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## THE MINING ACT, 1904.

*Department of Mines,  
Perth, 13th July, 1905.*

<sup>1005</sup>  
**H**IS Excellency the Governor in Council has been pleased to make the following Regulations under "The Mining Act, 1904," to come into force throughout that portion of the State South of the 24th parallel of latitude on the first day of August, 1905, and throughout the remainder of the State on the first day of September, 1905.

W. D. JOHNSON,  
Minister for Mines.

### REGULATIONS.

These Regulations are divided into parts and divisions as follows:—

- PART I.—PRELIMINARY (1 and 2).
- PART II.—MINERS' RIGHTS (3 and 4).
- PART III.—MINING TENEMENTS, OTHER THAN LEASES.

*Division 1.*—PROSPECTING AND REWARD AREAS (5 to 25).

- „ 2.—CLAIMS (26 to 40).
- „ 3.—WATER RIGHTS (41 to 66).
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- PART VIII.—GENERAL REGULATIONS.

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## PART I.—PRELIMINARY.

## Interpretation.

1. In these Regulations, unless the context otherwise indicates, the terms used have the meanings assigned to them by the Mining Act, 1904, and by the different Parts thereof when these Regulations deal with the sections contained in those particular Parts, and the following words and expressions have the meanings herein set against the same respectively, viz.:—

“The Act.”—The Mining Act, 1904.

“The Department of Mines.”—The Head Office of the Department of Mines at Perth.

“The Holder.”—The person registered as the holder of the Mining Tenement referred to, or of an interest therein, or the holder of an unregistered alluvial claim.

“Lessee.”—An applicant for or the holder of a lease, and includes a number of lessees corporate or unincorporate.

“Local Newspaper.”—A newspaper published in or generally circulating in the district or place in which the land, the subject matter of any notice required to be published in a local newspaper, is situated.

“Metallic Minerals.”—Ores or minerals commonly used as sources of metals.

“Non-Metallic Minerals.”—Ores or minerals not commonly used as sources of metals.

“Oil.”—Mineral oil, shale bitumen, or any carbonaceous mineral fuel except coal.

“Payable Quantity” or “Payable.”—When a quantity of earth containing gold or mineral is disclosed which, in the opinion of the Warden, is sufficient to pay current wages to the men required to work the particular mining tenement referred to in addition to other working expenses.

“Person.”—Includes any body of persons corporate or unincorporate.

“The Warden or the Mining Registrar.”—The Warden or the Mining Registrar of the Goldfield, Mineral Field, or District where the land is situated for which application for a mining tenement is about to be made or for which a mining tenement exists or has been granted.

## Repeal of previous Regulations.

2. As from the date fixed by the Governor for the coming into force of these Regulations, the Regulations with the Schedules thereto, made:—

(a.) Under the Goldfields Act, 1895, and the Acts amending the same, and

(b.) Under the Mineral Lands Act, 1892, and the Acts amending the same, and

(c.) Under the Mining on Private Property Act, 1898, and the Amendment Act, 1899.

are hereby repealed.

## PART II.—MINERS' RIGHTS.

## Form of Miner's Right and Consolidated Miner's Right. How issued.

See ss. 16 to 41 inclusive.

3. A miner's right shall be in the form No. 1 in the Schedule. A consolidated miner's right shall be in the form No. 2 in the Schedule. They will be issued respectively, in accordance with the provisions of the Act, upon payment of the prescribed fees. Before issuing a miner's right the Minister or Warden may require such evidence as he thinks necessary to satisfy him that none of the parties interested in the application are disqualified under Sections 23 and 24 from holding or being interested therein.

## Production of Miner's Right on applications for mining tenement.

4. Upon application to a Warden or Mining Registrar by the holder of a miner's right for registration of any mining tenement other than a mining lease, he shall produce his miner's right as evidence of his right to take possession of and mark off the ground comprised therein. If such miner's right has been issued by a Warden other than the one to whom the application is made and in whose district the land is situated, the latter shall record the particulars of such miner's right.

## PART III.—MINING TENEMENTS OTHER THAN LEASES.

## Division 1.—PROSPECTING AND REWARD AREAS.

5. A miner who desires to prospect for gold or minerals, other than coal or oil, on Crown land may mark off, apply for, and hold land for such purpose under Section 26, but the maximum area shall be as follows:—

Prospecting Areas for gold or minerals, except coal or oil.

- (a.) Outside the limits of a goldfield or mineral field, or more than fifty miles from the nearest mine as defined in Regulation 16, forty-eight acres;
- (b.) Within the limits of any such field, eighteen acres.

See sec. 26.

Every such area shall be called a Prospecting Area.

The Warden may in his discretion refuse to register any Prospecting Area, or may register it as of less extent than that applied for.

6. A miner who desires to prospect for coal or oil on Crown land may mark off, apply for, and hold for that purpose an area, as a prospecting area, not exceeding three thousand acres in extent.

Prospecting Areas for coal and oil.

7. When a Prospecting Area for coal or oil has been registered, the Warden may refuse to register any similar prospecting area situated within ten miles of the nearest point of the prospecting area already registered, or he may register the new area with such less extent as he may think fit. A miner may, however, mark off and apply for registration of a prospecting area for gold or any other mineral, except coal or oil, within a prospecting area already registered for coal or oil, and the same may be registered at the discretion of the Warden.

Registration may be refused or limited in extent, if within ten miles of another.

8. On receipt of an application for registration of a prospecting area the Mining Registrar may, if no prior right or public interest is thereby affected, register the same forthwith, but before so doing he may require the applicant to comply with Regulation 132 as to the posting of notices, and if within the period allowed for objections none have been lodged he may grant the registration, or may refer the application to the Warden for his decision. If an objection is lodged within the period allowed he shall defer registration until the objection has been heard and determined by the Warden, and he shall act in accordance with the decision of the latter.

Mining Registrar may register a Prospecting Area forthwith where no objection is raised.

9. All rights vested in the holder of a prospecting area shall remain in force for a period of six months from the date of registration; provided that during such period he holds a miner's right and forthwith notifies any renewal thereof during the term to the Mining Registrar. The holder may, before the expiration of the six months for which his rights remain in force, subject to the approval of the Warden, and on payment of the prescribed fee, have the period extended for a further three months, but no longer.

Term for which registration of a Prospecting Area holds good.

10. *Bonâ fide* work in prospecting must be carried on, on every Prospecting Area for gold or minerals other than coal or oil, on every working day after ten clear days from the date of registration.

Prospecting Areas to be worked continuously after certain date.

If the area is one registered under (a) of Regulation 5, it shall be so worked by one man if the area does not exceed twenty-four acres, and by two men if it exceeds twenty-four acres.

If the area is one registered under (b) of Regulation 5 it shall be so worked by one man if the area does not exceed nine acres, and by two men if it exceeds nine acres.

A Prospecting Area for coal or oil must be similarly worked after the expiration of thirty clear days from the date of registration by not less than three men for every one thousand acres or fraction thereof. And within twenty-one days after the expiration of every alternate month after registration the holder shall forward to the Warden or Mining Registrar a statement and declaration in the form No. 3 in the Schedule.

If any Prospecting Area be not so worked, or if any work other than *bonâ fide* prospecting is carried on, it shall be liable to be forfeited in accordance with the provisions contained in these Regulations; but the Warden shall not be bound to declare the same forfeited if he is

See Regulations, Nos. 161 to 170.

satisfied that non-compliance with the conditions of this regulation arose through some good and sufficient cause.

Exemption from labour conditions only to be granted in special cases.

11. No exemption from labour conditions exceeding one month shall be granted on any Prospecting Area, without the consent of the Minister. On exemption being granted, the Warden may extend the period of registration for a term equal to the term of exemption, subject to the provisions of Regulation 9.

Removal of earth from Prospecting Area not permitted.

12. A holder of a Prospecting Area shall not at any time remove from such area any earth containing or supposed to contain gold or mineral, without first obtaining the permission of the Warden or Mining Registrar in writing; but this regulation shall not prevent the holder from supplying samples of such earth, not exceeding in the aggregate 50lbs. in weight at any one time, or from obtaining analyses as to the quantity of gold or mineral contained therein. Any breach of this regulation shall be punishable by a fine not exceeding Ten pounds, and the Prospecting Area from which such earth was removed may be forthwith cancelled by the Warden.

Records and plans to be furnished in certain eventualities.

13. The holder of a Prospecting Area on which shaft sinking or boring has been carried on shall furnish to the Warden at the time of reporting the discovery of payable gold or other mineral thereon, or on the abandonment, cancellation, or forfeiture, or at the expiration of the period of registration thereof, records of the formations passed through, and a plan showing the position of all shafts and bores.

Discovery of gold or mineral to be reported to the Warden.

14. Within ten days, or such extended period as the Warden shall deem reasonable, after the discovery of any gold or mineral in payable quantity in any prospecting area, or locality other than in a Lease or Claim, the person discovering the same shall report the discovery, in the form No. 4 in the Schedule, at the nearest Warden's office. Any person guilty of a breach of this regulation shall be liable to a penalty not exceeding ten pounds, and, if the discovery has been made within any prospecting area, to forfeiture of the same as well.

Warden to inspect scene of alleged discovery, and, if requested, shall issue a Reward Claim to the discoverer.

15. Upon receipt by the Warden of any such report he shall, as soon as conveniently may be, visit the place of such discovery, or appoint some competent person so to do. If, after personal examination, or after receiving a report from the person so appointed, the Warden is of opinion that gold or mineral exists in payable quantity, he shall, if requested so to do, allot to the holder of the prospecting area, or to the person making the discovery, a Reward Claim, and shall register the same without charge, but if in lieu thereof the holder or discoverer desires a Reward Lease the Warden shall accept his application for the same, and shall deal therewith as provided in these regulations.

Extent of reward claims.

16. The extent of a Reward Claim, whether for lode, or alluvial mining, which may be allotted for the discovery of payable gold or minerals other than coal or oil, shall be determined according to the distance of the discovery from the nearest mine (other than a prospecting area) upon which mining operations for the same metal or mineral are being carried on, or have been carried on within a period of six months immediately preceding the date of the discovery, and shall be as follows:—

(a.) Where the distance does not exceed one mile—

For gold, metallic minerals,  
and precious stones ... one acre.  
For all other minerals ... two acres.

(b.) Exceeding one mile and not exceeding three miles—

For gold, metallic minerals,  
and precious stones ... two acres.  
For all other minerals ... four acres.

(c.) Exceeding three miles and not exceeding ten miles—

For gold, metallic minerals,  
and precious stones ... four acres.  
For all other minerals ... eight acres.

(d.) Exceeding ten miles—

For gold, metallic minerals,  
and precious stones ... eight acres.  
For all other minerals ... sixteen acres.

17. A Reward Claim may be held in addition to and adjoining any ordinary claim or lease which the holder of the Reward Claim may desire to acquire.

A Reward Claim additional to ordinary claim or lease.

18. It shall not be necessary to comply with labour conditions on any reward claim granted in conjunction with any ordinary claim which adjoins if the labour conditions in respect of the latter are duly complied with; but a reward claim held alone shall be worked by at least one man. Should the holder of a reward claim be granted a lease of the ground adjoining his reward claim, it shall not be necessary to employ any further labour on the reward claim while the labour conditions affecting the lease are complied with.

Labour conditions on Reward Claims.

19. The discoverer of payable gold or mineral in any prospecting area or locality other than on a lease or claim who duly reports his discovery may, if he thinks fit, in lieu of a reward claim being allotted to him, apply for a reward lease, provided that the ground is not exempt from leasing. Such application may be granted subject to the following conditions:—

Conditions as to Reward Leases.

(a.) The area and term of the lease shall not exceed the area and term of an ordinary mining lease for the same metal or mineral.

(b.) The lease shall not be granted within a distance of one mile from any mine (other than a prospecting area) upon which mining operations for the same metal or mineral are being or have been carried on within six months immediately preceding the date of the discovery.

20. If desirous of obtaining a reward lease the discoverer shall, at the time of lodging the report of his discovery with the Warden, also lodge an application for a reward lease in triplicate in the form No. 9 in the Schedule, with a fee of ten shillings in lieu of the rent and survey fee payable on application for an ordinary mining lease. In all other respects the regulations relating to the granting of ordinary mining leases shall apply to such application.

Method of applying for reward lease.

21. Upon a reward lease being granted the rent reserved thereby may be remitted for any period not exceeding five years. The length of the period of remission shall be fixed according to the distance of the reward lease from the nearest mine, as defined in Regulation 16. The rent may be remitted for five years if the distance is ten miles or over, and for one or more years, at the discretion of the Minister, if the distance is less than ten miles.

Rent on reward lease may be remitted for certain period.

22. Within thirty days from the expiration of the period for which the rent of a reward lease has been remitted the rent to the end of the then current year, shall be paid as provided in these Regulations, or the lease will be liable to forfeiture in the same manner as an ordinary mining lease.

After expiration of remission rent to be paid.

See Regulation 214 and 161 to 170.

23. Except with the approval of the Minister first obtained no transfer, assignment, or mortgage shall be registered affecting any reward lease for which the rent has been remitted during the period of remission, unless the lessee, or some other person on his behalf, shall at the time of lodging the same tender the whole amount of the rent from the commencement of the lease to the end of the year then current and also the survey fee which would have been payable on the granting of the lease had it been an ordinary mining lease.

Transfers, etc., not to be registered during period of remission of rent.

24. The labour conditions affecting a reward lease shall be the same as those prescribed for an ordinary mining lease for the same metal or mineral, including the like rights as to exemption.

Labour conditions on reward leases.

See Regulation 90.

25. No reward will be paid to the discoverer of payable gold under Section 12 unless he has complied with the following terms and conditions:—

Conditions as to payment of rewards for discovery of payable gold.

See Sec. 12.

(1.) The discoverer shall be deemed to be the person who first finds payable gold in accordance with the provisions of the Section and who marks out and makes application for a mining tenement and reports the discovery in accordance with the terms of Regulation 14.

- (2.) He shall further, at the same time, report in writing to the Warden all particulars as to the locality, the route thereto, the quantity of gold obtained, and the nature of the workings.
- (3.) If two or more parties discover payable gold in accordance with the provisions of the Section in localities immediately adjacent, and comply with the terms of this regulation, any award which the Governor in his discretion may grant shall be divided in such manner as the Governor shall direct, amongst the persons constituting the several parties who have made the discovery.
- (4.) The amount of every award shall be based on the distance of the discovery from the nearest place where payable gold has prior thereto been discovered and on the number of men (not being less than 100) employed within a radius of five miles from the new discovery within six months therefrom or within such further time as the Governor may determine.

*Division 2.—CLAIMS.*

Any number of claims may be held by one miner. 26. A miner may take up and hold any number of Claims or shares in Claims, subject to his complying with the regulations with regard to labour conditions.

Alluvial claims need not be registered. See Regulations 131 and 132. See Regulations 137 to 146. 27. It shall not be necessary to register an ordinary alluvial claim, but every such claim shall be taken possession of and marked off in manner provided by these Regulations; and a miner desiring to register the same shall comply with the Regulations relating to registration of claims. All other claims shall be registered.

Limit of extent of ordinary alluvial claims. 28. An ordinary alluvial claim shall, as far as possible, be marked off in the form of a rectangular block, the maximum dimensions of which, except where existing boundaries interfere, shall not exceed :—

- (a.) For gold, metallic minerals, or precious stones—
- |                  |     |    |                     |
|------------------|-----|----|---------------------|
| For one miner    | ... | 25 | } yards by 25 yards |
| For two miners   | ... | 50 |                     |
| For three miners | ... | 75 |                     |
- (b.) For all other minerals—
- |                  |     |     |                     |
|------------------|-----|-----|---------------------|
| For one miner    | ... | 36  | } yards by 36 yards |
| For two miners   | ... | 72  |                     |
| For three miners | ... | 108 |                     |

And so on in the same proportion in each case for any number of miners not exceeding ten.

Extended alluvial claims. 29. An extended alluvial claim for gold, minerals, and precious stones may be granted :—

- (a.) in old or abandoned ground, not being in a river, creek, or lake, or
- (b.) in ground which has been tested and found to be too poor to pay when worked by the ordinary method of working, but which can be worked by puddling or sluicing; or
- (c.) in wet ground where water other than surface water exists and timbering is necessary throughout; or
- (d.) in rocky ground where blasting within a depth of fifty feet from the surface is necessary in the sinking of the shaft—

The limit in extent of any such claim shall be :—

- For one miner—Half an acre.  
For two miners—One acre.  
For three miners—An acre and a-half;

and so on in the same proportion for any number of miners not exceeding ten. Every such claim shall be marked off as provided in these Regulations.

30. The maximum length of an Alluvial Claim in a river or lake shall be as follows:—

- (a.) In any new ground—  
 For gold, metallic minerals, and precious stones ... 40 yards.  
 For all other minerals ... 60 „
- (b.) In old and abandoned ground—  
 For gold, metallic minerals, and precious stones ... 80 „  
 For all other minerals ... 100 „

Area of river and lake claims.

In every case the width of every such claim shall extend from bank to bank of the river or lake, unless the distance exceeds 100 yards, in which case the excess over 100 yards may be taken possession of and marked off by any miner as an ordinary, extended, or a river or lake claim, as the ground may permit.

31. The holder of a claim in a river or lake shall form and maintain a sufficient flood-race through or past such claim, and no person shall mine within 10 feet on either side thereof without first having himself provided an additional flood-race to the satisfaction of the Warden.

Flood-race to be maintained in river or lake claim.

32. An ordinary Lode Claim shall in no case exceed 130 yards across the line of lode or reef, and shall extend in length along the line of lode or reef as follows:—

Extent of an ordinary lode claim.

- (a.) For gold, metallic minerals, and precious stones—  
 For one miner ... 25 yards, and an additional 25 yards for every additional miner not exceeding a total of 10.
- (b.) For all other minerals—  
 For one miner ... 100 yards, and an additional 100 yards for every miner up to but not exceeding a total of 10.

The width of every such claim shall be marked off at right angles to the supposed line of reef or base line, but the whole or any part of the claim may be marked off on either side thereof at the option of the miner.

33. All dealings affecting registered claims shall be registered at the Warden's office.

Registration.

34. When two or more claims adjoin, and the natural difficulties of working the same, or other sufficient cause, render the joint working thereof advisable, such claims may be registered as one claim upon application to the Warden in the form No. 5 in the Schedule signed by partners together holding at least two-thirds of each claim.

Union of claims.

The applicants shall deposit with the application all the certificates of registration held by them with the prescribed fee. Upon receipt thereof the Warden may, if he thinks fit, grant registration of the new claim, and he shall thereupon issue a certificate in the form No. 6 in the Schedule, and a certificate of registration of each share therein in the form No. 36 in the Schedule.

35. All claims other than lode claims shall, from and after the expiration of three clear days from the date of marking off in the case of unregistered claims and of registration in the case of registered claims, be efficiently worked by one man for every one man's ground comprised therein.

Labour conditions on alluvial claims.  
 See Regulation 166.

36. Every lode claim shall, from and after the expiration of three clear days from the date of registration, when not payable, be efficiently worked by one man for every two men's ground, or fraction thereof, comprised in the claim; and, when payable, by one man for each man's ground or fraction thereof.

Labour conditions on lode claims.  
 See *ibid.*

37. Every claim shall be worked continuously and efficiently on every working day unless exemption or partial exemption from working the same has been granted by the Warden. Every claim not so worked shall be liable to forfeiture at the discretion of the Warden on the application of any miner in the manner prescribed by these Regulations; but it shall not be necessary to work on any claim

Claims to be worked continuously and efficiently.

See Regulation 162.

during any general exemption, or on a public holiday, or during any general cessation of work caused by flood, rain, or drought.

Claims not to be forfeited in certain cases.

38. No claim shall be forfeited if the holder thereof proves to the satisfaction of the Warden that he or some one on his behalf has been working in connection therewith though not actually thereon, or if he is unable to work the same owing to sickness, attendance at a court of justice, or by reason of any sudden emergency.

Survey of claims.

39. The Warden may require the holder of any claim, at the time of making application for the registration thereof, to deposit the prescribed survey fee.

Unsurveyed claims to be surveyed on notice.

40. Every claim registered at the date when these Regulations come into force, which has not previously been surveyed, shall be surveyed if required by the Warden. In such case the Warden shall serve notice on the holder to deposit within a time specified in the notice, not being less than one month or more than three months from the date thereof, the prescribed survey fee. If such fee is not so deposited the Warden may deem the claim to be abandoned and may forthwith cancel registration thereof.

#### *Division 3.—WATER RIGHTS.*

Different classes of Water Rights.

41. Water Rights shall be of five classes, as follows:—

- (a.) A Stream Water Right entitling the holder thereof to take from any river, whether the supply of water in such river be permanent or intermittent, such maximum quantity of water as may be fixed by the Warden on the granting of the right, and shall include the right to such area of land as may in the opinion of the Warden be necessary for erecting works and machinery at the point of intake for the purpose of taking such water; provided that no prior right is prejudiced or injury of a public or private nature is caused thereby.
- (b.) A Lagoon, Lake, Spring, or Swamp Right entitling the holder thereof to take from a lagoon, lake, spring, or swamp such maximum quantity of water as may be fixed by the Warden on the granting of the right, and shall include the right to such area of land as may in the opinion of the Warden be necessary for erecting works and machinery at the point of intake for the purpose of taking such water, provided that no prior right is prejudiced or injury of a public or private nature is caused thereby.
- (c.) A Watershed or Storm-water Right entitling the holder thereof to collect the rain-water that may fall upon the watershed approved by the Warden on the granting of the right, and to construct such catch drains as may be required to collect the rain-water falling on the watershed.
- (d.) A Dam, Tank, or Reservoir Water Right entitling the holder thereof to construct dams, tanks, or reservoirs for the storage of such water as may by any means be delivered into the same, and to erect such buildings, machinery, dwellings, and appliances as may be required for the due working of such Water Right.
- (e.) A Subterranean Water Right entitling the holder thereof to bore or sink for and collect subterranean water in any quantity in any manner from any source below the surface area occupied by virtue of such Water Right and within the vertical planes produced from its boundaries.



*As to Stream Water Rights.*

42. The maximum quantity of water which the holder of a Stream Water Right shall be entitled to take and divert shall not exceed four ground sluice heads or 12 box sluice heads flowing continuously. Maximum amount of water to be taken.

A ground sluice head of water is a volume of water three inches deep by twelve inches wide, and for the purpose of measuring the same an open box six feet in length and twelve inches in width with a 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 of not more than six inches in the entire length of the box. The gauge of water as above specified shall be taken at the mouth of the box where the water is discharged into the race. A box sluice head is a volume of water measuring one inch deep and twelve inches wide measured as specified above. When the length of the race exceeds one mile, the width of the box may be increased one half-inch for each mile.

43. When the holder of a Stream Water Right is not using the water to which he is entitled he shall, if required so to do by the Warden, allow the water to flow in its natural channel. When not used water to flow in natural channel.

44. If from any cause the supply of water in any river on which a Stream Water Right has been granted shall fail to such an extent as not to allow sufficient water being left in the river for general public use, the Warden may direct that one or more sluice heads shall be left running in the river for such general public use, and that quantity shall be taken from the last registered Water Right until it has no water left, and then from the one last previously registered, and so on, as the supply diminishes. Warden may limit supply of water.

45. Before making application for a Stream Water Right the applicant or some person authorised on his behalf shall erect a substantial post or cairn of stones, projecting not less than three feet above the surface at or as near as possible to the point of intake of the Water Right. Thereon shall be posted a notice, signed by the applicant or his agent, setting forth the date and hour at which such right was taken possession of. Should the applicant desire to obtain a site for the purpose of erecting works or machinery, such site shall be marked as nearly as possible in the form of a square, and at each corner thereof similar posts or cairns of stones shall be erected, set in the angle of two trenches, not less than four feet long and six inches deep, cut in the general direction of the boundary lines, and on one of such posts shall be posted a similar notice specifying the area of such site. Subject hereto the regulations in Part VIII. relating to applications shall apply. Method of marking off and applying for Stream Water Rights. See Regulations 137 to 146.

