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Mineral Land Regulations.

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Department of Mines,
Perth, 16th May, 1900.

HIS Excellency the Governor in Executive Council has been pleased to make the following Regulations under the provisions of "The Mineral Lands Act, 1892" and "The Mineral Lands Act Amendment Act, 1899," which shall come into force, except in localities North of the 26th parallel of South latitude, on the 1st day of June, 1900, and generally throughout the Colony on the 1st day of July, 1900.

H. B. LEFROY,
Minister of Mines.

PRELIMINARY.

Interpretation of Terms.

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

"Claim."—As defined in Section 3 of "The Mineral Lands Act, 1892."

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

"Holding."—Any holding of whatever kind lawfully held and enjoyed under "the Act" or these Regulations.

"Miner."—As defined in Section 3 of "The Mineral Lands Act, 1892."

"Minerals."—All precious stones and all minerals other than gold.

"Mining" or "to mine."—All modes of prospecting and mining for and obtaining minerals.

"Mining Surveyor."—A Licensed Surveyor authorised by the Governor to perform mining surveys.

"Old and abandoned ground."—Ground the greater part of which has been occupied "to mine" and then abandoned.

"Payable."—When, in the opinion of the Registrar, sufficient ore or mineral is disclosed or immediately obtainable to pay current wages to the miner or miners engaged in working such claim in addition to all working expenses.

"Prescribed."—Prescribed by these Regulations.

"Prospecting."—Searching for any deposit of mineral previously unworked.

"Prospecting Area."—The defined area of land which any prospector shall be entitled to mark off and take possession of to search for mineral therein.

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

"Registrar."—As defined in Section 3 of "The Mineral Lands Act, 1892."

"Reward Claim."—The defined area of land specially allotted by the Registrar to any prospector who reports, as hereinafter provided, the discovery of apparently payable mineral in any Prospecting Area held by him.

"The Act."—The Mineral Lands Act, 1892, and any amendment thereof.

"Water Right."—The right to search for, collect, store, divert, and convey, for mining purposes, water from any source in the manner provided.

Repeal of existing Regulations.

2. All Regulations and Schedules heretofore made under "The Mineral Lands Act, 1892," are hereby repealed; provided that such repeal shall not in any way injuriously affect any existing right, title, interest, or privilege lawfully held or acquired under such repealed Regulations, nor affect any proceeding, matter, or thing lawfully taken, done, or commenced thereunder.

PART I.—MINING REGULATIONS.

DIVISION I.—PROSPECTING AREAS AND REWARD CLAIMS.

Prospecting Areas.

3. A miner desirous of prospecting for any mineral on any Crown Land previously unworked may mark off and hold a prospecting area of the following dimensions:—

(a.)—North of the Tropic of Capricorn.

- | | Acres. |
|---|--------|
| (1.) Beyond the limits of a mining district for tin, silver, antimony, or precious stones | 100 |
| (2.) For any other mineral, except coal | 200 |
| (3.) Within the limits of a mining district, if distant more than ten miles from the nearest mine, other than a gold or coal mine, in or upon which mining operations are at the time of such marking off, or within six months next preceding such marking off, have been carried on, for tin, silver, antimony, or precious stones | 90 |
| (4.) For any other mineral except coal | 180 |
| (5.) If distant not more than 10 miles, but more than five miles from any such mine, as described in paragraph 3, for tin, silver, antimony, or precious stones | 70 |
| (6.) For any other mineral except coal | 140 |
| (7.) If distant not more than five miles, but more than one mile from any such mine, as described in paragraph 3, for tin, silver, antimony, or precious stones | 50 |
| (8.) For any other mineral except coal | 100 |

(b.) South of the Tropic of Capricorn—

- | | |
|--|-----|
| (1.) Beyond the limits of a mining district, for tin, silver, antimony, or precious stones | 80 |
| (2.) For any other mineral except coal, | 160 |
| (3.) Within the limits of a mining district, if distant more than 10 miles from the nearest mine, as described in paragraph 3 of Section (a), for tin, silver, antimony, or precious stones | 60 |
| (4.) For any other mineral except coal | 120 |
| (5.) If distant not more than 10 miles, but more than five miles from any such mine as described in paragraph 3 of Section (a), for tin, silver, antimony, or precious stones | 50 |
| (6.) For any other mineral except coal | 100 |
| (7.) If distant not more than five miles, but more than one mile from any such mine as described in paragraph 3 of Section (a), for tin, silver, antimony, or precious stones | 40 |
| (8.) For any other mineral except coal | 80 |

No application for a prospecting area shall be granted within one mile of any lease or registered claim granted under these regulations in or upon which mining

ordinary lease; but, subject to exemption, no Reward Lease shall be worked by less than two men.

