

Supplement to Government Gazette

PERTH: FRIDAY, DECEMBER 30.

[1898.]

Mines Department, 29th December, 1898.

THE Governor in Executive Council has been pleased to approve the following Regulations for Gold Mining and carrying on business on the Hampton Plains Estate, Coolgardie Goldfield, under the provisions of Sections 57 and 58 of "The Mining on Private Property Act, 1898."

H. B. LEFROY,
Minister of Mines.

HAMPTON PLAINS ESTATE (LIMITED), WESTERN AUSTRALIA.

REGULATIONS.

The Hampton Plains Estate Limited under the powers conferred by Section 57 of "The Mining on Private Property Act 1898" and with the approval of His Excellency the Governor does hereby repeal all previous Regulations issued by the Company and hereby makes the following new Regulations for the management of Gold Mining on the land belonging to the Company.

Hampton Plains Estate, Limited:

ERNEST J. RIDSDALE,
Attorney for the Company;
W. L. DANIELL,
Local Director.

INTERPRETATION.

- "Estate" shall mean all the freehold property belonging to the Hampton Plains Estate Limited.
- "Company" shall mean the Hampton Plains Estate Limited.
- "Attorney" shall mean the registered attorney for the time being in Western Australia of the Hampton Plains Estate Limited.
- "Miner" shall mean any person possessed of a current mining license issued by the Company.
- "License" is a permit issued by the Company to an individual for a special purpose and for a definite period.
- "Person" "Holder" "Licensee" shall respectively include any body of persons whether incorporated or not.
- "Government Goldfields Regulations" shall mean the Regulations issued under "The Goldfields Act 1895."
- "Alluvial" shall mean any loose soil earth or other substance containing or supposed to contain gold not being a seam lode or quartz vein.
- "Deep Lead" shall mean any soil earth or other substance containing gold not being a seam lode or quartz vein and being 20 feet or more in depth from the surface of the ground.

MINING LICENSES.

- Application for Licenses. 1. The Company's attorney will issue a mining or business license to any person applying therefor subject to these Regulations at the mining office of the Company.
- Fee. 2. The Company reserves the right to refuse a license to any person. A fee of £1 shall be payable on the issue of every mining license and no license shall be transferable.
- Licenses to be produced. 3. Every license shall be produced and shown to any officer of the Company on demand.
- Trespass. 4. Any person not being the holder of a license under these Regulations found on the Estate (except he be a leaseholder or in the employ of a leaseholder) will be treated as a trespasser and prosecuted accordingly and will be further proceeded against if found to have obtained or to be in possession of any gold from the Estate.
- Breach of Regulations. 5. Should any license in the opinion of the attorney of the Company for the time being commit a breach of these Regulations or wilfully damage any of the Company's property the Company reserves the right to itself to cancel his license.
- Period. 6. Every mining license shall terminate on the 31st December of the year of the issue thereof and the holder of such license shall have the right to renew the same from year to year on payment of the prescribed fee of £1 and subject to the Regulations for the time being in force. Upon application for a mining license being made after the 30th June a fee will be charged as for one-half of the year only.
- Renewal.
- Timber. 7. The holder of a mining or business license may upon any land unreserved unoccupied or undisposed of by the Company fell and make use of timber up to nine inches diameter (other than sandalwood) for mining purposes and may use fallen timber (other than sandalwood) for domestic purposes but such timber shall not be removed from the Estate and shall be for his own personal use only and not for sale and with the consent of the Attorney he may sink wells and conserve water for mining and domestic purposes upon any unoccupied portion of the Estate not already reserved.
- Water.
- Sandalwood reserved. 8. The Company reserves to itself absolutely all the sandalwood on its Estate.

ALLUVIAL CLAIMS.