46. The priority of Stream Water Rights derived from a common source shall be determined by priority of date of registration, and in the event of the supply of water being insufficient to supply all such Rights, then the holder of the Right last registered shall forego his rights during such insufficiency as against the holder of the Water Right next previously registered, and so on as the supply diminishes. Priority of Stream Water Rights.

47. A Stream Water Right shall be forfeitable by the Warden if from any cause when water is available it is not continuously taken, and, in the opinion of the Warden, properly used, provided no exemption from taking or using such water has been previously obtained and registered. Forfeiture.

*Lagoon, Lake, Spring, and Swamp Water Rights.*

48. The holder of a Lagoon, Lake, Spring, or Swamp Water Right shall be entitled to take the maximum quantity of water and no more from the Lagoon, Lake, Spring, or Swamp, the source of supply mentioned in the Water Right, by means of pumping works or machinery. Maximum amount of water to be taken.

49. The method of taking possession of and marking off and the priority of a Lagoon, Lake, Spring, or Swamp Water Right shall be the same as that provided in the case of Stream Water Rights. Method of taking possession and marking off and priority.

Extra charge  
may be levied.

50. There may be charged for every Lagoon, Lake, Spring, or Swamp Water Right, in addition to the fees prescribed in these Regulations, a sum of sixpence for every one thousand gallons of water authorised to be taken in every year. The proportionate amount payable for the period between the date of registration and the 31st day of December next following shall be paid in advance at the time of registration, and the further payments shall become due and be payable annually in advance on the 1st day of January in every year.

Forfeiture.

See Regulation  
47.

51. A Lake, Lagoon, Spring, or Swamp Water Right shall be forfeitable for the same causes as Stream Water Rights are forfeitable under these Regulations.

#### *Watershed or Storm Water Rights.*

Method of  
taking posses-  
sion and mark-  
ing off.

See Regulations  
137 to 146.

Crown may deal  
with land  
comprised in  
Watershed.

Rent.

Dams not to be  
constructed.

52. Before making application for a Watershed or Storm Water Right the applicant, or some person authorised on his behalf, shall mark out the boundaries of the watershed he proposes to apply for by means of substantial posts, projecting not less than three feet above the surface, firmly sunk in the ground, and not being a greater distance apart than forty chains, and if the contour of the country be of such a character as may require posts at a closer distance, then the applicant shall place the posts sufficiently close to enable the surveyor to easily locate the boundaries. Trenches shall be cut at each post, and subject hereto the regulations in Part VIII. relating to applications shall apply.

53. A Watershed or Storm Water Right shall not prejudice or affect the right of the Crown to deal with or dispose of the area of land comprising such watershed, or any part thereof, in the same manner as if the right had not been granted, but no similar water right shall be granted on the same area.

54. The annual rent for a Watershed or Storm Water Right shall be at the rate of sixpence per acre, calculated on the total acreage comprised in the watershed, but if such watershed is reduced by the Crown exercising the rights reserved by the last preceding Regulation, the Minister may, on the application of the holder, reduce the rent in proportion to the area by which the watershed has been reduced.

55. A Watershed or Storm Water Right shall not confer on the holder thereof any right to excavate storage dams upon the area comprised therein, but shall be held in conjunction with a Dam, Tank, or Reservoir Right; and in the event of the latter becoming forfeited the registration of the former shall be cancelled.

#### *Dam, Tank, or Reservoir Rights.*

Method of  
taking posses-  
sion and mark-  
ing off and ap-  
plying for same.

See Regulations  
131 to 146.

Mining under  
dams.

See Sec. 28.

Forfeiture.

56. An applicant for a Dam, Tank, or Reservoir Water Right shall comply with the regulations in Part VIII. as to marking off, and applying for same; but the notice to be posted shall specify the dimensions of the proposed Dam, Tank, or Reservoir and its capacity in gallons.

57. No Dam, Tank, or Reservoir constructed on the area covered by a Water Right of this description shall be mined under or in any way rendered unsafe without the consent of the owner thereof, provided that any miner may, on application to the Warden, obtain permission to mine under any Dam, Tank, or Reservoir on such terms and conditions, at such depth, not being less than fifty feet from the surface, as the Minister or Warden may prescribe. A Water Right of this class may be fenced, the permission of the Warden being first obtained.

58. A Dam, Tank, or Reservoir Water Right shall be forfeitable by the Warden if the holder neglects for a period of three consecutive months to make proper provision for collecting the rain water from any Watershed or Storm Water Right held by him in conjunction therewith, or if he fails to make proper use of such water when available to the satisfaction of the Warden.

*Subterranean Water Rights.*

59. Except as provided by Regulation 71, no holder of a Subterranean Water Right shall have any claim against the holder of any Mining Tenement who, by boring or sinking thereon, diminishes the supply of water in the shaft or bore of the holder of the Water Right.

No compensation to be paid where boring or mining diminishes the supply.

60. The area that may be applied for as a Subterranean Water Right shall not be restricted, but in the event of the area applied for exceeding twenty-five acres the application shall be submitted to the Minister by the Warden, together with his report thereon, and his recommendation for the granting or refusal thereof.

Limit of area.

61. A Subterranean Water Right shall be marked off and applied for in accordance with the Regulations in Part VIII.

Method of applying. See Regulations 131 to 146. Forfeiture.

62. A Subterranean Water Right shall be forfeitable by the Warden if and when for thirty days from the date of registration the holder or some person on his behalf has not commenced to use the right in a *bonâ fide* manner, and thereafter if, in the opinion of the Warden, he fails to continue so to do. No such Water Right shall, however, be forfeited if the holder is able to satisfy the Warden that from any cause he is unable to comply with the conditions or any of them, or in the event of exemption having been previously obtained and registered.

*Water Rights generally.*

63. The holder of any Water Right may sell any water obtained by him by virtue of his water right, but the Minister shall have power to regulate the price at which such water shall be sold for mining, domestic, or other purposes.

Sale of water.

64. The holder of a Water Right shall keep and maintain all works and appurtenances thereto in proper order and repair, and shall not allow the water secured by him to run to waste, and in the event of any works or appurtenances being out of repair or being in an insecure condition, or the water being allowed to run to waste, the Warden may require the holder of the water right to make the necessary repairs and to prevent waste.

Water not to be wasted.

65. The right to water under any water right shall terminate when the water shall be discharged beyond the boundaries of the Mining Tenement on which it has been used, or discharged into any natural stream or watercourse after being used.

When right to water ceases.

66. No business of any kind, other than the sale of water, shall be carried on on any water right.

Business not permitted.

*Division 4.—ALL OTHER AUTHORISED HOLDINGS.*

67. A miner may at any time take possession of, mark off, and apply for registration of such area, as is hereinafter set forth, of the surface only of any Crown Land within a proclaimed goldfield, mineral field, or district as an authorised holding, for any of the following purposes :—

Purposes for which an authorised holding may be granted. See Sec. 26.

- (a.) A Residence or Business Area, not exceeding one acre, for the purpose of residence or business under the provisions of Section 26, subsection 10: Provided that when the area is for residence only it shall not exceed one quarter of an acre;
- (b.) A Residence or Business Area on Crown Land specially set apart for the purpose under the provisions of Section 26, subsection 11;
- (c.) A Machinery Area, not exceeding five acres, for erecting machinery for the extraction of gold or minerals;
- (d.) A Tailings Area, not exceeding five acres, for stacking tailings or any earth containing gold or minerals, and for treating the same thereon;
- (e.) A Washing Area, not exceeding five acres, for washing any earth containing gold or minerals;

- (f.) A Market Garden Area, not exceeding five acres, for poultry farming or growing fruit, vegetables, fodder, or garden produce of any kind.

A miner shall not, at any time, hold more than one residence area on any one goldfield, mineral field, or district without the consent of the Warden.

Residence and Business Areas on land specially set apart.

See Regulations 131 to 136.

Land not to be occupied until application registered.

Conditions to be observed with regard to different authorised holdings.

68. An applicant for land previously surveyed and specially set apart as a Residence or Business Area shall not be required to erect posts or cairns thereon to mark the boundaries, but he shall comply with all the other requirements in these Regulations as to taking possession, and applying for registration of the same.

69. An applicant shall not be entitled to occupy the Residence or Business Area applied for by him until his application has been registered by the Warden.

70. (1.) The holder of a Residence or Business Area shall, before the expiration of 30 days from the date of registration of the same, occupy the area for residence or for carrying on business, and shall thereafter continue to occupy the same for such purpose. The holder may sublet the area for any term to any other person duly qualified to hold the same for the same purpose for which it was registered, provided that a copy of the document constituting the tenancy is filed at the Mining Registrar's office.

(2.) The holder of a Machinery Area shall, within three months from the date of registration of the same, or within such further period as shall be sanctioned by the Warden, erect machinery thereon to the satisfaction of the latter and shall thenceforth continue to work or use the same in a *bonâ fide* manner and to the satisfaction of the Warden.

(3.) The holder of a Tailings Area shall, within three months from the date of registration of the same, or within such further period as shall be sanctioned by the Warden, commence to occupy and use, and thereafter shall continue to occupy and use the same only for the purpose for which it was granted.

(4.) The holder of a Washing Area shall, within three months, or within such further period as shall be sanctioned by the Warden, *bonâ fide* use, and thereafter continue to use the same only for the purpose for which it was granted.

(5.) The holder of a Market Garden Area shall, within 30 days from the date of registration thereof, commence to occupy and use the same as such, and within twelve months from the said date he shall securely fence the same on all sides. The holder may sublet the area to any other person duly qualified to hold the same, provided that a copy of the document constituting the tenancy is filed at the Mining Registrar's office.

Any infringement by the holder of the conditions set out in this Regulation applicable to the particular area held by him shall render such area liable to forfeiture, unless exemption from the observance of such conditions has been obtained from the Warden and registered.

Mining not permitted on authorised holdings.

71. The holder of an authorised holding shall not be entitled to mine thereon, but in the event of gold or any mineral being discovered thereon by him, or his workmen or servants, he shall have the right, within ten days after such discovery comes to his knowledge, to mark off and apply for a mining lease or claim. If prior to such discovery any person considers that the area contains gold or other mineral, he may apply for the whole or any portion thereof as a lease or claim. He shall give notice of such application to the holder, who may raise objections thereto. If the lease or claim is granted, the area of the authorised holding may be reduced and the following shall apply:—

- (1.) The applicant shall pay to the holder of the authorised holding such compensation as may be from time to time determined by the Warden.

- (2.) The applicant shall not be entitled to use any water raised on the lease or claim except for carrying on mining or milling operations thereon.
- (3.) The applicant shall observe any other conditions which may be imposed by the Minister or Warden.

72. When a Mining Lease or Claim is granted under the terms of the last preceding regulation the Minister may, on application by the holder of the Authorised Holding, reduce the rent payable thereon in proportion to the area comprised in such Mining Lease or Claim.

Rent of authorised holding may be reduced on grant of lease or claim thereon.

*Division 5.—MINING ON RESERVED AND EXEMPTED LANDS.*

73. An application by a miner for an authority under Section 30 shall be made in the form No. 7 in the Schedule, and shall be lodged with the Warden or Mining Registrar with the prescribed deposit. Before lodging the application, the miner (having, where possible, previously marked off the ground) shall make application for same as a claim in the manner prescribed by these regulations. On receipt of the application, the Warden, on behalf of the Minister, shall cause a notice thereof to be posted at the Mining Registrar's office and published in not more than three consecutive issues of a local newspaper. Such notice shall name the date within which objections may be lodged, and the date of the hearing of the application. The Warden shall, prior to the hearing, instruct some competent person to inspect the land the subject of the application, and to report whether the occupation thereof for the mining purposes mentioned in the application will:—

Application for authority to occupy reserved or exempted lands.

See sec. 30.

See Regulations 137 to 146.

- (a.) cause injury or obstruction to the enjoyment of the reserved or exempted land;
- (b.) be likely to injure any adjoining property; and
- (c.) what sum he considers necessary to cover the cost of repairing any such injury.

74. If it shall appear from such report that by granting the application, injury would be likely to be caused to any reserved or exempted land or to any adjoining property, the Minister may require the applicant to deposit such sum of money as shall appear to him necessary to cover the cost of repairing such injury. On the determination thereof by forfeiture or otherwise of any claim registered in pursuance of such authority, if no such injury has been caused, the deposit shall be returned, or the balance thereof, if any remains, after the injury caused has been repaired.

Deposit may be required to cover likely injury to the reserved, exempted, or adjoining land.

Where injury is likely to be caused to an adjoining property only, the application shall not be granted until the applicant has obtained the sanction of the owner thereof to the occupation of the land applied for for the purposes mentioned in the application, or until he has deposited the sum required by the Minister to cover the cost of repairing such injury.

75. After the hearing of the application the Warden shall forward the same with his recommendation to the Department of Mines.

After hearing Warden to forward recommendation.

76. Every claim granted over reserved or exempted land shall be made subject to, and shall contain such special conditions, restrictions, and stipulations as the Governor may in each case prescribe. In addition thereto the applicant may be required from time to time to deposit such sum of money as the Governor may deem necessary to cover the cost of repairing any injury likely to be done to adjoining lands. Subject as aforesaid, every such claim shall be subject to all regulations affecting a similar holding on Crown lands. A holder who commits a breach of any special conditions, restrictions, or stipulations shall be liable to a penalty not exceeding Fifty pounds in addition to forfeiture of his holding and to instant removal from the land in his occupation thereunder.

Any claim granted to be subject to special conditions.

Claim may  
be cancelled.

77. The Governor may also cancel or withdraw any claim granted under this part of these Regulations, if the holder fails for a period of thirty days to hold a valid miner's right, or if the Governor considers that the reserved or exempted land over which such claim has been granted cannot be further occupied for mining purposes without injury or obstruction to the enjoyment by the public of the same.

Mining without  
authority.

78. A person who, without authority first obtained, occupies for mining purposes any reserved or exempted land shall be liable to a penalty not exceeding Fifty pounds, and to be summarily removed therefrom.

#### PART IV.—LEASES.

What land may  
be leased, and  
for what term.  
See ss. 42 and  
48.

79. A person desirous of obtaining a mining lease for any of the purposes set out in Part V. of the Act may take possession of and mark off any land not exempt from leasing, and may make application for a lease of such land for any term not exceeding twenty-one years, to commence from the 1st day of January immediately preceding the date of the publication in the *Government Gazette* of the notice approving the application.

Area of Mining  
Leases.  
See ss. 43, 49,  
52, 56.

80. The maximum area which may be marked off and applied for as a mining lease shall be as follows:—

(a.)	For coal, as provided by Section 52	320 acres.
(b.)	" " " " " " " " " "	640 "
(c.)	For " gold under (a.) or (b.) of subsection 1 of Section 43	48 "
(d.)	For gold in all other cases	24 "
(e.)	For metallic minerals under (a.) or (b.) of subsection 1 of Section 49	48 "
(f.)	For metallic minerals in all other cases	24 "
(g.)	For non-metallic minerals in all cases	48 "
(h.)	For precious stones	24 "

In the case of applications for leases of metallic or non-metallic minerals the Minister shall decide to which class the mineral or minerals named in the application belong.

Method of  
marking off land  
for lease.

81. Before making application for a lease the applicant, or some person authorised on his behalf, shall erect a substantial post or cairn of stones projecting not less than three feet above the surface at or as near as possible to each corner of the land applied for. Such post or cairn shall be set in the angle of two trenches, each of which shall be not less than four feet in length and six inches in depth, and extending in the direction of the boundary lines. Where the nature of the ground will not permit of trenches being dug, rows of stones of similar length shall be substituted. The boundary lines shall also be cleared from post to post. One of the posts or cairns shall be termed the "datum post," from which the survey of the land shall be commenced. The intended applicants shall cause to be affixed to such post or cairn a notice in the form of No. 8 in the Schedule, which shall be kept legible until the notice of application referred to in the next following Regulation is posted.

When the application is one for a lease under Division 3 of Part V. of the Act, the marking off may be dispensed with by the Warden or Mining Registrar.

Application  
when and how  
made.

82. Within ten clear days after marking off the land for which a lease is to be applied for, an application in the form No. 9 in the Schedule must be lodged with the Warden or Mining Registrar, and the application must be accompanied by a deposit of the rent for the first year of the tenancy, and also with the amount of the prescribed survey fee. If the application is made by an agent, the Warden may require confirmation of his authority prior to transmitting his recommendation to the Minister. On receipt of the application, the Warden or Mining Registrar shall deliver to the applicant a notice in triplicate in the form No. 10 in the Schedule. One of such notices shall forthwith be posted up by the applicant at the Warden's office and another, as soon as is possible, on the datum

post of the land applied for. The applicant shall also cause a copy of the notice to be published at least once in a local newspaper within fourteen days after the date of the application being lodged.

83. If a person who has marked off land as a lease and posted notice thereon fails to make application for the lease within ten days thereafter, he shall not be at liberty, either himself or through an agent, to mark off any portion of the same ground or to post a fresh notice thereon within twenty-one days from the first marking off and posting. Any applicant who by himself or in collusion with any other person infringes this regulation shall be liable to a penalty not exceeding ten pounds or to imprisonment for a term not exceeding one month.

One marking off and posting of notice allowed within twenty-one days.

84. Within thirty days after an application for a lease has been lodged, any person may lodge an objection in the form No. 34 in the Schedule, and in such case the objection shall be lodged in duplicate, and shall be heard and determined in manner provided by these Regulations. In the case of a Homestead Lease the objection must be lodged within twenty-one days.

Objections to application.

See Sec. 70.

See Regulations 143 and 144.

See Sec. 180.

85. Should no objection have been lodged against the granting of a lease within the time specified, the Warden or Inspecting Surveyor may issue to a Mining Surveyor instructions to survey the land applied for without delay, and to furnish an accurate plan and tracing thereof, together with a report and such other particulars as the Warden or Inspecting Surveyor may require. Should objections be lodged to the granting of the lease, instructions for survey shall not be issued until the Governor's approval is notified: but the Warden may order the survey to be made before reporting to the Minister. Any application which is approved before survey shall be deemed to be approved subject to the land being found to be available after the survey has been made.

Survey of lease.

86. If, after the expiration of thirty days from the receipt of an application for lease, no objection has been lodged, it shall not be necessary for the applicant to appear before the Court at the hearing or at any adjournment thereof unless ordered by the Warden so to do.

Hearing of application.

See Sec. 69.

Within seven days after the conclusion of the hearing the Warden shall report to the Department of Mines in accordance with Section 74 of the Act.

87. In the event of an application for a lease being refused, the applicant shall be entitled to a refund of the rent paid by him on the lodging of the same less the sum of ten shillings, and the survey fee if the survey has not been made.

Fees to be refunded when application refused.

88. If a lease has not been surveyed prior to the notice of approval thereof appearing in the *Government Gazette*, the Warden or the Inspecting Surveyor shall issue instructions to a Mining Surveyor for a survey of such lease to be made, and a plan and duplicate to be furnished, together with the field notes of such survey, and a report and any other particulars which the Warden or Inspecting Surveyor may deem necessary.

Survey of lease to be made after approval where not made before.

89. If the applicant for a lease desires to withdraw his application he shall lodge a notice of withdrawal in duplicate with the Warden or Mining Registrar in the form No. 11 in the Schedule; on acceptance of such withdrawal by the Minister, the applicant shall be entitled to a refund of the rent paid by him less the sum of ten shillings, and the survey fee if the survey or inspection has not been made.

Withdrawal of application.

90. Unless exemption or partial exemption from labour conditions has been granted by the Minister or Warden, every lease on which labour conditions are prescribed shall be efficiently worked on every working day after the expiration of 30 days from the date of the posting at the Warden's office of the *Government Gazette* containing notice of the approval thereof. A lease granted for coal or oil shall be worked by not less than one man for every sixty acres, or fraction thereof, for the first twelve months; by not less than two men for every sixty acres, or fraction thereof, for the second twelve months; and by not less than three men for every sixty acres, or fraction thereof, for every succeeding year.

Labour conditions on leases.

Leases coming under the description of (c) or (e) of Regulation 80 shall be worked by not less than one man for every twelve acres, or fraction thereof, from the like date.

Every other lease shall be worked on every working day from the like date by not less than two men for the first twelve months, and thereafter by not less than one man for every six acres, or fraction thereof; but in no case shall any lease be worked by less than two men.

Leases liable to forfeiture if not duly worked.

See Secs. 97 and 99, and Regulations 161 to 170.

91. Any lease which is not continuously and efficiently worked, as provided in the last preceding Regulation, shall be liable to forfeiture, as provided in Sections 97 and 99 and these Regulations, or the lessee may be fined any sum not exceeding five hundred pounds; but it shall not be necessary to comply with the labour conditions affecting a lease during any general exemption, or during any general cessation of work caused by floods, rain, or drought, or on any public holiday.

Transfer of leases.

92. The holder of or an applicant for a lease may apply to transfer the whole or an interest therein by lodging a transfer in duplicate in the form No. 12 in the Schedule at the Department of Mines, or at the Warden's office, together with the prescribed fee: Provided that—

(1.) Every transfer shall be accompanied with the instrument of lease (if issued) unless the Minister shall otherwise direct.

(2.) No fraction of any share or unit in a lease shall be transferable.

(3.) The correctness of the consideration expressed in every transfer shall be verified by statutory declaration to the satisfaction of the Minister.

(4.) The registration of every transfer shall be effected at the Department of Mines.

(5.) All transfers shall be registered in accordance with their priority in time of receipt.

(6.) The Warden or Mining Registrar at whose office a transfer is lodged shall record and forthwith transmit the same to the Department of Mines.

(7.) When a transfer is lodged with the Department of Mines full particulars of such transfer shall be forwarded to the Warden or Mining Registrar, who on receipt thereof shall forthwith record the same.

The provisions of Regulation 172 shall also be applicable to all such transfers.

Removal of plant on forfeiture of lease.

See Sec. 108.

93. Upon forfeiture of any lease upon which any plant, machinery, or tools, the property of the lessee, erected or used for working the same, remain, the lessee shall, within three months from the date of the publication in the *Gazette* of the notice of forfeiture, remove the same. If the same are not so removed, the Minister may at any time thereafter call upon the lessee to show cause within a further period of three months why the whole or any part thereof should not be sold and removed. If the lessee neglects to show cause as aforesaid, or if the cause shown is, in the opinion of the Minister, insufficient, he may direct the plant, machinery, and tools, or any part thereof, to be sold by public auction and removed, or he may direct that any part thereof may remain for a specified period on the land, and if the land has, since the forfeiture, become the subject of a new lease, he may direct the lessee or holder of the forfeited lease to pay to the new lessee rent at a rate of not less than £1 per month for all such plant, machinery, and tools permitted to remain, but in no case shall any timber used in or for supporting the shaft, drives, galleries, or adits in any mine be sold, removed, or destroyed.

Licenses in respect of tailings.

See Sec. 110.

94. An application for a license to remove or treat tailings or other mining material under Section 110 shall be made to the Warden or Mining Registrar. The applicant shall at the time of making the application post up a notice thereof at the Warden's Office and on the heap of tailings to be removed or treated, and shall forthwith advertise the notice in a local newspaper. At any time within a period of thirty days from the posting up of the notice any person may lodge an objection in the form No. 34 in the Schedule, and thereafter the Warden shall hear



the application and report thereon to the Minister. The Minister may insert in every such license such conditions as he deems fit. The period of the license shall not exceed twelve months, but may be renewed at the discretion of the Governor. In the event of the licensee not fulfilling the conditions of his license, a miner may make application for the cancellation thereof in the same manner as for the forfeiture of a mining lease, and thereupon the Governor may cancel the license on such conditions as he thinks fit.

