the same or any part thereof shall be in arrear or unpaid for the space of thirty days after the first day of March in any year or if the Lessee executors administrators and allowed assigns shall at any time or times fail to fulfil any of the terms or conditions hereinbefore contained or shall at any time during the term hereby demised fail to use the Land *bonâ fide* for the purposes for which the same is hereby demised as aforesaid the Lease hereby granted shall be voidable at the will of the Governor for the time being of Our said Colony and thereupon or in case

the term hereby granted shall have expired possession of the Land hereby demised shall and may be taken on Our behalf.

Schedule of Land.

In witness whereof We have caused Our Commissioner of Crown Lands—with the approval of the Governor—to affix his seal and set his hand this day of one thousand eight hundred and

Commissioner of Crown Lands.

Transfers.

Schedule No. 22.

WESTERN AUSTRALIA.

Certificate of Registration of Exemption from Work for one month.

No. Fee, One Pound One Shilling.

This is to certify that I, Warden, at have this day of 18, granted one month's exemption from work (subject to the under-mentioned conditions) to the Goldmining Lease No. in the Goldfield, in terms of clause 67 of the Regulations issued under the provisions of "The Goldfields Act of 1886," and that I have received the sum of one pound and one shilling, being the fee for the registration for such exemption.

Warden, Goldfield.

Conditions above referred to.

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

Schedule No. 23.

WESTERN AUSTRALIA.

Certificate of Registration of Exemption from Work for months.

No. Fee, Three Pounds Three Shillings.

The* Goldmining Lease No. in the Goldfield, 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 68 of the Regulations issued under the provisions of "The Goldfields Act of 1886:"

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 aforesaid subject to the conditions specified hereunder.

Warden, Goldfield.

Conditions above referred to.

Warden, Goldfield.

NOTE.—This Certificate is not to be issued until the 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. 24.

Transfer of Auriferous Lease or share therein.

No. Know all men by these presents that I* auriferous lease No. known as on the

Goldfield, and containing acres roods perches, in consideration of the payment to of the sum of 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 Warden of the Goldfield accordingly.

In witness whereof have hereto set hand and seal this day of 18 .

Signature of Transferror.

* Proprietor of, or applicant for, or shareholder in, as the case may be. † Share or interest transferred.

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

Received this transfer at o'clock on the day of 18 with fee of

Warden, Goldfield.

Stamp duty payable under the provisions of "The Stamp Act, 1892."

Transfer or assignment of a lease of any lands { For every £5 and also for any fractional part of £5 of the amount or value of the consideration over £100 ... 6d.

Exemption.

Transfer or assignment of any lease of land issued under the Crown Land Regulations, in any case in which the amount or value of the consideration for such transfer or assignment does not exceed £100.

See section 45.

Schedule No. 25.

Return of Gold obtained during the quarter ended

Table with columns: No. of Lease, Names of Owners, Name of Lease, Quantity (oz., dwt., grs.), Rate per oz., Value, Remarks.

Signature of Lessee or Manager.

Schedule No. 26.

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

No. I, of do hereby make application to the Warden of the Goldfield to be registered for the said share in the claim known as the said who is now the registered holder thereof.

Dated at this day of 189 .

Name in full Address (Signature.)

Miner's Right.

No. Date.

Received this application at o'clock on the day of 18 , with fee of ten shillings.

Warden, Goldfield.

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 six clear days from the posting and due service of this notice.

Warden, Goldfield.

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

Schedule No. 27.

Form of Declaration in lieu of Certificate.

No. Fee—

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 18th 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 .

Warden (or other J.P.)

Schedule No. 28.

WESTERN AUSTRALIA.

Certificate of Registration of Stack of Auriferous Quartz, &c.

No. _____ Fee— _____

Under the provisions of Clause 39 of the Regulations under *The Goldfields Act 1886*, 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 ____
Warden,
Goldfield.

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

Schedule No. 29.