- Right to prospect. 9. The holder of a mining license shall subject to the provisions herein contained be entitled to prospect for and obtain gold upon any unoccupied portion of the Estate not already reserved or let on lease or otherwise held under the Company's regulations for the time being and shall be entitled to mark off and occupy for the purpose of alluvial mining an area of the size mentioned hereunder provided that such area is not already reserved or occupied or disposed of by the Company in any way. The maximum area of an ordinary alluvial claim shall be—

Size of claim.	For one man	...	...	70ft. x 70ft.
	„ two men	...	...	100ft. x 100ft.
	„ three men	...	...	125ft. x 125ft.
	„ four men	...	...	150ft. x 150ft.
	„ five men	...	...	170ft. x 170ft.
	„ six men	...	...	200ft. x 200ft.

- and no alluvial claim shall be of a greater area than 200 feet by 200 feet. Every such area shall from and after twenty-four hours of marking be efficiently and continuously worked by the number of miners taking up the same for six clear days per week (public holidays excepted). The holder of an alluvial claim shall be entitled subject to the payment of a registration fee of 10s. and such survey fee and mileage as may be fixed by the attorney of the Company (not exceeding like fees and mileage charged by the Government in the like case) to be registered as the holder thereof.
- Registration.

REWARD AREAS.

- Alluvial Reward Claim. 10. As soon as payable alluvial gold has been discovered the finder thereof shall forthwith report the fact in writing at the mining office of the Company and shall be entitled to apply on the form No. 2 in the Schedule hereto for an Alluvial Reward Claim and shall be entitled to occupy and work the same subject to the Regulations of the Company for the time being—

Reward Areas.	If the area shall be distant over one mile and under three miles from the nearest boundary of any authorised mining holding producing payable gold either within or without the Estate at the time of marking off the Reward Area	...	...	...	400ft. x 400ft.
	If distant over three miles and under five miles	...	...	...	500ft. x 500ft.
	If distant over five miles	...	...	...	600ft. x 600ft.

Every such area shall from and after the sixth day of marking be efficiently and continuously worked by not less than two men.

11. If the finder shall not so report within six days of his discovery he shall forfeit his right to the alluvial reward claim and the same shall be granted to the first person who reports such discovery in writing at the Company's mining office with a sufficient description of the locality thereof and the grantee of an alluvial reward claim shall be registered in the Company's books as the holder thereof on payment of the survey fee and mileage as provided in the Government Regulations.

12. Any holder of a mining license upon his marking out and occupying an alluvial claim in accordance with these Regulations shall be deemed to be possessed of all gold therein as his absolute property subject to the Company's right of resumption of the claim for the purpose of issuing leases or deep lead areas.

13. The Company hereby repeals withdraws and cancels all mining licenses or permits issued previously hereto.

Repeal of previous licenses.

DEEP LEAD AREAS.

14. Any holder of a mining license may apply to the attorney at the mining office of the Company in the form No. 3 in the Schedule hereto for a deep lead area over any portion of the Estate not reserved or let on lease or being successfully worked for alluvial. With every such application there shall be paid the first month's rent of £1 in advance together with such sum as the attorney may fix for the charges of survey. The rent to be reserved on every deep lead area shall be £1 per month payable in advance.

Rent.

15. A copy of such application must be posted outside the Company's mining office and on the datum peg of the land by the applicant stating that objections may be lodged up to fourteen days from the date of the application. If any objections are lodged the attorney shall decide the same and his decision shall be final.

16. On application as aforesaid the Company will grant deep lead areas of one acre each (of which the length shall not exceed double the width) for the purposes of working deep leads and the Company may resume for the purpose of granting such areas all the land in the vicinity of any deep lead previously occupied by licensees for alluvial mining under Clause 9 of these Regulations provided that the Company will not grant deep lead areas over land being successfully worked for alluvial.

Size of area.

17. If a deep lead be discovered at a place where alluvial claims are being worked or within 500 yards thereof then no deep lead area shall be granted for the purpose of working such deep lead but ordinary alluvial claims under these Regulations will be granted therefor. Provided that £1 per month for each claim shall be paid by the holders thereof.