95. An application to amalgamate two or more adjoining leases shall be made by lodging with the Warden or Mining Registrar an application in the form No. 13 in the Schedule, signed by the lessee or by someone authorised in writing on his behalf, with the prescribed fee. On receipt of the application the Warden shall forward the same to the Department of Mines for the approval of the Minister, and shall at the same time forward a report thereon recommending the granting or refusal of the same. Pending the decision of the Minister, the Warden may, if he thinks fit, grant permission to the lessee to concentrate the labour required to be employed on each of the leases separately on to any or either of them, as if they had already been amalgamated.

Amalgamation of leases.

See Secs. 86, 87, and 88.

96. On the Minister granting an application for amalgamation, there shall be issued to the lessee by the Secretary for Mines, and recorded at the Warden's Office a certificate of amalgamation in the form No. 14 in the Schedule.

Certificate of amalgamation

97. If in the course of mining operations the lessee of a mining lease obtains a supply of water more than sufficient for such operations, he may dispose of any surplus water by sale or in such manner as he shall think fit, but no method of disposal shall be permitted which, in the opinion of the Warden, is likely to cause a nuisance or inconvenience to the public or to any other mining tenement or to injure or obstruct any road or thoroughfare. In case of sale the Minister may regulate the charges.

Lessee may dispose of surplus water.

98. When a lessee proposes to surrender his lease either entirely or conditionally on an application for a new mining tenement being granted, he shall execute a surrender in the form No. 15 in the Schedule, and shall lodge the same in duplicate at the Department of Mines, or at the Warden's Office. Until a conditional surrender has been accepted by the Governor, the lessee shall continue to fulfil the labour conditions of his lease.

Surrender of lease.

99. Notice of intention to forfeit a lease for breach of any covenant or condition not relating to labour or the inspection of the mine, or working thereof, shall be published in the *Government Gazette* in the form No. 16 in the Schedule, at least thirty days prior to the actual forfeiture thereof. The notice required under Section 99 to be given to the Warden that any land held under a mining lease is not being worked in accordance with the Regulations, shall be in the form No. 60 in the Schedule, and shall be lodged in duplicate with the Mining Registrar, together with the prescribed fees. On receipt thereof the Mining Registrar shall issue a notice to the lessee, in the form No. 62 in the Schedule.

Forfeiture.

See ss. 96 to 103.

100. The right conferred on a miner by Section 67 to enter upon land under application for lease for the purpose of searching for and obtaining alluvial gold or mineral shall be confined to an area not exceeding the area of an ordinary alluvial claim of the dimensions specified in Regulation 28, which shall be marked off in the prescribed manner, and pending the decision as to the granting of the lease no person shall interfere with the workings of any such miner within the limits of the area so marked off by him, so long as he continues lawfully to occupy the same and complies with the labour conditions applicable to an ordinary alluvial claim.

Entry on land applied for as a lease to search for alluvial.

See Sec. 67.

101. Before a miner enters upon any land under application for lease in pursuance of the right conferred upon him by Section 67, he shall serve upon the applicant for the lease a notice in the form No. 17 in the Schedule, of his intention to do so. If within twenty-four hours of

Notice to applicant for lease before entry.

See Sec. 67.

such service the applicant for the lease fails to mark off a portion of the land not exceeding one-eighth of the total area thereof as a site for his buildings, shafts, and workings, any subsequent marking off of a portion of the land for such purposes shall be subject to the license acquired by the miner under the last preceding regulation. Any portion of the land so marked off by the applicant shall be marked off in the prescribed manner, and shall be in the form of a rectangular parallelogram, the length of which shall not exceed twice its breadth.

Duplicate of lost or destroyed lease may be issued.

102. In the event of the duplicate of a lease being lost or destroyed or becoming so obliterated as to be useless, the holder or some person having knowledge of the facts and circumstances may make a statutory declaration thereof.

The Minister, if satisfied with such declaration, may direct that a fresh duplicate lease in the exact form of the original shall be issued to the person entitled to hold the same, and such duplicate shall be indorsed with a memorandum setting out the reasons for the issue thereof. A similar memorandum, giving also the date of the issue of the duplicate, shall be indorsed on the original lease. Thereafter such duplicate shall be available for all intents and purposes as if it were the original duplicate of the lease.

If at any time after the issue of a fresh duplicate lease, the original duplicate lease is found or recovered, it shall forthwith be forwarded to the Department of Mines, and the same shall be cancelled or destroyed. Any person who wilfully retains any such original duplicate lease, and neglects to forward the same as herein provided, shall be guilty of a breach of this Regulation.

The Minister may, under similar conditions, issue a duplicate of any lease granted prior to the commencement of the Act.

#### PART V.—MINING ON PRIVATE LAND.

Governor may resume private land on giving notice.

103. The Governor may resume any private land under Section 121 after three months' notice of his intention so to do has been given by the Minister to the owner thereof.

See Sec. 121.

The notice shall be in the form No. 18 in the Schedule. A copy of the notice shall be published in the *Government Gazette* at least three times between the date of the notice and one month prior to the resumption taking place.

Permit to enter. See Secs. 125 to 131.

104. A miner desirous to enter upon private land in order to search thereon for gold, minerals, or precious stones, or to mark off any portion of private land as a mining lease or claim, shall make application to the Warden for a permit in the form No. 19 in the Schedule, and shall lodge the same with the Warden.

On grant of permit, holder may mark off a lease or claim.

See Sec. 133 and Regulations 51 and 52 as to leases and Regulations 137 to 145 as to claims.

105. On the grant of a permit the holder thereof may enter upon the land and mark off and apply for a mining lease or claim, and in so doing shall observe and comply with the provisions of Section 133 and these Regulations in all respects as if the application were one for a mining lease or claim on Crown lands.

Agreement as to compensation to be filed.

See Secs. 136, 146, and 147.

106. The applicant may agree with the owner and occupier respectively as to the amount of the compensation to be paid for the right to occupy the land for the purpose for which the application is made. No such agreement shall be valid until the same is filed with the Warden. The marking off and lodging of an application shall not confer on the applicant any right to mine, use, or make preparations for mining upon the land the subject of the application until the provisions of Section 136 have been complied with, and until, in the case of an application for a lease, notice of approval thereof has been published in the *Government Gazette*, and, in the case of a claim, until registration has been completed.

107. All agreements as to compensation shall be lodged with the Warden or Mining Registrar within thirty clear days from the date of application for any mining lease or claim, and if within such period the applicant is unable to agree with the owner or occupier as to the amount either party may, by plaint in that behalf, have the same determined in the Warden's Court.

Agreements to be lodged within thirty days. Where no agreement, compensation to be determined in Warden's Court.  
See Sec. 148.

108. If a miner who has obtained a permit is desirous of testing such land for gold or minerals before making application for a mining lease or claim, he may apply to the Warden in the form No. 20 in the Schedule for a prospecting area over a portion of such land, not exceeding six acres, together with a reserved area of such further portion of the private land as he proposes to apply for as a mining lease or claim. The application shall be lodged with the Warden or Mining Registrar, with the prescribed fee, and a copy thereof shall be served on the owner or occupier of the land.

Prospecting areas and reserve areas.

109. Subject to the applicant complying with the terms of the Act and these Regulations as to the settlement of the compensation to be paid to the owner or occupier, the Warden may, with the approval of the Minister, register a prospecting area in the name of the applicant, for a period not exceeding six months, and with the like approval may thereafter renew the same for a further period of three months.

Registration may be granted subject to settlement of compensation.

110. On the registration thereof, the holder shall have the right to enter upon the area of the land granted as a prospecting area, to search for the gold or minerals mentioned in his application, for the period therein mentioned, and the further right to apply, within the like period, for a mining lease or claim over the prospecting or reserved area or any part thereof.

Effect of registration.

111. The holder of a prospecting area may at any time surrender the same and apply in a similar manner for a fresh prospecting area, not exceeding six acres, out of the reserved area, and successive prospecting areas may in like manner be applied for, until the land is tested to the satisfaction of the holder, or until the prospecting area is surrendered by him and a mining lease or claim over the reserved area or a part thereof is applied for and granted or refused: Provided that, prior to the granting of any such application, the compensation shall be agreed or settled as provided by Regulations 106 and 107.

Successive claims may be applied for.

112. A prospecting area may at any time be cancelled by the Minister, if he is of opinion that the land has been sufficiently tested and the holder neglects or refuses to make application for a mining lease or claim over the reserved area, or a part thereof, when required so to do by the Warden.

Minister may cancel a prospecting area under certain circumstances.

113. A person desirous of bringing within the operation of Part VI. of the Act any private land as set out in Section 154 shall lodge a petition at the Department of Mines, giving full particulars of the position and area of the land and of his reasons for believing that the same contains minerals, other than gold, silver, or precious metals, in payable quantities.

Petition to bring certain lands under Part VI. of the Act.  
See Sec. 154.

114. Prior to instructing the Government Geologist or other professional officer to inspect the land the Minister shall give not less than thirty days' notice to the owner of his intention so to do.

Notice to be given to owner before inspection.  
See Sec. 155.

115. At any time before the expiration of the period fixed by the notice in the *Government Gazette* for the land coming within the operation of Part VI. of the Act, the owner of the land may lodge an application, in the form No. 21 in the Schedule, for the exclusive right to mine on the land for specified minerals, together with applications for mining leases or claims for such minerals, in accordance with the provisions of these Regulations.

Owner may apply for exclusive right to mine.  
See Sec. 157.

## PART VI.—MINERS' HOMESTEAD LEASES.

How granted.  
See secs. 174 to  
178, and Regu-  
lations 81 to 89.

Shape of land  
applied for as  
lease.

Improvements  
on pastoral  
leases included  
in land applied  
for as miner's  
homestead.  
See Sec. 182.

Transfers.  
See Sec. 190.

116. Applications for miners' homestead leases shall be made and dealt with in all respects under and subject to the provisions contained in the Act and to the Regulations herein contained affecting applications for mining leases so far as the same are applicable thereto. In the event of the land applied for comprising a portion of any land held under a pastoral or timber lease a copy of the notice of application shall be served on the lessee thereof.

117. An application for a miner's homestead lease comprising land which has not been surveyed shall be for land in one block, and, except in special cases approved by the Minister, shall be in the form of a rectangle, with boundaries in the direction of the meridian and at right angles thereto, and the proportion of depth to breadth except as herein specified shall not exceed three to one, unless the Minister shall otherwise determine. The proportion of depth to breadth in any area bounded by a frontage line shall be as two to one, unless otherwise provided or by approval of the Minister.

118. In the event of any land applied for as a miner's homestead lease comprising a portion of a pastoral or timber lease containing any substantial improvements, the pastoral lessee shall be entitled to claim compensation for any such improvements from the applicant, and the amount of such compensation shall, in the event of dispute between the parties, be settled by the Warden or by some competent person authorised by him in that behalf, but either party may, if dissatisfied, appeal to the Minister, whose decision shall be final. No application for a miner's homestead lease comprising land containing any improvements made by a pastoral or timber lessee shall be approved until the amount of compensation and the cost of ascertaining the same shall have been paid.

119. Subject to the provisions of the Act, a miner's homestead lease may be transferred, sublet, or mortgaged in the same manner as prescribed in these Regulations for the transfer, subletting, or mortgaging of mining leases.

## PART VII.—PURCHASE AND SALE OF GOLD.

Application for  
licenses.  
See ss. 205 to  
207.

Objections.  
See sec. 208.

Issue of license.  
See sec. 209.

Application by  
incorporated  
bank for a gold  
dealer's  
license.  
See sec. 211.

120. Any person (other than an incorporated bank) desirous of obtaining a gold dealer's license shall, at least thirty days before the hearing, lodge with the Warden or Resident Magistrate an application in duplicate in the form No. 22 in the Schedule, with the prescribed fee. The duplicate shall, on the day of the receipt thereof by the Mining Registrar or Clerk of the Court, be posted in a conspicuous place either within or without the court, and shall be kept posted legible and intact till the day of hearing of the application. The applicant shall forthwith cause a copy of his application to be published in three consecutive issues of a local newspaper, and shall also keep a copy posted until the hearing, in a conspicuous place on the building in which he intends to carry on his business as a licensed gold dealer.

121. Any person may, either before or at the hearing of an application, object to the issue of a gold dealer's license to any applicant: Provided that any objection may be communicated to the court or to the Minister by ordinary letter through the post; and, for the purpose of making due inquiry into the grounds of such objection, the court or Minister may defer dealing with the application for such period as may be necessary.

122. If the Minister decides to grant to any such applicant a gold dealer's license, he shall cause a license in the form No. 23 in the Schedule to be issued to such person. When any such license has been granted, and has been registered in the Register of Gold Dealers at the office of the Department of Mines, it shall be forwarded to the Warden or Resident Magistrate for delivery to the licensee.

123. An incorporated bank may at any time during the month of December apply in writing to the Secretary for Mines for a general gold dealer's license, which, on receipt of a fee of five pounds, shall be granted in the form No. 24 in the Schedule and shall be available for use at every

branch of such bank throughout the State. The manager, accountant, or officer-in-charge for the time being at the head office and at every branch of such bank shall be deemed to be a "licensee" within the meaning of Part IX. of the Act. The bank in the application for the license shall state the places at which branches are established, and from time to time give to the Secretary for Mines written notice of the establishment of any additional branch.

124. A gold dealer's book, in the form No. 25 in the Schedule, shall be kept at the place of business of every gold dealer, and at the head office and at every branch of an incorporated bank holding a gold dealer's license. Every licensed gold dealer other than an incorporated bank, and in the case of a bank the manager, accountant, or officer in charge for the time being of the head office or branch, as the case may be, shall personally conduct and carry out every transaction relating to the purchase or sale of gold, and after every purchase or sale has been effected, forthwith record in his gold dealer's book the prescribed particulars of the transaction.

Gold dealer's book. Supervision of sales and entries thereof.  
See ss. 215 and 216.

125. On or before the tenth day of each month, every licensed gold dealer and the manager of the head office of an incorporated bank holding a gold dealer's license shall forward a return, in the form No. 26 in the Schedule, containing the particulars therein prescribed with regard to every transaction relating to gold undertaken by him or by his bank during the preceding month. Any failure to comply with the provisions of this Regulation renders the person so failing liable to a penalty not exceeding one hundred pounds.

Returns of gold dealers.  
See sec. 215.

126. A temporary gold dealer's license may be granted by a Warden or Resident Magistrate. Application therefor shall be made in the form No. 27 in the Schedule, and lodged with the Warden or Resident Magistrate of the Goldfield or Magisterial District in which the applicant desires to carry on business as a gold dealer, together with a fee of ten shillings. A copy of such application need not be posted at the courthouse or be advertised. Before issuing any such license, the Warden or Resident Magistrate shall satisfy himself that the applicant is a fit and proper person to hold a license, and that the locality whereat he desires to carry on business under the license is a remote one, and that there exist no reasonable facilities for enabling gold to be properly and lawfully disposed of thereat. A temporary gold dealer's license shall be in the form No. 28 in the Schedule. On granting a temporary gold dealer's license the Warden or Resident Magistrate shall forward particulars thereof to the Department of Mines.

Temporary licenses.  
See sec. 221.

127. When any person forwards gold by post or police escort to an incorporated bank holding a general gold dealer's license, he shall make a statutory declaration in form No. 29 in the Schedule, setting out the particulars as therein stated, and he shall forward the same with the parcel containing the gold to the bank to which the same is addressed. On receipt thereof the proper officer of the bank shall forthwith file the declaration in the gold dealer's book.

Declaration when gold sent by post or police escort.  
See sec. 217.

128. Every person who exports any gold, gold ore, gold dust, or gold bullion, in addition to declaring the same at the time of export at the Customs shall, at the expiration of the month in which the same was exported, furnish to the Secretary of Mines a return in the form No. 30 in the Schedule, setting out all the particulars therein prescribed.

Declaration when gold is exported.  
See sec. 288.

#### PART VIII.—GENERAL REGULATIONS.

129. The Regulations comprised in this part, except where otherwise expressly provided, shall apply to all mining tenements applied for, held, occupied, or enjoyed under the provisions of the Act and of these Regulations.

Application of regulations contained in this part.

130. The shape of every mining tenement shall be as nearly as practicable in the form of a rectangular parallelogram, the length of which shall not exceed twice the width, but when, by reason of any boundary not being a straight

Shape of mining tenements.

line, or from the interference of other boundaries or natural features, this regulation cannot be observed, the shape shall be as nearly in accordance therewith as circumstances permit.

*Division 1.—MARKING OFF MINING TENEMENTS.*

Method of marking-off mining tenements.

131. Every mining tenement not previously surveyed shall be taken possession of and marked off by fixing firmly in the ground at each corner or angle thereof (or as near as practicable thereto) a substantial post or cairn of stones projecting not less than three feet above the surface and set in the angle of two trenches, not less than four feet in length and six inches deep, and cut in the general direction of the boundary lines. When the nature of the ground will not permit of trenches being cut, rows of stones of similar length shall be substituted. The boundary lines shall also be cleared from post to post.

Notice of marking off to be posted up.

132. One of the corner posts or cairns shall be the datum post, and thereon or in proximity thereto shall be firmly fixed, at the time of marking off, a notice in the form No. 31 in the Schedule, setting out the particulars therein prescribed.

Only one marking-off of same ground allowed.

133. If a person marks off a portion of land as a mining tenement and posts a notice of marking thereon, but fails to make application for registration thereof within the prescribed time thereafter, he shall not be at liberty to mark off any portion of the same ground, or post a notice thereon, within 21 days from the date of the first marking-off. Anyone who, by himself or in collusion with any other person, marks off, or posts notice, or causes the same to be done with the intent of defeating the terms of this regulation, shall be deemed guilty of posting a false notice within the meaning of regulation 152.

Effect of marking off and posting notice. See sec. 67.

134. A person duly marking off and posting a notice shall, subject to the provisions of the Act, have an exclusive right to the ground for the purpose for which it is marked off, pending registration where registration is necessary.

Marking off in certain cases not necessary.

135. It shall not be necessary to mark off ground which is identical with any forfeited, abandoned, or surrendered mining tenement which has been already surveyed, but the prescribed notice shall be affixed to one of the existing survey posts, and all other provisions shall be complied with.

Effect of marking off too much ground.

136. Anyone who marks off more ground than he is entitled to shall be liable to have the surplus ground marked off at either end or side, at the option of any other miner or person who may desire to occupy such surplus, but the original occupant shall be entitled to retain that portion of the ground which contains his workings or on which any permanent building has been erected.

*Division 2.—APPLICATIONS AND OBJECTIONS.*

Applications, how made and dealt with.

137. Application for registration of any mining tenement other than a lease shall be made in the form No. 32 in the Schedule within ten days after marking off, or within such further period as the Warden considers reasonable. The application must be lodged in duplicate at the office of the Mining Registrar, with the prescribed fees for registration, rent, and survey, if any. On receipt thereof the Mining Registrar shall deliver to the applicant a certificate in duplicate in the form No. 33 in the Schedule, and the applicant shall forthwith post up one of such certificates on the notice board, at the office of the Warden, and as soon as conveniently may be cause the other to be affixed to the datum post on the ground. Such notices shall be kept legible and intact until registration is completed. When the application is one affecting private land the applicant shall also comply with the provisions of Section 133.

Particulars to be given on application.

138. Every application for a mining tenement shall be accompanied with or contain a sketch showing the boundaries of the land, which shall be fixed where possible by reference to some existing survey mark, or to some feature on the land, or adjacent thereto, and where it has reference to an underground tenement it shall show the

portion of the surface, if any, required by the applicant. If no surface area is applied for or available, the applicant must produce proof to the satisfaction of the Warden that he has sufficient means of access to the land applied for to enable him to work the same.

Every application for a claim shall, in addition, state:—

- (1.) The metal or mineral to be mined.
- (2.) The number of shares in which the claim is to be held, and their division.

139. After receipt of an application for registration of a mining tenement other than a claim, the Warden or Inspecting Surveyor shall give instructions for a survey and plan to be made of the land if the same has not been previously surveyed. Registration granted previous to survey shall be so granted subject thereto, but the Warden may in his discretion defer registration until the survey has been completed.

Survey of land the subject of an application. As to claims see Regulations 39 and 40.

140. When application is made for land as a mining tenement which has been forfeited, surrendered, or cancelled, the applicant shall make application in manner prescribed by these Regulations according to the particular class of tenement applied for. Should the boundaries of the land applied for be identical with a forfeited, abandoned, or surrendered tenement previously surveyed, the applicant shall pay a fee of two pounds only to cover the cost of inspection, but in cases where any re-marking or re-survey is necessary the full prescribed survey fee shall be paid. In no case shall the fee for re-survey or inspection exceed the original survey fee.

Fee payable where application is for land previously held and surveyed.

141. In the event of two or more applications being lodged comprising the same ground, the applicant who first marked it off, provided he has complied with all other conditions necessary, shall be entitled to priority in registration.

Priority of registration where two or more applicants.

142. At the expiration of the period for lodging objections, if no objection has been received, the Warden may grant or refuse the application at his discretion.

Hearing of application where no objection lodged.

143. An objection in the form No. 34 in the Schedule may be lodged with the Mining Registrar by any person on payment of the prescribed fee, and the objector shall serve a copy of such objection on the applicant.

Objections, how lodged.

144. Upon receipt of any objection, the Mining Registrar shall fix a day for the hearing of the application, and give notice thereof to the applicant and to the objector. At the hearing the Warden shall take such evidence as may be tendered on oath, and give his decision thereon. But if the objection is one against an application for a lease, the Warden shall forward to the Department of Mines a copy of the evidence taken, with a recommendation for the grant or refusal of the application, for the decision of the Governor.

Procedure and hearing where objection lodged.

145. An applicant may at any time withdraw his application for a mining tenement other than a lease by lodging notice at the Warden's office in the form No. 35 in the Schedule. If the notice be lodged before the expiration of the time fixed for lodging objections, the applicant shall be entitled to a refund of the fees paid by him on lodging his application, less a recording fee of 2s. 6d.; if after hearing, he shall be entitled to a refund only of the survey fee in the event of the survey not having then been made.

Withdrawal of application.

146. On registering any mining tenement other than a lease the Warden shall issue to the applicant a certificate of registration in the form No. 36 in the Schedule.

Certificate of registration.

#### Division 3.—BOUNDARY MARKS.

147. If the holder of a mining tenement fails to maintain posts, trenches, or other sufficient boundary marks, as required by the Act and these Regulations, he shall be liable to a penalty not exceeding Ten pounds, or to imprisonment for a term not exceeding one month.

Maintenance of boundary marks.

148. If posts, trenches, or other boundary marks are not maintained on a mining tenement, as provided in the last preceding Regulation, and a person enters and commences

No damages for trespass where boundary marks not maintained.

to work or mine thereon he shall not be liable for damage, provided that he ceases work as soon as the posts are replaced, or the trenches, or other boundary marks are renewed, and notice in writing given to him to withdraw.

Boundary marks to be pointed out on request by miner.

149. The holder of any mining tenement, or any shareholder therein shall point out the corner posts and boundary lines to any person requiring the information, provided that the request be made at a reasonable time during working hours.

Unauthorised removal of boundary marks and obliteration of notices.

150. Any person who, without authority, removes, injures, or obliterates the boundary or survey marks of, or any notice posted up on a mining tenement, or at the Warden's office, shall be liable to a penalty not exceeding Ten pounds, or to imprisonment for a term not exceeding one month.