Reward Claims—how worked.

17. It shall not be necessary to comply with the labour conditions on any Reward Claim granted in conjunction with any ordinary claim if the labour conditions in respect of the ordinary claim are duly performed; but any separate Reward Claim shall be worked by at least half the number of men required to work an ordinary claim of the same dimensions.

Removal of Ore not permitted.

18. No holder of any Prospecting Area shall remove any earth or ore containing mineral from such area without first obtaining the permission of the Registrar, in writing, so to do: Provided that this regulation shall not prevent the holder of a Prospecting Area from supplying samples of such earth or ore, or obtaining analyses as to the quality or quantity of mineral contained therein. Any breach of this Regulation shall be punishable with a fine not exceeding Ten pounds, and the area from which such earth or ore was removed may be forfeited by the Registrar.

Registration of Reward Claims.

19. All Reward Claims must be registered in manner provided by these Regulations; but the provision as to posting of notices contained in Regulation 89 shall not apply to Reward Claims.

DIVISION II.—CLAIMS.

Alluvial Claims.

20. The maximum dimensions of an ordinary alluvial claim shall be as follows:—

(a.) North of the Tropic of Capricorn	{	For 1 miner	...	600 x 300 feet.
		" 2 miners	...	1,200 x 300 "
		" 3 "	...	1,800 x 300 "
(b.) South of the Tropic of Capricorn	{	For 1 miner	...	300 x 300 feet.
		" 2 miners	...	600 x 300 "
		" 3 "	...	900 x 300 "

And for precious stones in any locality—

For 1 miner	...	...	70 x 70 feet.
" 2 miners	...	...	140 x 70 "
" 3 "	...	...	210 x 70 "

and so on in the same proportion for any number of miners without restriction as to number of party or shape of claim; provided that every claim shall be a rectangular block, no side of which shall be less than three hundred feet, or seventy feet (as the case may be) in length, if the ground is available.

Lode or Reef Claims.

21. The maximum dimensions of an ordinary reefing or lode claim shall be as follows:—

FOR ANY MINERAL.

(a.) North of the Tropic of Capricorn	{	For 1 miner	...	400 x 400 feet in width.
		" 2 miners	...	800 x 400 " "
		" 3 "	...	1,200 x 400 " "
(b.) South of the Tropic of Capricorn	{	For 1 miner	...	200 x 400 feet in width.
		" 2 miners	...	400 x 400 " "
		" 3 "	...	600 x 400 " "

and so on in the same proportion for any number of miners without restriction as to number. The width of all such claims must be marked off at right angles to the reef or base line, but the whole or any part of such width may be marked on either side of such line at the option of holder.

Extended Claims.

22. Extended claims in old and abandoned ground, not being in a river or creek, shall not exceed the area of two ordinary claims, and any such claim may be worked by half the number of men required to work an ordinary claim of similar dimensions.

River or Creek Claims.

23. The extent of a claim in a river or creek shall be, in new ground, three hundred feet, and, in old and abandoned ground, six hundred feet along the course of the river or creek for each miner, by a width extending from bank to bank, unless such width exceeds one hundred yards, in which case the excess may be claimed by any miner.

Flood Race to be maintained.

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

Registration of Claims.

25. All lode or reefing claims and shares therein, and all transfers of such claims or shares shall be registered in manner prescribed in Regulations 89 and 114. Alluvial claims may or may not be registered at the option of the holder.

Survey of Claims.

26. The Registrar may require the holder of any lode claim, and of any alluvial claim, at the time of making application for the registration thereof, to deposit the survey fee therefor, as prescribed in Regulation 156, and the Registrar, on receipt thereof, shall issue instructions to the Mining Surveyor to survey such claim, and furnish him with a plan thereof. A copy of such plan shall, if desired, be delivered to the holder of the claim.

Union of Claims.

27. Any number of adjoining and registered claims, not exceeding ten, may be united as one claim: Provided that if such claims have been surveyed it shall not be necessary to survey the united claim.

Application for union, how made.

28. Application for union of claims shall be made to the Registrar in the form of Schedule 18, signed by one of the shareholders, and with the consent of a two-thirds majority in interest of the shareholders in each such claim respectively: Provided that the labour conditions of the separate claims shall in the aggregate apply to the united claim, and the Registrar may grant a Certificate of Union in the form of Schedule 19, and to each shareholder in such united claim shall be issued a Certificate of Registration, in the form of Schedule 14, showing the share or interest held by him therein.

Labour conditions on Lode claims.

29. Every lode claim, when not payable, shall, at the expiration of three clear days from the date of registration, be efficiently worked by not less than one miner for every two men's ground; but, when apparently payable, one miner must be employed for every one man's ground.

Labour conditions on all other claims.