18. The Company reserves the right to refuse to grant a deep lead area to any applicant. Provided that this right shall not be exercised except for good cause arising out of these Regulations or unless the attorney certify in writing that the granting of such area would interfere with the existing or proposed works of the Company.

19. Upon the granting by the attorney of a deep lead area the applicant therefor shall be registered in the Company's books as the owner thereof and shall be entitled to the issue of a certificate of registration in the form No. 4 in the Schedule thereto. Every deep lead area shall be worked by two men at least for six days per week (public holidays excepted). A deep lead area may be transferred in the form No. 5 in the Schedule hereto.

Transfer.

20. Any holder of a mining license who may discover a deep lead on the Company's Estate at a distance of over three miles from the nearest boundary of any mining holding being worked for a deep lead or for alluvial and held under these Regulations or the Government Regulations and being either within or without the Estate shall be entitled to the granting of a deep lead reward area of five acres for the term of 21 years at a peppercorn rental over such land as is not previously occupied or held under these Regulations. Provided that he shall report the existence of such deep lead to the Company's office within seven days of his discovery and that the decision of the Company's attorney as to the existence or not of a deep lead shall be final. And provided that such reward area shall be subject to the same labour conditions as imposed by Regulation 19 hereof.

Deep Lead Reward Areas.

Discoverer must report.

21. The discoverer shall have seven days from the time of his reporting the discovery in which to select and mark out his reward area of five acres. Provided that the length of such area shall not exceed double its width. And provided always that no land can be pegged and included in such reward area which has already been reserved or granted by the Company as a lease or deep lead area.

22. If the discoverer does not report the existence of the deep lead area within the seven days aforesaid then the first person who reports such discovery in writing at the Company's mining office with sufficient details as to locality shall be entitled to the reward area.

23. If there is more than one claim for a deep lead reward area or an alluvial reward claim or if any dispute arises thereon the decision of the attorney thereon shall be final and without appeal.

HOLDER'S TITLE.

24. From the date of the granting of a lease or deep lead area under these Regulations all gold (however occurring) situated thereon shall be the property of the registered owner of such lease or deep lead area (subject to these Regulations) and no other person shall have any right to work for gold thereon. Provided that no miner shall be entitled to hold more than one alluvial or deep lead area at one and the same time.

Miner to hold one area only.

Application for lease.

GOLD MINING LEASES.