Warden to determine disputes as to boundary marks.

151. The Warden shall have power to determine all questions and disputes arising with respect to the size, measurements, and position of posts, trenches, and boundary marks; and to decide as to their sufficiency in every case.

Penalty for posting false notices.

152. A person who posts up any false document or notice affecting a mining tenement, with the intent to deceive or mislead any other person, shall be liable to a penalty not exceeding Ten pounds, or to imprisonment for any term not exceeding one month.

Forcible possession prohibited.

153. A person who, after his right has been disputed, forcibly occupies land in the possession of any other person, shall thereby forfeit all his right and title thereto. In all such cases of dispute the party whose right to take possession is disputed shall apply to the Warden to inquire into the dispute, and pending such inquiry shall not work on such land or interfere in any way with the occupant thereof.

#### *Division 4.—EXEMPTIONS.*

Exemption from use, occupation, or working may be granted.  
*See Sec. 32.*

154. The holder of any mining tenement other than a lease may obtain exemption from the conditions of use, occupation, or working thereof for any period not exceeding six months on cause shown to the satisfaction of the Warden and on such conditions as the Warden shall impose: Provided that exemption in respect of a residence or business area shall not be granted unless improvements of the value of Ten pounds in the former or Fifty pounds in the latter case have been effected. It shall be in the discretion of the Warden in any such case to include fencing as an improvement.

Method of applying for exemption.

155. Every application for exemption exceeding fourteen days on a mining tenement, including a lease, shall be in the form No. 37 in the Schedule, and shall be lodged with the Warden or Mining Registrar, together with the prescribed fee, and a copy of the application shall be posted up on the notice board at the Warden's office by the applicant, and another on a conspicuous part of the mining tenement, and kept legible and intact for a period of seven clear days before the hearing, if the term applied for exceeds one month, and for three clear days if it does not exceed one month. Any person may lodge an objection to the application within the time fixed by the Warden.

Hearing of application for exemption.

156. At the expiration of the time named in the application, or as soon thereafter as possible, the Warden shall, in open court, hear the evidence on oath in support of the application and of any objection thereto, and may in his discretion grant the same subject to any condition or otherwise. If the application is in respect of a lease and the period applied for exceeds one month the Warden shall, in lieu of granting or refusing the same, within seven days after the hearing, forward to the Secretary for Mines his notes of the evidence and a recommendation as to granting or refusing the exemption for the decision of the Minister thereon. No exemption, except under Section 93, shall be granted for a longer period than six months. A breach of any conditions imposed on the granting of an exemption by the Minister or Warden shall render the holding liable to forfeiture or cancellation.



157. Upon the granting of an exemption in respect of any mining tenement, the Warden shall cause to be issued to the applicant a Certificate in the form No. 38 in the Schedule. On receipt thereof the applicant shall cause the same to be posted in a conspicuous place at or near the shaft or other workings of the mining tenement, to be kept so posted, legible and intact, for the full period of the exemption.

Certificate of exemption.

158. A lessee applying for exemption under Section 93 shall file with his application a statutory declaration in the form No. 39 in the Schedule setting out all the particulars therein prescribed. In the event of any question arising as to what are "main workings," referred to in such declaration, the matter shall be referred to the Minister, whose decision shall be final.

Exemptions as of right.

See Sec. 93.

159. An application by the holder of a coal-mining lease to dispense with the performance of his covenant to work the mine continuously, as provided in Section 95, shall be made in writing to the Minister. If the application is granted, the Minister shall issue to the applicant a license in the form No. 40 in the Schedule.

License to holder of coal-mining lease.

See Sec. 95.

160. All exemptions shall be registered, and an annual return of those granted to lessees up to the 31st day of July in every year shall be laid on the table of both Houses of Parliament in the month of August following, and if Parliament be not then in session, within fourteen days after the commencement of the next session thereof.

Return of exemptions on leases to be laid before Parliament.

#### Division 5.—FORFEITURE.

161. Subject to the provisions of Section 96, every mining tenement shall be liable to forfeiture if default is made in complying with any of the conditions on which the same is held. In lieu of declaring any mining tenement other than a lease forfeited for non-payment of rent or for breach of any condition on which the same is held, the Warden may impose a fine not exceeding Fifty pounds, and award the whole or any part thereof to the applicant for forfeiture, if any.

Forfeiture.

See Sec. 96, as to leases.

162. When a mining tenement, or share therein (other than a lease) is liable to forfeiture for breach of any condition other than non-payment of rent, a miner desirous of obtaining possession of the same may apply for the forfeiture thereof by plaint, issued against the holder thereof. The application shall be heard and determined in the same manner as any other proceedings initiated by plaint in the Warden's Court.

Application for forfeiture, and hearing of same.

163. When a mining tenement (other than a lease) becomes forfeitable for non-payment of rent, or for breach of the conditions applicable thereto or otherwise, possession of the land may be recovered on behalf of the Crown in manner following, that is to say: The Warden may order and direct any police constable or other person to enter and take immediate possession of the land and remove all persons in occupation thereof. Upon such entry the tenement shall become absolutely forfeited: Provided that twenty-one days at least before issuing such order the Warden shall cause a notice of his intention so to do to be published in the *Government Gazette*, and posted up on the notice board at the Warden's office; and shall hear and determine any objection which, within such period of twenty-one days, may be made against the issue of such order.

Method of recovering possession on behalf of the Crown.

164. Where a mining tenement other than a lease is declared forfeited on the application of a miner, the Warden may grant the applicant the prior right for fourteen days to lodge an application for registration of the land, or any part thereof, as a mining tenement.

Miner entitled to priority in registration of forfeited holding.

See Sec. 105 as to leases.

165. It shall not be obligatory on the holder of any mining tenement to comply with the conditions thereof after a plaint claiming forfeiture has been lodged pending the determination thereon. Should the application for forfeiture lapse or fail, such conditions shall be complied with at the expiration of seven clear days from the date of the lapsing or determination thereof by the Warden, or in the case of a lease, from the posting up at the Warden's

Labour conditions not obligatory when proceedings pending for forfeiture.

office of the determination of the Governor thereon, such period shall forthwith be registered as an exemption, and the Department of Mines notified.

Definition of the term "efficiently worked."

166. A mining tenement on which labour conditions are prescribed shall be considered "efficiently worked" when the requisite number of men are engaged *bonâ fide* in working thereon for eight hours on every working day, except Saturday, when four hours shall be sufficient. The men so employed must be either :—

- (1.) The holder or holders of the tenement ;
- (2.) Men working on wages ; or
- (3.) Men working under a duly registered tribute which authorises their employment as fulfilling or partly fulfilling the labour conditions.

Such a workman, though absent from the tenement, if transacting business or attending court in connection therewith, or as a witness, shall be deemed to be working the same within the meaning of this Regulation. A mining tenement not efficiently worked shall be liable to forfeiture.

Improvements on forfeited holdings other than leases may be sold.

See Sec. 108, as to leases.

167. Any house or building erected, or other improvement effected on a mining tenement (other than a lease) which has been forfeited may be sold by public auction on the order of the Warden, and the proceeds of such sale, less the costs and charges connected therewith, shall be paid to the Colonial Treasurer, to be held by him until claimed by the late holder thereof.

Power to stack earth on forfeited tenement.

See Sec. 109 as to leases.

168. The holder of any mining tenement other than a lease who has forfeited or surrendered the same shall be at liberty to retain possession of any earth or other substance containing gold or mineral that may have been raised prior to the date of the forfeiture or surrender, provided such earth or other substance shall be stacked on ground so as not to interfere with the working of or the use or occupation of the tenement. The Warden shall, upon application being made to him in the form No. 32 in the Schedule, within ten days of the date of forfeiture or surrender, and upon receipt of the prescribed fee, register the same as the property of such holder for any period not exceeding twelve months. A copy of the certificate of registration, in the form of No. 41 in the Schedule, shall be affixed on the stack ; and no person during the period of such registration shall remove the said stack, or any portion thereof, without the permission of the owner : Provided that such earth or substance shall be deemed to be abandoned should no application for registration of the same have been made within the time herein provided.

Mining plant not to be forfeited.

See Sec. 108, as to leases.

169. The tools, appliances, and movable mining plant used in connection with any mining tenement other than a lease shall not be forfeited therewith ; provided that such of them as belong to any partner who has forfeited his interest and are removable shall be removed within six calendar months from the declaration of the forfeiture, or within such further reasonable time as the Warden may allow : Provided, further, that at the time of the declaration of forfeiture of any share in any mining tenement other than a lease, or within ten days thereafter, the Warden may, on application, assess and declare the value of the forfeiting partner's interest in any tools, mining plant, or appliances, which are not easily removable, and within such period the incoming partner shall pay into the Warden's Court the full amount of such value for the use of the partner who has forfeited his share, and in default of such payment the forfeited share may be granted to any other miner applying for the same, and paying into the Warden's Court the said amount.

Mining tenement not to be forfeited through absence of hired men unknown to the owner.

170. If any man who is employed by the owner of any mining tenement or share therein, in order to comply with the conditions thereof, or who is the sub-lessee of any mining tenement, absents himself from such mining tenement, or otherwise neglects to comply with the conditions without the knowledge of the owner thereof, the mining tenement or share therein shall not be forfeitable unless it remains unrepresented, unused, or unoccupied for at least seven working days.

*Division 6.—TRANSFERS.*

171. Except as otherwise provided, the holder of any mining tenement or interest therein other than a lease may transfer the same in the form No. 42 in the Schedule. On production at the Warden's office of his certificate of registration, and on payment of the prescribed fee, the Warden may register the transfer and issue to the transferee a certificate, in the form No. 43 in the Schedule.

172. The following shall apply to all transfers affecting mining tenements or interests therein :— Transfers separate.

- (1.) When two or more tenements, the property of the same holder, are to be transferred, a separate transfer shall be executed for each.
- (2.) When any tenement is held by several holders, and two or more of such holders desire to transfer the whole or portion of their interests, a separate transfer shall be executed by each holder.
- (3.) When all the holders desire to jointly transfer the whole tenement, one transfer, signed by all the holders, shall be sufficient.
- (4.) When a holder desires to transfer portions of his interest in any tenement to two or more persons separately, a separate transfer for each interest transferred shall be executed.
- (5.) Before registering any transfer, the Warden may require a statutory declaration to be made as to the true value of the consideration set forth therein.
- (6.) No fraction of any share or unit therein shall be transferable.
- (7.) All transfers shall be registered in accordance with their priority in time of receipt.

*Division 7.—LIENS.*

173. A claim for a partnership lien under Subsection 4 of Section 281 may be lodged for registration with the Warden or Mining Registrar in the form No. 44 in the Schedule. If the amount owing is not paid within a period of thirty days from the date of registration, the co-partner in whose favour the lien is registered may apply to the Warden for an order to sell the defaulting partner's share and interest in the partnership tenement by public auction. Seven days' notice of such sale shall be given to the defaulting partner, and a copy of such notice shall be posted up on the partnership tenement and at the Warden's office. The proceeds of sale shall be paid to the Warden or Mining Registrar, who shall apply the same— Partnership lien: Method of enforcing. See Sec. 281.

- (a.) In paying any registered incumbrance ranking in priority to the lien ;
  - (b.) In paying the charges and expenses in connection with the sale ;
  - (c.) In paying the amount of the lien.
- and the balance, if any, shall be paid to the defaulting partner.

The Warden or Mining Registrar shall, after every such sale, execute a transfer in the form No. 45 in the Schedule to the purchaser, who on payment of the prescribed fee may be registered as the holder of the defaulting partner's interest.

174. A manager, clerk, miner, artisan, or labourer to whom wages or earnings are due and owing, and who is entitled to a lien therefor under Section 282 shall, within thirty days from his ceasing to work on the mining tenement over which the lien extends, lodge with the Warden a Declaration in the form No. 46 in the Schedule, and in default of his so doing his lien shall be deemed to have lapsed. Lien for unpaid wages. See Section 282.

On receipt of such Declaration, with the prescribed fee, the Warden or Mining Registrar shall register the lien against the mining tenement affected. It shall be the duty

of the person who has procured registration of any such lien to give notice to the Warden on his claim being satisfied or discharged. Thereupon or upon production of evidence to the satisfaction of the Warden or Mining Registrar the lien shall be cancelled.

*Division 8.—MORTGAGES AND CAVEATS.*

How mining tenements may be mortgaged.

175. A mining tenement or share therein may be charged or made security for the repayment of money advanced or agreed to be advanced or for the discharge of any liability. When it is intended to be so charged, the holder shall execute a memorandum of mortgage in the form No. 47 in the Schedule, with such variations and additions, if any, as the circumstances require, but no mortgage shall be effective until it is registered as hereinafter provided.

A mortgage of a lease shall be lodged in triplicate either at the Department of Mines or at the office of the Warden or Mining Registrar. A mortgage of any other mining tenement shall be lodged in duplicate at the office of the Warden or Mining Registrar.

Mortgage not to be registered without approval of Minister. Priority of mortgages.

176. A mortgage of a lease shall not be registered without the sanction and approval of the Minister or of an officer acting with his authority, and shall be effective only when such sanction and approval has been received. A mortgage of any mining tenement other than a lease shall be registered only on the same being approved by the Warden or Mining Registrar. In the case of two or more mortgages affecting the same tenement, they shall take priority according to the date and time of their receipt.

Effect of mortgage.

177. A mortgage shall have effect only as a security for the repayment of the money intended to be secured thereby and not as an assignment of the mining tenement. The mortgage may cover all buildings, improvements, mining machinery, and appliances in or upon the land comprised in the mining tenement, whether the same are affixed to the soil or not.

Such covenants and provisions as are agreed may be inserted in mortgage, others to be implied.

178. A mortgage may contain such covenants, provisions, stipulations, and powers as may be agreed between the parties. Without prejudice thereto, and except as is otherwise expressly provided thereby, there shall be deemed to be included in every mortgage—

- (1.) Stipulations to the following effect, namely:—That during the continuance of the security the mortgagee may (at the expense of the mortgagor) when the mortgagor neglects or refuses so to do, do all such acts and things as may be necessary for the preservation or protection of the property comprised in the mortgage and of the title thereto, and in particular may fulfil the conditions applicable to such property, and obtain exemptions therefrom, and renew the licenses (if any) of the mortgagor.
- (2.) Powers to the following effect, namely:—That if default is made by the mortgagor in repayment or discharge of the moneys secured by the mortgage for a period of one month after demand, or if the mortgagor fails to perform or observe any of the covenants contained in the mortgage and on the part of the mortgagor to be observed and performed the mortgagee may—
  - (a.) Enter upon and take possession of the property comprised in the mortgage, or any part thereof, and work or let the same, subject to the provisions of the Act.

Provided that, in such case, the mortgagee shall be liable to account to the mortgagor for the rents and profits of such property until the mortgagor's right to redeem the same has been determined by sale or otherwise; or

(b.) Cause the property comprised in the mortgage, or any part thereof, together with any right, title, or interest the mortgagor may have in any earth, or other substance containing gold or mineral, the produce of the mortgaged premises, to be sold by auction after having, not less than 30 clear days before the date of sale,

(i.) Advertised his intention so to do in a local newspaper, or by such other means as the Minister or Warden may direct.

Provided that—

(ii.) The mortgagee shall, at any such auction, be at liberty to bid for and purchase the property or any part thereof.

(iii.) If the mortgagee is unable to obtain at any public auction a sum sufficient to discharge the debt or liability due to him from the mortgagor he may sell the property, or any part thereof, by private contract.

(iv.) If, after sale, there remains a balance over and above the amount due to the mortgagee, he shall lodge a statement of account at the Warden's office and deposit such balance in the hands of the Warden, to be paid by him to the parties interested: that is to say, to the mortgagor and any other mortgagees, the latter according to their respective priorities.

179. All expenses properly incurred by the mortgagee under the covenants, stipulations, agreements, or powers, contained or implied in the mortgage, together with interest thereon from the date of disbursement, at the rate named in the mortgage with respect to the principal moneys thereby secured, may be added to the security.

Addition of mortgagee's expenses to security.

180. When property comprised in a mortgage is sold under the powers contained or implied therein the mortgagee shall execute a transfer of the tenement sold to the purchaser in the form No. 48 in the Schedule, and the Minister or Warden, on being satisfied that the sale has been made in accordance with such powers, may, upon production to him of the lease (if the sale is one affecting a lease and the lease has been issued), and on payment of the prescribed fee, register the same.

Transfer to purchaser on sale by mortgagee.

181. The mortgagor, on paying the money or discharging the liabilities secured by the mortgage, shall be entitled to redeem the same at any time prior to a sale of the property the subject of the mortgage.

Redemption at any time prior to sale.

182. Upon the mortgagee lodging at the Department of Mines, or at the office of the Warden or Mining Registrar, a certificate in the form No. 49 in the Schedule, duly signed by the mortgagee and attested, that the debt or liability secured by the mortgage has been fully paid or discharged, the Minister or Warden shall, on payment of the prescribed fee, forthwith cancel the mortgage.

Cancellation of mortgage on payment.

183. A mortgage may be transferred by a transfer in the form No. 50 in the Schedule, with such variations and additions, if any, as circumstances may require.

Transfer of mortgage.

184. Upon lodging a transfer of mortgage duly executed and attested at the Mines Department, or at the office of the Warden or Mining Registrar, the same shall be registered, and thereupon there shall become vested in the transferee the right to demand, sue for, and recover the moneys secured thereby, or the unpaid part thereof, and

Effect of registration thereof.

the interest then due and to become due thereon, and the right to give receipts for the same; also the benefit of and right to sue on all covenants and agreements contained in or implied in the mortgage, and the right to exercise all powers and authorities in the same manner as if the transferee were the original mortgagee.

*Caveats.*

See ss. 283 and 285.

185. Every *caveat* affecting a mining tenement other than a *caveat* by consent shall be in the form No. 51 in the Schedule, and shall be lodged as provided in the Act accompanied with the prescribed fee. A separate *caveat* shall be lodged in respect of each tenement affected.

*Caveats by consent.*

See Sec. 284.

186. Every *caveat* by consent shall be in the form No. 52 in the Schedule, and shall be lodged as provided in the Act. Every such *caveat* shall be deemed to have lapsed, and may be cancelled at the expiration of the period mentioned in the agreement embodying the contract for sale.

*Division 9.—PARTNERSHIPS.*

Rules and agreements made by a two-thirds majority of partners in a mining tenement to be binding on all.  
See Sec. 281.

187. All rules and agreements entered into by partners holding a majority of at least two-thirds of the shares or interests in any mining tenement as to the management and working thereof shall be binding on all the partners in such mining tenement, and on any person becoming a partner therein, provided such rules and agreements are not contrary to the provisions of the Act or these Regulations. All such rules and agreements shall be registered by filing the original or a copy thereof verified by statutory declaration at the Warden's office, and on payment of the prescribed fee. Such rules and agreements may be cancelled or amended at any time by a like majority of the partners in a similar manner.

Method of abandoning share in a partnership claim.

188. A holder of a share in a claim who wishes to abandon his share therein may do so by serving on the remaining holders notice to that effect (and if there be a mortgage on such share, then by serving a like notice on the mortgagee, and by lodging a similar notice with the Mining Registrar. In every such case, the Warden shall forthwith cancel the registration of such share, and the holder shall thereupon be released from any future liability incurred in respect thereof. The holder of any mortgage thereon shall have a preferential right to apply within three clear days after cancellation thereof to be registered as the holder of the share so cancelled. If he fails to avail himself of such right, the mortgage shall be cancelled, and the remaining holders shall thereupon jointly have a preferential right, for three clear days, to be registered as such holders, and on their failure to avail themselves of such right, any miner may, on application and payment of the prescribed fee, be at once registered as the holder. If a *caveat* has been previously lodged against the share, fourteen days' notice shall be given to the caveator before cancellation of the registration of the share by the Warden.

*Division 10.—TRIBUTE AGREEMENTS.*

Tribute contracts defined.

189. A tribute is a contract made between the holder of a mining lease or claim and any other person, whereby the latter, in lieu of receiving wages, agrees to work in, upon, or in connection therewith, upon the terms of his being paid a portion of the product won from the mining lease or claim or a portion of proceeds of the sale of such product.

Lessee and claim-holder may enter into tribute agreement subject to registration thereof within 28 days.

190. The holder of a mining lease may enter into a tribute without the previous consent, in writing, of the Minister, notwithstanding the covenant in the lease not to assign, underlet, or part with the possession of the land without such consent, and the holder of a claim may enter into such a contract, provided that in each case the tribute, or a copy thereof, verified by statutory declaration, is filed at the office of the Warden or Mining Registrar, together with the prescribed fee, within 28 days after the execution thereof by the holder of such lease or claim. A lessee making default in so lodging a tribute agreement, shall be deemed guilty of a breach of his covenant not to assign or underlet, and the holder of a claim making such

default, shall render his holding liable to forfeiture, and in either case, the lessee or holder shall be deemed guilty of a breach of these Regulations.

191. At the time of lodging the tribute, the holder of the lease or claim shall state in writing—

Statement to accompany application.

(1.) Whether he proposes, during the currency of the agreement, to employ sufficient men in addition to those working on tribute to fulfil the labour conditions of his lease or claim, or

(2.) Whether he intends that the tributers are to be looked upon as fulfilling such conditions.

192. The Warden may refuse to register any tribute where he considers any of the terms thereof are inequitable, and in every case where the tributers are to be looked upon as fulfilling the labour conditions, he shall, before registering the tribute, satisfy himself that it contains provisions to the following effect:—

Conditions on which Warden may register a tribute agreement.

(1.) That it is for a term of not less than three months, and for a specified and definite block of ground.

(2.) That no tribute is payable unless the tributers have earned £2 per man per week after paying the costs and expenses of mining and treatment.

(3.) That the terms and conditions on which the use of any mining plant, machinery, tools, and supplies belonging to the holder are granted to the tributers, and all other terms and conditions agreed between the holder and the tributers are fully set out.

(4.) That the agreement is subject to cancellation on breach by the tributers of any of the terms and conditions contained therein.

#### *Division 11.—MISCELLANEOUS.*

193. An application for a license to construct a drive or drives under the provisions of Section 152 shall be in the form No. 53 in the Schedule, and shall be lodged at the Department of Mines together with a plan showing the position of the proposed drive or drives. A copy of the application shall be served by the applicant on the owner of the land or the holder of the mining tenement through which any drive is to be constructed, or, in the case of the same being constructed under a road or street, on the Municipality or Road Board in whom such street or road is vested.

License to construct a drive. Form of application.

See Sec. 152.

194. Before recommending to the Governor the granting of any such application, the Minister shall require the Warden to take the evidence of all parties interested and report to him thereon.

Warden to take evidence of parties interested before granting of application.

195. The holder of any land taken up for mining purposes shall, within the first ten days of every month, furnish the Warden or Mining Registrar with a statement in duplicate, in the form No. 54 in the Schedule, applicable to his particular holding. If any product of the holding is treated at any works outside the gold-field, mineral field, or district in which the holding is situated, the statement shall be furnished within a reasonable time after the result of such treatment is known. Any holder guilty of a breach of this regulation shall be liable to a penalty not exceeding Fifty pounds.

Monthly returns to be furnished by every holder of land taken up for mining purposes.

196. The owner, manager, or person in charge of machinery erected for extracting gold or minerals shall, within the first ten days of every month, furnish the Warden or Mining Registrar with a statement in duplicate, in the form No. 55 in the Schedule, applicable to the particular class of machinery.

Monthly returns to be furnished by managers of machinery.

197. 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, railway, dam, or building in such manner as to endanger the public safety.

Interference by working with water supply, road, etc., not permissible.

A person in unauthorised possession of Crown land in a goldfield or mineral field may be removed therefrom.