Form of Lien Ticket.

No. _____ Fee—Five shillings.

I, _____, of _____, do hereby grant to _____ a lien upon my _____ share in a _____ numbered _____ situated _____ as security for the payment on or before the _____ day of _____ of the sum of £ _____, being the amount due and owing by me to the said _____; and until the sum aforesaid shall have been paid in full, I hereby engage and bind myself not to transfer or assign the said share, or any portion thereof, without the written consent of the said _____; and I, the said _____ hereby accept the said lien upon the said share as security for the payment within the time specified of the aforesaid sum of £ _____; and upon such payment being made to me, I hereby engage and bind myself to release the said _____

Dated at _____ this _____ day of _____ 18 ____

Signatures { Lienor
 { Lienee
 { Witness

MINERS' RIGHTS.

Lienor	No.	Date
Lienee	No.	Date

The within lien was registered by me this _____ day of _____ 18 ____, at the hour of _____ o'clock _____ m.
Warden,
Goldfield.

Schedule No. 30.

Power of Attorney.

I, _____, of _____, do hereby authorise _____ of _____, to act as my agent. And I [hereby declare this authority to be irrevocable, and] agree that all and whatsoever the said _____ shall lawfully do under this power I will at all times ratify and confirm as good and valid.

Dated at _____ this _____ day of _____ 18 ____

(Signature.)

Witness

NOTE.—This power of attorney will be considered valid until cancelled at the Warden's office by the Principal.

Schedule No. 31.

SCALE OF FEES AND RENTS.

The following shall be the scale of fees and rents payable under "*The Goldfields Act of 1886*," and these Regulations:—

	£	s.	d.
FEES:			
Miner's Right	1	0	0
Business License	4	0	0
Registration of—			
Protection Area	0	10	0
Claim...	0	10	0
Machine Area	0	10	0
Union of Claims	0	5	0
Lien	0	5	0
Rules and Agreements	0	5	0
Stacked Quartz	0	5	0
Any other authorised Holding	0	10	0

<i>Exemption of—</i>	£	s.	d.
Gold Mining Lease from Labor, one month	1	1	0
Gold Mining Lease from Labor, exceeding one month	3	3	0
Claim from Labor, exceeding one month	0	10	0
Business Area from Occupation	0	2	6
Residence Area from occupation	0	2	6
Renewal of Business or Residence Area from occupation	0	2	6
Race from use	0	10	0

<i>Transfer of—</i>	£	s.	d.
Gold Mining Lease or Share therein	1	1	0
Claim or Share therein	0	5	0
Business Area	0	5	0
Residence Area	0	5	0
Machine Area	0	5	0
Market Garden Area	0	5	0
Tailings Area	0	5	0
Water Race	0	5	0
Dam or Reservoir	0	5	0
All other authorised Holdings	0	5	0

<i>Declaration of Loss of—</i>	£	s.	d.
Miner's Right	0	5	0
Certificate of Registration	0	5	0
Transfer Certificate	0	5	0
Lien Ticket	0	5	0

Examination of Registers (for each entry) ... 0 2 6

RENTS:

Gold Mining Leases per acre per annum	1	0	0
Tailings Area per acre per annum	1	0	0
Machine Area per acre per annum	1	0	0
Market Garden Area per acre per annum	1	0	0

Schedule No. 32.

Fees for Survey of land applied for as auriferous lease.

	£	s.
For 1 acre and under	2	0
" 5 acres	3	10
" 10 "	5	0
" 15 "	6	10
" 20 "	7	10
" 25 "	8	10
For survey of underground workings at per diem	5	5
For travelling expenses of mining surveyor, for every mile or part of a mile from the mining surveyor's office, after the first three miles, at per mile one way	0	4

JUDICIAL REGULATIONS.

