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WESTERN AUSTRALIA.

Regulations for the Management of Goldfields.

*Department of Mines,
Perth, 15th April, 1896.*

HIS Excellency the Governor in Executive Council has been pleased to make the following Regulations under the provisions of "The Goldfields Act, 1895," to come into force on and after the first day of May, 1896.

E. H. WITTENOOM,
Minister for Mines.

Regulations under "The Goldfields Act, 1895," to be in force on all Goldfields, and all Crown Lands of the Colony of Western Australia.

PRELIMINARY.

Interpretation.

1. In the construction and for the purposes of these Regulations and of the Schedules hereto, the following terms, in inverted commas, shall have the respective meanings hereby assigned to them, unless there is anything in the subject matter or context repugnant to such construction, that is to say:—

"The Act."—"The Goldfields Act of 1895," together with any Act or Acts amending the same.

"Claim."—As defined in Section 4 of "The Goldfields Act, 1895."

"Miner."—As defined in Section 4 of "The Goldfields Act, 1895."

"Efficiently worked" or "Efficiently employed."—Working on, or in connection with any claim lease or authorised holding, respectively, on every lawful working day as provided by these Regulations.

"Schedule."—The respective Schedule referred to by number in these Regulations.

"Mining Surveyor" and "Mining Registrar."—The Mining Surveyor or Mining Registrar appointed by the Governor to perform the duties imposed upon such officers, respectively, by these Regulations within the Goldfield or Districts in which the subject matter referred to in the context is situate.

"Warden."—The Warden in charge of the Goldfield in which the subject matter referred to in the context is situate.

"Authorised Holding."—A claim, goldmining lease, or any holding of whatever kind lawfully held and enjoyed under "The Act" or these Regulations.

"Gold."—As defined in Section 4 of "The Goldfields Act, 1895."

"Mining," or "To Mine."—As defined in Section 4 of "The Goldfields Act, 1895."

"Race."—A channel for conveying water for mining purposes.

"To Bore."—To search for subterranean water by means of any bore, drill, or auger, or by any other mode or method used to search for subterranean water by means of machinery.

"Prescribed."—Prescribed by these Regulations.

The singular number shall, unless inconsistent with the context, include the plural.

REPEAL OF EXISTING REGULATIONS.

2. All Regulations and Schedules heretofore made under "The Goldfields Act, 1886," or under any amendment thereof, or under any Act repealed by "The Goldfields Act, 1895," are hereby repealed, provided that such repeal shall not in any way injuriously affect any existing right, title, or interest, or privilege lawfully held under such repealed Regulations, nor affect any proceeding, matter, or thing lawfully taken, done, or commenced thereunder.

DIVISIONS OF REGULATIONS.

3. Division I.—Alluvial Prospecting Areas and Claims.
 - „ II.—Ordinary Alluvial Claims.
 - „ III.—Quartz Prospecting Areas and Claims.
 - „ IV.—Miners' Rights and Business Licenses.
 - „ V.—Business, Residence, Machinery, and other Areas.
 - „ VI.—Water Rights.
 - „ VII.—Subterranean Water Rights.
 - „ VIII.—Gold Mining Leases.
 - „ IX.—General Regulations.
 - „ X.—Reserved and Exempted Lands.
 - „ XI.—Surveys.
 - „ XII.—Judicial Regulations.

DIVISION I.—ALLUVIAL PROSPECTING AREAS AND PROSPECTING REWARD CLAIMS.

Definition.—Act, Sec. 16.

4. "Prospecting" shall mean searching for any new discovery of gold in the manner hereinafter provided. "Prospecting Area" shall mean the defined area of land which any prospector shall be entitled to mark off and take possession of to search for gold therein. "Prospecting Reward Claim" shall mean the defined area of land which any prospector shall be entitled to mark off within his protection area as a reward for the discovery of and reporting payable gold.

Prospecting Protection Area, Size and Form of.

5. Any miner shall be entitled to mark off a protection area, in size as follows:—

If distant one mile from the nearest boundary of any other protection area or other authorised holding producing gold at the time of marking off the protection area	500ft. x 500ft.
If distant over one mile and under three miles	700ft. x 700ft.
If distant over three miles and under five miles	800ft. x 800ft.
If distant over five miles	1000ft. x 1000ft.

And every such protection area shall, from and after the third day of such marking off, be efficiently and continuously worked.

Discovery of Gold must be reported.

6. As soon as payable gold shall have been discovered in any protection area the holder thereof shall, within seven clear days of such discovery, report the same to the Warden or Mining Registrar of the Goldfield or District within which the discovery is made, and if outside a Goldfield or District then the nearest Warden or to the Under Secretary for Mines, and shall set out the particulars in the form of Schedule I. Provided that the Warden may grant such extended time for reporting as he may consider reasonable when the distance of the discovery from the Warden's office or other special circumstances may warrant such extension. Upon receipt by the Warden or Mining Registrar of the said report, a copy thereof shall be posted outside his office by such Warden or Registrar, for public information.

Penalty for not reporting discovery.

7. If the holder of a protection area fails to report such discovery of payable gold, as provided in the next preceding section, he shall not be entitled to a prospecting or reward claim, nor to a greater area than an ordinary alluvial claim, and shall also be liable to a fine not exceeding Ten pounds for a breach of this Regulation.

Area of Reward Claim.

8. The holder of any protection area shall be allowed fourteen days from and after reporting the discovery of payable gold as aforesaid, to choose and mark off the prospecting reward claim to which he shall be entitled, the superficial area of which shall be as follows:—

If the protection area shall be distant over one mile and under three miles from the nearest boundary of any authorised holding pro- ducing payable gold	400ft. by 400ft.
If distant over three miles and under five miles	500ft. by 500ft.
If distant over five miles	600ft. by 600ft.

And every such prospecting reward claim, from and after the day of marking off, shall be efficiently and continuously worked by not less than two men.

Balance of Protection Area, when open to Occupation.

9. When such prospecting or reward claim shall have been marked off, or when the fourteen days allowed, as aforesaid, shall have expired, all the right, title, and interest of the holder of the protection area in and to the balance of the area shall absolutely cease therein. And if such prospecting or reward claim shall not have been marked off and its boundaries defined within the prescribed time of fourteen days, it shall be lawful for any miner to define the boundaries of such reward claim, and to take possession of so much of the balance of the protection area as he may be entitled to occupy under these Regulations.

Registration.—Act, Sec. 11.

10. All prospecting claims shall be registered with the Mining Registrar, and every protection area may or may not be so registered, at the option of the holders.

DIVISION II.—ORDINARY ALLUVIAL CLAIMS.

Size of Ordinary Alluvial Claims.—Act, Sec. 4.

11. The maximum area of an ordinary alluvial claim shall be:—

For (1) One miner	70 feet by 70 feet.
.. (2) Two miners	100 feet by 100 feet.
.. (3) Three miners	125 feet by 125 feet.
.. (4) Four miners	150 feet by 150 feet.
.. (5) Five miners	170 feet by 170 feet.
.. (6) Six miners	185 feet by 185 feet.
.. (7) Seven miners	195 feet by 195 feet.
.. (8) Eight miners	200 feet by 200 feet.

And no ordinary claim shall be of a greater area than 200 feet by 200 feet.

Amalgamation.

12. Any number of adjoining claims may be legally united as an amalgamated claim whenever the natural difficulties of working the same, or other sufficient cause, shall render such course advisable, and the mode of obtaining such amalgamation shall be as provided in Regulation 26.

River and Creek Claims.

13. The extent of a claim in a river or creek shall be:—

In new ground one hundred (100) feet along the course of the creek or river, for each miner, by a width extending from bank to bank, the question of banks, in case of dispute, to be decided by the Warden.

In old and abandoned ground two hundred (200) feet along the course of the river or creek, for each miner, by the width of such river or creek.

Flood Race.

14. The holder of any claim in a river or creek shall form and maintain a sufficient flood race through or past such claim, and no person shall mine within ten (10) feet of either side of any flood race.

EXTENDED ALLUVIAL CLAIMS.

Definition.

15. "Old and abandoned ground" shall mean alluvial ground, the greater part of which has been occupied "to mine," worked, and then abandoned.

Extended Claims in Old and Abandoned Ground.

16. An extended claim in old and abandoned ground, not being river or creek claims, shall be of the following dimensions:—

For (1) One miner	140ft. by 140ft.
For (2) Two miners	200ft. by 200ft.
For (3) Three miners	280ft. by 280ft.
For (4) Four miners	320ft. by 320ft.

DIVISION III.—QUARTZ PROSPECTING AREAS AND CLAIMS.

Definitions.—Act, Sec. 4.

17. The terms "seam," "vein," "reef," and "lode" shall apply to quartz claims only, and shall mean any substance other than alluvial (as defined in Section 4 of "The Goldfields Act, 1895") containing gold.

Quartz Prospecting Protection Areas.

18. The prospecting protection area which may be occupied by any miner seeking for any new and unworked quartz reef, seam, lode, or vein shall be double the length of the prospecting or reward claim which he would be entitled to under Regulation 20.

Width of Quartz Prospecting Areas and Claims.

19. The width of all quartz prospecting areas and claims held under this division may be, and shall not exceed four hundred (400) feet, and shall be marked off at right angles to the base line, on or off such base line, at the option of the holder.

The preceding Regulations as to quartz prospecting areas shall apply to all such areas within a proclaimed goldfield. The size of prospecting areas outside the limits of any proclaimed goldfield may be 400 yards by 400 yards.

Extent of Prospecting or Reward Claim.

20. Any miner discovering gold in apparently payable quantities in any protection area, or in any new seam, vein, reef, or lode, and reporting the same in the same manner as provided for alluvial discoveries by Regulation 6, shall be entitled, upon proof to the satisfaction of the Warden if the discovery be within a goldfield, or of the Minister if such discovery be outside the limits of a goldfield, that

such discovery is of a payable nature, to the following extent of ground as a prospecting or reward claim:—

If distant less than one mile from	300ft. x 400ft.
the nearest boundary of any	on or parallel to
mining tenement producing gold	the base line.
If one mile and under three miles,	400ft. x 400ft.
as aforesaid	...
If distant three miles and upwards,	600ft. x 400ft.
as aforesaid	...

Such claims shall be efficiently worked by not less than two men. In addition to the reward claim herein provided for, the prospectors actually working in the prospecting area shall be entitled to mark out and register one ordinary claim under Regulation 22, for each miner so working, and such claims, together with the reward claim, may be worked conjointly. For the purposes of this section registration of a quartz prospecting protection area must take place within 30 days of marking.

Working, Discovery of Gold, Reporting.

21. Regulations 6, 7, 8, and 10 relating to the working of protection areas, the reporting the discovery of gold, and the marking off of the prospecting claim within the area shall apply to all protection areas held under this Division.

Extent of Ordinary Claim.

22. An ordinary quartz claim of which any miner may take possession may be and shall not exceed 75 feet along or parallel to the base line, at the option of such miner, by a width of 400 feet. Eight such claims, and not more, may be taken possession of and worked conjointly.

Ordinary Claims, how worked.

23. All ordinary quartz claims, when not payable, shall be efficiently worked by not less than half the number of men required to hold the ground, being one man for each 150 feet along the base line, but when payable such claim shall be worked with the full number of men, being one man for each 75 feet along the base line.

Claims, when payable.

24. A quartz claim shall be deemed payable when it produces gold sufficient to pay current wages to the miners working on or in connection with such claim, in addition to all working expenses. The onus of proof that such claim is not payable shall rest with the shareholders thereof.

Base Line—how laid off.

25. On the reporting of gold in any protection area, as provided in Regulation 20, the Mining Surveyor shall, without delay, lay off a base line on the ascertained course of the reef, and mark off the prospecting or reward claim as defined in Regulation 20, to be chosen by the holder of the protection area anywhere within such area. Pending the laying off of the base line by the Mining Surveyor, it shall be lawful for the holder of any protection area to lay off a temporary base line on or parallel to which he may mark off the extent of claim to which he is entitled, subject to the boundaries being adjusted by the Mining Surveyor.