198. Any person in unauthorised occupation of Crown land in any goldfield, mineral field, or district 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.

Person camping with animals at any conserved or natural water for more than 24 hours liable to penalty.

199. A person travelling in a goldfield, mineral field, or district with horses, camels, or other animals 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 public or private rights, shall be guilty of a breach of this Regulation, and shall be liable to a penalty of Ten pounds for each day such horses, camels, or other animals are so camped, and he may be summarily removed therefrom by order of the Warden.

Nuisances not permitted.

200. The holder of any mining tenement shall not allow any of the detritus, dirt, sludge, refuse, garbage, or mine water from his tenement to become a nuisance or inconvenience to any other mining tenement, 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.

Sanitary conditions, etc., to be observed.

201. The holder of any mining tenement shall at all times make adequate provision for the preservation of decency and the observance of sanitary conditions on his tenement: Any breach of this Regulation shall render the offender liable to a penalty of Ten pounds.

Shafts near roads to be secured, etc.

202. The holder of a mining tenement having a shaft within 20 feet of a public road shall securely fence or log the same, and before abandoning any shaft or hole, wherever situated, shall fill up or securely fence or log the same, or make it safe in a permanent manner; and no person shall throw down or remove any fence, timber, or other material placed thereon for such purpose, or at any time wilfully injure or destroy any shaft, drive, or other working, so as to prevent or impede further mining on that or any adjacent ground.

Working in an unsafe shaft.

203. If, when an Inspector of Mines is not immediately available, the Warden has reason to believe that any shaft or underground workings are unsafe, from 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 persons, and upon their report may order the owner thereof to do within a specified time whatever they consider necessary to remove the cause of danger; and further, to pay the cost of inspection, and he may prohibit any further work being done in such shaft or workings until such order has been complied with.

Accidents to be reported.

204. If, when an Inspector of Mines is not immediately available, any accident occurs in connection with mining, whereby loss of life or serious bodily injury has been occasioned, the manager or other person in charge of the mine or works, or someone working therein, shall immediately report at the Warden's office the nature of the accident, and thereupon the Warden, or in his absence the Mining Registrar, shall cause an inspection to be made of the mine or works by two competent persons, and he may thereafter 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.

Props or timber not to be removed or ventilation obstructed.

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

Warden may enter mines or works.

206. The Warden may, at all reasonable times, enter into and upon any mine or works used in connection with mining, and without interruption or disturbance from the holder thereof, his agents, servants, or workmen, view



and examine the condition thereof, and ascertain whether the mine is being worked in a proper and workman-like manner and *bonâ fide* for the purpose for which the same was granted, and in so doing he may use all the tramways, railroads, or other roads or ways and any of the machinery in and upon the mine or works.

207. On the death or bankruptcy of the holder of a mining tenement, his legal personal representative, receiver, trustee in bankruptcy, or liquidator, as the case may be, shall produce and lodge with the Warden or Mining Registrar an attested or office copy of the document under which he derives his title, and at the same time make application, in the form No. 56 in the Schedule, to be registered as the holder of such mining tenement, and thereupon, on application in the prescribed manner, the mining tenement may be exempted from the conditions on which the same is held for such period as the Minister or Warden may deem reasonable.

Devolution of mining tenements on death or bankruptcy of the holder.  
See ss. 33 and 274.

208. Every deed, contract, or other instrument relating to the title to or transfer of any mining tenement required by the Act or these Regulations to be registered, and which is not registered, shall, so 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.

Deeds unregistered void against person claiming under a registered deed.

209. Failure to apply for registration within the time prescribed in any case 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 mining tenement if he can prove that the non-performance as aforesaid was caused by neglect or default of the Warden or his officers, or from any circumstance over which he had no control.

No liability for non-performance of conditions in certain cases.

210. If any person loses any document required at any time to be produced to the Warden or Mining Registrar, he may make a declaration of such loss in the form No. 57 in the Schedule. Such declaration shall be filed at the Warden's office, and may be used for all the purposes required, on payment of the prescribed fee, and a certified copy of the lost document shall be issued as soon as conveniently may be thereafter.

Declaration as to loss of document.

211. The holder of any mining tenement who is not resident within the goldfield, mineral field, or district in which the holding is situate, shall, within thirty days of his being registered as such holder, appoint an attorney or agent resident within such goldfield, mineral field, or district upon whom any process or notice may be served, in the form No. 58 in the Schedule, and shall register the same at the office of the Warden. A holder who is resident in the goldfield, mineral field, or district who intends to be absent from his residence for a period exceeding thirty days, shall in like manner, prior to his departure, appoint an attorney or agent and register such appointment.

Appointment of attorney or agent.

This Regulation shall not apply to a company registered under the provisions of "The Companies Act, 1893."

212. Every person acquiring, transferring or mortgaging a mining tenement, or interest therein as the attorney of any other person, shall lodge with his application, transfer, or mortgage, an attested or office copy of the power of attorney under which he claims to be entitled to execute such document, together with the prescribed fee.

Production of Power of Attorney before registration.

213. Fees shall be payable in respect of the several matters set out in No. 59 in the Schedule, according to the scale therein prescribed.

Payment of fees.

No registration of, or other dealing with, any mining tenement, or with any interest therein, or with any matter or thing relating thereto, shall be filed or recorded in the Department of Mines or at a Warden or Mining Registrar's Office until after payment of the prescribed fee and stamp duty, if any.

Method in which rents are to be calculated and paid.

214. The yearly rent or royalty to be reserved on all leases and authorised holdings shall be in accordance with the Scale in No. 59 in the Schedule. Except where otherwise specially provided by the Act, all rents shall be paid yearly in advance; the first payment shall be made at the time of lodging the application, and, except in the case of mining leases and miners' homestead leases, shall be calculated from the beginning of the quarter in which the application for the mining tenement is lodged up to the thirty-first of December then next ensuing; subsequent payments of rent shall be made to the Warden, or, in case of a lease, to the Warden or the Department of Mines.

The quarters begin respectively on the first of January, the first of April, the first of July, and the first of October. Rents are due on the first of January in every year and are payable on or before the 31st of January. Rents tendered subsequent to the 31st day of January shall only be received subject to payment of a fine of threepence in the pound for every month or fraction of a month which intervenes between the 31st of January and the date of payment. Should the rent and any fine due on any authorised holding or lease be not paid on or before the 31st day of March, an authorised holding may be forfeited by the Warden, and a lease by the Governor.

Signature of notices, applications, etc.

215. Except where otherwise provided, all notices, applications, or objections prescribed by these Regulations shall be signed by the person giving or making the same, or his attorney, agent, or legal representative.

Forms may be printed or otherwise.

216. All notices, applications, or other forms under these Regulations may be in writing, or partly in writing and partly in print. The forms prescribed in the Schedule or forms to the like effect may be used with such variations or additions as the particular circumstances may require.

Powers of Mining Registrars.

217. The Mining Registrar of any goldfield, mineral field, or district shall have power, during the absence of the Warden, and when no objection is lodged, to grant and register any mining tenement (except a lease or residence or business area) or any transaction affecting the same; and to grant an interim injunction, and also to hear and determine applications for exemptions when so instructed by the Minister in every case in which the Warden is empowered so to do.

Examination of registers.

218. The holder of a mining tenement, or interest therein, or any registered mortgagee may, on application to the Department of Mines, or at the Warden or Mining Registrar's Office, examine the register of the tenement in which he is interested and obtain extracts therefrom. Any other person desiring to obtain particulars as to the names of the registered holders of any mining tenement, or other particulars affecting the same may, on payment of the prescribed fee, obtain the required information in writing.

Penalties for breach of Regulations.

219. 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, to imprisonment by order of the Warden for any period not exceeding one month, with or without hard labour.

#### PART IX.—SURVEYS.

Surveys, by whom to be made.

220. All surveys required by the Act or these Regulations shall be made by a Mining Surveyor.

Applicants to point out boundary marks.

221. Holders of mining tenements required by these 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 these Regulations.

Boundaries may be adjusted.

222. Should it be found by the Surveyor that any mining tenement is not pegged by the applicant in the form of a rectangular parallelogram, as provided by the

Regulations, he may, when practicable, adjust the boundaries: Provided that, when any adjoining interests would be affected by such adjustment, he must survey the tenement (except a residence or business area) as strictly in accordance with the applicant's pegs as the circumstances permit.

223. No area shall be surveyed in excess of the area applied for unless the consent of the Warden has been obtained, and no area shall be surveyed in excess of the area pegged if any adjoining interests are thereby affected.

Consent of Warden to be given to an increased area.

224. Should disputes arise as to pegs or otherwise, and should the parties interested be unable to agree, the Mining Surveyor shall report the matter to the Warden, and shall not proceed with the survey pending the settlement of the dispute.

In case of disputes, surveyors not to proceed with survey.

225. Should any applicant for a mining tenement object to the manner of survey thereof, he shall lodge with the Warden a written objection thereto, setting forth the grounds of objection. Upon receipt thereof the Warden shall inquire into the matter in open Court, and summon the Mining 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 within ten days after the date such survey was made.

Objections to survey.

226. All roads, railway reserves, telegraph lines, and mining tenements, lawfully occupied, and situate upon any land the subject of survey at the time of such survey, shall be marked by the Mining Surveyor on the ground, and shown in his plan.

Surface rights to be set out.

227. The Mining Surveyor shall forward to the Department of Mines a plan and duplicate, and reports upon all surveys executed by him.

Mining Surveyor to furnish plans and reports.

228. No Mining Surveyor or Mining Registrar shall, during the tenure of his office as such, hold any residence or business area without having first obtained the consent, in writing, of the Minister.

Mining Surveyor not to hold residence or business area.

#### PART X.—LEGAL PROCEEDINGS IN THE WARDEN'S COURT.

229. Except as provided in Section 235, all civil proceedings in the Warden's Court shall be commenced by plaint in the form of No. 60 in the Schedule.

Proceedings in Warden's Court to be commenced by plaint.

230. Every plaint shall be signed by the plaintiff or his attorney or solicitor and shall be lodged with the Mining Registrar of the Court to which the goldfield, mineral field, or district within which the cause of action arises has been assigned, and if the cause of action has reference to a lease, it shall be lodged in duplicate. The plaint shall be accompanied by the prescribed fees. If the cause of action refers to a money demand, items or particulars of such demand shall be annexed to the plaint, and as many copies thereof shall be lodged as there are defendants to be served.

Lodging plaints in the Warden's Court.

231. On the receipt of a plaint, the Mining Registrar shall forthwith fix a time for the hearing in the Warden's Court, and shall thereupon deliver to the plaintiff (or his solicitor) a plaint note in the form No. 61 in the Schedule. The date fixed for hearing shall not be less than five clear days from the date of lodgment, when the defendants, or a majority of them, reside or carry on business within 50 miles of the Court, and not less than ten days where they, or the majority of them, reside or carry on business at a greater distance.

Procedure on receipt of plaint.

232. On the receipt of a plaint as aforesaid, the Mining Registrar shall issue a summons in duplicate in the form No. 62 in the Schedule, addressed to each defendant, and shall deliver them for service—

Issue of summons.

- (1.) To the complainant; or
- (2.) To the bailiff of the Court; or if there be no bailiff, then
- (3.) To the local police constable or some other suitable person.

The person to whom the summonses are delivered shall serve the same without delay, and thereupon shall make an affidavit of service, in the form No. 63 in the Schedule, and deliver the same to the Mining Registrar.

Service of  
summons.

See Sec. 303.

233. A summons shall be served as provided in Section 303, and in addition substituted service may be effected as follows :—

- (1.) Where the defendant to whom the summons is addressed or his registered attorney does not reside or carry on business within the district of the Court, by posting up the same on the notice board at the Warden's office.
- (2.) Where the defendant or his registered attorney resides or carries on business within the district of the Court, but is absent from his residence or place of business, by posting up the same on the notice board at the Warden's Office and serving it on someone apparently above the age of fourteen years, at the residence or place of business, or by affixing the same to the entrance.
- (3.) Where the defendant or his registered attorney or agent is working in any mine or other works underground, by delivering the same to the engineman, bracman, or other person apparently in charge of the mine or works.
- (4.) Where the defendant is a registered company, by delivering the same or sending it through the post in a prepaid registered letter addressed to the company at its registered office.

Where the defendant or his registered attorney resides or carries on business less than fifty miles from the Court, a summons shall be served not less than four clear days, and in all other cases not less than seven clear days, before the day fixed for the hearing of the plaint.

Where it has been found impossible to serve a summons within the prescribed time, the Warden or Mining Registrar may, on giving notice to the plaintiff, extend the day of hearing of the plaint and issue an amended summons.

Notice of  
defence.

234. When the defendant intends to dispute the claim he shall, at least two clear days before the day fixed for hearing, lodge with the Mining Registrar a notice of defence in the Form No. 64 in the Schedule.

Witnesses.

235. Each party may procure the attendance of witnesses by means of subpoena in the Form No. 65 in the Schedule. Every witness subpoenaed shall be entitled to the fees prescribed in these Regulations, and no witness shall be bound to attend on his subpoena unless at the time of the service of the same a reasonable sum as conduct money is tendered to him.

Costs.

236. Where the Warden's Court has power to and orders costs to be paid by either party, they shall be in accordance with the scale of fees and costs set out in Form No. 66 in the Schedule. Where there is no money demand, the Warden's Court shall determine under which scale the costs shall be awarded. If at the hearing, or at any adjournment, the plaintiff does not appear, and the defendant appears and does not admit the plaintiff's claim, the Warden may, in his discretion, award costs to the defendant.

Judgment.

237. When the decision of any plaint has been delivered by the Warden's Court, a judgment in the Form No. 67 in the Schedule may be signed by the Warden or Mining Registrar and filed in the Court. A copy of such judgment shall, on payment of the prescribed fee, be delivered to any person applying for the same.

Warrants of  
execution by  
the Warden's  
Court.

238. Where the plaintiff or defendant has made default in the payment of any sum of money ordered by the Warden's Court to be paid by him, the party to whom such sum is payable may, on application to the Mining

Registrar, and on payment of the prescribed fee, obtain a warrant of execution against the goods of the party making such default. Such warrant shall be in the Form No. 68 in the Schedule. Every warrant of execution may remain in force for a period of twelve calendar months. Applications for renewal shall be made to the Warden or Mining Registrar in writing, supported by a statutory declaration as to default having been made in payment of the sum awarded, or any portion thereof.

239. On seizure of any mining tenement or interest therein under a *fi. fa.* or a warrant of execution issued out of the Warden's Court or any other Court, notice thereof shall be given to the Warden or Mining Registrar in the Form No. 69 in the Schedule, and a copy of the *fi. fa.* warrant of execution or Sheriff's warrant shall be attached to such notice.

Notice of seizure under a warrant of execution out of any other Court to be given.

240. Notice of sale and of the intended place and day of sale under a warrant of execution issued out of the Warden's Court shall be given by affixing the same upon or near to the house or place where the sale is to take place at least five clear days before the day of sale. The affixing of such notice shall be equivalent to an actual levy on the mining tenement indicated in the notice. Every sale shall be conducted publicly, and everything shall be sold for cash to the highest bidder.

Sale under execution.

241. Upon sale under a warrant of execution issued by any other Court, the Officer of the Court issuing such warrant shall execute a transfer to the purchaser of the mining tenement or interest therein sold under such warrant.

Transfer of holding on sale under execution issued by another Court.

242. 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 damage for the detention and costs; but it may be made part of the order that, on payment of damages for detention and costs and return of the goods on or before a day named, satisfaction shall be entered.

Judgment in detinue.

243. In the event of any sitting of a Warden's Court falling upon a public holiday the Court shall not sit upon such day, but upon a day in lieu thereof to be fixed by the Warden. Every Warden's Office shall be open for the entry of and issue of process, and the receipt and payment out of money due under an order of the Court on all business days during the usual hours on which Government offices are open.

Hours for transaction of business at the Warden's Office.

244. Where the Supreme Court has given judgment on an appeal from the Warden's Court, any party to the proceedings may deposit the original, or an office copy of the order of the Supreme Court with the Warden, who shall thereupon enter judgment, or otherwise act according to the terms of such order.

Entry of judgment after appeal to the Supreme Court.

245. An order of the Warden's Court for an injunction shall be in the form No. 70 in the Schedule.

Order for Injunction.

## SCHEDULE<sup>2</sup> OF FORMS AND FEES.

### FORM No. 1.

Reg. 3.

#### MINER'S RIGHT.

No. Fee—Five Shillings.

Issued to \_\_\_\_\_ under the provisions of "The Mining Act, 1904," to be in force until the \_\_\_\_\_ day of \_\_\_\_\_, 19 .

Place of issue : \_\_\_\_\_

Date of issue : \_\_\_\_\_

Warden  
(or Officer authorised to issue).

(Not transferable).

### FORM No. 2.

Reg. 3.

#### CONSOLIDATED MINER'S RIGHT.

No. Fee—Five shillings for each person named herein.  
(For \_\_\_\_\_ persons).

Issued to (*here set out full names*) \_\_\_\_\_ under the provisions of "The Mining Act, 1904," to be in force until the \_\_\_\_\_ day of \_\_\_\_\_, 19 .

Place of issue : \_\_\_\_\_

Date of issue : \_\_\_\_\_

Warden  
(or Officer authorised to issue).

(Not transferable).

### FORM No. 3.

Reg. 10.

#### STATEMENT RELATING TO PROSPECTING AREAS FOR COAL AND OIL.

(To be rendered in duplicate and forwarded to the Warden or Mining Registrar not later than the 21st day of each alternate month).

Mining District (or Locality).....

General statement as to nature and actual amount of work performed.	
How Employed.	
Period. From To	
No. of Men Employed.	
Name of Registered Holder.	
Period covered by Return. From To	
Date of Registration.	
Regd. No. of P. Area.	

Dated this.....day of....., 19 .

Signature.....

## DECLARATION.

I, ..... of ..... the holder  
(or duly authorised person on behalf of the registered holder) of Prospecting Area  
No. .... Situate at ..... do solemnly and sincerely  
declare that, to the best of my knowledge and belief, the statement above con-  
tains the true and correct particulars of all matters referred to therein and done  
by me (or on behalf of ..... the holder of the said prospecting  
area) during the period commencing on the ..... day of .....  
and ending the last day of ..... 19 . And I make this declaration  
conscientiously believing the same to be true in every particular, and by virtue  
of the provisions of an Ordinance made and passed in the 18th year of the reign  
of Her late Majesty, No. 12, intituled "An Ordinance for the Abolition of  
Unnecessary Oaths and to substitute Declarations in lieu thereof."

Declared before me at ..... }  
this ..... day of ..... }  
....., 19 . }

## FORM No. 4.

## REPORT OF DISCOVERY OF PAYABLE GOLD OR MINERAL.

Reg. 14.

No.

I (or We), the undersigned, do hereby report to the Warden that  
(I or we) have discovered, [ ..... ] in payable quantity at [here give  
particulars of area or locality], and (I or we) request the Warden to  
allot (me or us) a reward claim of ..... men's ground, or to recom-  
mend the granting to me (or us) of a reward lease, application for  
which is herewith lodged.

(Signature)

Address

Name in full

Miner's Right No. .... Date ..... Place of Issue .....

Received the above Report at ..... o'clock ..... m., on the  
day of ..... , 19 .

Warden (or Mining Registrar),  
Goldfield or Mineral Field.

I hereby certify that, having been satisfied that the above-named  
ha discovered [ ..... ] in  
payable quantity at

I have, in accordance with the provisions of the Regulations, allotted  
to ..... a reward claim of ..... men's ground, and have  
duly registered the same and issued (a) Certificate of Registration  
accordingly, or have accepted an application for a reward lease.

Given under my hand this ..... day of ..... , 19 .

Warden,  
Goldfield or Mineral Field.

## FORM No. 5.

## APPLICATION FOR UNION OF CLAIMS.

Reg. 34.

No.

We, the undersigned, being the registered holders together holding  
not less than two-thirds of each of the undermentioned claims being all  
situate on (here state the name of Goldfield or Mineral Field) hereby re-  
quest the Warden of the ..... to register the claims  
aforesaid as one claim, under the style of

We annex hereto a sketch showing the position of the claims to be  
united.

Dated this ..... day of ..... , 19 .

Signatures {

Miner's Right No. .... Date ..... Place of Issue .....

Number of Claims.	Name of holder.	Share in Claims now held.	Share in United Claim to be received.	Remarks.

Received this application at ..... o'clock ..... m., on the  
day of ..... , 19 , with fee of

Warden (or Mining Registrar),  
Goldfield or Mineral Field.

The within application was (granted or refused) by me on the  
day of ..... , 19

Warden,  
Goldfield or Mineral Field.

## FORM No. 6.

Reg. 34.

## CERTIFICATE OF UNION OF CLAIMS.

No.

THIS is to certify that I have this                      day of                      , 19                      ,  
at the hour of                      .m., registered as one Claim, No.                      , under  
the style of                      , the undermentioned claims, that is to  
say :—

No. of Claim.	Name of Holder.	No. and date Miner's Right.	Share in Claim.	Share in United Claim.	Remarks.

Given under my hand this                      day of                      , 19                      .  
Warden (or Mining Registrar),  
Goldfield or Mineral Field.

## FORM No. 7.

Reg. 73.

## APPLICATION FOR AUTHORITY TO OCCUPY RESERVED AND EXEMPTED LANDS.

To His Excellency the Governor of the State of Western Australia.

I (or We), the undersigned, being the holders of Miners' Rights as stated below, hereby make application in terms of "The Mining Act, 1904," 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 thereon or thereunder. And I (or we) hereby agree to accept any claim granted in pursuance of such authority subject to the conditions, restrictions, and stipulations which may be imposed in respect thereof, And I (or we) further agree 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 an injury which I (or we) may do or occasion to such reserved or exempted lands or any adjoining property under such authority.

Dated this                      day of                      , 19                      .

Signature of Applicant.....

Miner's Right No..... Date..... Place of Issue.....

Received this application at                      o'clock .m., on the  
day of                      , 19                      , with a deposit of five pounds.

Warden (or Mining Registrar),  
Goldfield or Mineral Field.

\* If the applicant desires to "occupy" and "construct," the form may be altered accordingly.

If the land referred to is situated within any municipality, a copy of this Application must be served on the Mayor thereof.

## FORM No. 8.

Reg. 81.

## NOTICE OF MARKING FOR A LEASE.

NOTICE is hereby given that I (or we) [Names in full] the undersigned of                      have this day, at the hour of                      o'clock, .m., marked off this land, for which I (or we) intend making application under the provisions of "The Mining Act, 1904," for a lease                      . The ground intended to be applied for contains about                      acres, and the description of boundaries is as follows :—

Commencing at this point and running  
Dated this                      day of                      , 19                      .

Signature of Applicant or Agent.

[When the application is for a Miner's Homestead Lease, the intending applicant must supply the number, date, and place of issue of his Miner's Right.]

## FORM No. 9.

Reg. 82.

## APPLICATION FOR LEASE.

No.

PURSUANT to the provisions of "The Mining Act, 1904," I (or we) [here set out names of applicants in full] do hereby apply for a lease of                      acres of land taken possession of and marked off by                      at                      o'clock, .m., on the                      day of                      , 19                      . and situated on the                      Goldfield (or Mineral Field) (which land is more particularly described in the annexed schedule, and the position thereof shown on the annexed sketch or plan, for the purpose of                      and I or we hereby tender the sum of £                      as deposit, in accordance with the Regulations.





## FORM No. 12.

[Duty Stamp.]

Reg. 92.

## TRANSFER OF A LEASE OR INTEREST THEREIN.

No.