1. In all civil cases the proceedings shall be commenced by a plaint in the form No. 1 in the schedule, or as near thereto as circumstances will permit.
2. The plaint shall be filed in the Warden's office five clear days before the return day of the summons.
3. The plaint shall set forth the name and address of the plaintiff, and also of the defendant, so far as the same are known to the plaintiff. It must set forth a sufficient cause of action or complaint, and conclude with a prayer for the relief to which the plaintiff shall conceive himself entitled.
4. The items or particulars of demand (if any) shall be annexed to or contained in the plaint.
5. In all cases where particulars of demand are required to be annexed the plaintiff shall deliver to the Warden or his clerk, at the time of filing the plaint, as many copies of the particulars of demand as there are defendants to be served, and an additional copy to be attached to the summons.
6. Where the plaintiff sues for a debt or damages, but desires to abandon a portion, or to admit a set-off, and sue for the residue, the abandonment or the admission of a set-off shall be entered on the particulars and copies.
7. Upon the filing of the plaint, the Warden or his clerk shall issue a summons in the form No. 2 in the schedule.

8. Such summons may be made returnable at any time fixed by the Warden.

9. Where a summons has not been served, successive summonses may be issued without entering a fresh plaint, provided that no successive summonses shall be issued on a plaint which has been filed more than six (6) months.

10. Every summons shall be served at least four clear days before the return day thereof, unless the defendant resides beyond fifty miles from the court, when it must be served at least ten clear days.

11. The service of the summons, except in the cases hereinafter specially provided for, shall be either personal on the defendant or his registered agents, or by delivering the same to some person apparently not less than fourteen years old, at the place of abode or business of the defendant or his agents. If such service be found impossible by reason of the defendant being absent from the goldfield for more than fourteen days without having appointed and registered some person on the goldfield as his agent, then it shall be deemed sufficient service if a copy thereof be posted at the Warden's Office; and if the cause of action relates to any mining tenement, then also on a conspicuous part of such tenement.

12. Where the defendant is working in any mine or other works underground, it shall be sufficient service to deliver the summons at the mine or works to the engineman, banksman, or other person apparently in charge of the mine or works.

13. Service of a summons may be effected on a mining company, or other corporation, by delivering the summons to a secretary, manager, or clerk of the defendant, at any office within the goldfield or jurisdiction of the court.

14. Where a defendant avoids service, or keeps his house or place of business closed in order to avoid service, it shall be sufficient service to affix the summons on the door of such house or place of business, or to leave the summons as near thereto as possible.

15. The above rules as to the mode of service of a summons shall apply to the mode of service of all summonses, subpoenas, processes, orders, or notices whatsoever, except where otherwise directed by the Act or Regulations.

16. No summons, subpoena, process, or notice shall be served on a Sunday, Good Friday, or Christmas Day, but such days shall be counted in the computation of time required in respect of service.

17. Wherever it is the intention of the defendant to dispute the right of the plaintiff to the relief sought for, or any part thereof, the defendant shall, at least two clear days before the return day of the summons, serve the Warden or his clerk with a notice of defence, in the form No. 3 in the schedule, containing a statement of the grounds upon which he relies. But whenever a defendant intends to plead that he is not indebted by reason of his not being a shareholder in any mining venture, he shall specify the same in his plea.

18. Each party shall be entitled to procure the attendance of witnesses by means of subpoena in the form No. 4 in the schedule, or as near thereto as circumstances will permit. Every witness so summoned shall be entitled to require payment of all necessary expenses of attendance at the hearing.

19. In all actions for recovery of a debt or money demand the defendant shall be at liberty to include in the grounds of defence all matters of set-off.

20. In all other cases the defendant may pray for any cross relief to which he may conceive himself entitled as against the plaintiff in respect of the same subject-matter.

21. The items or particulars of such set-off, or the grounds upon which the cross relief is prayed, shall be set forth in the defendant's notice of defence.

22. Notices of demand of a trial by assessors shall be made in writing to the Warden or his clerk two clear days

before the day of hearing, and the summonses to the intended assessors shall be delivered forthwith for service.