25. Any holder of a mining license may mark off in the manner prescribed by the Government Goldfields Regulations and may apply at the mining office of the Company in the Form No. 6 in the Schedule hereto for a gold mining lease over any portion of the Estate not reserved or disposed of by the Company.
26. A notice in the Form of No. 7 in the Schedule hereto of every application for lease shall be posted outside the Company's mining 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 30 days from the date of such application.
27. Every application for a lease shall be accompanied with the first year's rent together with the survey fees and mileage which fees shall not exceed those chargeable under the Government Goldfields Regulations and the application must state the number of shares into which the lease is to be divided.
28. A gold mining lease shall be for the term of Twenty-one years at an annual rental of Twenty shillings per acre or fraction thereof and such rent shall be due on the first of January of each year and shall be paid in advance. Upon leases applied for during the year the rent will be charged from the beginning of the quarter in which the application is made. The term of each lease shall be computed from the first day of January preceding the date of application.
29. No lease shall exceed 24 acres (about 22 chains by 11 chains) or be less than 12 acres. The length of the area along the line of reef shall not exceed double the width.
30. The Company reserves to itself the right to retain every alternate block not exceeding 24 acres along the line of reef on which leases may be applied for.
31. The Company reserves to itself the right to refuse to grant a lease but in no case shall this right be exercised (subject always to the foregoing clause) except for good cause arising out of these Regulations or unless the attorney certify in writing that the granting of such lease would interfere with the existing or proposed works of the Company.
32. A lease shall be efficiently worked for six clear days per week (public holidays excepted) by one man for every 12 acres or part thereof.
33. A miner may upon the discovery of a gold-bearing quartz reef on any unoccupied portion of the estate not being reserved mark off in the manner prescribed by the Government Goldfields Regulations an area not exceeding 24 acres and may apply to the attorney on the form No. 8 in the Schedule hereto for the the protection period of one month for such area within which period an application for lease must be lodged as set out herein and such protection period will thereupon be granted if good cause is shown.
34. If the lease applied for is granted then the applicant shall be registered in the books of the Company as the owner thereof and shall be entitled to receive a formal instrument of lease upon payment of the stamp duty due thereon and of 10s. as a deed fee.
35. There shall be implied in every lease issued and in the conditions of every holding granted under the Company's Regulations a condition that if the holder or lessee his executors administrators or assigns fail at any time during the term to pay rent on the due date or to comply with these Regulations or to fulfil the conditions or terms or to keep the covenants therein contained or to use the land *bona fide* for the purpose for which it shall be demised then that the lease or holding shall be voidable at the will of the Company for any such failure or breach and every such lease shall contain such covenants conditions reservations and exceptions as the Company shall think fit.
36. Any lease or share therein may be transferred such transfer to be made out upon the form No. 9 in the Schedule hereto which together with the fee of 20s. must be lodged at the Company's mining office. No transfer of any lease or share therein will be received on which the stamp duty rent and other charges (if any) have not been paid.
37. The Company shall have the right to cancel and determine any lease or deep lead area or alluvial holding and re-enter and resume possession thereof whenever the labour conditions prescribed in these Regulations have not been complied with or whenever the rent thereon payable to the Company is in arrear for one month after its due date and upon publication by the attorney in any newspaper published in Coolgardie of a notification of such forfeiture all title of the holder to any such lease area or holding shall cease.
38. Exemption from labour or other conditions can be obtained from the Company's attorney upon the payment of a fee of 20s. should the reasons advanced be considered sufficient to warrant it.

SPECIAL LEASES AND GRANTS.

39. The Company reserves the right to grant special leases over any portion of the Estate (not being already granted under lease or deep lead area) and upon such terms and conditions as the Company may think fit.

BUSINESS LICENSES AND AREAS.

40. The Company shall issue to any person whom the attorney may approve a business license in the form No. 10 in the Schedule hereto upon the payment of a fee of £5 which license shall be in force for six months or part thereof and each license shall terminate on the 30th June or the 31st December of the year of issue thereof and may be renewable on the payment of the prescribed fee. Should any license be taken out after the 31st of March or the 30th September one-half of the prescribed fee only shall be charged.

Business license.

(a.) A business license shall authorise the holder thereof subject to the mining regulations of the Company for the time being to mark out and occupy upon any portion of the Estate not already reserved or otherwise disposed of and subject to rent thereon during the continuance of the license a business area not exceeding one-quarter of an acre of land for the purpose of residence and carrying on any business other than such as may require a license under the Wines Beer and Spirit Sales Acts. Application must be made for such business area in the form No. 3 in the Schedule hereto and the applicant upon payment of rent and fees prescribed shall be registered as the owner thereof and be entitled to a certificate of registration therefor.

The effect of business license.

(b) There shall be payable for such area such rent as may be agreed upon by the holder of the license and the attorney.

(c) The Company reserves the right to refuse to grant any business area.

(d) Any holder of a business license may upon application to the attorney exchange the area held by him for another area at the same or such increased rent as may be agreed upon.

(e) The holder of a business license may with the approval of the attorney and on payment of a fee of Twenty shillings and stamp duty transfer the same with the right to the area occupied by virtue thereof to any other person to be approved as aforesaid. Such transfer of the license shall be by indorsement on the license to be signed by the transferrer and transferee (and attested by a witness) specifying the Christian and surname of the transferee and his occupation. The transfer of the area shall be as in Form No. 5 in the Schedule hereto. All transfers must be registered before the Company will recognise them.

(f) No person shall occupy by virtue of a business license more than one portion of land.