KNOW all men by these presents that \*  
 of known as                      on the                      Goldfield or Mineral Field,  
 and containing                      acres                      roods                      perches in con-  
 sideration of \$                      do hereby transfer and assign all  
 right title and interest in                      shares of the said                      †  
 Lease to †                      of                      ; and (I or we) hereby  
 request that this transfer may be registered at the office of the Depart-  
 ment of Mines, and recorded at the office of the Warden of the  
 Goldfield accordingly.

In witness whereof the parties hereto have hereunto set their hands  
 this                      day of                      , 19                      .

Signed by the said }  
 in the presence of }                      Witness.                      Transferror.....  
 Signed by the said }  
 in the presence of }                      Witness.                      Transferee.....†

The above transfer was lodged at the                      office  
 at                      .m., on the                      day of                      , 19                      , with fee of £                      .

Warden (or Mining Registrar),  
 Goldfield or Mineral Field.

The within transfer was duly registered at the Department of  
 Mines at                      .m., on the                      day of                      , 19                      .

Registrar.

NOTE.—Stamp duty is payable on this transfer on the amount or  
 value of the consideration at the rate of sixpence for every five pounds,  
 or fraction thereof.

\* Names to be given in full. † Proprietor of or applicant for. ‡ Description  
 of Lease. § The exact nature of the consideration must be stated. ¶ If the  
 transfer affects a Miner's Homestead Lease, the transferee must state the number,  
 date, and place of issue of his Miner's Right.

## FORM No. 13.

Reg. 95.

## APPLICATION FOR AMALGAMATION OF LEASES.

To the Warden of the                      Goldfield or Mineral Field.

I (or We), the undersigned, being the registered holders of  
 leases Nos.                      known as                      situated upon the  
 Goldfield (or Mineral Field) and containing together                      acres  
 roods                      perches, hereby make application for the  
 amalgamation of the said leases under the provisions of "The Mining  
 Act, 1904," and request you to forward this application to the Minister,  
 with your report thereon, for his approval.

I (or We) annex hereto a sketch showing the position of the leases to  
 be amalgamated.

Dated this                      day of                      , 19                      ,  
 Signature of Applicant.

Received this application at                      .m., on the                      day of                      ,  
 19                      , with a fee of                      .

Warden or Mining Registrar,  
 Goldfield or Mineral Field.

## FORM No. 14.

Reg. 96.

## CERTIFICATE OF AMALGAMATION OF LEASES.

I HEREBY certify that the undermentioned leases have, with the  
 approval of the Minister, been amalgamated under the provisions of  
 "The Mining Act, 1904."

Goldfield or Mineral Field.	Nos. of Leases.	Area.	Name of Lessees.

Dated this                      day of                      , 19                      .

Fees paid £                      .  
 Secretary for Mines.

## FORM No. 15.

## SURRENDER OF LEASE.

Reg. 98.

I (or We) of , being the registered holder(s) of Lease No. situate at hereby surrender to His Majesty the said lease and all my (or our) right, title, and interest therein, and request that the same may be cancelled in the register of the Department of Mines, (*if the surrender is a conditional one, add*) conditionally on my (or our) application for being granted.

In witness whereof have hereunto set hand and seal this day of , 19 .

Signed in the presence of

Received this surrender at o'clock .m., on the day of , 19 . Signature.

Warden or Mining Registrar,  
Goldfield or Mineral Field.

## FORM No. 16.

## NOTICE PRIOR TO FORFEITURE OF A LEASE.

Reg. 99.

NOTICE is hereby given that in accordance with Section 96 of "The Mining Act, 1904," it is the intention of the Governor to forfeit the undermentioned lease(s) at the expiration of thirty days from this date for breach of covenant, viz., (*here set out alleged breach of covenant*).

Dated this day of , 19 .

Minister for Mines.

No. of Lease.	Names of Lessee.

## FORM No. 17.

## NOTICE TO APPLICANT FOR LEASE.

Reg. 101.

To Applicant for lease No. of land situate at in the Goldfield or Mineral Field.

I HEREBY give you notice that I intend to enter upon the land described in your application for the purpose of searching for and obtaining alluvial gold or minerals pending the said application being granted.

Dated this day of , 19 .

(Signed),

Miner's Right No..... Date..... Place of Issue.....

## FORM No. 18.

## NOTICE OF RESUMPTION OF PRIVATE LAND BY THE GOVERNOR.

Reg. 103.

To [ ] the owner of land situated at [ ] and being

TAKE NOTICE that, after the expiration of three months from this date, it is the intention of the Governor to resume the above-mentioned land on behalf of the Crown, in accordance with the provisions of Sections 121, 122, and 123 of "The Mining Act, 1904," for the purpose of granting mining leases or claims over the same.

Dated this day of , 19 .

Minister for Mines.

## FORM No. 19.

## APPLICATION FOR PERMIT TO ENTER ON PRIVATE LAND.

Reg. 104.

To the Warden of the Goldfield or Mineral Field (or to the Resident Magistrate.).....Magisterial District.

PURSUANT to the provisions of Section 125 of "The Mining Act, 1904," I hereby make application for a permit to enter upon (*here set out particulars of the land*) for the purpose of (*here state whether the application is for the purpose of searching for gold or any mineral, or to mark out a mining lease or claim, and the nature of such lease or claim.*)

Dated this day of , 19 .

Signature of Applicant.

Miner's Right No..... Date..... Place of Issue.....

Received this application at \_\_\_\_\_ o'clock .m. on the \_\_\_\_\_ day  
of \_\_\_\_\_, 19\_\_\_\_.  
Warden or Mining Registrar,  
Goldfield or Mineral Field.

## FORM No. 20.

Reg. 108.

## APPLICATION FOR A PROSPECTING AREA ON PRIVATE LAND.

I, being the holder of a permit to occupy the private land described in the schedule hereto, hereby make application for a prospecting area over \_\_\_\_\_ acres thereof, and a reserved area over the remainder (or \_\_\_\_\_ acres thereof). I annex a sketch or plan showing the position of the proposed prospecting area and reserved area respectively.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Signature,

Miner's Right No. .... Date ..... Place of Issue .....

Received this application at \_\_\_\_\_ o'clock .m. on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, with fee of \_\_\_\_\_.

Warden or Mining Registrar,  
Goldfield or Mineral Field,  
or Resident Magistrate.

## FORM No. 21.

Reg. 115.

## APPLICATION BY OWNER OF PRIVATE LAND FOR EXCLUSIVE RIGHT TO MINE THEREON.

WHEREAS the Governor has, by notice in the *Government Gazette* of the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, declared that, at the expiration of the period therein stated, the undermentioned land, of which I am (here state whether owner, conditional purchaser, lessee or holder of a concession with or without the right of acquiring the fee simple) shall come within the operation of Part VI. of "The Mining Act, 1904."

Now I, in pursuance of the provisions of Section 157 of the said Act, attach hereto applications to be registered as the holder of the right, to the exclusion of all other persons, to mine the land for the minerals therein specified.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Signature of Applicant.

Received this application at \_\_\_\_\_ o'clock .m. on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Warden or Mining Registrar,  
Goldfield or Mineral Field,  
or Resident Magistrate.

## FORM No. 22.

Reg. 120.

## APPLICATION FOR A GOLD DEALER'S LICENSE.

To the Warden (or Resident Magistrate) of the \_\_\_\_\_ Goldfield.

I, \_\_\_\_\_ of \_\_\_\_\_ do hereby make application for a license under "The Mining Act, 1904," to deal in Gold. My present address for carrying on business is at \_\_\_\_\_ in the said Goldfield (or Magisterial District). I have (not) previously held a license for such purpose.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Signature of Applicant

Address for business.

Received the within application at the hour of \_\_\_\_\_ .m. on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, with a fee of \_\_\_\_\_.

Mining Registrar (or Clerk of Courts).

## FORM No. 23.

Reg. 122.

## GOLD DEALER'S LICENSE.

I, \_\_\_\_\_ Minister for Mines for the State of Western Australia, being satisfied that \_\_\_\_\_ is a fit and proper person to be a Licensed Gold Dealer, do hereby license the said \_\_\_\_\_ to be a Gold Dealer under the provisions of "The Mining Act, 1904," and the Regulations, to carry on the business of a Gold Dealer at \_\_\_\_\_, in the premises occupied by him and situate at \_\_\_\_\_ Street, within the \_\_\_\_\_ Goldfield (or Magisterial District), and at no other place, until the 31st day of December, 19\_\_\_\_, and no longer.

Given under my hand at Perth, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Minister for Mines.

Entered in the Register of Gold Dealers.

egistrar.

## FORM No. 24.

GOLD DEALER'S LICENSE FOR INCORPORATED BANK.

Reg. 123.

I, \_\_\_\_\_ Secretary for Mines for the State of Western Australia, by virtue of the powers conferred upon me under the provisions of Section 211 of "The Mining Act, 1904," and the Regulations, do hereby grant to \_\_\_\_\_, an Incorporated Bank carrying on business at its head office at \_\_\_\_\_ and at the branches described on the back hereof, a License to deal in Gold, under the provisions of the said Act and Regulations, at the head office and any of the said branches, until the 31st day of December, 19 \_\_\_\_.

Given under my hand at Perth this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.  
Secretary for Mines.

Entered in the Register of Gold Dealers.

Registrar.

List of places where branches of the Bank are established, and names of present Managers thereof.

Place where Branch Established.	Name of Manager.

## FORM No. 25.

GOLD DEALER'S BOOK.

Reg. 124.

No. of Transaction.	Date.	Nature of Transaction.*	Name and Address of purchaser or seller.	Particulars of gold bought or sold. †	No. of Lease, Claim, or Holding from which gold was obtained and Locality.	Where and how treated.	Value given or received.	Signature of parties to the transaction other than the licensed gold-dealer.

\* Under this heading particulars must be stated as to whether the transaction was a sale, purchase, advance, or deposit for safe-keeping.

† Under this heading must be accurately set out the particulars of the gold dealt with in accordance with the definition thereof contained in Section 204 of "The Mining Act, 1904."

## FORM No. 26.

RETURN OF GOLD BOUGHT OR SOLD BY AN INCORPORATED BANK OR  
LICENSED GOLD DEALER FOR THE MONTH OF \_\_\_\_\_, 19 \_\_\_\_.

Reg. 125.

(To be lodged with the Secretary for Mines not later than the 10th of each month.)

No. of transaction.	Date.	Nature of transaction.*	Name and address of purchaser or seller.	Particulars of gold bought or sold. †	No. of Lease, Claim, or Holding from which gold was obtained and Locality.	Where and how treated.	Value given or received.	Signature of parties to the transaction other than the licensed gold-dealer.

\* Under this heading particulars must be stated as to whether the transaction was a sale, purchase, advance, or deposit for safe-keeping.

† Under this heading must be accurately set out the particulars of the gold dealt with in accordance with the definition thereof contained in Section 204 of "The Mining Act, 1904."

I, \_\_\_\_\_ Manager of the \_\_\_\_\_ Bank at \_\_\_\_\_  
(or a licensed gold dealer whose registered address for business is at \_\_\_\_\_)  
) do hereby certify that the foregoing is a true and correct statement of all my transactions or of all the transactions of my Bank in gold during the month ending \_\_\_\_\_, 19 \_\_\_\_.

Signature of Licensee.  
Address and description.  
Date

To the Secretary for Mines, Perth.

FORM No. 27.

Reg. 126.

APPLICATION FOR A TEMPORARY GOLD DEALER'S LICENSE.

To the Warden or (Resident Magistrate) of the \_\_\_\_\_ Goldfield.

I, \_\_\_\_\_ of \_\_\_\_\_ do hereby make application, in accordance with the provisions of Section 221 of "The Mining Act, 1904," for a temporary license to deal in gold. My present address for carrying on business is at \_\_\_\_\_ in the said Goldfield (or district). I have (not) previously held a license for such purpose.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Signature of Applicant.

Received this application at \_\_\_\_\_ o'clock .m. on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, with fee \_\_\_\_.

Warden or Resident Magistrate,  
Goldfield or District.

FORM No. 28.

Reg. 126.

TEMPORARY GOLD DEALER'S LICENSE.

I, \_\_\_\_\_ being the Warden (or Resident Magistrate) of \_\_\_\_\_ Goldfield (or Magisterial District), do, by virtue of the powers vested in me under Section 221 of "The Mining Act, 1904," grant to \_\_\_\_\_ a temporary Gold Dealer's License to deal in gold at \_\_\_\_\_, in the said Goldfield (or Magisterial District), and at no other place, for a period of \_\_\_\_\_ month, and no longer, from the day of the date hereof.

Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Warden or Resident Magistrate,  
Goldfield or District.

FORM No. 29.

Reg. 127.

DECLARATION AS TO †GOLD SENT BY POST OR POLICE ESCORT.

I, \_\_\_\_\_ of \_\_\_\_\_ do solemnly and sincerely declare as follows:

1. I did on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, forward to the \_\_\_\_\_ Bank at \_\_\_\_\_ by post (or police escort, or as the case may be) a parcel containing (here set out nature of contents and approximate quantity or weight thereof).
2. The said \_\_\_\_\_ is my (or the property of \_\_\_\_\_) and was acquired by me (or him) here set out whether it was acquired by purchase or is the product of some mining tenement, and in the former case the name and address of the seller, and in the latter case the name and situation of the mining tenement and the holder thereof.)

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 late Majesty, No. 12, intitled an Ordinance for the abolition of unnecessary Oaths, and to substitute Declarations in lieu thereof.

Declared at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Before me

Signature.

† "Gold" includes gold, gold bullion, retorted gold, gold ores, gold amalgam, gold alloys, precipitates containing gold, slag, concentrates, tailings, or residues, but does not include alluvial gold or coin or things manufactured of gold.

NOTE.—This Declaration may be made before a Warden, Mining Registrar, Resident Magistrate, Justice of the Peace, Postmaster, Minister of Religion authorised to celebrate marriages in the State, police officer or constable, and is to be forwarded with the parcel to the Bank to which the same is addressed.

## THE MINING ACT, 1904.

Form No. 30.

## RETURN OF GOLD, GOLD ORE, GOLD DUST, OR GOLD BULLION EXPORTED FROM THE STATE.

This form, duly filled in, should reach the  
Secretary for Mines, Perth, through the  
Statist, on the last working day of each month.

Name of Bank, Gold Dealer, }  
or Exporter of Gold }

(Place and Date)

I declare that the following is a correct statement of the amount of Gold, Gold Ore, Gold Dust, or Gold Bullion, the produce of the State,  
which has been exported by { me } during the month of , 190 :-

Date of Shipment.	Port of Export.	Name of Vessel.	AMOUNT EXPORTED.		WHENCE DERIVED.		Destination.	Remarks.
			Weight.	Value.	Goldfield.	District.		
			ozs.	£				
			dwt.					
			grs.					

Signature and address of person making the declaration.....

Reg. 128.

## FORM No. 31.

## NOTICE OF MARKING OFF A MINING TENEMENT OTHER THAN A LEASE. Reg. 132.

NOTICE is hereby given that I (or we), the undersigned, of  
have this day, at the hour of o'clock .m., marked off this  
land as a (here state particulars of the mining tenement to be applied  
for) under the provisions of "The Mining Act, 1904." The dimensions  
of the ground intended to be applied are [ ] and the following  
is a description of the boundaries thereof

(Here set out particulars.)

Dated this day of , 19 .

Signature of Applicant.

Miner's Right No..... Date..... Place of Issue.....

## FORM No. 32.

Reg. 137.

APPLICATION FOR REGISTRATION OF A MINING TENEMENT OTHER THAN  
A LEASE.

No.

PURSUANT to the provisions of "The Mining Act, 1904," I (or we) hereby apply for registration of the land taken possession of and marked off by me (or us) at o'clock .m. on the day of , 19 , as a (here state the nature of the mining tenement applied for). The land is more particularly described in the Schedule hereunder, and the position thereof is shown on the annexed sketch or plan.

Dated this day of , 19 .

Signature.

Miner's Right No..... Date..... Place of Issue.....

To the Warden of th  
Goldfield (or) Mineral Field.

## The Schedule above referred to.

Name or names of Applicants in full and address.	Interest of each.	Situation and boundaries of land applied for.	Approximate area.	Remarks.
	Shares ..			
	" ..			
	" ..			
Total number of shares ..				

\* This column to be filled up only when the application is for a claim.

Received this application at o'clock .m. on the day of , 19 , with fees as under.

Warden (or) Mining Registrar,  
Goldfield (or) Mineral Field.

Fees { Registration.  
Survey.  
Rent (if any).

The above application was granted (or refused) by me on the day of , 19 .

Warden,  
Goldfield.

## FORM No. 33.

Reg. 137.

## NOTICE OF APPLICATION FOR A MINING TENEMENT OTHER THAN A LEASE.

No.

NOTICE is hereby given that , of , the undersigned, has this day made application, under the provisions of "The Mining Act, 1904," for ground containing acres roods perches, as a (here state the nature of the mining tenement applied for), particulars of the boundaries whereof are set out at foot.

As witness hand at this day of , 19 .

Signature of Applicants.

Objections against the application above referred to must be lodged at the Warden's Office on or before the day of , 19 .

Warden or Mining Registrar,  
Goldfield or Mineral Field.

Particulars above referred to.

## FORM No. 34.

## FORM OF OBJECTION.

Reg. 143.

No.

To the Warden of the Goldfield or Mineral Field.  
I (or we) the undersigned, hereby give you notice that I (or we) object (as the case may be) for the following reasons, viz.:

(Here set out the reasons.)

And we require you to withhold (as the case may be) pending the hearing by you of my (or our) said objections.

Dated this day of , 19 ,

Signature,

Received the above objection at o'clock .m. on the day of , 19 , with fee of .

This objection will be heard in the Warden's Court on the day of , 19 , at the hour of o'clock .m.

Signature,

Warden (or) Mining Registrar,  
Goldfield (or) Mineral Field.



## FORM No. 35.

NOTICE OF WITHDRAWAL OF APPLICATION FOR A MINING TENEMENT OTHER THAN A LEASE. Reg. 145.

To the Warden of the \_\_\_\_\_ Goldfield or Mineral Field.  
I (or WE) HEREBY give you notice that I (or we) withdraw my (or our) application, No. \_\_\_\_\_ for a \_\_\_\_\_ under the provisions of "The Mining Act, 1904."

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ Signature.

Received this notice at \_\_\_\_\_ o'clock \_\_\_\_m. on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_

Warden (or) Mining Registrar.  
Goldfield (or) Mineral Field.

## FORM No. 36.

CERTIFICATE OF REGISTRATION.

Reg. 146.

No. \_\_\_\_\_

THIS is to certify that I have this day registered \_\_\_\_\_, of \_\_\_\_\_ as a holder of \_\_\_\_\_ subject to the provisions of "The Mining Act, 1904," and the Regulations thereunder.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_

Warden (or) Mining Registrar.  
Goldfield (or) Mineral Field.

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

## FORM No. 37.

APPLICATION FOR EXEMPTION.

Reg. 155.

No. \_\_\_\_\_

I (or WE), the undersigned, \* \_\_\_\_\_ the (here state the nature of the mining tenement) known as \_\_\_\_\_ in the \_\_\_\_\_ Goldfield or Mineral field do hereby give notice that, at the expiration of \_\_\_\_\_ clear days from this date, I (or we) intend to apply for exemption from † \_\_\_\_\_ of the above \_\_\_\_\_ for the period of \_\_\_\_\_ calendar months on the following grounds, viz. :—

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ Signature.

Objections against the above application must be lodged at the Warden's office on or before the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_

Received this application at \_\_\_\_\_ o'clock \_\_\_\_m., on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, with fee of \_\_\_\_\_

Warden (or) Mining Registrar.  
Goldfield (or) Mineral Field.

The above application was heard before me in open Court on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, and I made the following recommendation or order thereon :—

Warden,  
Goldfield (or) Mineral Field.

\* Proprietor of, or partner in.

† Work, occupation, or use.

## FORM No. 38.

CERTIFICATE OF EXEMPTION.

Reg. 157.

No. \_\_\_\_\_

THIS is to certify that the holders of \* \_\_\_\_\_ No. \_\_\_\_\_ have this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, been granted exemption from † \_\_\_\_\_ for a period of \_\_\_\_\_ from the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, inclusive, on the following terms and conditions :—

Conditions.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_

Warden (or) Mining Registrar.  
Goldfield (or) Mineral Field.

\* Insert class of holding

† Work, occupation, or use.

## FORM No. 39.

STATUTORY DECLARATION TO BE MADE BY APPLICANT FOR EXEMPTION AS OF RIGHT UNDER SECTION 93. Reg. 158

I, \_\_\_\_\_ of \_\_\_\_\_ being the owner (or as the case may be) do solemnly and sincerely declare as follows :—

1. The following particulars relating to lease(s) No(s). \_\_\_\_\_ for which I am applying for exemption under Section 93 of "The Mining Act, 1904," are, to the best of my knowledge, information, and belief, true and correct in every respect.

## PARTICULARS REFERRED TO.

1. No. of lease or leases .. ..	1
2. Area thereof .. ..	2
3. Date on which leases were acquired	3
4. How acquired. (If on reconstruction the date of registration of transfer to present owner must be given)	4
5. Amount of money expended by present owner (inclusive of any amount spent prior to transfer where leases were acquired on a reconstruction)	5
6. Work done since leases acquired by present owner in (a.) Sinking (b.) Stopping (c.) Driving (d.) Costeening (e.) Timbering	6
7. The daily average number of men employed in working the lease on (a.) Wages (b.) Contract (c.) Tribute	7
8. Total amount of money spent in paying (a.) Wages (b.) Contractors	8
9. Amount of gold won by tributers and value thereof	9
10. Amount of Royalty received from tributers	10
11. Quantity and value of gold won other than by tributers since date of acquisition	11
12. Amount of money spent .. (a.) On machinery (b.) On other mining requisites exclusive of any sold or exchanged since the property was acquired	12

(2.) I am prepared to let tribute other than in the main workings of the mine in the event of the exemption applied for being granted on such conditions as may be prescribed, and I am further prepared—

(a.) To advertise or call for tenders for tribute in any part of the mine other than the main workings;

(b.) To accept any tender received provided the amount of the tribute offered is not less than two and a-half per cent. of the gross value of the gold won from virgin ground; five per cent. of gold won from old workings, yielding not more than ten pennyweights per ton, and ten per cent. from such workings yielding more than ten pennyweights per ton.

(c.) To lodge a tribute for registration containing the provisions set out in Regulation No. 192.

I produce an accurate plan showing all the workings on the lease, in which the main workings are also clearly set out. I claim that the same are main workings, for the following reasons (*here set out reasons*).

And I make this solemn declaration, etc.

Declared at this day of , 19 .

Before me,

Signature.

Reg. 159.

FORM No. 40.

## SPECIAL LICENSE.

I , Minister for Mines in the State of Western Australia, acting under the powers vested in me by Section 95 of "The Mining Act, 1904," do hereby license the lessees of Coal Mining Leases Nos. in the Mineral Field to suspend the labour conditions on such leases for a term of calendar months from the , 19 , during which period the whole or any of such leases shall be free from liability to forfeiture on the following conditions:—

That

This license is granted conditionally upon the payment by the Lessees of \$ into the Consolidated Revenue.

Given under my hand at Perth this day of , 19 .

Minister for Mines.

## FORM No. 41.

CERTIFICATE OF REGISTRATION OF STACK OF EARTH, ETC.

Reg. 168.

No.

THIS is to certify that I, \_\_\_\_\_  
 have this day registered the stack of earth on the  
 No. \_\_\_\_\_, situated at \_\_\_\_\_, as  
 the property of \_\_\_\_\_ and, provided the conditions of the  
 Regulations are complied with, no person shall remove or interfere  
 with the same, or any portion thereof, for a period of \_\_\_\_\_  
 months from the date hereof, without the permission in  
 writing of the said \_\_\_\_\_

Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Warden (or) Mining Registrar.  
 Goldfield (or) Mineral Field.