Amalgamation.

26. Upon application made to the Warden in form of Schedule 2, adjoining quartz claims may be amalgamated to an extent not exceeding sixteen men's ground, or 1,200ft. along the base line where the natural difficulties of working or an economical development of the claims to be amalgamated render such amalgamation advisable. Any amalgamated claim may be worked by half labour as provided by Regulation 23.

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 22 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, etc.

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.

Survey of Claims.

33. It shall be compulsory on the holder of any of the undermentioned quartz claims to make application to the Mining Registrar for the survey thereof within the time hereunder mentioned:—

- (1.) If a quartz "prospecting reward claim," at the time of reporting payable gold.
- (2.) If an "ordinary quartz claim" held under Regulation 22, within three months from the date of marking off.
- (3.) If an amalgamated claim under Regulation 26 not previously surveyed, at the time of making application to the Mining Registrar for such amalgamation.

Registration.

34. All quartz claims or shares therein, and any transfer of such claims or shares, shall be registered with the Mining Registrar in the manner provided in Clause 111, Division IX.

DIVISION IV.—MINERS' RIGHTS AND BUSINESS LICENSES

Miners' Rights.—Act, Sec. 14; Act, Sec. 16; Act, Sec. 4.

35. A Miner's Right in the form of Schedule No. 4 hereto annexed, will be issued to any person not being an Asiatic or African alien, upon application to the Warden or other person authorised to issue the same, on payment of the prescribed fee of Ten shillings, 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 16 of "The Act." Such Miner's Right issued by the Wardens of Goldfields or any other authority, shall have full force and effect over any Crown Lands, whether inside or outside of a proclaimed Goldfield.

Consolidated Miners' Rights.—Act, Sec. 15.

36. A consolidated Miner's Right in the form of Schedule No. 5 hereto annexed, to be in force for a period

not exceeding one year, will be issued upon the application of the Manager, or any Trustee or Trustees of any Company or co-operative body of persons, not being Asiatic or African aliens, who shall have agreed to work in co-ownership or co-partnership, as provided in Section 15 of "The Act," on payment of a sum of Ten shillings for each person which the same is to represent.

One Miner's Right sufficient.

37. A miner may himself or by his agent take up and hold any number of ordinary quartz claims not exceeding eight, or shares in claims, provided such claims or shares in claims are worked by miners in accordance with these Regulations, and that a consolidated Miner's Right be taken out representing each claim or share therein so held.

Business License.—Act, Sec. 19.

38. A Business License in the form of Schedule No. 6 hereto annexed, to be in force for a period not exceeding one year, will be issued to any person not being an Asiatic or African alien, upon application to the Warden, or other person authorised to issue same, and upon payment of the fee of Four pounds. The rights and privileges conferred by a Business License are set forth in Section 19 of "The Act."

Business License may be transferred.—Act, Sec. 19.

39. The holder of a Business License may transfer the same, together with the area occupied by virtue thereof, by endorsement thereon, and such transfer shall be registered, as provided by Section 19 of "The Act," upon payment of the fee of Five shillings, and also provided that the transferee be not an Asiatic or African alien.

DIVISION V.—BUSINESS, RESIDENCE, MACHINERY, AND OTHER AREAS.

Business Areas.—Act, Sec. 19.

40. Any holder of a Business License shall, with the approval of the Warden as to locality, be entitled during the continuance of such license to occupy upon any goldfield, for the purpose of carrying on his business, so much Crown Lands, not exceeding one quarter of an acre, being an area of sixty-six feet frontage by a depth of one hundred and sixty-five feet if fronting a street, road, or thoroughfare; and, if not so situate, an area of one acre, and for the purpose aforesaid erect any building or other erection, and at any time remove the same, and he shall be deemed in law to be possessed only of the surface of the land he may occupy by virtue of such license.

Residence Areas.—Act, Sec. 16.

41. Any holder of a Miner's Right during the continuance of such right shall, with the approval of the Warden as to locality, be entitled to occupy upon any goldfield, for the purpose of residence, an area of Crown lands not exceeding one quarter of an acre. If fronting any street, road, or thoroughfare, the form of measurement shall be sixty-six feet frontage to such street, road, or thoroughfare, by a depth of one hundred and sixty-five feet. The occupation of such areas shall be for residence purposes only, and shall not confer any right to mine thereon. Only one such area can be so occupied by any holder of a Miner's Right on any goldfield.

All Business and Residence Areas must be applied for and registered as provided for in the General Regulations.

Residence and Business Areas may be Registered as Exempt from Occupation.

42. The holder of any residence or business area upon which there are substantial improvements of the value of not less than Five pounds, may apply to the Warden, in the form of Schedule No. 7 hereto annexed, and the Warden, upon payment of the prescribed fee of Ten shillings, may register such area as exempt from the condition of occupation for any period not exceeding six months. Such registration may be renewed upon payment of a like fee.

Machinery Areas.

43. Any holder of a Miner's Right or Gold Mining Lease erecting quartz-crushing or other machinery for extracting gold shall be entitled, for such purposes, to an area not exceeding five acres.

Machine Area.—Application how made.

44. 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. 7 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. 8 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. 10 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.

Returns to be furnished.—Act, Sec. 20.

45. Every holder of a machinery area upon which is erected crushing or other machinery for extracting gold from any auriferous earth shall furnish the Warden with a quarterly statement, in the form of Schedule 11 hereto, of the quantity of stone or earth treated at such machinery during each quarter, and the proceeds thereof in gold. Any machine owner neglecting or refusing to furnish this return will be liable to a penalty, on conviction before the Warden, of Ten pounds, and to have his machinery area cancelled.

Tailings Area.

46. The holder of a machinery area or other person being the holder of a Miner's Right may make application to the Warden, in the form of Schedule No. 7 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. 8 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. 10 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 *boni fide* manner for stacking tailings for six months, or the annual rent not be paid yearly in advance.

Market Garden Area.

47. 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. 7 hereto annexed, for an area not exceeding five acres for such purpose, and a certificate of such application in the form of Schedule No. 8 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. 10 hereto annexed, and register him therefor 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.

Areas may be mined upon.—Act, Sec. 23.

48. The holder of any business, residence, machinery, or garden area shall not, by virtue of his rights thereto, be entitled to mine for gold thereon. When any such area may be supposed to contain gold any miner may enter upon such area to mine, upon payment to the holder of the area of such amount, by way of compensation, as may be determined in case of dispute by the Warden, who may obtain expert evidence to aid him in determining the matter referred to him, and the cost of such evidence may form part of the award made. Provided that no machinery shall, under any circumstances, be undermined without the consent of the owners thereof or their accredited agents.

Nuisances not permitted.

49. All persons occupying areas under this division shall keep them in a proper state of cleanliness, and on complaint being made that any area is not so kept, the Warden shall make such order therein for the enforcement of this Regulation as he may deem necessary for the observance of decency and the protection of the public health.

Survey of Areas.

50. It shall be compulsory on the holder of any machinery area to make application to the Mining Registrar for the survey thereof at the time of the registration of such area.

Forfeiture of Area.

51. Any machinery area upon which the erection of machinery shall not have been commenced and efficiently carried on, on and after the expiration of six months from the registration of the title thereto, shall be deemed to have been abandoned, and may be taken possession of by any person other than the registered holder thereof, and any business area upon which there shall not have been erected, and occupied, a building of the value of not less than Five pounds, within thirty days after the registration of the title thereto, unless an extension of time for so doing be granted by the Warden, shall be deemed to have been abandoned, and may be taken possession of by any person other than the registered holder.

Abandonment of Machinery Area. Sale of Machinery.

52. In the event of any machinery area, upon which machinery has been erected, becoming abandoned from any cause whatever (and such area shall be considered abandoned if the machinery be left idle and unprotected by the registered owner thereof for twelve months), any miner may apply to the Warden to have the area declared abandoned, and apply to be put in possession thereof; and upon such application being made in the form of Schedule 12, the Warden shall make inquiry therein, and may declare the area abandoned, and order the machinery thereon to be sold by auction, and the proceeds of sale, less the costs and charges connected with such application and sale, shall be paid to the Colonial Treasurer, on behalf of the late owner thereof, and the applicant for declaration of abandonment shall be registered as the owner of the area so abandoned, upon payment of rent and registration fee, as provided in Clause 44 of these Regulations.

DIVISION VI.—WATER RIGHTS.

Definition.—Act, Sec. 16.

53. A "Water Right" shall mean the right to collect, store, divert, and convey water from any source, for mining and domestic purposes, and for purpose of sale in the manner hereinafter provided.

Classes of Water Rights.

54. "Water Rights" shall be of four kinds, viz.:—

- (1.) "Stream Water Rights," to be used in the bed of a stream, or diverted therefrom by means of a race for use elsewhere, for mining purpose only, but not for sale.
- (2.) "Spring, Lagoon, Lake, or Swamp Water Rights."
- (3.) "Watershed, or Storm Water Rights."
- (4.) "Subterranean Water Rights."

Limitation of Water Right.

55. The quantity of water to which any miner shall be entitled under one Water Right shall be as follows:—

- (1.) If a "Stream Water Right," not more than four ground sluice heads, or twelve box sluice heads, measured in the manner set out in the next following Regulation.
- (2.) If a "Spring, Lagoon, Lake, or Swamp Water Right," a "Water Shed or Storm Water Right," or a dam or reservoir, all water collected by him.
- (3.) If a "Subterranean Water Right," all water which may be pumped or otherwise raised to the surface, within the surface area granted under the Water Right.

Sluice Heads—how measured.

56. A ground sluice head of water shall be a volume of water three inches deep by twelve inches wide. An open box six feet in length and twelve inches in width, with scale of inches marked on the inner side at the lower end shall be placed as near as practicable at the head of the race by which the water is diverted, and having a fall not exceeding six inches in the entire length of the box, and the gauge of water, as above specified, shall be taken at the mouth of the box where the water is discharged from the box into the race or flume. A box sluice head shall be a volume of water measuring one inch deep and twelve inches wide, measured as above specified.

Priority of Water Right.

57. The priority of Water Rights derived from common source shall be determined by the date of registration, and, in case of the supply of water being insufficient the person last registered shall forego his right during such insufficiency of water, and so on, in rotation as the supply diminishes.

Water—when right thereto ceases.

58. The right to any water, under any Water Right shall terminate when the water shall be discharged beyond the boundaries of the claim, lease, or other authorised holding on which it has been used, or discharged into any natural stream or watercourse after being used.

Dams and Reservoirs, etc.

59. Any miner or leaseholder desirous of constructing a dam or reservoir, or obtaining a Water Right of the class set out in Sub-sections 2 and 3 of Clause 54, shall take possession of the site or area thereof by erecting a post not less than 3in. in diameter, and showing at least 3ft above the surface, at each angle of the site or area, and shall lodge an application with the Mining Registrar in the form of Schedule 13. A copy of such application shall be delivered to the Warden, a copy shall be conspicuously posted by the applicant on one of the posts, and a copy also posted outside the office of the Mining Registrar for 14 clear days. If at the end of the said 14 clear days no objections shall have been lodged with the said Registrar, the applicant, upon payment of the prescribed fee as per schedule, may, with the consent of the Warden be registered therefor. If any objection be so lodged it shall be heard by the Warden in the manner prescribed by Regulation 70.

Water Races.

60. Any miner or leaseholder desirous of cutting or constructing a water race, for mining purposes, shall place

in the ground, at the points of commencement and termination of the proposed line of race, posts not less than three inches in diameter and projecting three feet above the surface, and shall lodge with the Mining Registrar an application in the form of Schedule 15, and also post a copy thereof outside the office of the Mining Registrar, and on the posts aforesaid. If, after the expiration of fourteen clear days from the posting of such notices, no objection shall have been lodged with the Mining Registrar, the applicant, upon payment of the prescribed fee as per Schedule, shall be registered as the holder of such water race.