41. A business area shall not exceed one-quarter of an acre having a frontage or width of 66 feet by 165 feet back in such locality as may be approved of by the Attorney and shall be registered upon application at the Company's Office and payment of the survey fees and rent in advance. Until such registration no business shall be carried on on such area. Every registered holder shall during the continuance of his business license be deemed to be possessed of the surface of the land he shall occupy by virtue of such license providing the rent of the land occupied is paid in advance.

Aren.

Right of possession.

42. Any holder of a business license desiring a business area on which to carry on any business for which a license is required under the Wines Beer and Spirit Sale Acts may on payment of a fee of £1 make a special application for such area to the attorney of the Company who may grant the same at such rent and upon such terms and conditions as he may think fit.

Special application to carry on liquor trade.

43. If any business area remains unoccupied or if occupied and no legitimate business be carried on thereupon for the space of one month the area held by virtue thereof shall revert to the Company with the improvements thereon.

Forfeiture of business license.

44. If a business license be not renewed by the Company at the end of the term thereof all improvements on the area held by virtue thereof may be removed by the owner within 14 days after his business license has lapsed or taken over by the Company at a valuation. Such valuation shall be ascertained by arbitration in case the parties differ.

If license not renewed improvements removed or paid for.

45. The owner of a business area shall not sub-let any portion of such area except with the consent of the attorney.

Business area not to be parted with except with consent of Company.

MACHINERY AREAS.

47. Any holder of a mining license erecting quartz-crushing or other machinery for extracting gold may with the approval of the attorney occupy for such purpose an area of five acres in one rectangular block. The rent for such area shall be £5 per annum payable in advance. Every such area shall be registered upon proper application to the attorney and payment of survey fees.

Machinery areas.

48. The holder of any registered area or share therein may on payment of a fee of Twenty shillings transfer the same subject to these Regulations in the form No. 5 in the Schedule hereto and until registration no transfer will be recognised by the Company. No transfer will be received while any rent stamp duty or charges remain unpaid.

Transfer of areas.

49. The holder of a business residence or machinery area shall not by virtue of his title thereto be entitled to mine for gold thereon or thereunder. Any holder of a mining license may enter upon such land to mine on payment to the lawful occupants of such amount

Areas may be mined upon subject to compensation.

by way of compensation as may be mutually determined. In case of any dispute as to the amount to be paid the dispute shall be referred to and dealt with by the Company's attorney whose decision shall be final and conclusive and from which no appeal shall lie.

RESERVATIONS.

Holdings, how marked off.

50. All claims leases and holdings hereunder shall be marked off as prescribed in the Government Regulations for similar holdings and must be rectangular when possible.

51. The Company reserves the right to re-enter and resume possession of at any time the land occupied by licensees for the purposes of alluvial mining under Clause 9 of these Regulations and all rights thereby conferred shall be subject to the Company's right to determine the same at any time. Provided that the Company shall not resume land so occupied by licensees under Clause 9 except for breaches of these Regulations or for the purposes of issuing gold mining leases or deep lead areas over such land.

(a.) The Company will not grant leases over any land so occupied by licensees under Clause 9 until in the opinion of the Company's attorney such land is no longer being successfully worked for alluvial gold.

52. The Company reserves the right of repealing altering or amending any or all of these Regulations and the right to add thereto and to make and publish new Regulations either in addition hereto or in lieu thereof or of any of them and any licensee or person accepting any holding under these Regulations shall be deemed to consent to such right remaining in the Company.

53. The Company in addition to their powers under these Regulations shall have the same rights to resume all business areas and put the same up for auction or let the same on lease as are possessed by the Government under the Government Goldfields Regulations with regard to business areas and the holders thereof shall have the same rights as to compensation for improvements as provided in such Regulations.

Company may reserve lands from occupation.

54. The Company without intending hereby to limit or derogate from their powers as owners of the fee simple reserves the right to reserve and exempt any of their lands from occupation for mining residence or business purposes or for any other purpose and no person holding a mining license shall be entitled to occupy any lands so reserved whether reserved before or after the publication of these Regulations.