The above certificate was duly registered by me on the \_\_\_\_\_ day  
 of \_\_\_\_\_, 19 \_\_\_\_.

Warden (or) Mining Registrar.  
 Goldfield (or) Mineral Field.

## FORM No. 42.

TRANSFER OF MINING TENEMENT, OR INTEREST THEREIN, OTHER THAN A LEASE. Reg. 171.

Duty Stamp.

No.

I (or we), of \_\_\_\_\_, in consideration of the sum of \_\_\_\_\_ pounds  
 this day paid to me (or us) by \_\_\_\_\_ of \_\_\_\_\_, do hereby  
 transfer to the said \_\_\_\_\_ my (or our) [here state particulars of the  
*mining tenement, or interest therein, the subject of the transfer*], subject  
 to all the terms and conditions under which I (or we) now hold the same,  
 and I (or we) the said \_\_\_\_\_, do hereby accept the said  
 subject to the terms and conditions aforesaid.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Signature of Transferor.

Signature of Transferee.

Witness to the Signature of Transferor

Witness to the Signature of Transferee

Received the above transfer this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_,  
 at the hour of \_\_\_\_\_ o'clock, \_\_\_\_\_ m., with fee of \_\_\_\_\_

Warden (or) Mining Registrar.  
 Goldfield (or) Mineral Field.

## FORM No. 43.

CERTIFICATE OF TRANSFER OF A MINING TENEMENT, OR INTEREST THEREIN, OTHER THAN A LEASE. Reg. 171.

No.

THIS is to certify that I have this day registered a transfer of the (*here  
 state nature and number of tenement or the share therein, as the case may  
 be*) situated on the \_\_\_\_\_ Goldfield or Mineral Field, from  
 \_\_\_\_\_ to \_\_\_\_\_ of \_\_\_\_\_ and  
 the said \_\_\_\_\_ is now the registered holder thereof, subject to  
 the provisions of "The Mining Act, 1904," and Regulations thereunder.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Warden (or) Mining Registrar.  
 Goldfield (or) Mineral Field.

## FORM No. 44.

PARTNERSHIP LIEN.

Reg. 173.

Duty Stamp.

To the Warden or Mining Registrar of the \_\_\_\_\_ Goldfield or  
 Mineral field.

WHEREAS \_\_\_\_\_, of \_\_\_\_\_, are the registered owners  
 of \_\_\_\_\_ No. \_\_\_\_\_ situate at \_\_\_\_\_, and are carrying on the  
 same in partnership. And whereas I, being one of the said partners,  
 have expended on account of the said partnership the sum of £ \_\_\_\_\_.  
 Now I do hereby apply in accordance with Section 281 of "The Mining  
 Act, 1904," to be registered as the holder of a lien against the interest  
 of \_\_\_\_\_, one of my co-partners, as security for the due payment  
 of £ \_\_\_\_\_ being the proportion of the said amount due from the  
 said \_\_\_\_\_ and I request registration of the same forthwith.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Signature

Received and registered this lien at \_\_\_\_\_ o'clock \_\_\_\_\_ m., on the  
 \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, with fee of \_\_\_\_\_

Warden (or) Mining Registrar.  
 Goldfield (or) Mineral Field.

## FORM No. 45.

Reg. 173.

## TRANSFER OF INTEREST SOLD UNDER A PARTNERSHIP LIEN.

Duty Stamp.

In pursuance of the partnership lien registered against the interest of in [here set out particulars], in favour of on the day of , 19 , and of a sale of the said interest, under an order of the Court, dated the day of , which was duly held on the day of last, at which , of was declared the purchaser, do hereby transfer the said interest to the said , and I the purchaser, do hereby accept the said transfer subject to the conditions and restrictions under which the same was held at the date of sale.

Dated this day of , 19 .

Signature.

Warden (or Mining Registrar).

Signature.

Purchaser.

Witness to the Signature of the Purchaser

[The No., date, and place of issue of the Miner's Right of the Purchaser must be set out, except in the case of a lease.]

Received this transfer at o'clock .m., on the day of , 19 , with a fee of

Warden (or) Mining Registrar.

Goldfield (or) Mineral Field.

The within transfer was duly registered at my office at m, on the day of 19 .

Warden (or) Mining Registrar.

Goldfield (or) Mineral Field.

## FORM No. 46.

Reg. 174.

## DECLARATION RE LIEN FOR WAGES.

I, , of , do solemnly and sincerely declare as follows:—

1. I was employed as (here set out the capacity in which the Declarant was employed and the rate of wages per week) on (here set out particulars of the Mining tenement).

2. I was so employed from the day of , 190 , to the day of , 190 , inclusive.

3. There is now due and owing to me for work done on the said holding the sum of £ , being weeks wages at the rate aforesaid, and I claim a lien for the said amount on the said holding.

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 late Majesty, No. 12, intituled "An Ordinance for the Abolition of unnecessary Oaths and to substitute Declarations in lieu thereof."

Declared at

this day of

19 , before me

Signature.

Received this declaration with fee of at .m., on the day of , 190 .

Warden (or) Mining Registrar.

Goldfield (or) Mineral Field.

## FORM No. 47.

Duty Stamp.

Reg. 175.

## MORTGAGE OF A MINING TENEMENT OR INTEREST THEREIN.

I (or WE), , of , being the registered holder of [here describe the holding], in consideration of the sum of £ advanced to me or us by (or due by me or us to) of (or and in consideration of further advances to be made by the said to me or us, not exceeding a total of £ ), hereby mortgage my or our said holding (or interest therein or a part thereof as the case may be) to . And I or we do hereby covenant and agree with the said that I or we will repay the said sum (and further advances, if any) on [here insert day appointed for repayment, covenant for payment of interest, and such other covenants, stipulations, and powers as may be agreed upon].

And in default of performance on (my or our) part of the above covenants, or any of them, (I or we), authorise the said to sell the said tenement (or my interest in the said tenement), in accordance with the provisions of "The Mining Act, 1904," and the Regulation in force for the time being thereunder.

In witness whereof I or we have hereto set my or our hands this day of , 19 .

Signature of Mortgagor.

Signature of Mortgagee.

Signed by the above-named

Mortgagor in my presence.

A.B., of etc.

Signed by the above-named

Mortgagee in my presence.

C.D., of etc.

Received this Mortgage at o'clock .m., on the day of , 19 , with fee of

Warden (or) Mining Registrar.

Goldfield (or) Mineral Field.

## FORM No. 48.

TRANSFER OF A MINING TENEMENT SOLD UNDER POWERS CONTAINED  
OR IMPLIED IN A MORTGAGE. Reg. 180.

Duty Stamp.

I, \_\_\_\_\_ of \_\_\_\_\_ being the registered holder  
of a mortgage on [*here state particulars*] have in pursuance of the powers  
contained or implied therein and in consideration of the sum of £ \_\_\_\_\_  
sold the said (*here state particulars*) to \_\_\_\_\_ of \_\_\_\_\_  
And I do hereby transfer the said (*here state particulars*) to the said  
subject to the conditions and restrictions under which  
the said mortgagor held the same, and I, the said purchaser, hereby  
accept the transfer subject to the said conditions and restrictions.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Signature.

Mortgagee.

Witness to the Signature of—

Signature.

Purchaser.

Witness to the Signature of—

Received this transfer at \_\_\_\_\_ o'clock .m., on the \_\_\_\_\_ day  
of \_\_\_\_\_, 19 \_\_, with fee of \_\_\_\_\_.

Warden (*or*) Mining Registrar.  
Goldfield (*or*) Mineral Field.

## FORM No. 49.

CERTIFICATE OF DISCHARGE OF MORTGAGE.

Reg. 182.

Duty Stamp.

I (*or We*), \_\_\_\_\_ of \_\_\_\_\_ being the mortgagee mentioned  
in a mortgage dated the \_\_\_\_\_ day of \_\_\_\_\_, and  
registered on the \_\_\_\_\_ day of \_\_\_\_\_, against the [*here set  
out particulars of mortgaged tenement or interest*], do hereby certify  
and acknowledge that the whole of the debt or liability secured by  
the said mortgage has been fully paid and discharged, and I *or we*  
hereby request the Minister or Warden to forthwith cancel the said  
mortgage.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Signature.

Signed by the said \_\_\_\_\_ }  
in my presence, this \_\_\_\_\_ }  
day of \_\_\_\_\_ 190 \_\_\_\_ }

Received this discharge at \_\_\_\_\_ o'clock .m., on the \_\_\_\_\_ day  
of \_\_\_\_\_, 19 \_\_, with fee of \_\_\_\_\_.

Warden (*or*) Mining Registrar.  
Goldfield (*or*) Mineral Field.

## FORM No. 50.

TRANSFER OF A MORTGAGE.

Reg. 183.

Duty Stamp.

I (*or We*), \_\_\_\_\_ of \_\_\_\_\_, being the registered  
holder of a mortgage on [*here set out particulars and date of registration  
of mortgage*], in consideration of the sum of £ \_\_\_\_\_ this day paid to  
me *or us* by \_\_\_\_\_ of \_\_\_\_\_, of which sum I *or we*  
hereby acknowledge the receipt, hereby transfer to the said  
the full benefit of the said mortgage.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Signature.

Transferor.

Signed by the transferor }  
in the presence of \_\_\_\_\_ }

Signature.

Transferee.

Signed by the transferee }  
in the presence of \_\_\_\_\_ }

Received this transfer at \_\_\_\_\_ o'clock .m., on the \_\_\_\_\_ day  
of \_\_\_\_\_, 19 \_\_, with fee of \_\_\_\_\_.

Warden (*or*) Mining Registrar.  
Goldfield (*or*) Mineral Field.

## FORM No. 51.

Reg. 185.

## CAVEAT AGAINST A MINING TENEMENT.

No

*To the Warden or Mining Registrar at*

TAKE NOTICE that I, \_\_\_\_\_, of \_\_\_\_\_, by virtue of \_\_\_\_\_ claim an interest, amounting to \_\_\_\_\_, in [here set out full particulars] and I forbid the registration of any transfer, mortgage, lien, or surrender affecting such tenement, and I appoint \_\_\_\_\_ as the place at which notices and proceedings relating hereto may be served.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Signed by the said } \_\_\_\_\_ Caveator.  
in the presence of } \_\_\_\_\_ Witness.

The above Caveat was received at \_\_\_\_\_ o'clock \_\_\_\_\_ m. on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, with fee of \_\_\_\_\_.

Warden (or) Mining Registrar.  
Goldfield (or) Mineral Field.

## FORM No. 52.

Reg. 186.

## CAVEAT BY CONSENT

No

*To the Mining Registrar at*

WHEREAS \_\_\_\_\_, of \_\_\_\_\_, ha applied for \_\_\_\_\_ (or is owner of a) [here set out particulars] registered in the books of the Department of Mines as No. \_\_\_\_\_, and whereas \_\_\_\_\_, of \_\_\_\_\_, ha agreed to purchase all the right, title, and interest of the first-named person in and to the said tenement (or as the case may be) on the terms stated in the copy agreement hereunto annexed:—

Now it is hereby agreed between the said parties that, pending the completion of the said purchase, and the final registration of the transfer of the above described \_\_\_\_\_ to \_\_\_\_\_, this caveat shall be an effectual bar to the transfer, or assignment of the same during such period, and no longer.

In witness whereof the parties hereto have hereunto set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Signed by the said } \_\_\_\_\_ Signature.....  
in the presence of } \_\_\_\_\_ Witness.

Signed by the said } \_\_\_\_\_ Signature .....

The above Caveat was received at the \_\_\_\_\_ office, at \_\_\_\_\_ m., on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, with fee of \_\_\_\_\_.

Warden (or) Mining Registrar.  
Goldfield (or) Mineral Field.

## FORM No. 53.

Reg. 193.

## APPLICATION FOR LICENSE TO CONSTRUCT A DRIVE.

*To the Hon. the Minister for Mines.*

I (or We), being the (or one or more of) holders of and in occupation of the mining tenement (here state particulars), hereby make application to the Governor to grant to me (or us) a license to construct a drive or drives through (here set out particulars of the land through which the drive is to be constructed), and, in the event of the same being granted (I or we) agree to comply with such reservations, conditions, and provisions as the Governor may determine.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Received this application this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, with fee of \_\_\_\_\_.

Warden (or) Mining Registrar,  
Goldfield (or) Mineral District.


## MONTHLY STATEMENT BY HOLDER OF LAND TAKEN UP FOR GOLD MINING.

For the month of ....., 190 .

Registered Name of Company.....

(To be furnished to the Warden or Mining Registrar not later than the 10th of each month.)

No. of Lease, Claim, or Area.	Name of Lease, Claim, or Area.	Area in acres.	To be filled in QUARTERLY. (See footnote)*				Particulars of Plant.													Alluvial.			Dollied and Specimens.		
			Average number of men employed		Work done in feet.		Milling.										Cyaniding.			Gross Weight.	Containing		Gross Weight.	Containing	
							Number of Battery Stamps.	Other Mills.								Leaching Vats.	Capacity of each.	Filter Presses.	Fine Gold.		* Fine Silver.	Fine Gold.		* Fine Silver.	
			Ball Mills.	Crushing Rollers.	Griffin Mills.	Huntington Mills.		Puddlers.	Tremain Mills.																
			*	*	*	*											tons.			ozs.	ozs.	ozs.	ozs.	ozs.	ozs.

 If the Return is from the holder of more than one Lease, the Ore treated and Bullion therefrom should, whenever practicable, be shown for each Lease separately.

Number of Lease, Claim, or Area.	Ore Treated (2,240lbs. to the ton).					Production.											Estimated Value of Gold in each gross ounce of metal produced. †			Value per ton of Ore treated.			
	Process.	Milled or Smelted.	Concen- trates.	Slimes.	Sands.	Milled or Smelted.			Concentrates.			Slimes.			Sands.								
						Gross Weight	Containing		Gross Weight	Containing		Gross Weight	Containing		Gross Weight	Containing							
							Fine Gold.	* Fine Silver.		Fine Gold.	* Fine Silver.		Fine Gold.	* Fine Silver.		Fine Gold.	* Fine Silver.						
		tons.	tons.	tons.	tons.	ozs.	ozs.	ozs.	ozs.	ozs.	ozs.	ozs.	ozs.	ozs.	ozs.	ozs.	£	s.	d.	£	s.	d.	

\* These columns to be filled in once a quarter only, viz. :—To the 31st March, 30th June, 30th September, and 31st December.

† When possible, this estimate should be based upon the last returns furnished by the Mint.

I hereby certify that the above is a true statement of all the particulars therein set forth.

Dated this            day of            , 19 .

.....  
Owner or Manager.

PENNYWEIGHTS AND GRAINS  
EXPRESSED IN DECIMALS  
OF AN OUNCE.

Dwts.	Equivalent in Decimals of an ounce	Grains.	Equivalent in Decimals of an ounce
1	·05	1	·00208
2	·10	2	·00416
3	·15	3	·00625
4	·20	4	·0083
5	·25	5	·0104
6	·30	6	·0125
7	·35	7	·0145
8	·40	8	·0166
9	·45	9	·0187
10	·50	10	·0208
11	·55	11	·0229
12	·60	12	·0250
13	·65	13	·0270
14	·70	14	·0291
15	·75	15	·0312
16	·80	16	·0333
17	·85	17	·0354
18	·90	18	·0375
19	·95	19	·0395
		20	·0416
		21	·0437
		22	·0458
		23	·0479

NOTE.—THE ESTIMATED VALUE OF GOLD IN EACH GROSS OUNCE OF METAL PRODUCED.—In arriving at this estimate no deductions should be made for Mint, Bank, or other charges, the gross value being required.

The Mint returns always show the calculated weight of standard gold in a deposit, and the gross cash value of that standard gold at the sterling rate of £3 17s. 10½d. per ounce.

The value per ounce of gold as produced from the mine, however, is what is required, and it can be obtained from a Mint return, thus:—

Divide the weight of standard gold by the weight before melting, and multiply the result by £3 17s. 10½d.

The following are two examples of the working of this formula:—

Example (a).—Weight before melting, 47·41oz.  
“ of standard gold, 38·19oz.

4741)33190(805	·805 × £3 17s. 10½d.
37928	·805 × £3·894
	805
26200	19470
23705	311520
2495	£3 134(670)
	20
	s. 2·680
	12
	d. 8·160 = £3 2s. 8d., value per ounce of
	gold as produced from the mine.

Example (b).—Weight before melting, 302·67oz.  
“ of standard gold, 320·10oz.

30267)32010(1057	1·057 × £3 17s. 10½d. =
30267	1·057 × £3·894
	3894
174300	4228
151335	9513
229650	8456
211869	3171
17781	£4·115(958)
	20
	s. 2·300
	12
	d. 3·600 = £4 2s. 3½d., value per oz. of gold as produced
	from the mine.

Mining Registrars are requested to scrutinise all coining values and, where necessary, to afford assistance to those in doubt as to what is required by the Department.

Example, showing method of compiling the Return.

Name of Mine.	Process	ORE TREATED.				PRODUCTION.											
		Milled or Smelted.	Concentrates.	Slimes.	Sands.	Milled or Smelted.			Concentrates.			Slimes.			Sands.		
						Gross Weight.	containing		Gross Weight.	containing		Gross Weight.	containing		Gross Weight.	containing	
							Fine Gold.	Fine Silver.		Fine Gold.	Fine Silver.		Fine Gold.	Fine Silver.		Fine Gold.	Fine Silver.
— G.M. Co., Ltd.	Raw amalgam ..	tons. 12,243	tons. ..	tons. ..	tons. ..	ozs. 3,788	ozs. 3,120	ozs. 668	ozs. ..	ozs. ..	ozs. ..	ozs. ..	ozs. ..	ozs. ..	ozs. ..	ozs. ..	ozs. ..
	Smelting ..	121	..	..	..	387	335	52	3,129	2,974	155	..	..	..	..	..	..
	Roasting, amalga- mation, and cya- nidation...	..	682	..	..	..	..	..	..	..	..	3,742	2,821	921	3,315	2,636	679
	Cyanide ..	..	..	5,202	..	..	..	..	..	..	..	..	..	..	..	..	..
	Cyanide ..	..	..	..	6,359	..	..	..	..	..	..	..	..	..	..	..	..

N.B.—If the fine contents are unknown to the leaseholder, the column headed “gross weight” should be filled in, and the estimated value per ounce stated.



Reg. 195.

To be rendered in duplicate.THE MINING ACT, 1904.

FORM No. 54 (B).

## MONTHLY STATEMENT BY HOLDERS OF LAND TAKEN UP FOR TIN MINING.

.....Mineral Field.

(To be furnished to the Warden or Mining Registrar not later than the 10th of each month.)

Year.	Month.	Locality.	Official Number of Lease or Claim.	Registered name of Holder and Mine.	Average number of Men employed.		Work done in feet.			Area in Acres.	Lode or Stream Tin.	Ore or Wash-dirt treated.	Black Tin sent to Smelter by Rail or otherwise. †	Estimated Value thereof.	Remarks.
					Above Ground.	Under Ground.	Sink-ing.	Driv-ing.	Stop-ing.						
					*	*	*	*	*			Tons.	Tons.	£	

\* These columns to be filled in once a quarter only, viz., to 31st March, 30th June, 30th September, and 31st December. † The Black Tin sent to smelter need not necessarily be the result only of ore or wash dirt treated for the month under review. NOTE.—Fractions of tons and pounds sterling should be expressed in decimals.

I hereby certify that the above is a true statement of all the particulars therein set forth.

Dated this.....day of....., 19 ..

.....  
Owner or Manager.

Reg. 195.

To be rendered in duplicate.THE MINING ACT, 1904.

FORM No. 54 (C).

MONTHLY STATEMENT BY HOLDERS OF LAND TAKEN UP FOR MINING FOR MINERALS  
OTHER THAN COAL OR PRECIOUS STONES.

(To be furnished to the Warden or Mining Registrar not later than the 10th of each month.)

Year.	Month.	Locality.	Official Number of Lease or Claim.	Registered Name of Holder and Mine.	Average Number of Men employed.		Work done in feet.			Area in Acres.	Name of Metal.	Ore or Wash-dirt treated.	Metal or Mineral therefrom. †	Estimated Value thereof.	Remarks.
					Under Ground.	Above Ground.	Sink-ing.	Driv-ing.	Stop-ing.						
					*	*	*	*	*			Tons.	Tons.	£	

I hereby certify that the above is a true statement of all the particulars therein set forth.

Dated this.....day of....., 19 .., Owner or Manager.

\* These columns to be filled in once a quarter only, viz., to the 31st March, 30th June, 30th September, and 31st December.

† In the case of Copper and Lead, the estimated metal concentrates should be given; and in the case of Mica and Asbestos, the information should be inserted in this column.

NOTE.—Fractions of tons and pounds sterling should be expressed in decimals.

Reg. 195.

To be rendered in duplicate.THE MINING ACT, 1904.

.....Mineral Field.

FORM No. 54 (D).

## MONTHLY STATEMENT BY HOLDERS OF LAND TAKEN UP FOR COAL MINING.

(To be furnished to the Warden or Mining Registrar not later than the 10th of each month.)

Year.	Month.	Locality.	Official Number of Lease or Claim.	Registered Name of Holder and Mine.	Average Number of Men employed.		Work done in feet.		Area in Acres.	Coal raised.	Estimated Value.	Remarks.
					Above Ground. *	Under Ground. *	Sinking. *	Driving. *				
										Tons.	£	

I hereby certify that the above is a true statement of all the particulars therein set forth.

Dated this.....day of..... 190 .

.....Owner or Manager.  
 \* These columns to be filled in once a quarter only, viz., to the 31st March, 30th June, 30th September, and 31st December.  
 NOTE.—Fractions of tons and pounds sterling should be expressed in decimals.

Reg. 195.

To be rendered in duplicate.THE MINING ACT, 1904.

.....Goldfield or Mineral Field.

FORM No. 54 (E).

## MONTHLY STATEMENT BY HOLDERS OF LAND TAKEN UP FOR MINING FOR DIAMONDS AND OTHER PRECIOUS STONES.

(To be furnished to the Warden or Mining Registrar not later than the 10th of each month.)

Year.	Month.	Locality.	Official Number of Lease or Claim.	Registered Name of Holder and Mine.	Average number of men employed.		Area in Acres.	Diamantiferous Matrix Treated.	Average Yield per ton.	Estimated Value.	
					Above Ground. *	Under Ground. *					
								Tons.	Carats.	£	

I hereby certify that the above is a true statement of all the particulars therein set forth.

Dated this.....day of..... 190 .

.....Owner or Manager.

\* These columns to be filled in once a quarter only, viz., to the 31st March, 30th June, 30th September, and 31st December.

be rendered in duplicate.

THE MINING ACT, 1904.

FORM No. 55 (A.)

Reg. 106.

This column to be filled once a quarter only, viz.,  
to 31st March, 30th June, 30th September, and 31st December.

Average number  
of men employed.

Above  
ground. Under  
ground.

MONTHLY RETURN BY MANAGER OF MACHINERY  
FOR EXTRACTING GOLD.

For the Month of....., 190 .

Name of Works.....

(To be furnished to the Warden or Mining Registrar not later than the 10th of each month.)

Particulars of Plant.									
Milling.							Cyaniding.		
Number of Battery Stamps.	Ball Mills.	Crushing Rollers.	Griffin Mills.	Hurtington Mills.	Puddlers.	Tremain Mills.	Leaching Vats.	Capacity (tons) of each.	Filter Presses.

Goldfield.....

District .....

Mining Centre.....

No. of Machinery Area, W.R. or Lease....