Work—when to commence.

61. Any miner who, having obtained registration for a dam, reservoir, water race, or Water Right, shall not, within fourteen days thereafter, unless exempted by the Warden, commence and efficiently work at the construction of such race, dam, or reservoir, shall be deemed to have abandoned his title thereto.

Races through and over Holdings and Roads.

62. Any miner shall be entitled to cut and construct a race through any lease, claim, or other authorised holding, provided that such race shall be cut or constructed in such a manner as not to injure such lease, claim, or holding. Any dispute arising through the exercise of this privilege shall be settled by the Warden, whose decision shall be final. Whenever any race crosses any road or public footway the owner of such race shall construct, and keep in repair, a good and substantial bridge over such race, when crossing a road, at least twelve feet in width, and when crossing a footway, at least six feet in width.

Races, Dams, etc., to be kept in repair—Water not to be wasted.

63. No holder of a Water Right shall allow the water thereby secured to him to run to waste; and, in the event of any race, dam, or reservoir being out of repair, or being in an insecure condition, or the water therein being allowed to run to waste, the Warden, on complaint being made to him, may make such order as may be necessary to prevent waste of water or public injury.

Protection to Races, Dams, etc.

64. The holder of any water race shall be entitled, for the protection of such race, to a width of ten feet on each side thereof, and when a cutting exceeds ten feet in depth, or a tunnel is constructed, the width for such protection shall be twenty feet on each side thereof, provided that the ground so protected may be mined upon on payment of compensation to such race owner, or by providing an equally good and convenient race in lieu thereof. Under no circumstances shall any dam or reservoir be mined under, or in any other way be rendered unsafe, without the consent of the owner thereof.

Water Right, Dam, or Reservoir—when abandoned.

65. Any Water Right, dam, or reservoir, when water shall be available therein, left unused for a period of six months, shall be deemed to be abandoned, unless exempted from use by the Warden.

Registration.

66. All Water Rights, dams, and reservoirs held under this division, shares therein, and all transfers thereof, shall be registered with the Mining Registrar in the manner provided by these regulations.

DIVISION VII.—SUBTERRANEAN WATER RIGHTS.

Definition.

67. A "Water Right" under this Division shall mean the right to bore, sink, collect, store, divert, and convey, for mining or domestic purposes, or sale, subterranean water from any source in the manner hereinafter provided.

"Applicant" shall mean any person or persons, co-partnership, corporation, or corporate body, or other legally constituted association of persons applying for or entitled to apply for a Water Right under these Regulations.

Mode of taking Possession.

68. Any applicant for a subterranean Water Right being the holder of a Miner's Right shall mark off and take possession of any area not exceeding fifty acres, in any shape or form the applicant may deem desirable, of any unoccupied Crown Lands within a goldfield not dedicated to any public purpose, or within the boundaries of any townsite. The boundaries of the area so taken possession of shall be defined by corner posts, at least six inches square, showing not less than six feet above the ground, and set in L trenches, six feet long, and nine inches deep along each boundary line.

Mode of Application for Subterranean Water Right.

69. The applicant shall, after taking possession, as aforesaid, forthwith apply to the Warden or the nearest Mining Registrar of the goldfield or district, in the form of Schedule 13, and post copies of such application as prescribed in Clause 59.

Objections, how disposed of.

70. Any objection against the registration of such Water Right must be lodged with the Mining Registrar within 14 clear days after the date of posting the application as aforesaid. When any objection shall have been lodged with the Mining Registrar by which the registration of a title to a Water Right under this Division shall have been stayed, the Mining Registrar shall summon all parties to the Warden's Court, and in open court the Warden shall inquire into the matter of the objection, and, on his finding, may order the Registrar to finally register the Water Right or refuse the same. The Warden may also, in his discretion, refuse to sanction the registration of any such Subterranean or other Water Right, or may refer the application for the same to the Minister for his approval.

Surveyors' objections to be marked on Plan.

71. If, on making survey of any application, it shall appear to the authorised surveyor that the area applied for or any part thereof is claimed by any person other than the applicant or is exempted from occupation under these Regulations, he shall, upon the plan of such area, distinctly notify the same in writing, and shall also show the position of the land so claimed or exempted.

Final Registration of Water Right.

72. If no objection shall have been lodged within the prescribed time against any application, or if an objection shall have been lodged and dealt with in favour of the applicant, the Mining Registrar shall, on application, issue a "Certificate of Title" in the form of Schedule 14, to the applicant, together with a copy or tracing of the plan of such Water Right, on payment of the prescribed fee for such certificate.

When Work shall be commenced.

73. The holder of a Water Right finally registered under these Regulations who shall not, within 14 days after such final registration, commence work and efficiently continue so to do, unless exempted by the Warden, shall be deemed to have abandoned such Water Right.

Water Rights—when abandoned.

74. Any Water Right, after final registration, left unused or unworked for a period of three months, shall be deemed to be abandoned, and any person may apply to the Warden for a declaration of forfeiture of such Water Right by suit in the Warden's Court. Provided that the holder of the Water Right may apply to the Warden for suspension of working in the manner provided by Section 25 of "The Goldfields Act, 1895," or any amendment thereof and the Regulations made thereunder.

Lease of Area may be applied for—Mode of Application, etc.

75. After a supply of water has been obtained under such Water Right the holder thereof shall be entitled to apply for a lease of the area comprised in such Water Right, in the manner provided by the Regulations relating to Gold Mining Leases under "The Goldfields Act, 1895," or any amendment thereof.

Survey of Areas.

76. It shall be compulsory on the applicant for any Water Right, under this and the next preceding division, to make application for the survey of the area thereof at the time of making application for registration, and deposit the survey fee set out in the Schedule of survey fees; provided that it shall not be necessary to survey "Stream Water Rights," as defined in Sub-section 1, Section 54.

Transfer of Water Right.

77. The holder of any Water Right, or share or interest therein, may, in the form of Schedule 16, assign or transfer such Water Right, share, or interest, or any part thereof, to any person being the holder of a Miner's Right: Provided that every such transfer shall be signed by the parties thereto, or their authorised agent, in the presence of the Mining Registrar. The Mining Registrar shall duly register the said transfer, and issue to the transferee a duplicate of the transfer. The Mining Registrar shall refuse to register the transfer of any Water Right, share, or interest therein, the title to which shall then be in issue in any Court, and legal notice of which shall have been served on the said Registrar.

Liens to be registered.

78. All liens upon any Water Right shall be registered with the Mining Registrar, and shall be in the form of Schedule 17. Previous to such registration of any lien, a copy of the instrument or agreement creating the same shall be lodged with the Mining Registrar.

Water may be sold.

79. Every holder of a Water Right classed under Sub-Sections 2, 3, and 4 of Clause 54, may sell, or otherwise dispose of, water obtained by virtue of such Water Right. The maximum price to be charged for such water shall be fixed by the Minister for Mines, and after a report from the Warden, from time to time, as circumstances may demand. Any infringement of this regulation as to price will render the Water Right liable to forfeiture. The owner of such water may recover, in the Warden's Court, any sum of money due in respect of any water so obtained and supplied.

Areas may be mined upon.

80. The holder of any Water Right area under this and the next preceding Division shall not, by virtue of his title thereto, be entitled to mine on or in the area of land comprised in such Water Right. When any such area is reasonably supposed to contain gold, any miner may apply to the Warden for permission to mine thereon and therein, on payment of such amount, by way of compensation, as may be determined in case of dispute, by the Warden. Provided that a copy of such application for permission to mine shall be personally served upon the owner of such Water Right area, or his authorised agent or accredited representative, seven clear days before the Warden shall hear such application, so as to enable objections to be lodged in writing, and further, that the working plant, shafts, or other workings shall not be injured or interfered with, unless with the consent of the owner, agent, or representative aforesaid. In the event of gold being discovered on such area by the owner thereof, during the search for water, or otherwise, he shall be entitled to mark off and apply for a Gold Mining Lease in the manner provided by the Regulations. Such lease shall be in addition to the Water Right held by the applicant.

Miner entitled to use of Water.

81. When gold is discovered in a Water Right Area, and a claim or lease granted of the whole or any portion of such area as provided in the last preceding section, the claim-holder or lessee shall be entitled to the free use of so much water obtained by him in prosecuting mining operations as may be found necessary for the purpose of "Mining" on such claim or lease without let or hindrance from the owner of such Water Right, but he shall not be

entitled to drain water from the surface of such Water Right; and any dispute as to the quantity of water so used, or the method of obtaining same, shall be settled by the Warden, or Warden and Assessors in open court. When a claim or lease is granted under the provisions of this and the last preceding section, the Warden may, on application made by the owner of any such Water Right, reduce the rent payable by such owner in proportion to the area occupied by such claim or lease.

Water Rights exceeding 50 acres.

82. All applications for Water Rights under Sub-sections 2 and 3 of Clause 54 of these Regulations shall, if the area applied for exceeds 50 acres, be submitted to the Minister by the Warden, together with his report thereon, and recommendation for the granting or refusal thereof.

Annual Rent.

83. The annual rent to be paid on all Water Rights granted under Classes 2, 3, and 4 of Clause 54 shall be at the rate of twenty shillings per acre, or such lesser rate as the Governor in Council may from time to time in special cases approve of.

DIVISION VIII.—GOLD MINING LEASES.

What Land may be taken possession of, and by whom.—

Act, Sec. 32.

84. Any person being the holder of a Miner's Right, or any number of persons conjointly, each being the holder of a Miner's Right, desirous of obtaining a gold mining lease under Section 32 of "The Act," may, in the manner hereafter described, take possession of any Crown land not included within the exemptions contained in Section 33 of "The Act," and apply for a gold mining lease of such land for any term not exceeding twenty-one years.

Area and Duration of Leased Land.—Act, Sec. 35.

85. The extent of the area in a lease so applied for shall not exceed twenty-four acres, and the term thereof shall be computed from the 1st day of January preceding the date of application. The maximum length of a lease shall not exceed twice the width across the line of reef or lode, and such area shall be measured in the form of a parallelogram wheresoever it is practicable to measure in that form.

Rent to be reserved.—Act, Sec. 31.

86. The yearly rental to be reserved shall be twenty shillings per acre, or fraction thereof. All such rents shall be payable in advance, and the first payment shall be made at the time of lodging the application for lease, and all subsequent payments shall be payable to the Minister at the Department of Mines, Perth, or his agents at the various Wardens' or Mining Registrars' offices on any goldfield or district of the Colony. The rents of all leases shall be calculated from the 1st January to the 31st December, and may be paid at any time up to the 31st January, without fine. If not so paid, such rents may be paid at any time during the month of February, with the addition of a fine of ten per centum of the rent due. If not so paid, such rents may be paid at any time up to the 31st of March, with the addition of a fine of fifteen per centum of the rent due. If not so paid, the lease shall be voidable at the will of the Governor. Leases applied for during the year will be charged rent from the beginning of the quarter of the year during which the application is made. Such quarters ending on the 31st March, 30th June, 30th September, and 31st December in each year.

Mode of taking possession.

87. Prior to making application for a gold-mining lease, the intending applicant or applicants, or some one of them, or some person or persons duly authorised in writing in his or their behalf, shall, at each corner of the land intended to be applied for, erect a post not less than three inches in diameter, or a cairn of stones. Such post or cairn of stones to project not less than three feet above the ground, set in the angle of an L trench, the arms of which

shall be not less than six feet long and not less than six inches deep, and cut in the general direction of the boundary lines. One of such posts or cairn of stones shall be deemed the "datum" point from which the Mining Surveyor shall commence his survey of the land. On such post or cairn of stones the applicant shall post a legibly written or printed notice in the form of Schedule 18 hereto; and such notice shall be kept visible and the words legible until the survey of the area is made, and shall also cut or clear the boundary lines so that each post or cairn of stones may be clearly visible at all times from end to end of such lines. Should the intended applicant fail to comply with the provisions of this clause, the Minister may refuse to entertain the application for lease.