Reservation of right-of-way and power to construct works.

55. The Company reserves a right-of-way to itself and its agents servants licensees and assignees over any holding and also the right to construct any roads water races or drains reservoirs or dams and any railways tramways or other means of communication and to lay gas water or other pipes upon under and across any holding subject however to compensation for actual surface damage only (if any).

GENERAL PROVISIONS.

Every holding to be subject to Land Regulations of 17th July 1890.

56. Every holding under these or any other Regulations for the time being of the Company shall be subject to the powers of inspection survey and measurement by the Commissioner of Crown Lands and his officers and other rights and powers of the Crown reserved by the Land Regulations of the Colony of Western Australia proclaimed on the 17th July 1890 and every person mining upon the Company's lands shall do and suffer all such Acts and things as may be required of him by the Company in order to enable the Company to comply with such Regulations.

Nuisances not permitted.

57. All persons after acquiring any lease holding or area under the Company's Mining Regulations shall keep them in a proper state of cleanliness and on complaint being made that any such area is not so kept the Company's attorney may make such order for the enforcement of this Regulation as he may deem advisable for the observance of decency and the protection of the public health.

58. Upon the non-payment for one month after due date of any rent payable to the Company and upon any breach or non-observance of any of these Regulations or of the Regulations for the time being of the Company or of the terms and conditions of his holding by the holder of a mining license or of any lease deep lead area or other holding or share therein under these Regulations such license lease deep lead area or other holding or share may be forfeited and the Company may determine and put an end to the same and the Attorney of the Company may accomplish such forfeiture by publishing the same in some newspaper circulating in Coolgardie and thereupon such holding or share therein shall revert to the Company.

Return of gold won.

59. A return of all gold won on the Estate by miners or holders shall be made to the Company or to the Government when and as required.

Penalty.

60. Any person committing a breach of these Regulations shall for every such offence be liable to a fine not exceeding £10 without prejudice to any further proceedings by the Company against such person for such offence.

Recovery of possession by Company.

61. In case any lease or holding granted under the Company's Regulations shall be or be liable to be forfeited or determined by any breach of condition or otherwise or in case the term shall have expired possession of the land shall and may be recovered on behalf of the Company in such manner as may be provided or by taking possession of such land immediately and without suit or process of any kind and with power to remove therefrom all persons in occupation of any such land.

62. In the event of more than one application being made for the same land or any part thereof the applicant who shall have first taken possession and marked off the land in accordance with these Regulations and in the manner prescribed by the Government Gold-fields Regulations shall have priority given to his application. Provided that in case of dispute the decision of the attorney shall be final. Priority of title.
63. Subject to the Regulations of the Company for the time being any dispute or difference between the Company or any other Company or person that may arise under or in connection with the Regulations of the Company for the time being shall be referred to arbitration under the provisions of the Arbitration Act. Arbitration.
64. No licensee or grantee of any holding from the Company under these Regulations shall have any action against the Company because of damage from trespassers thereon or for interruption to the quiet enjoyment thereof caused by any person other than the Company. Disclaiming responsibility for trespassers.
65. No holder of a lease or area hereunder shall have any title thereto until he is registered in the Company's books as the owner. Leases and areas must be registered.
66. Any holder of the Company's lands under these Regulations for mining purposes shall not assign sub-let or part with the possession of or allow to be occupied any portion of the surface of the holding for business purposes at all or for residence except by the holder himself and his employés. Licensee shall not assign.
67. Nothing but mining and the necessary work connected with mining shall be done upon land taken up for that purpose and no mining shall be carried on upon land granted for any other purpose. Purpose for which areas are granted.
68. All registrations under these Regulations shall be effected in the mining office for the time being of the Company.

Hampton Plains Estate, Limited :

16th December, 1898.

ERNEST J. RIDSDALE,
Attorney for the Company in W.A. ;

W. L. DANIELL,
Local Director.