Area in Acres.....

ate of Treat- ent of Ore.	Particulars of Lease, Claim, or Area whence derived.				Ore Treated. (2,240lbs. to the ton.)				Production.						Estimated Value of gold in each gross ounce of metal produced.  †			Value per ton of Ore treated.			
	No. of Lease, Claim, or Area.	Name.	Owner.	Goldfield or District.	Milled or Smelted.	Concentrates.	Slimes.	Sands.	Milled or Smelted.			Other Processes.									
									Gross Weight.	Containing		Name of Process. *	Gross Weight.	Containing.							
										Fine Gold.	Fine Silver.			Fine Gold.	Fine Silver.						
					tons.	tons.	tons.	tons.	ozs.	ozs.	ozs.		ozs.	ozs.	ozs.	£	s.	d.	£	s.	d.

\* In this column state against each amount the name of the process by which it was derived, viz., by concentrates, by slimes, by sands—see example at back.

† When possible this estimate should be based upon the last returns furnished by the Mint.

I hereby certify that the above is a true statement of all the particulars therein set forth.

Dated this .....day of....., 190 .

Owner or Manager.

PENNYWEIGHTS AND GRAINS  
EXPRESSED IN DECIMALS OF  
AN OUNCE.

Dwts.	Equivalent in Decimals of an Ounce.	Grains	Equivalent in Decimals of an Ounce.
1	·05	1	·00208
2	·10	2	·00416
2	·15	3	·00625
4	·20	4	·0083
5	·25	5	·0104
6	·30	6	·0125
7	·35	7	·0145
8	·40	8	·0166
9	·45	9	·0187
10	·50	10	·0208
11	·55	11	·0229
12	·60	12	·0250
13	·65	13	·0270
14	·70	14	·0291
15	·75	15	·0312
16	·80	16	·0333
17	·85	17	·0354
18	·90	18	·0375
19	·95	10	·0395
		20	·0416
		21	·0437
		22	·0458
		23	·0479

*Example showing method of compiling the Return.*

Owner.	Goldfield or District.	ORE TREATED.				PRODUCTION.							Estimated value of gold in each gross ounce of metal produced.
						Milled or Smelted.			Other Processes.				
		Milled or Smelted.	Concentrates.	Slimes.	Sands.	Gross Weight.	containing		Name of Process.	Gross Weight.	containing		
							Fine Gold.	Fine Silver.			Fine Gold.	Fine Silver.	
Smith, J. H.	Niagara	tons. 568·00	tons. ..	tons. ..	tons. ..	ozs. 620·60	ozs. 597·30	ozs. 21·70	..	ozs. ..	ozs. ..	ozs. ..	£ s. d. 4 1 9
Do.	do.	..	56·00	..	..	..	..	..	con.	126·50	118·32	5·90	3 19 0
Jones, T.	do.	..	..	75·00	..	..	..	..	sl.	32·40	26·98	4·87	3 11 3
Hook and party	Yerilla	169·00	..	..	..	225·73	198·60	25·72	..	..	..	..	3 15 0
Do.	do.	..	23·00	..	..	..	..	..	con.	34·60	32·00	2·15	3 17 8½
Do.	do.	..	..	65·00	..	..	..	..	sl.	25·90	21·32	4·00	3 9 2½
Do.	do.	..	..	..	79·00	..	..	..	sd.	52·65	47·96	4·21	3 16 7¼

Reg. 196.

THE MINING ACT, 1904.

To be rendered in duplicate.

FORM No. 55 (B).

Mineral Field .....

## MONTHLY RETURN BY MANAGER OF MACHINERY FOR EXTRACTING TIN

Number of M.A. or Lease .....

For the Month of....., 190 .

Name of Works .....

(To be furnished to the Warden or Mining Registrar not later than the 10th of each month.)

Average number of men employed.		Area in Acres.	Particulars of Plant.						Date of Treatment of Ore.	Number of Lease or Claim whence derived.				Stream or Lode Tin.	Ore or Washdirt treated.	Metal or Mineral therefrom.	Estimated Value thereof.	Remarks.
Above Ground. *	Under Ground. *		Number of Stamps.	Puddlers.	Jiggers.	Vanners.	Buddles.	Smelters.		No.	Name.	Owner.	Mineral Field.					
														Tons.	Tons.	£		

I hereby certify that the above is a true statement of all the particulars therein set forth.

Dated this.....day of....., 190 .

Owner or Manager.

\* These columns to be filled in once a quarter only, viz., to the 31st March, 30th June, 30th September, and 31st December.

NOTE.—Fractions of tons and pounds sterling should be expressed in decimals.

Reg. 196.

THE MINING ACT, 1904.

To be rendered in duplicate.

FORM No. 55 (c.)

Goldfield or Mineral Field.....

MONTHLY RETURN BY MANAGER OF MACHINERY FOR  
EXTRACTING MINERALS OTHER THAN GOLD OR TIN

Number of M.A. or Lease.....

For the Month of....., 190 .

Name of Works.....

(To be furnished to the Warden or Mining Registrar not later than the 10th of each month.)

Average Number of Men employed.		Area in Acres.	Particulars of Plant.					Date of Treatment of Ore.	Number of Lease or Claim whence derived.				Name of Mineral.	Ore or Wash-dirt treated.	Metal or Mineral therefrom. †	Estimated Value thereof.	Remarks.
Above ground. *	Under ground. *		Number of Stamps.	Puddlers.	Jiggers.	Vanners.	Buddles.		Smelters.	No.	Name.	Owner.					
														Tons.	Tons.	£	

I hereby certify that the above is a true statement of all the particulars therein set forth.

Dated this.....day of....., 190 .

Owner or Manager.

\* These columns to be filled in once a quarter only, viz., to the 31st March, 30th June, 30th September, and 31st December. † In the case of Copper and Lead, the estimated metal concentrates should be given. NOTE.—Fractions of tons and pounds sterling should be expressed in decimals.

NOTE.—Fractions of tons and pounds sterling should be expressed in decimals.

## FORM No. 56.

Reg. 207.

APPLICATION FOR REGISTRATION AS EXECUTOR, ADMINISTRATOR, ETC.

To the Warden or Mining Registrar of the  
Field.

Goldfield or Mineral

I, \_\_\_\_\_ of \_\_\_\_\_, hereby make application to be registered as the holder of [here set out particulars of the mining tenement which has devolved on the applicant].

I claim to be registered as such holder, in pursuance of the [here set out whether Probate Administration, Order in Bankruptcy, etc.]. I annex an attested or office copy of the document under which I claim to be so entitled.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 190 .

Signature.

Executor (or as the case may be).

Received this application this \_\_\_\_\_ day of \_\_\_\_\_, 19 ,  
with fee of \_\_\_\_\_.Warden or Mining Registrar,  
Goldfield or Mineral Field.

## FORM No. 57.

Reg. 210.

DECLARATION IN LIEU OF LOST DOCUMENT.

No. \_\_\_\_\_

I, \_\_\_\_\_, of \_\_\_\_\_, in the State of Western Australia, do solemnly and sincerely declare that I have lost my (here set out particulars of the lost document and the circumstances under which it was lost), 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 late Majesty, No. 12, intituled "An Ordinance for the abolition of unnecessary Oaths, and to substitute Declarations in lieu thereof." I request, for the purpose of \_\_\_\_\_, this declaration may be received in lieu of the said lost \_\_\_\_\_.

Signature.

Declared before me at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19 .

Warden (J.P., or Commissioner for Affidavits).

Received the above declaration at \_\_\_\_\_ o'clock \_\_\_\_\_ m., on the  
day of \_\_\_\_\_, 19 , with fee of \_\_\_\_\_.Warden (or Mining Registrar).  
Goldfield (or Mineral Field).

## FORM No. 58.

Reg. 211.

POWER OF ATTORNEY.

Duty Stamp.

No. \_\_\_\_\_

KNOW all men by these presents that I, \_\_\_\_\_ 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 State of Western Australia, in connection with my tenements under "The Mining Act, 1904," 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.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 .

Signature.

Signed by the said }  
in the presence of }

Witness.

Received the above Power of Attorney at \_\_\_\_\_ o'clock \_\_\_\_\_ m., on the  
day of \_\_\_\_\_, 19 , with fee of \_\_\_\_\_.

Warden (or) Mining Registrar.

\* Here set out any specific act to be performed.

## FORM No. 59.

SCALE OF FEES, RENTS, AND ROYALTIES PAYABLE UNDER THE ACT AND THESE REGULATIONS. Regs. 213 and 214.

<i>Warden's Office Fees.</i>		£	s.	d.
Certified copy of:—				
Register relating to any Mining Tenement ..		0	5	0
Registered instrument or evidence, per folio of 72 words .. .. .		0	0	4
Deposit on:—				
Application for authority to mine on reserved or exempted land .. .. .		5	0	0
Application for forfeiture of lease (Sec. 99, Sub-sec. 2) if answer filed and same demanded by Warden .. .. .		10	0	0
Application to cancel exclusive right to mine (Sec. 161) if answer filed and same demanded by Warden .. .. .		10	0	0
Application to mine for mineral other than that specified in lease .. .. .		0	10	0
Application by owner to re-enter private land ..		0	5	0
Application for Reward Lease .. .. .		0	10	0
Petition to bring private land under the Act (Sec. 154) .. .. .		0	5	0
Gold Dealer's License on:—				
Application for license .. .. .		2	0	0
Application by Bank for license .. .. .		5	0	0
In addition for each Branch .. .. .		1	1	0
Application for temporary license .. .. .		0	10	0
Application to register change of address under ..		0	5	0
Lease on:—				
Issue of .. .. .		1	0	0
Issue of duplicate in lieu of lost lease .. .. .		0	10	0
License in respect of tailings or other mining material on the issue thereof, per month during term ..		0	10	0
License, Special, to holder of Coal Mining Lease (Sec. 95) on the issue thereof for each lease, per month during term .. .. .		0	5	0
Minimum fee for same .. .. .		3	0	0
License to construct drives on the issue thereof, per annum during term .. .. .		1	0	0
Miner's Right on:—				
Issue of .. .. .		0	5	0
Issue of Consolidated, for each Miner represented by same .. .. .		0	5	0
Ante-dating of (Sec. 39) .. .. .		0	2	6
Ante-dating of Consolidated, for each Miner represented by same .. .. .		0	2	6
Registration of:—				
Agreement of any kind, including tribute, each ..		0	5	0
Amalgamation of Leases, each .. .. .		1	0	0
Caveat affecting Claim or Authorised Holding, each ..		0	5	0
Caveat affecting a Lease, each .. .. .		0	10	0
Caveat, withdrawal of for each lease .. .. .		0	5	0
for each claim or authorised holding .. .. .		0	2	6
Claim or Authorised Holding (except Reward Claim) ..		0	5	0
Concentration of Labour on Claims, each Claim affected .. .. .		0	2	6
Concentration of Labour on Claims, minimum where period is over fourteen days .. .. .		0	10	0
Concentration of Labour on leases, each lease affected ..		0	5	0
Concentration of Labour on Leases, minimum where period is over fourteen days .. .. .		1	0	0
Devolution on Death or Bankruptcy, Claim or Authorised Holding, each .. .. .		0	5	0
Devolution on Death or Bankruptcy, Lease, each ..		1	0	0
Exemption on Claim or Authorised Holding, not exceeding 14 days .. .. .		0	2	6
not exceeding one month .. .. .		0	5	0
not exceeding six months, per month .. .. .		0	5	0
Exemption on Lease, for each Lease—				
not exceeding 14 days .. .. .		0	5	0
not exceeding one month .. .. .		1	0	0
for each additional month .. .. .		1	0	0
Exclusive Right to Mine on Private Land, each area ..		0	10	0
Improvements on Land held as a Business Area ..		0	5	0
Injunction for each Mining Tenement affected ..		0	5	0
Lien, Partnership, each .. .. .		1	0	0
Lien, Partnership, Discharge of each .. .. .		0	5	0
Lien for Wages, each .. .. .		0	5	0
Mortgage affecting Mining Tenement other than Lease, for each Tenement affected .. .. .		0	10	0
Mortgage affecting Lease, for each Lease affected ..		1	0	0
Mortgage, Discharge of, for each Tenement affected ..		0	5	0
Objection .. .. .		0	2	6
Order of Court for each Mining Tenement affected ..		0	5	0
Power of Attorney, each .. .. .		0	5	0
Prospecting Area .. .. .		0	10	0
Prospecting Area, Renewal of .. .. .		0	2	6
Seizure of Mining Tenement under <i>Fi. Fa.</i> or Warrant of Execution, each Mining Tenement .. .. .		0	5	0





## FORM No. 60.

PLAINT INITIATING PROCEEDINGS IN WARDEN'S COURT.

Reg. 220.

		Fees.			
In the Warden's Court at Plaint No. [Here set out name or names of Plaintiff, with address and occupation Plaintiff(s)] v. [Here set out name or names of Defendant, with address and occupation so far as known] Defendant(s)]	Plaint ..				
	Summons ..				
	Subpoena ..				
	Service ..				
	Affidavit ..				
	Mileage ..				
	Copies ..				
	Attendance				
	£				

The Plaintiff(s) complain(s) that

[Here set forth the nature of the complaint as fully as possible.]

And the said therefore prays that [state nature of relief sought].

Dated at this day of , 19 ,  
Signature.Received the above Plaintiff at o'clock .m. on the  
day of , 19 , with fees as indorsed.Mining Registrar.  
Goldfield.

[Seal of Court].

This Plaintiff was heard in the Warden's Court,  
before , on the day of , 19 ,  
andWarden,  
Goldfield (or Mineral Field).

## FORM No. 61.

PLAINT NOTE.

Reg. 231.

In the Warden's Court at  
No.

I, , Mining Registrar of  
Goldfield or Mineral field, hereby certify that Plaintiff No.  
between , of , Plaintiff, and  
of , Defendant, was  
lodged in the Warden's Court at , at o'clock  
p.m., on the day of , 19 , that fees as  
hereunder stated were duly lodged, and that the said Plaintiff will be  
placed before the Court for hearing on the  
day of , 19 , at the hour of o'clock .m., unless  
withdrawn prior to that time.

		Fees.			
		£	s.	d.	
[Seal of Court.]	Plaint .. ..				
	Summons .. ..				
	Subpoena .. ..				
	Service .. ..				
	Affidavit .. ..				
	Mileage .. ..				
	Copies .. ..				

Mining Registrar.  
Goldfield (or Mineral Goldfield).

## FORM No. 62.

SUMMONS OR NOTICE TO DEFENDANT.

Reg. 232.

In the Warden's Court at  
No.

To , of

You are hereby summoned to appear before the Warden's Court at  
on [ ] the day of 19 ,  
at o'clock in the noon, to answer the following complaint  
of , of , in this Goldfield (or) Mineral Field.

For that [here state nature of complaint as set forth in the Plaintiff].

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

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

Dated at , this day of , 19 .

[Seal of Warden's Court.]

Warden (or Mining Registrar).  
Goldfield.

*Indorsement.*

This is the paper writing marked "A" referred to in the annexed affidavit of , sworn before me at this day of 19 .

FORM No. 63.

Reg. 232.

AFFIDAVIT OF SERVICE.

In the Warden's Court at

Plaint No.

I, of in the State of Western Australia, make oath and say that I did on the day of 19 , duly serve the\* with a † a true copy whereof is hereunto annexed marked "A," at by ‡

Signed and sworn at  
aforesaid this  
day of  
A.D. 19 , before me

}

Bailiff.

\* Defendant or Witness. † Summons or Subpoena.  
‡ State how service was effected.

FORM No. 64.

NOTICE OF DEFENCE.

Reg. 234.

In the Warden's Court at

Plaint No.

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 claims a set off, or prays for cross relief, proceed as follows:]

And the defendant claims or complains of the plaintiff for that the plaintiff [proceed as in *Plaint*]. The defendant therefore prays [set forth cross relief sought for].

Dated at , this day of , 19 .

Defendant.

Received this notice of defence at o'clock .m., on the day of , 19 , with fee of one shilling.

Warden (or Mining Registrar).  
Goldfield.

FORM No. 65.

Reg. 235.

SUBPOENA FOR WITNESS.

In the Warden's Court at

Plaint No.

To of

You are hereby required to attend before this Court at o'clock in the noon, on the day of , 190 , and at every adjournment of this case, to give evidence on behalf of the . And you are hereby required to produce to the Court [here state the particular things required to be produced].

And also all 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 imprisonment for one calendar month.

Dated at this day of , 190 .  
[Seal of Warden's Court.]

Warden (or Mining Registrar),  
Goldfield.

*Indorsement.*

This is the paper writing marked "A" referred to in the annexed affidavit of , sworn before me at this day of , 190 .

FORM No. 66.

SCALE OF COSTS AND FEES IN WARDEN'S COURT.

Reg. 236.

Costs.	Scale A., where amount re- covered does not exceed £100.			Scale B., where amount recovered exceeds £100.		
	£	s.	d.	£	s.	d.
Instructions for Plaintiff or Defence	0	6	8	0	6	8
Letter before Action .. .. .	0	3	6	0	3	6
Drawing Plaintiff .. .. .	0	10	0	0	13	4
Drawing Defence, including set off or Counter-claim .. .. .	0	10	0	0	13	4
or per folio .. .. .	0	1	0	0	1	0
Attending lodging Plaintiff or Notice of Defence .. .. .	0	6	8	0	6	8
Attending Court conducting case with- out Counsel when undefended (per diem) not exceeding .. .. .	2	2	0	3	3	0
when defended (per diem) not exceeding .. .. .	4	4	0	5	5	0
When Counsel engaged:—						
Attending Counsel with Brief ..	0	3	4	0	6	8
Appointing Conference .. .. .	0	6	8	0	6	8
Conference fee (if Conference al- lowed) .. .. .	1	6	0	1	6	0
Counsel's fee on Brief, not exceed- ing .. .. .	5	5	0	10	10	0
Attending Court on hearing with Counsel, per diem, not exceed- ing .. .. .	1	11	6	2	2	0
Refresher fee to Counsel on trial extending over more than one day and occupying more than four hours, not exceeding ..	3	3	0	5	5	0
Drawing Bill of Costs and copies, at per folio .. .. .	0	1	0	0	1	0
Attending lodging .. .. .	0	5	0	0	5	0
Attending taxation .. .. .	0	6	8	0	6	8
Counsel or Solicitor's fee on adjourn- ment when no part of the hear- ing takes place, not exceeding ..	1	1	0	2	2	0
Notice to produce .. .. .	0	5	0	0	5	0
Notice to admit .. .. .	0	5	0	0	5	0
Notice of application to review Taxation or any other notice ..	0	5	0	0	5	0
Each letter to the opposite party or his solicitor which may be allowed on taxation .. .. .	0	3	6	0	5	0
Each attendance on opposite party or his solicitor, which may be allowed on taxation .. .. .	0	6	8	0	6	8
Drawing Brief, per folio .. .. .	0	1	0	0	1	0
Drawing Affidavits, per folio ..	0	1	0	0	1	0
Attending swearing Affidavits ..	0	6	8	0	6	8
Application for writ of Execution	0	6	8	0	6	8
Application for subpoena .. .. .	0	2	0	0	6	8
Each copy subpoena for service	0	1	0	0	1	0
All attendances at the Warden's Office, which may be allowed on taxation .. .. .	0	3	4	0	6	8
Attending Court to support or oppose application not other- wise specified, per diem, not exceeding .. .. .	2	2	0	3	3	0
Attending Court with Counsel on any such application, per diem, not exceeding .. .. .	1	1	0	2	2	0
Drawing and copy of all necessary orders .. .. .	0	4	0	0	6	8
All necessary copies, per folio ..	0	0	4	0	0	4

<i>Fees.</i>		£	s.	d.
On lodging Plaintiff or notice to lessee under Sec. 99		0	1	0
Subsection 2 .. .. .		0	1	0
On issue of summons for each defendant .. .. .		0	1	0
On issue of subpoena for each witness .. .. .		0	1	0
On lodging notice of Defence .. .. .		0	1	0
On every order made by Warden .. .. .		0	2	6
On issue of every Warrant of Execution .. .. .		0	2	6
On renewal of every Warrant of Execution .. .. .		0	2	6
On filing of every Affidavit .. .. .		0	1	0
On every order made for Injunction .. .. .		0	5	0
For every copy supplied of a Judgment, decision, or order .. .. .		0	1	0
<i>Bailiff's Fees.</i>				
*For every process served .. .. .		0	5	0
For every Affidavit of Service .. .. .		0	1	0
For attendance at Court, on each hearing .. .. .		0	1	0
On being instructed to levy for executing Warrant		1	0	0
For keeping possession under writ of Execution, per day .. .. .		0	15	0
Poundage on amount raised and paid into Court ..		3	per cent.	
For mileage in effecting Service of any Summons, Notice, or other Document, or to execute any Writ or Warrant of Execution, one shilling per mile or fraction thereof (one way only), except where a railway is available, in which case railway return fare shall be allowed, and, in addition, five shillings per half day and ten shillings per day				

\* NOTE.—These fees for service are payable only where the service is carried out by the Bailiff.

<i>Allowances to Witnesses.</i>		£	s.	d.
Professional Men, per diem .. .. .		1	1	0
All others except labourers .. .. .		0	15	0
Labourers .. .. .		0	10	6

And in addition thereto, in each case, such sum as the Warden considers reasonable to cover travelling and other expenses.

Reg. 237.

## FORM No. 67.

## JUDGMENT OF WARDEN'S COURT.

In the Warden's Court at

Plaint No. . . . .

. . . . . v. . . . .

THE Court adjudges that † and the Court orders ‡

Dated at this day of , 19 .  
[Seal of Court]. Warden ( ).

† Insert decision. ‡ Set forth the order in full.

Reg. 238.

## FORM No. 68.

## WARRANT OF EXECUTION.

In the Warden's Court at

No. . . . .

Plaint No. . . . .

To . . . . . of . . . . . v. . . . .

and to the Deputy Bailiffs duly authorised to execute the processes of this Court.

WHEREAS, on the day of 19 , 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 and pence, in addition to the costs of this execution, and also to seize and take any money or bank 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 at this day of , 19 .

By the Court,  
Warden (or Mining Registrar).  
Goldfield.

[Seal of Warden's Court.]

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

Returned this Warrant to the Warden's Court at  
on the day of 19 , with  
the sum of in satisfaction thereof.  
Bailiff.

## FORM No. 69.

## NOTICE OF SEIZURE.

Reg. 239.

No.

In the

Court at

Plaint No.

Warrant No.

Between

, Plaintiff,

and

, Defendant.

To the Registrar of Mines, Perth,  
and to the Mining Registrar at

TAKE NOTICE that under and by virtue of a Warrant of Execution,  
No. , dated , 19 , issued out of the  
Court at (a copy whereof is hereto annexed), I have this  
day seized all the right, title, and interest (if any) in and  
to shares in  
No. , known as , and situated  
in the Goldfield.

You will therefore communicate with me before registering any  
transfer, assignment, or other matter dealing with the shares above  
mentioned during such period as this seizure shall remain in force

Dated at , this day of , 19 .

Bailiff.

Received this notice at  
of , 190 .

in, on the day

Mining Registrar.

## FORM No. 70.

## INJUNCTION.

No.

UPON the application of , 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  
and , interested parties, and the evidence  
adduced by them in opposition to the said application, I do hereby  
order and enjoin that the said and , and each of the...  
their and each of their servants, workmen, and agents, be restrained  
from [here state terms of injunction granted] until the  
day of , 19 (and I appoint ,  
of , as manager of the said , No. ,  
to carry on the works thereon and to pay the expenses thereof out  
of the receipts therefrom, and to pay the unexpended balance of such  
receipts into this Court weekly).

Dated this day of , 19 .

Warden,

Goldfield (or Mineral Field).

[Seal of Warden's Court].