Application, how and when made.

88. Within ten days after taking possession of such land in the manner hereinbefore provided, the application for a lease must be lodged with the nearest Mining Registrar of the goldfield or district in which the land is situate, in the form of Schedule 19, together with the rent for the first year or part of year, and survey fee, and the application must state therein the number of shares or units into which the lease is to be divided. A notice, in the form of Schedule 20, of every application for lease shall be posted by the Mining Registrar outside his office, and on the datum peg on the land by the applicant, stating that objections may be lodged up to a day named in such notice, being not more than thirty days from the date of such application. The applicant shall also cause a copy of such notice to be advertised twice in any local newspaper.

Objections, how made and dealt with.—Act, Sec. 38.

89. If any person being the applicant for or holder of a Goldmining Lease or the holder of a Miner's Right or Business License desires to object to the issue of a lease to the applicant therefor, he shall, within thirty days after the application to lease has been lodged with the Mining Registrar, lodge with the said Registrar, and also serve such applicant with a notice in the form of Schedule 28, of every objection intended to be taken by him against the issue of such lease. Such notice shall be sufficiently served if transmitted by post to the address of the said applicant, or posted on the datum point of the land applied to lease. Provided always, that the Warden may order that personal service shall be effected. When any objections shall have been lodged within the prescribed time, the Warden shall fix a day for the hearing of such objections in the Warden's Court, and shall take evidence on oath, which shall be signed by the person giving it. Such evidence, together with the Surveyor's plan and report, shall immediately be forwarded to the Minister by the Warden, accompanied by his recommendation, as to whether the application should be granted or refused; but no lease application shall be recommended by the Warden until after the time for lodging objections has expired, and until the Surveyor's plan and report shall have been received.

When objection sustained fees refunded.—Act, Sec. 45.

90. In the event of an objection to any application for lease being sustained, or should the Minister, on the recommendation of the Warden or otherwise, refuse to grant any application for lease, the applicant shall be entitled to refundment of the fee paid for rent and also the fee paid for survey, should such survey be not executed.

Applicant for forfeited, abandoned, or surrendered leases to pay full fees, etc.—Act, Sec. 45.

91. When application is made for land the lease for which has been forfeited, as provided by Section 45 of "The Act," or has been abandoned or surrendered, the applicant for new lease of such land shall make his application and pay all fees thereon as he would do if no such forfeited, abandoned, or surrendered lease had existed, and in the manner prescribed by Regulations Nos. 87 and 88. Provided that, except with the consent of the Warden, no

application for lease shall be received from or claim registered by the complainant to whom the land comprised in a lease or application for lease may have been awarded under Section 45 of "The Act" after the expiration of the fourteen days allowed him by such section.

Withdrawal of application for lease.

92. Should the applicant for a lease within thirty days from the date of his application desire to withdraw the same, the Warden may accept his withdrawal and may, should he think fit, refund to the applicant the fees paid for rent and survey, less the sum of ten shillings for registration fee, but should the survey have been executed prior to such withdrawal the rent only may be returned, less the registration fee. Should the applicant for lease desire to withdraw therefrom after the expiration of thirty days from the date of application, he shall forfeit his deposit for rent, but shall be entitled to a refund of the survey fee if the survey be not executed at the time of withdrawal.

Labour to be employed.—Act, Sec. 45.

93. Every area of land which may be applied for as a Goldmining Lease under "The Goldfields Act, 1895," or any amendment thereof, shall, on and after the expiration of thirty days from the date of the application to lease, be efficiently and continuously worked on every lawful working day (not being a public holiday), except during any period of exemption from work lawfully granted by the Minister or the Warden. The labour to be so employed shall be not less than one man for every six acres or fraction thereof contained in the area applied to lease; and such area shall be so worked until the application to lease shall be gazetted as approved or refused by the Governor. When any such application to lease shall have been approved of, and such approval published in the *Government Gazette*, the labour to be employed shall be one man for every three acres or fraction thereof of the area contained in such approved application; such additional labour to be employed on and after the expiration of thirty days from the date of the *Gazette* publishing such approval. Provided that when any objection has been lodged against any application to lease, which involves the title of the applicant to the land applied for, the Warden may make such order for the working, or total exemption from working, of the said land as he may deem necessary.

Survey.

94. Upon the receipt of the application and deposits as aforesaid, the Warden or the Inspecting Surveyor, in the name of the Warden, shall issue to a Mining Surveyor instructions to survey the land applied for without delay, and to furnish in duplicate an accurate plan thereof, and a full and accurate description of the boundaries and connections of the land, and such other particulars as the Warden or Inspecting Surveyor may require him to furnish.

Transfer.—Act, Secs. 11 & 35.

95. Any registered holder of a lease, or any registered applicant for a lease, may apply to transfer the whole or any share or shares in such lease or application to lease in the form of Schedule 21, by lodging such form of transfer, together with the fee as required by Schedule of fees, and the stamp duty payable thereon, provided that no portion of any share or unit may be transferred, and no such transfer shall be valid or recognised by the Crown, unless made with the license, sanction, or authority of the Minister, and duly registered in the office of the Minister at Perth as provided by Section 11 of "The Act": Provided that the Minister, Warden, or Registrar may require from the parties to any transfer a statutory declaration as to the correctness of the amount of consideration expressed in said transfer: Provided also that no such license, sanction, or authority shall be required in the case of any assignment made by any person in whom the right to sell or assign is vested by operation of law, but every assignment shall be registered as aforesaid.

- (1.) Registration of all transfers shall take place at the Minister's office, Perth.
- (2.) Transfers may be lodged with the Warden, or at the Minister's office, at the option of the parties thereto, and the priority of right to registration shall take place from time of lodgment.
- (3.) The Warden shall record all transfers received by him, and forward them to the Minister's office together with the instrument of lease (if issued) for endorsement.
- (4.) When transfers are lodged at the Minister's office the Warden of the goldfield whereon the leases to be transferred are situate shall be advised of the full particulars of such transfers.

Tribute Contracts permitted if filed.

96. No contract made by any lessee with any person to work in, upon, or in connection with the land leased as a tributor, or upon the terms of retaining or being paid a portion of the gold won from such land, or a portion of the proceeds of the sale of such gold in lieu of wages, shall be deemed a breach of any covenant or condition in any lease granted, notwithstanding the absence of sanction or authority of the Minister. Provided that the contract or a true copy thereof, verified by affidavit, be filed in the Mining Registrar's Office wherein the lease is recorded, within thirty days after the signing or execution of such contract.

Leases conditionally surrendered to be worked full-handed until surrender accepted.—Act, Sec. 41.

97. 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 by the regulations to hold any other ground included in the application for a new lease.

Returns to be furnished quarterly.—Act, Sec. 50.

98. Every holder of a lease shall furnish the Warden with a quarterly statement, in the form of Schedule No. 22 hereto annexed, of the working and proceeds of the mine. Such return must be lodged with the Warden not later than the fourteenth day after the termination of the quarters ending 31st March, 30th June, 30th September, and 31st December. Any lessee neglecting to furnish this return is liable to a fine not exceeding Ten pounds, or the forfeiture of the lease.

Exemption from Labour by the Warden.—Act, Sec. 25-16.

99. Any lessee or applicant for a lease who shall prove to the satisfaction of the Warden by evidence on oath in open court that the necessity for exemption from labour conditions on the land held by such lessee or applicant actually exists, may be granted exemption of labour for any period not exceeding one month by such Warden. Application for such exemption shall be made in the form of Schedule 23, a copy of which shall be served upon the lessee or applicant for lease (if any) of the adjoining land, and also post a copy on the working shaft of the area applied to be exempted three working days before the hearing of the application by the Warden, and the onus of proof of service of such notice shall lie upon the applicant for exemption. If such application be granted, a certificate in the form of Schedule 24 shall be issued to the applicant on payment of a fee of One guinea, a copy of which shall at once be posted at the working shaft on the land so exempted and kept visible during the period of exemption.

Exemption from Labour by the Minister.—Act, Sec. 25-16.

100. Any lessee or applicant for a lease desirous of obtaining exemption from labour conditions for a longer period than one month and not exceeding six months, may, in the form of Schedule 23, lodge an application with the Warden, and serve the lessee or applicant for lease (if any) of the adjoining land with a copy of such application, and also post a copy on the working shaft

of the area applied to be exempted seven working days before the hearing thereof by the Warden, for the purpose of enabling objections to be lodged. Such application and objections, together with the evidence taken on oath in open Court, shall, within seven days after the hearing, be forwarded to the Minister by the Warden, accompanied by his recommendation for the granting or refusal of the application. The Minister may grant or refuse such application. If the Minister shall grant an exemption, a certificate in the form of Schedule 25 shall be issued to the applicant on payment of a fee of Three guineas. A copy of such certificate shall be posted up by the applicant and kept visible during the period of exemption at the working shaft on the land so exempted. Any breach of the conditions set out in the certificate shall render the certificate null and void, and if work shall not forthwith be resumed, the area so exempted shall be liable to fine or forfeiture in the manner provided by "The Act."

When exemption is granted on one or more leases for the purpose of concentration of labour as provided by subsection 4 of Clause 25 of "The Act," a fee of one guinea only shall be payable for the registration of such exemption.

Work during Exemption optional.—Act, Sec. 99.

101. It shall be optional with any lessee or applicant for lease to resume and cease work at any time or times during any period of exemption, without in any way vitiating such exemption.

Applications for Forfeiture.—Act, Sec. 45.

102. All proceedings to obtain forfeiture of leases under Section 45 of the Act shall be commenced by plaint and summons in the manner prescribed in the Judicial Regulations. Provided that no plaint shall be filed or proceedings taken for an alleged breach of labour conditions under Section 45 of "The Act" unless such breach, as alleged, took place within the 21 days next preceding the date of filing of such plaint.

Entering upon Lease for Alluvial.—Act, Sec. 36.

103. When any miner shall be desirous of entering upon any land held under application for lease or the subject of any lease granted after the passing of "The Act," for the purpose of searching for and obtaining alluvial gold, he shall give notice to the applicant for lease or the lessee, as the case may be, in the form of Schedule 26 of these Regulations, describing the exact position of the alluvial ground to be worked, and within forty-eight hours after the service of such notice the applicant for lease, or lessee, shall delineate upon the land the line of any reef or reefs situate thereon. In the event of any dispute between the parties the miner desiring to work for alluvial shall apply to the Warden in form of Schedule 27, who shall decide the matter of the dispute. Provided that no alluvial claims so granted shall exceed the dimensions for ordinary alluvial claims, as set out in Clause 11, Division 1, of these Regulations. No Alluvial Prospecting Area or Alluvial Reward Claim can be held under the provision of this section or of Section 36 of "The Act."

Collusive Application for Forfeiture.

104. Should the shareholders or other parties interested in a Lease, or land held under application for lease, for the purpose of defeating the labour conditions thereof or otherwise, obtain by collusion a recommendation for forfeiture, such collusion shall be dealt with as a breach of the Regulations, and all parties to the same, on proof of such act of collusion to the satisfaction of the Warden, shall be liable to a penalty of £10 each, and all proceedings under the application for forfeiture shall be cancelled.

Labour Conditions not obligatory when Plaints filed.—Act, Sec. 45.

105. When a plaint has been filed under Section 45 of "The Act" applying for forfeiture of a Lease, it shall not be obligatory on the lessee to comply with the labour con-

ditions until the matter of the application for forfeiture has been decided and the Minister's decision made known.

One Notice of Marking only allowed.