23. If at the return day of the summons, or at any adjournment of the court at which it is returnable, the plaintiff does not appear, and the defendant does appear and does not admit the plaintiff's demand, the Warden may in his discretion award the costs in the same manner and to the same amount as if the case had been tried.

24. The Warden shall in each case direct what number of witnesses are to be allowed on taxation of costs between party and party, and their allowance shall in no case exceed the rates mentioned in the scale in the schedule.

25. All warrants of execution shall bear date on the day on which they are issued, and shall continue in force for twelve calendar months from such date and no longer, but may be renewed before the expiration of twelve months for a further like period, upon affidavit being filed that the debt has not been paid, and shall be in the form in the schedule applicable to the particular case, or as near thereto as circumstances will permit.

26. Where a defendant has made default in payment of the whole amount awarded by the judgment, or of an instalment thereof, a warrant of execution may issue for the whole amount of judgment and costs then remaining unsatisfied.

27. All goods sold in execution shall be sold publicly, and for ready money, by the bailiff or his deputy, to the highest bidder, at or near the place where the same were levied upon, as may be convenient for the sale thereof.

28. Notice of sale under execution shall be given by the bailiff or his deputy, by affixing notice thereof upon or near the door of the house or place where the sale is to be made, four days at least before the day appointed for such sale, which shall not be earlier than the sixth day from the day of levying upon the goods.

29. In all cases where a notice or thing is required to be given or done within a period of twenty-four hours or forty-eight hours, no part of a Sunday, Christmas Day, or Good Friday shall be included in the computation of such period.

30. All notices required by the Act or these Regulations may be given to the attorney or agent in lieu of the party.

31. The judgment in detinue, if for the plaintiff, shall be for the value of the goods detained, together with a sum to be stated in the judgment by way of damages for the detention and costs; but it may be made part of the order that on payment of damages for the detention and costs, and return of the goods on or before a day named, satisfaction shall be entered.

32. The forms in the schedule shall be adopted, so far as circumstances will permit, in all cases to which they are applicable.

33. In all cases where the practice or procedure of the Warden's court is not sufficiently defined by these Regulations, the practice and procedure of Local Courts shall, as far as possible, be adopted.

34. The scale of fees to be charged for processes issued out of the Warden's courts shall be according to the Schedule No. 13 hereto annexed, and all such fees shall be entered in a book to be kept for that purpose and be remitted monthly to the credit of the General Revenue.

35. In cases in which the value of the matter in dispute does not exceed £50, the Warden shall be guided in taxation of costs by the scale of fees in like cases in Local Courts. In cases in which the subject matter is of greater value than £50 he shall be guided by the scale of fees in the Supreme Court in cases of like amount. In all cases when there is no money demand the Warden or Warden's court shall determine what is the value of the matter in dispute.

36. Witnesses' expenses shall be allowed at the rate in the Schedule No. 14.

SCHEDULES.

No. 1.

Plaint.

In the Warden's Court at

A.B. of _____ complains of C.D. of _____ for that [here state grounds on which plaintiff proceeds, e.g.: the said C.D. is indebted to the said A.B. in the sum of £ _____ for goods sold and delivered, items and particulars whereof are hereto annexed; or the said C.D. has not for the space of three days worked or registered a certain claim known as _____ whereof he was lately in possession; or the said C.D. is indebted to the said A.B. in the sum of £ _____ upon the balance of accounts of a partnership between the said A.B. and C.D., a statement of which accounts is hereto annexed].

The said A.B. therefore prays that [here state relief sought by plaintiff, e.g.: the said C.D. may be ordered to pay the same; or the said C.D. may be declared to have forfeited the said claim].

No. 2.

Summons.

In the Warden's Court at

To [insert defendant's name and address].

You are hereby summoned to appear before the Warden's Court at _____ on the _____ day of _____ at ten o'clock in the forenoon, to answer the following complaint of A.B. of _____ in this goldfield [here set out a copy of *plaint*].