106. When any person or persons shall have marked out a portion of land and posted a notice, in accordance with Regulation No. 87, and after such marking shall fail to make application for lease, in accordance with Regulation No. 88, within the prescribed time, such person or persons shall not be allowed to again mark out and post a similar notice on the same land until after the expiration of ten clear days from the date of the expiration of the term allowed to lapse.

Applications for Lease—When not objected to.—Act, Sec. 38.

107. Each application for lease shall be recorded in the books of the Mining Registrar of the district in which the land applied for is situate, and, in all cases of application for lease, when no objection thereto has been lodged, the Warden shall immediately after the expiration of thirty days from the date of application, if the surveyor's plans have been received, and if such plans have not been received immediately after the receipt thereof, forward to the Minister the application and plans together with his report recommending the approval thereof or otherwise. Provided always, that in all cases when no objection is lodged to an application for lease a formal hearing by the Warden in open Court shall not be necessary, nor shall it be obligatory for the applicant to attend at such Court at the expiration of the thirty days provided for objections under Section 38 of "The Act." The Warden may, however, should he require information from the applicant beyond that disclosed in the application, summon the applicant to attend Court and give any such further information required.

"Government Gazette"—Notices to be published in.

108. Notice of all approvals of applications and forfeitures of leases shall be published in the *Government Gazette*, and a complete file of such *Gazette*, for public inspection, shall be kept at all Wardens' and Mining Registrars' Offices, Police and Post Offices, on all Gold-fields, and the contents thereof shall be sufficient notice to all persons interested in or in any way concerned by the approvals and forfeitures therein published.

Amalgamation of Leases.—Act, Sec. 43.

109. When application is made (in form of Schedule No. 3) for the amalgamation of two or more leases, as provided by Section 43 of "The Act," and no objection thereto lodged, it shall not be obligatory to in any way alter the boundaries of such amalgamated leases in order to bring them within the operation of Section 35 of "The Act" as to proportion of length to breadth. Provided, nevertheless, that the Warden may, in his discretion, when reporting thereon to the Minister, recommend that a re-survey be made in order to adjust the boundaries in accordance with the provisions of the said Section 35 or otherwise. In all cases of re-survey the cost thereof must be defrayed by the applicants for amalgamation, and the old leases shall be cancelled and a new lease issued.

Leaseholder to have the Right to dispose of Surplus Water.

110. Should the holder of a Gold Mining Lease, or of land held under application for lease, obtain in course of mining operations a supply of water more than sufficient for the purpose of mining operations thereon, he shall be at liberty to dispose of any surplus water so obtained by sale or otherwise, and the sale thereof shall in no way vitiate his title to such lease or land held under application for lease: Provided always, that such leaseholder or applicant for lease shall in all respects comply with the labour conditions of the land held by him.

DIVISION IX.—GENERAL REGULATIONS.

The Regulations comprised in this division, except where otherwise provided, shall apply to all authorised holdings held, occupied, or enjoyed under "The Act" and the several divisions of the Regulations.

Claims and authorised holdings, how taken possession of and registered.

111. The mode of taking possession of any claim or other authorised holding, except as otherwise provided, shall be by fixing in the ground firmly at each corner or angle thereof (or as nearly as practicable thereto) a post not less than four inches in diameter, projecting above the surface not less than three feet, and set in the angles of an L trench, the arms of which shall be not less than three feet in length and six inches deep and cut in the general direction of the boundary lines. Provided that when registration is required such miner shall, within ten days after such marking, make application, in the form of Schedule No. 7 hereto annexed, to the Warden or Registrar. The Warden or Registrar shall thereupon deliver to the applicant a certificate in the form of Schedule No. 8 hereto annexed, who shall cause it to be posted on some conspicuous part of the ground applied for, and shall also post 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. 10 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.

Ground marked off in excess.

112. If any miner shall occupy an area of land in excess of the extent authorised by these Regulations, such excess (except as provided for gold mining lease applications) may be taken possession of by any miner if undisputed, who shall be entitled to choose from which end of such area it may be taken: Provided that the original occupant shall be entitled to retain that portion which contains his working shaft, or on which a permanent building other than an outhouse has been erected.

Non-maintenance of Posts, &c.

113. If the owner of any lease, claim, or other authorised holding shall fail to maintain the posts, trenches, or other sufficient boundary marks, as required by "The Act" and Regulations, he shall forfeit and pay for every such omission any sum not exceeding £10.

If Posts, &c., not maintained no damages for trespass.

114. If posts, trenches, or other marks, as aforesaid, are not maintained, as provided in the next preceding Section, and any person shall commence to work or mine on any such authorised holding, he shall not be liable to damages, provided that he cease to work and mine as soon as the posts are replaced, or the trenches, or other marks are renewed, and notice in writing given to him not to trespass.

Boundary Marks to be pointed out.

115. The owner or any shareholder of any authorised holding shall point out the corner posts and boundary lines of any such holding to any person, being the holder of a Miner's Right, requiring to know the same, provided that the request be made at a reasonable time during working hours.

Unauthorised removal of Boundary Marks.

116. Any person who shall, without authority, remove, injure, or obliterate any boundary posts or marks of any authorised holding or any posted notice relating thereto, shall be guilty of a breach of these Regulations.

Warden to determine disputes as to Boundary Marks.—Act, Secs. 51-52.

117. The Warden shall have power to determine all questions and disputes arising with respect to the size, measurements, and position of marking-posts, the cuts or marks on such posts, trenches, or boundary marks; and, where any post is not in size, or position, or character

exactly as required, he shall decide whether any such post or mark is or is not sufficiently in accordance with the spirit and intention of "The Act" and Regulations.

Penalty for posting false notices.

118. Any person who shall post any false notice of application or certificate of application for claim, lease, or other authorised holding with a view to mislead shall, on proof thereof, be guilty of a breach of these Regulations.

Forcible possession prohibited.

119. Any person being the holder of a Miner's Right, Business License, or Gold Mining Lease who shall take forcible possession of any land occupied by any other person 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 land; and in all cases of such dispute as to possession, the person whose right to take possession is disputed shall apply to the Warden to inquire into the dispute, and, pending such inquiry being held, the applicant shall not work on such land, or interfere in any way with the occupant in possession.

What considered "efficiently worked," &c.

120. Any "authorised holding" shall be considered "efficiently worked" when eight hours *bonâ fide* work is performed thereon by the complement of men required by these Regulations on every working day, except Saturday, when four hours work will be considered sufficient. Any miner performing any work necessary for carrying on mining operations on or in connection with his authorised holding, or attending any court of law on any suit connected therewith, or when summoned as a witness or assessor, shall be deemed to be working such holding within the meaning of these Regulations. And any authorised holding not so efficiently worked shall be liable to forfeiture.

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

121. 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. 12 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 serving of such notices, the Warden or Registrar 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. 9 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.

Abandonment of shares in claims.

122. 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 licensee), 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 pro-

cess of any kind beyond his written application. Provided that the licensee, 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 licensee 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, &c., the produce of forfeited claim.

123. 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. 29 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.

Claims to be continuously worked.

124. Every claim must be continuously and efficiently worked in accordance with Clause 120 of these Regulations by the requisite number of miners within two clear working days (except where otherwise provided) after it has been marked off, otherwise any share or shares therein unworked shall be liable to forfeiture. If, after work has been commenced, any claim or share therein shall remain unworked for three clear working days, such claim or share therein 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 Minister or Warden.

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

Exemption from work.—Act, S. c. 25.

125. 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. 23 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 for any of the reasons set out in Section 25 of "The Act," 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, and such exemption may be renewed at the discretion of the Warden.

Applications for exemptions to be heard in open court.

126. 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 condi-

tions he may deem necessary. Any failure to comply with such terms or conditions shall be deemed a forfeiture of the exemption.

Registration of mining tenements.—Act, Sec. 11.

127. The holders of all claims or other authorised mining tenements for which registration is required (unless otherwise provided) 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.

False representation.

128. 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.

Rules and agreements to be binding.

129. 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.

Transfers.

130. 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 in the form of Schedule 16, 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. 16 hereto annexed, the Warden or Registrar shall issue to the transferee a duplicate in the form of Schedule No. 16 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. All transfers executed under this Section must be signed by the parties thereto, in the presence of the Warden or Mining Registrar.

Transfers to be separate.

131. In transfers of leases or shares therein the following Rules shall be observed:—

- (1.) When two or more leases, the property of the same owners, are to be transferred a separate transfer shall be executed for each lease.
- (2.) When a lease is held by several lessees or shareholders, and two or more of such lessees or shareholders desire to transfer the whole or portion of their interests, a separate transfer shall be executed by each lessee or shareholder.

- (3.) When all the lessees or shareholders desire to jointly transfer the whole lease, one transfer signed by all parties shall be sufficient.

The above Rules as to transfers of leases or shares therein shall apply to all cases of transfers of claims or other authorised holdings.

Stamp Duty payable on transfers.—Act 46 Vic., No 6.

132. The stamp duty payable on all transfers of leases, claims, or other authorised holdings under the "Stamp Duties Act of 1882" is sixpence for every £5 of consideration value, and the Warden may demand a statutory declaration as to the truth of the value of consideration set out in any transfer, and no transfer shall be registered until the stamp duty thereon has been paid.

Liens.

133. 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 or Registrar of the miners' 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. 17 hereto annexed, and on payment of the prescribed fee of five shillings, exclusive of stamp duty, if any, the Warden or Registrar 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 or Registrar by the lienor of a certificate duly signed by the lienee, and attested, that the debt or liability for which such lien was held has been fully discharged, the Warden or Registrar shall forthwith cancel such lien.

Sale under.

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

Purchaser shall be registered.

- (4.) In case of any sale under the powers herein contained, the Warden or Registrar 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.

For the purposes of this section the word "Registrar" shall mean and include the Registrar at the Minister's office in Perth, as well as the Mining Registrar on each goldfield or district.

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

134. 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. 30 hereto annexed, before a Warden or any 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.

Attorney or Agent to be appointed.

135. 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 attorney or agent in the form of Schedule No. 31 hereto annexed, whose acts shall be held as those of the principal, and the name and address of such attorney or 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.

Provided that no person, after having registered or caused to be registered a power of attorney under this section, shall deal with any registered interest in any authorised holding until he shall have first cancelled such power of attorney.

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

136. 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.

137. 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.

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

Whenever any calls remain unpaid upon any share in a claim or lease (when no deed of partnership exists)

for a period of thirty (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 inquire 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 transfer fee of twenty shillings, register such share without further process, in the name of the purchaser thereof.

Mining plant not to be forfeited with Claim or Lease.

139. 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 shareholder's 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, etc.

140. 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.

141. 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.

Any person or persons travelling with a mob of horses or a camel train who shall camp and remain for more than twenty-four hours at any conserved or natural water for the purpose of grazing or otherwise, and shall use such water to the detriment of the public or any private rights, shall be guilty of an offence under this clause, and be liable to a penalty of Ten pounds for each day such horses or camels are so camped, and may be summarily removed by order of the Warden.

Compensation for Damage by Mining.

142. Every person in lawful occupation of the surface of land, freehold or otherwise, or held as a business residence, machinery, garden, tailings, or other area, or any authorised holding whose property shall be damaged by mining operations carried on thereon or thereunder shall be entitled to recover compensation for such damage and all proceedings for the recovery thereof shall be taken in the Warden's Court; and, should the damage be proved the Warden may appoint one or more competent persons to assess the amount thereof, and such amount shall be recoverable by levy and distress.

Roads across Claims, etc.

143. 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 benefited thereby, for the removal of, or injury caused to, any improvements thereon.

Nuisances not permitted.

144. The holder of any claim, lease, or other authorised holding shall not allow the detritus, dirt, sludge, refuse, garbage, or mine water from his holding to become a nuisance or inconvenience to any other authorised holding, or to the public, or in any way injure or obstruct any road or thoroughfare; any breach of this regulation shall render the offender liable to a penalty not exceeding Ten pounds, and for any subsequent offence a like penalty of Ten pounds and forfeiture of his holding.

Decency and Sanitary conditions to be observed.

145. The holder of any claim, lease, or other authorised holding shall at all times make adequate provision for the preservation of decency, and the observance of sanitary conditions on such holding: Any breach of this regulation shall render the offender liable to a penalty of Ten pounds, and for any subsequent offence a like penalty of Ten pounds, and forfeiture of his holding.

Bailing compulsory.

146. 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.

147. When the owner of any claim or lease, by the erection and working of any appliance for drainage, can prove that a saving of labour 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.

148. 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, etc.

149. 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 the Schedule of fees to 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.

150. 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.

151. 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.

Lands held under Miner's Right and in case of Death.

152. All lands held under a Miner's Right, Consolidated Miner's Right, Business License, or Mining Lease shall, on the death or insolvency of the holder or holders thereof, devolve on his or their personal representative or representatives, or assignee, or trustee in bankruptcy, or the curator of intestate estates, and shall be liable to seizure and sale under any execution issued from the Supreme Court, any Local Court, Warden's Court, or any other competent court in the Colony. The proper officer appointed to sell the same shall have full power to give an effectual transfer of the interest sold by him. And lands so devolving shall be protected from forfeiture for non-compliance with labour conditions during all necessary legal process.

Unregistered Deeds void as against Registered Deeds.—Act, Sec. 12.

153. Every deed, contract, or other instrument relating to the title to or transfer of any lease, claim, or other authorised holding, required by "The Act" or Regulations to be registered, shall, as far as regards any such property affected or to be affected thereby, be void as against any person claiming *bonâ fide* and for valuable consideration under any subsequent deed, contract, or instrument duly registered, unless the prior deed, contract or instrument shall have been registered before the registration of the subsequent deed, contract, or instrument.

Certified extract of register to be received in evidence.

154. A certificate in writing of the contents of, or of any extract from, any register kept by a Mining Registrar, and purporting to be signed by the Warden, and bearing his seal of office, shall in all courts and for all purposes be *prima facie* evidence of the matter set forth in such certificate, without production of the register or proof of the Warden's signature to such certificate.

Examination of registers by owners and others.

155. 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 search fee of two shillings and sixpence in each authorised holding searched against.

Objections, how disposed of.

156. When any objection shall have been lodged with the Mining Registrar by which the occupation of or the registration of any title to a claim or other authorised holding (not being a Gold Mining Lease or application for lease) shall have been stayed, the Registrar shall forthwith report to the Warden such objection, who shall fix a day for the hearing thereof in open Court. If the objector shall fail to prosecute his objection, or if the Warden shall dismiss it, the Registrar, upon receipt of a notice from the Warden of his decision, shall register such title in the manner provided by these Regulations. If the objection shall be upheld, the Registrar shall act in accordance with the order of the Warden made thereon.

Assessors, how paid.—Act, Sec. 73.

157. Before any assessors shall be summoned, as provided in Sections 73 and 74 of "The Act," there shall be paid to the Warden or Mining Registrar the sum of five pounds by the person demanding the assessors; and each of the assessors summoned shall be entitled to receive thereout the sum of ten shillings; and in case the hearing of any complaint shall be adjourned to any future day, there shall be paid to the Warden or Mining Registrar the further sum of one pound for every adjournment; and each of the assessors sitting shall be entitled thereout to the sum of ten shillings. Any part of any such sums which shall not be required for the payment of assessors shall be returned to the party to the case who demanded the assessors.

Caveat may be lodged against Lease, etc.—Act, Sec. 69.

158. Any person, being the holder of a miner's right, desirous of entering a *caveat* in the form of Schedule 32 against dealing with any lease or land applied for as a lease, as provided by Section 69 of "The Act," shall lodge such *caveat* with the Registrar, at the office of the Minister for Mines in Perth, or with the Warden or Mining Registrar of the goldfield or district in which the lease or land held under application for lease, the subject of such *caveat*, is situate.

- (1.) Every *caveat* shall state the name and address of the person by whom or on whose behalf the same is lodged, and shall be signed by the caveator or his agent.
- (2.) The Registrar, Warden, or Mining Registrar, as aforesaid, may, by notice, require the person lodging such *caveat* to support the same by a statutory declaration, stating the nature of the estate or interest under which the claim is made, and unless such declaration be lodged with the Registrar, Warden, or Mining Registrar as aforesaid, within the time specified, the *caveat* shall lapse.
- (3.) No *caveat* shall be received by the Registrar at the office of the Minister for Mines unless some address or place within the City of Perth be appointed therein as the place at which notices and proceedings relating to such *caveat* may be served, and no *caveat* shall be received by a Warden or Mining Registrar unless some address or place within the limits of the goldfield or district of such Warden or Mining Registrar be appointed, at which notices and proceedings relating thereto may be served.
- (4.) Every notice relating to a *caveat*, and any proceedings in respect thereof, if served at the address or place appointed as aforesaid, shall be deemed to be duly served.
- (5.) Upon the receipt of a *caveat* the Registrar, Warden, or Mining Registrar as aforesaid,

shall send a notification to the person or company against whose lease or application such *caveat* has been lodged, by registered letter directed to the address as hereinbefore provided.

- (6.) The lessee or applicant, as the case may be, may, if he think fit, summon the caveator to attend before the Supreme Court, or a Judge in Chambers, or Warden, to show cause why such *caveat* should not be removed; and such Court, Judge, or Warden may, upon proof that the caveator has been summoned, make such order in the premises, either *ex parte* or otherwise, as to such Court, Judge, or Warden may seem fit.
- (7.) Every *caveat* shall be deemed to have lapsed upon the expiration of fourteen days after notice given to the caveator that the lessee or applicant has applied for the registration of a transfer of, or other dealing with, the lease or application the subject of such *caveat*.
- (8.) A *caveat* shall not be renewed by, or on behalf of, the same person in respect of the same estate or interest.
- (9.) If, before the expiration of a *caveat*, the caveator or his agent appears before a Judge of the Supreme Court or Warden, and gives such undertaking and security, or lodges such sum in Court as the Judge may consider sufficient to indemnify every person against any damage that may be sustained by reason of any disposition of the property being delayed, then, and in such case, the Judge may direct the Registrar to delay registering any dealing with the lease or application for a further period to be specified in such order, or may make such other order as may be just.

Caveat by Consent.

159. When a contract for sale of a lease or the right of the applicant to any land applied for as a lease shall have been made, the parties to the contract may, on payment of the prescribed fee, register a *caveat* in the form of Schedule 33 hereto, together with a copy of the agreement embodying the contract for sale, and such *caveat* shall remain in force for the full term specified in such agreement unless sooner removed with the consent of all parties thereto.

Caveat to stop Transfers, etc.

160. So long as any *caveat* shall remain in force the Registrar, Warden, or Mining Registrar as aforesaid shall not register any change in the proprietorship of or any transfer or other instrument purporting to transfer or otherwise deal with or affect the estate or interest in respect to which such *caveat* may be lodged.

Powers of Mining Registrars.—Act, Sec. 10.

161. The Mining Registrar of any district shall have full power, when no objection is lodged, to grant and register protection areas, claims, or shares therein and transfers thereof, and in the absence of the Warden from the goldfield or district of such Registrar when visiting other districts may grant business and residence areas. He shall also, with consent of all parties, during such absence of the Warden decide disputes and objections, and any case within the jurisdiction of Warden, under Part IV. of the Act.

Warden to have summary jurisdiction.—Act, Sec. 10.

162. The Warden of any goldfield shall have power, with consent of all parties interested and at their request, to decide any matter of dispute summarily either in or out of court, without legal process, as provided by the judicial regulations, and the decision in any case so decided shall be recorded in the register of complaints, in the same manner as if decided in the Warden's Court, but no appeal shall rest in any case so decided.

Agreement to bar appeal.

163. Previously to the hearing of any case in the Warden's Court the parties thereto may agree in writing to accept the decision of such court as final. A memorandum of every such agreement shall be made by the Warden, and no appeal shall in such case be made from the decision of the court.

Penalties for breach of regulations.

164. 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.

Forms may be printed or otherwise.

165. All notices, applications, or other forms under these Regulations may be in writing, or partly in writing and partly in print.

DIVISION X.—RESERVED AND EXEMPTED LANDS.—REGULATIONS RELATING TO THE OCCUPATION OF RESERVED LANDS, AND THE CONSTRUCTION OF DRIVES UNDER EXEMPTED LANDS.

To whom authority may be granted.—Act, Secs. 23 and 39.

166. It shall be lawful for the Governor, with the advice of the Executive Council, and pursuant to the provisions of Sections 23 and 39 of "The Act," to authorise any one or more holders of Miners' Rights, or the holders generally of Miners' Rights, to occupy under such rights, for the purpose of searching and mining therein for gold, any Crown Lands which may have been reserved from occupation for mining under any of the provisions of "The Act," and, for the purpose of winning gold therefrom, to construct drives under any lands exempted from occupation for the purpose of mining for gold or any other mineral or metal; or to authorise any one or more holders of Mineral Licenses, or the holders generally of Mineral Licenses, to occupy under such license, for the purpose of searching and mining therein for any mineral or metal other than gold, as provided by Section 9 of "The Act," any Crown Lands which may have been reserved as aforesaid, and, for the purpose of winning any mineral or metal other than gold, to construct drives under any lands exempted as aforesaid.

Application for Authority.

167. Application for such authority to be granted to the holders of Miners' Rights, or to the holders of Mineral Licenses, shall be made in writing (in the form of Schedule A to this division) addressed to the Governor and the Executive Council, and forwarded to or lodged with the Minister for Mines, and shall be accompanied by a plan showing the locality, the position in relation to the nearest sold or surveyed land, or in relation to some well defined and fixed object, and the extent of land referred to in such application. And with each such application the sum of Ten pounds shall be deposited to cover cost of publishing notice thereof, and of inspecting and reporting on land applied for.

Plans to show portion of surface required.

168. The plans referred to in Regulation No. 167 shall (in addition to the matters therein specified) show what portion of the surface of the reserved land applied for the applicants will require to use.

Priority of application, and how determined.

169. Applications shall, as far as practicable, be dealt with in the order of their receipt; and in the event of two or more applications being made for the same land, they shall be dealt with in the order of their receipt; and if any such applications shall be received at the same time, the order of priority shall be determined by lot, at such place, by such officer, and in such manner as the Minister for Mines shall in each case direct.

Notice to Mayor where Land within Municipality.

170. No application as aforesaid will be received or entertained if made in respect of any land within any Municipality unless notice of such application shall, one month before the same shall be made, be by the applicant or applicants given to the Mayor of such Municipality, and published in some newspaper circulating in such Municipality.

Notices in "Gazette" and Newspapers.

171. As soon as practicable after the receipt of any application as aforesaid, the Minister for Mines shall cause notice thereof to be published for four consecutive weeks in the *Government Gazette* and in some newspaper circulating in the district wherein the land referred to is situated.

Inspection and Report.

172. As soon as notice shall have been published as last aforesaid, the Minister for Mines shall instruct some competent person to inspect the land applied for, and to report to him whether the same may be occupied, or whether the drives proposed to be constructed can be constructed without injury to or obstruction to the enjoyment of lands reserved or exempted as aforesaid, and whether the occupation of such land for mining purposes, or the construction of drives as aforesaid, will or will be likely to injure any adjoining property, and may require such person to make an estimate of the cost of repairing any injury which may be done to any such reserved or exempted land.

If occupation, etc., injurious to property, application to be refused.

173. If it shall appear from such report that injury would probably be done to adjoining property by such occupation or construction of drives, the Minister for Mines shall refuse to entertain such application,* unless and until the applicant or applicants shall have obtained the sanction or consent of the owner or owners of such property to the occupation or construction aforesaid.

Deposit to cover cost of repairs.