If you desire to have the said complaint heard before assessors, you are entitled to have it so heard upon payment of the necessary fees.

You may have a summons to compel the attendance of any witness, or for the production of any books, plans, or documents, on applying at my office.

If you intend to dispute the plaintiff's claim, you must file in this office a notice of defence containing the grounds of your defence at least two clear days before the day appointed for hearing.

Dated this _____ day of _____
Warden or Registrar.

No. 3.

Notice of Defence.

In the Warden's Court at

A.B. v. C.D.

To the above-named plaintiff.

Take notice that I intend to defend the plaintiff's claim in this action on the following grounds, viz. [here set forth the different grounds on which the defendant rests his defence. If the defendant prays for cross relief proceed as follows:—].

And the defendant complains of the plaintiff for that the plaintiff [proceed as in *plaint*]. The defendant therefore prays that [proceed as in *plaint*].

Dated this _____ day of _____
Defendant.

No. 4.

Subpoena.

In the Warden's Court at

Between A.B., plaintiff, and C.D., defendant.

To E.F. of _____

You are hereby required to attend before this court on the _____ day of _____ at ten o'clock in the forenoon, and at every adjournment of this case, to give evidence on behalf of the [plaintiff or defendant]. And you are hereby required to produce to the court [here state the particular things required to be produced]. And also all other books, papers, documents, plans, or things in your custody, possession, or power, relating to the subject-matter of this case.

If you neglect to comply with this summons you will be liable to a fine of £10, or in default of payment to imprisonment for one calendar month.

Dated this _____ day of _____
Warden or Registrar.

No. 5.

*Summons to Assessors.**

In the Warden's Court at

A.B. v. C.D.

You are hereby summoned to appear and serve as an assessor in this court at _____ on _____ the _____

day of _____ 189 _____ at the hour of _____
in the _____ noon upon the trial of the above cause,
and in default of your attendance you will be liable to a fine of
£5.

Given under the seal of the court, this _____ day of _____ 189 _____

To _____ of _____ Warden or Registrar.

No. 6.

Order fining Assessor for Non-attendance.

In the Warden's Court at

A.B. v. C.D.

Whereas _____ of _____ was duly summoned to appear and serve this day as an assessor in this court upon the trial of the above cause; and whereas he has neglected without sufficient cause shown to appear and serve as an assessor at this court: It is hereby ordered that he shall forthwith pay to the Warden of this court a fine of £5 for such neglect.

Given under the seal of the court this _____ day of _____ A.D. 18 _____

By the Court,
Warden or Registrar.

No. 7.

Judgment.

In the Warden's Court at

A.B. v. C.D.

The court finds upon the verdict of * _____ that †

Dated this _____ day of _____ 18 _____
Warden.

* The Warden, or Wardens and Assessors (as the case may be).

† Insert decision.

‡ Set forth the order in full.

No. 8.

Order authorising Entry on adjacent Claim.

Whereas P.Q. of _____ claims to be interested in a claim [or in certain land comprised in a lease dated _____ 18 _____, in favor of the said _____ granted under "The Goldfields Act, 1886"], which claim [or land] adjoins the claim [or land] hereinafter mentioned, and the said P.Q. has applied to me for authority to enter upon and inspect the claim [or land] herein-after mentioned for the purpose of ascertaining whether the owner or occupier thereof is encroaching upon the claim [or land] of the said P.Q.: Now therefore I hereby authorise the said P.Q. together with Mr. _____ a mining surveyor, and G.H. and I.K., his assistants [or with Mr. _____ an experienced miner], to enter upon the claim [or land] known as _____ for the purpose of ascertaining whether the owner or occupier thereof is encroaching on the said claim [or land] of the said P.Q.

Dated this _____ day of _____ 18 _____
Warden.

No. 9.

Notice of Application for Injunction.

To C.D. of _____

Take notice that I intend to apply to the Warden's Court at _____ on _____ the _____ day of _____ 18 _____ at ten o'clock in the forenoon, that an injunction may be granted by the Warden restraining you from [here state acts required to be prevented, as, for instance, "working the claim known as _____"] upon the following grounds, namely — [here state the grounds in separate paragraphs].

Dated at _____, this _____ day of _____ 18 _____

A.B.

No. 10.

Injunction.

In the Warden's Court at

Upon the application of A.B. of _____, whereof due notice has been given by the parties interested in opposing the same [or to such of the parties interested in opposing the same as appear to me sufficient to represent the parties so interested], and upon hearing C.D. and E.F., interested parties, and the evidence adduced by them, in opposition to the said application, I do hereby order and enjoin that the said C.D. and E.F., and each of them, their and each of their servants, workmen, and agents, be restrained from [here state terms of injunction granted] until the day of _____ 18 _____ [In cases of appeal if manager to

be appointed add and I appoint J.K. of as manager of the said claim [or lease, &c.] to carry on the works thereon and to pay the expenses thereof out of the receipts therefrom, and to pay unexpended balance on such receipts into this court weekly].

Dated this day of 18 .

No. 11.

In the Warden's Court at

Affidavit of Service of Summons or Subpoena.

Between A.B., plaintiff, and C.D., defendant.

I, of in the Colony of Western Australia, make oath and say that I did on the day of 18 , duly serve the defendant C.D. with a summons [or subpoena], a true copy whereof is hereto annexed marked A, at by delivering the same personally to the said defendant [or as the case may be].

Signed and Sworn at }
aforesaid, this } O.P., Bailiff.
day of }
A.D. 18 , before me }

[Indorse the copy summons as subpoena with the following certificate to be signed by the person before whom the affidavit is sworn]. This is the paper writing marked "A" referred to in the annexed affidavit of O.P. Sworn before me at this day of A.D. 18 .

No. 12.

In the Warden's Court at

Warrant of Execution on a Judgment.

Between A.B., plaintiff, and C.D., defendant.

To of Bailiff of the Warden's Court and to the Deputy Bailiffs duly authorised to execute the processes of this court.

Whereas, on the day of 18 the plaintiff obtained a judgment of this court against the defendant for the sum of £ for debt [or damages] and costs [or it was ordered by the court that judgment should be entered for the defendant, or that judgment of nonsuit should be entered and that the sum of £ for costs be paid by the plaintiff to the defendant]; and whereas default has been made in the payment thereof: These are therefore to require and order you forthwith to levy of the lands, tenements, and hereditaments, goods, chattels, credits, and effects of the defendant [or plaintiff] wheresoever they may be found, the sum of pounds shillings pence,

besides the costs of this execution, and also to seize and take any money or bank notes, and any cheques, bills of exchange, promissory notes, or securities for money of the defendant [or plaintiff], or such part or so much thereof as may be sufficient to satisfy this execution and the costs of making and executing the same, and forthwith to return the same to me, to be paid over to the plaintiff [or defendant] together with this warrant.

Dated this day of 18 .

By the Court,
Warden or Registrar.

	£	s.	d.
Judgment			" "
Costs			" "
Execution			" "
Alias			" "
	£		

No. 13.

			s.	d.
For every information or plaint			1	0
For every summons			1	0
For every copy			0	6
For every notice of defence			1	0
For every order of Warden			1	0
For every execution			2	0
For every declaration filed			2	0
For every injunction			5	0

BAILIFF'S FEES.

For every service of summons or subpoena	2	6
Possession money per diem, if in actual possession	7	0
Mileage one way on all processes served by bailiff (exclusive of first mile) per mile	1	0
For every levy	5	0

No. 14.

WITNESSES' EXPENSES.

	£	s.	d.
Professional men per diem... ..		1	1 0
All others per diem		0	7 6
Mileage for every mile after first two miles, one way only		0	1 0