174. In case it shall appear by the report aforesaid, that injury would or would be likely to be done to any reserved or exempted lands by such occupation or construction of drives, it shall be lawful for the Minister for Mines to require the applicants to deposit such a sum of money as shall by the report aforesaid appear necessary to cover the cost of repairing the injury which may be done to such reserved or exempted lands by such occupation or construction of drives. And if after making such repairs, and if no such repairs shall be necessary, the balance of the sum so deposited, or the sums so deposited, as the case may be, shall be returned to the person or persons by or for whom such sum had been deposited.

Time of lodging objections; mode of dealing with objections and applications.

175. If any valid objection to the granting of such authority as aforesaid shall be lodged with the Minister for Mines within thirty days after the last publication of the notice referred to in Regulation 171, such objection shall be submitted with the application and report to the Governor and the Executive Council, or, if there be no objection, the application and report shall be forwarded to the Governor and the Executive Council, who shall deal with such application as they may think fit, and may either grant or refuse the authority or may grant the authority in a modified form.

Authority to be subject to Conditions.

176. Every order, granting authority to occupy reserved lands or to construct drives as aforesaid, shall be made subject to and shall contain such conditions, restrictions, and stipulations as the Governor, with the advice of the Executive Council, shall in each case impose and insert.

And the applicants may be required to enter into a bond, to be approved by the Minister for Mines, for the due observance and performance of such conditions, restrictions, and stipulations.

Penalty for Non-Observance of Conditions.

177. If any person to whom authority as aforesaid shall have been granted, or if any person who shall have taken advantage of any authority as aforesaid, which shall have been granted either to individuals or to holders generally of Miners' Rights or Mineral Licenses, as the case may be, shall fail to observe or perform any of the conditions, restrictions, or stipulations, subject to which the authority shall have been granted, such person shall be deemed to be mining on reserved or exempted land without authority within the meaning of the regulations under this division, and shall be liable, on conviction, to pay a penalty not exceeding Ten pounds.

Authority may be cancelled.

178. The Governor, with the advice of the Executive Council, may at any time cancel any order or withdraw any authority granted as aforesaid if the person or persons to whom such order or authority shall have been granted shall fail to observe and perform the conditions, restrictions, and stipulations aforesaid, or shall fail to hold a valid Miner's Right or Mineral License, as the case may be; or if it shall be found that such reserved land cannot be occupied or drives be constructed without injury or obstructions to the enjoyment by the public of such reserved or exempted lands.

SCHEDULE A.

Application for Authority.

To His Excellency the Governor and the Executive Council of the Colony of Western Australia.

Place

Date

, the undersigned, holder of _____ hereby make application, in terms of "The Goldfields Act, 1895," and the regulations thereunder, for authority to occupy certain reserved lands situated at _____, and more particularly described and delineated upon the plan hereto annexed* (or to construct drives under certain exempted lands situated at _____, and more particularly described and delineated upon the plan hereto annexed), for the purpose of mining therein or thereunder for _____

And _____ hereby agree to accept such authority subject to and to be bound by the Regulations aforesaid, or any other Regulations which may be made by the Governor, with the advice of the Executive Council, and by the several conditions, restrictions, and stipulations which may be imposed in respect of such authority. And _____ further agree to give such bond for the due observance of such conditions, restrictions, and stipulations as may be required, and to deposit such a sum of money as shall, in the opinion of the Minister for Mines, be sufficient to cover the cost of repairing any injury which may do or occasion to such reserved or exempted land under such authority.

Signature of Applicant.	Miners' Rights or Mineral Leases.	
	No.	Date.

* If applicants desire to "occupy," and to "construct," the form may be altered accordingly.

DIVISION XI.—SURVEYS.

Surveys, by whom made.

179. All surveys of gold mining leases, and other authorised holdings, shall be executed by mining surveyors

or other surveyors duly authorised in that behalf by the Governor in Council, and in accordance with these Regulations.

Applicants to point out boundary marks.

180. Applicants for leases and other authorised holdings required by the Regulations to be surveyed shall place themselves in communication with the mining surveyor, and fix a time to be on the ground applied for, in order to point out to such surveyor the pegs or other boundary marks of the land to be surveyed: failure on the part of any applicant in this respect shall be treated as a breach of the Regulations.

Surveys to be made in accordance with applications.

181. The applications for leases, water rights, or other authorised holdings shall be considered the basis of the contract, and all surveyors, before executing surveys, shall make themselves conversant with such applications in all particulars, and survey each holding as strictly in accordance with the application, as regards area and position, as circumstances will allow; and shall, if there be no surrounding fixed holdings to prevent doing so, correct and adjust any error that the applicant may have committed in marking out the area applied for when such marking out shall be at variance with the application, and no area shall be surveyed in excess of the area applied for without reference to the Warden, and his consent to such increased area first obtained.

All areas to be rectangular.

182. All leases and other authorised holdings must be surveyed in the form of a parallelogram, the length of which shall not exceed twice the width, and the boundaries of adjoining leases must be adjusted to meet this rule wheresoever it is practicable; but when, owing to the position of adjoining fixed boundaries or natural features, regular rectangular areas are not available, any intervening or irregularly shaped pieces of land may be surveyed.

Disputes as to position of pegs at time of survey.

183. In case of disputes arising as to pegs or otherwise, the surveyor shall not proceed with the survey, but report the matter to the Warden, and in no case shall he attempt to settle disputes.

Objections to survey.

184. Should any applicant for lease or other authorised holding object to the manner of the survey thereof, he shall lodge with the Warden a written objection thereto, setting forth the grounds of objection. Upon receipt of such objection the Warden shall inquire into the matter in open Court, and shall summon the surveyor to attend and give evidence thereat, and after taking all evidence shall notify his intention to uphold such survey or otherwise: Provided always, that no objection to a survey shall be entertained unless it be lodged with the Warden or Mining Registrar within thirty days after the date such survey was executed.

Surface rights to be set out.

185. All roads, telegraph lines and registered residence, business, or other areas or authorised holdings, lawfully occupied, and situated upon any land the subject of survey at the time of such survey, shall be set out by the surveyor on his plan.

Mining Surveyor to furnish plans and reports.

186. The Mining Surveyor shall forward to the Inspecting Surveyor (or if no such Inspecting Surveyor has been appointed, to the Warden) duplicate plans of, and reports upon all surveys effected by him. And in cases where an Inspecting Surveyor has been appointed, such Inspecting Surveyor shall, after having examined such plans and reports, forward them to the Warden.

Issued to _____, of _____, who, having paid the stipulated fee, is hereby authorised to carry on business on the Goldfields of the Colony, and to occupy for the

acres, and having received no notice of objection thereto, I have this day registered the same, subject to survey, as a*
Clause of the Regulations.
Given under my hand at this day
of , 189 .
Warden,
Goldfield.

Name of Registered Owner
Address
Miner's Right
No. Date

* State class of Water Right.

Schedule No. 15.

Notice and Application for a Stream Water Right under Sub-section 1 of Clause 54 and Clauses 56 and 60 of the Regulations.

No.
I (or We), the undersigned, hereby give notice that it is intention to make application on the day of to the Warden of the Goldfield for Registration of a Stream Water Right and Race marked out by and situated at . The number of sluice heads of water we intend to take and divert is and the length of race we intend to cut for the purpose of leading such water to for the purpose of use for mining and storage will be or thereabouts.
Dated at this day of 189 .
(Signature.)

MINER'S RIGHT.
No. Date
Received this application at o'clock .m., on the day of 189 .
Warden (or Registrar.)

[A copy of this application must be posted at the Warden's Office, and on the ground applied for, for 14 clear working days.]

Schedule No. 15a.

Notice of Transfer of Claim or other authorised holding (except Lease).

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. 16. [ORIGINAL.]

Transfer. Fee—Five shillings.

No.
I, of in consideration of the sum of do hereby transfer to of my situated 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 .
Signature of Transferror.
Witness to Signatures. Signature of Transferee.
Received this transfer at o'clock on the day of 18 , with a fee of five shillings.
Warden,
Goldfield.

NOTE.—Consideration must be stated, and stamp duty of sixpence for every £5 value paid.

[DUPLICATE.]
Transfer. Fee—Five shillings.
No.
I, of in consideration of the sum of do hereby transfer to of my situated 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 .
Signature of Transferror.
Witness to Signatures. Signature of Transferee.
Received this transfer at o'clock on the day of 18 , with a fee of five shillings.
Warden,
Goldfield.

NOTE.—This Certificate must be produced at the Warden's office when this interest is to be again transferred.
Consideration must be stated, and stamp duty of sixpence for every £5 value paid.

Schedule No. 17.

Form of Lien Ticket. Fee—Five shillings.

No.
I, of do hereby grant to of 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
Lienec
Witness
Amount secured.....
MINERS' RIGHTS.
Lienor No. Date
Lienec No. Date
Date of expiration.... The within lien was registered by me this day of 18 , at the hour of o'clock .m.
Warden (or Registrar),
Goldfield.

Schedule No. 18.

Notice of Marking for Gold Mining Lease.

Notice is hereby given that the undersigned this day, at the hour of marked off this land, for which intend making application for a lease under "The Goldfields Act, 1895," and the Regulations, and that it contains about acres, and that the datum line lies to the of this point.
As witness hand this day of 18 .
(Signature.)
[This notice must be posted on the datum point and kept visible until the land is surveyed.]

Schedule No. 19.

No. Application for Gold Mining Lease.

Pursuant to the provisions of "The Goldfields Act, 1895," and to the Regulations established thereunder, I, * do hereby apply for a Gold Mining Lease of acres of land taken possession of and marked out by at o'clock, .m. on the day of 189 , in accordance with the provisions of Regulation 87, and situated on the Goldfield (which land 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 .
+ To the Warden, Goldfield. (Signature.)

Received this application at o'clock on the day of 18 from with the sum of being the amount of deposit on application for Gold Mining Lease.

Warden (or Registrar), Goldfield.

Rent _____
Survey Fee _____

Schedule to accompany Application for Gold Mining Lease.

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 :—

Name by which mine is to be known.

Number of shares into which lease is divided and how allotted.

NOTE.—If the application is made by a registered company or corporate body, state name in full, and locality of registered office.

Sketch of land applied for.

* "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 No. 20.

No. Notice of Application for Gold Mining Lease.

Notice is hereby given, that the undersigned, ha made application this day for a lease under "The Goldfields Act, 1895," and the Regulations of ground known as con- containing acres roods 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. 20a.

Gold Mining Lease.

.....Goldfield; Lease No.....; District of.....

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:

know Ye that We of our especial Grace and in consideration of the sum of pounds shillings sterling for rent in advance paid by (hereinafter called the "Lessee") and also in consideration of the rents hereinafter reserved and under and subject to the conditions provisions declarations res-ervations and exceptions hereinafter mentioned and to the pro-visions of "The Goldfields Act 1895" and "The Mines Regulation Act 1895" and any Act amending the same and the Regulations made thereunder and to all other terms conditions exceptions res-ervations and provisos in any of the Acts relating to the occupation of Crown Lands affecting the same Do by these Presents grant and demise unto the Lessee h Executors Administrators and allowed Assigns All that Piece or Parcel of

Land situated on the Goldfield containing by admeasure-ment be the same more or less and particularly described and delineated in Schedule One hereto And all those mines veins seams lodes or deposits of Gold in on and under the said land (hereinafter called the said Mine) together with the rights liberties easements advantages and appurtenances thereto belong-ing or appertaining 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 h 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 the making or construction of any street road telegraph line or railway or other public works whatsoever And also together with free liberty for the said Lessee h Executors Administrators and allowed Assigns their Agents Owners and Workmen (including Con-tractors and Tributors) to search for and win the Gold on in and under the said land. And also to sink drive and make and use all pits shafts levels drives adits races drains tunnels reservoirs roads and tramways and bore for water and to erect all such buildings engines furnaces pumps machinery and works on and in or under the said land as shall be necessary or convenient for working the mine and winning the said Gold And also to erect on the said land such offices cottages and dwelling-houses for and uses of the persons and workmen employed in the said mine and works as the said Lessee h Executors Administrators or allowed Assigns shall think proper saving reserving and excepting always unto the Minister for Mines and to any and every person or persons herein-after 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 mine and all and singular other the premises hereinbefore mentioned and hereby demised with the appurtenances subject as aforesaid unto the said (hold-ing shares respectively as set out in Schedule Two hereto) h 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 Thirty-second section of "The Goldfields Act, 1895" and for no other purpose YIELDING and paying therefor yearly unto Her Majesty Her Heirs and Successors the yearly rent of Twenty shillings per acre in advance the first rent having been paid as aforesaid on the day of One thousand eight hundred and ninety- and the next payment shall be made on or before the thirty-first day of January next ensuing If not so paid the rent may be paid on any lawful day during the month of February in each year together with a fine of ten per centum on the amount of rent payable If not so paid the rent may be paid on any lawful day during the month of March in each year together with a fine of fifteen per centum on the amount of rent payable Provided nevertheless and it is hereby declared that if the rent and fine be not paid as before provided clear of all rates taxes and assessments to which the said land and premises are now or at any time during the said term may be subject or liable and whether such rent or sum of money shall have been legally demanded or not Her Majesty Her Heirs successors Agents and Officers and any person appointed in that behalf by the Governor and any Bailiff of the Warden's Court or of Crown Lands may enter upon the said land premises and mine and seize and distrain all gold auriferous stone and earth and auriferous minerals and all machinery apparatus tools carts engines plant and all other goods chattels and effects whatsoever which shall be in on or under the said land premises and mine and every distress then made may take away sell and dispose of so much thereof as may be necessary as in cases of distress for rent reserved in common leases and out of the moneys arising thereby retain so much as shall be sufficient to satisfy the said arrears and other payments which shall at the time of such sale be unpaid and all expenses incurred by the non-payment thereof and by distraining and if any surplus the same to be paid to the said Lessee h Executors Administrators or allowed Assigns And we do hereby declare this Demise to be subject to the following provisions (that is to say)—

1. That the said Lessee h Executors Administrators and allowed Assigns shall and will during the said term pay unto Her Majesty Her Heirs and Successors the rent hereby reserved and at the times and in the manner hereinbefore provided for the payment thereof clear of all deductions.

2. And shall and will except when prevented by inevitable accident or during the execution of repairs or during any exemp-tion of labour granted under "The Goldfields Act, 1895" or any amendment thereof or the Regulations diligently explore or search for gold and work the said land premises and mine in a skilful and workmanlike manner.

3. And shall not nor will use or occupy or permit to be used or occupied the said land for other than *bonâ fide* mining purposes

desire to enter upon the land held by you as above for the purpose of searching for and obtaining alluvial, and I request that you will, within forty-eight hours from the date hereof, mark out or otherwise delineate upon such land the line of any reef or reefs situate thereon.

The portion of land I desire to work on is _____
Dated at _____ this _____ day of _____ 189 _____.
(Signature.)
Miner's Right, No. _____ Date _____

Schedule No. 27.

Notice to Warden (Sec. 36 of "The Act," and Regulation No. 103).

To the Warden _____
Goldfield, _____
I, _____ holder of Miner's Right No. _____, the registered holder of lease No. _____, on the _____ Goldfield, that I desire to enter upon such lease to search for and obtain alluvial, and the said registered holder having failed to delineate upon the land the line of reef or reefs situate thereon, or to permit me to work within the boundaries of such lease, I hereby request that you will inquire into the matter, and authorise my entry upon such lease as provided by "The Act" and Regulations
Dated at _____ this _____ day of _____ 189 _____.
(Signature.) _____

Schedule No. 28.

Form of Objection.

I, the undersigned, do hereby give notice that I object to the [registration or recommendation] of _____ for the following reasons: _____ And I hereby require the said Warden to withhold the registration 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. 29.

WESTERN AUSTRALIA.

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

No. _____ Fee—Five Shillings.
Under the provisions of Clause 123 of the Regulations under "The Goldfields Act, 1895," 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. 30.

Form of Declaration in lieu of Certificate.

No. _____ Fee—Five Shillings.
I, _____ of _____ in the Colony of Western Australia, do solemnly and sincerely declare that I have lost my No. _____, by virtue of which I hold _____, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of "An Ordinance made and passed in the 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. 31.

Power of Attorney.

Know all men by these presents that I, _____ of _____ do hereby make, constitute, and appoint my true and lawful attorney, with power to do all acts necessary and sign all documents on my behalf, in the Colony of Western Australia, in connection with my holdings under "The Goldfields Act, 1895," and more particularly for the purpose of *
And I 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.
Given under my hand this _____ day of _____ 189 _____.
(Signature.) _____

Witness

* Here set out any specific act to be performed.
NOTE.—A duplicate of this power of attorney must be registered and will be considered valid until cancelled at the Warden's or Registrar's office by the principal.
Fee for registration, Five shillings.
Stamp duty (on copy filed) Ten shillings.

Schedule No. 32.

Form of Caveat.

To the Mining Registrar at _____
Take notice that I, _____ of _____ claim* in lease [or land held under application for lease] No. _____ in _____ district _____ Goldfield, and I forbid the present registered holders thereof from transferring, or in any way dealing with, or encumbering the same, and I appoint _____ as the place at which proceedings relating hereto may be served.
Dated this _____ day of _____ 189 _____.
Signed in the presence of _____
* Set out particulars of interest, &c., claimed.

Schedule No. 33.

Form of Caveat by consent against a Transfer, &c.

Whereas _____ has applied for a lease [or is owner of a lease] registered in the books of the Department of Mines as No. _____ and situated _____ and containing about _____ acres, and whereas _____ has agreed to purchase all the right, title, and interest of the first named persons in and to the said _____ for the sum of _____ pounds, to be paid in manner following:—
It is hereby agreed between the said parties, that pending the completion of the purchase of the right, title, and interest of the said _____ and the final registration of the transfer of the above described _____ to _____ this caveat shall be an effectual bar to the transfer, assignment, or encumbrance of such lease in any way whatever during the currency of the agreement of sale and no longer.

In witness whereof the parties have this _____ day of _____ 189 _____, attached their signatures hereto.
NOTE.—A copy of the agreement referred to herein must be filed with this caveat.

Schedule No. 34.

Application for Removal of a Caveat.

To _____, Judge in Chambers.
The Warden, _____ Goldfield,
and to _____ Caveator.
Whereas on the _____ day of _____ 189 _____, a caveat was lodged by the above-named _____ against transfers or other dealings with Gold Mining Lease No. _____ [or land held under application No. _____ for lease] on the _____ Goldfield: _____
Now I, _____, being the registered holder of the said _____ do hereby dispute the claim of the said _____ to lodge such caveat, and request that the same may be removed.
(Signature.) _____

I hereby appoint _____ day, the _____ day of _____, 189____, at _____ o'clock in the _____ noon, to inquire into the matter of the above application for removal of a caveat.

[A copy of this application must be served on the caveator three clear days at least before the hearing.]

Schedule No. 35.

SCALE OF FEES AND RENTS.

The following shall be the scale of fees and rents payable under "The Goldfields Act, 1895," and these Regulations:—

FEEES :

						£	s.	d.
Miner's Right	...	...	...	...	...	0	10	0
Consolidated Miner's Right (for each right consolidated)	...	...	...	...	...	0	10	0
Business License	...	...	...	...	...	4	0	0

Registration of—

Protection Area	0	10	0
Claims	0	10	0
Amalgamation of Claims	0	5	0
Exemption from Labour on Claims	0	10	0
Amalgamation of Gold Mining Leases	1	0	0
Exemption from Labour—Gold Mining Leases, one month	1	1	0
Exemption from Labour—Gold Mining Leases, six months	3	3	0
Concentration of Labour	1	1	0
Business Area from occupation	0	10	0
Residence Area from occupation	0	10	0
Market Garden Area	0	10	0
Machinery Area	0	10	0
Authorised Holdings	0	10	0
Caveat	1	0	0
Liens	0	5	0
Rules and Agreements	0	5	0
Stacked Quartz	0	5	0
Dams and Reservoirs	0	10	0
Water Rights	0	10	0
Water Races	0	5	0
Interest in Claim or authorised holdings (not being leases) sold under lien	0	5	0
Renewal of Miner's Right, Consolidated Miner's Right (within one month from expiration)	0	5	0
Renewal of Business License (within one month from expiration)	1	0	0

Transfer of—

Gold Mining Lease or Share therein	...	...	1	1	0
Business License (by endorsement)	...	...	0	5	0
Claim or Share therein	...	...	0	5	0
Business Area	...	...	0	5	0
Residence Area	...	...	0	5	0
Market Garden Area	...	...	0	5	0
Machinery Area	...	...	0	5	0
Tailings Area	...	...	0	5	0
Water Race...	...	...	0	5	0
Dam or Reservoir	...	...	0	5	0
Water Right	...	...	0	5	0
All other authorised Holdings	...	...	0	5	0
Defaulting Shareholder's interest in Share or Claim	...	...	1	0	0

Declaration of Loss of—

Miner's Right (exclusive of stamp duty) ...	0	5	0
Certificate of Registration (exclusive of stamp duty)	0	5	0
Lien Ticket (exclusive of stamp duty)	0	5	0
Transfer Certificate (exclusive of stamp duty) ...	0	5	0
Search Fee (for each entry)	0	2	6
Survey Fees (<i>see</i> Regulation 187).			

RENTS :

Gold Mining Leases, per acre per annum	...	1	0	0
Tailings Area, per acre per annum	...	1	0	0
Machinery Area, per acre per annum	...	1	0	0
Market Garden Area, per acre per annum	...	1	0	0
Water Right Area, per acre per annum	...	1	0	0

Schedule No. 36.

The following Stamp Duties are payable upon transfers and other dealings registered in the Warden's Office :—

On registering—

Transfer of Claim, Water Right, &c. ...	6d. for every £5 of consideration.*
Transfer of Lease or share therein ...	6d. for every £5 of consideration.
Lien Ticket—For each £50 or fractional part thereof of the amount secured up to £300 ...	1s. 3d.
Above £300, for each additional £100 or part thereof ...	2s. 6d.
Power of Attorney ...	10s.
Agreement of any kind above £5 value	2s. 6d.

* The consideration must in all cases be truly stated (*see* Sec. 12 of 46 Vic., No. 6).

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 plaintiff shall be filed in the Warden's office five clear days before the return day of the summons.

3. The plaintiff 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 complaint, the Warden or his clerk shall issue a summons in the form No. 2 in the schedule.

8. No plaintiff shall withdraw his complaint, or obtain stay of proceedings after a summons thereon has been duly issued and served, without the consent thereto in writing of the defendant and payment of costs.

9. Summonses may be made returnable at any time fixed by the Warden.

10. 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.

11. 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.

12. 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.

13. 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 engine-man, bracman, or other person apparently in charge of the mine or works.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. Notices of demand of a trial by assessors shall be made in writing to the Warden or his clerk three clear days before the day of hearing, and the summonses to the intended assessors shall be delivered forthwith for service.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. 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.

30. 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.

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

32. 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.

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

34. 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.

35. 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.

36. 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.

37. 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 or in this court at on the day of 189 at the hour of 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 †
and the court orders ‡

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, 1895"], 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] hereinafter 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 Subpœna.

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 subpœna], 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 subpœna 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 subpœna...	5	0
Possession money per diem, if in actual possession	10	6
Mileage one way on all processes served by bailiff (exclusive of first mile) per mile	1	0
For every levy	21	0

No. 14.

WITNESSES' EXPENSES.

	£	s.	d.
Professional men per diem (including competent miners within the meaning of Section 149 of the Regulations)	1	1	0
All others per diem	0	10	6
Mileage for every mile after first two miles, one way only	0	2	0