30. All claims other than lode claims shall, at the expiration of three clear days from the date of registration, be efficiently worked by one miner for each man's ground.

In certain cases Claims need not be worked.

31. Every claim or share therein must be continuously worked as prescribed, unless exemption or partial exemption therefrom has been granted by the Registrar. Any claim or share not so worked shall be liable to forfeiture, and may be forfeited by the Registrar on the plaint of any miner: Provided that such claim or share shall not be forfeited if the holder thereof proves to the satisfaction of the Registrar that he has been working in connection with the same, though not actually thereon, or is or was unable to work the same owing to sickness, attendance at a court of justice, or any sudden emergency, and it shall not be necessary to work on any claim during any general cessation from work caused by floods or rain, on any public holiday, or on any holiday proclaimed by the Minister.

DIVISION III.—MINING AND BUSINESS LICENSES.

Mining Licenses.

32. A Mining License, in the form of Schedule 1, will be issued to any person not being an Asiatic or African alien, on application to the Registrar or other person authorised to issue the same, on payment of the fee prescribed in Regulation 157, and any person desiring to prospect or mine for minerals must first obtain such a license. Any Mining License issued by the Registrars of Mining Districts, or any other authority, shall have full force and effect over any Crown land, whether within or without a proclaimed mining district. No Mining License shall be issued to any Asiatic or African claiming to be a British subject without the authority of the Minister first obtained.

Consolidated Mining License.

33. A Consolidated Mining License in the form of Schedule 4, to be in force for a period not exceeding one year, will be issued upon the application of the manager or any trustee or trustees of any company or co-operative body of persons, not being Asiatic or African aliens, on payment of the fee prescribed in Regulation 157.

One Mining License sufficient.

34. A miner may by himself or by his agent take up and hold or be the holder of shares in any number of ordinary claims not exceeding ten: Provided such claims or shares in claims are worked by miners in accordance with these Regulations.

Business Licenses.

35. A Business License, in the form of Schedule 3, to be in force for one year, will be issued to any person not being an Asiatic or African alien, upon application to the Registrar or other person authorised to issue the same, and upon payment of the fee prescribed in Regulation 157. No business License shall be issued to any Asiatic or African claiming to be a British subject without the authority of the Minister first obtained.

Renewal of Mining or Business License.

36. If any person who shall have been the holder of a Mining License, Consolidated Mining License, or a Business License shall not, on or before the day of expiration thereof, have taken out a new license, a new license dated of the day of such expiration, and having the same force and efficacy as if it had been issued on that day, may nevertheless, within one month from such expiration, be granted to such person, upon payment of the fee as provided in Regulation 157, in addition to the ordinary fee for such license: Provided that no such additional fee shall be chargeable where the new license shall be applied for within seven days after such expiration.

DIVISION IV.—BUSINESS, RESIDENCE, AND OTHER AREAS.

Business Areas

37. Any holder of a Business License shall, with the approval of the Registrar as to the locality, be entitled, during the continuance of such license, to occupy within any mining district, for the purpose of carrying on his business, so much of the surface of Crown land, not exceeding one quarter of an acre (being an area of sixty-six feet by one hundred and sixty-five feet) if fronting a street, road, or thoroughfare, or not exceeding one acre if not so situate; and, for the purpose aforesaid, to erect any building or other erection and at any time during such occupation to remove the same; and he shall be deemed in law to be possessed only of the surface of the land he may occupy by virtue of such license. Every such area shall be registered in manner provided in Regulation 89, but no transfer of less than the whole of such area shall be registered or allowed.

Residence Areas.

38. Any holder of a Mining License during the continuance of such license shall, with the approval of the

Registrar as to locality, be entitled to occupy, within any mining district, for the purpose of residence, the surface of an area of Crown land not exceeding one quarter of an acre. If fronting any road, street, or thoroughfare, the form of measurement shall be sixty-six feet frontage to such street, road, or thoroughfare, by a depth of one hundred and sixty-five feet. Such area shall be for the purpose of residence only and shall not confer any right to mine thereon. Only one such area can be so held by any holder of a Mining License in any mining district. Every such area shall be registered in manner provided in Regulation 89, but no transfer of less than the whole of such area shall be registered or allowed.

Machinery Areas.

39. Any miner desiring to erect machinery for extracting minerals may apply to the Registrar, in manner provided in Regulation 89, for an area not exceeding five acres, and shall, at the time of lodging such application, deposit the amount of rent to the end of the year at the rate prescribed in Regulation 115, together with the survey fee as prescribed in Regulation 156, and also the fee for registration as prescribed in Regulation 157. Such application shall contain particulars of the machinery proposed to be erected.

Washing and Tailings Areas.

40. Any miner may apply to the Registrar, in manner provided in Regulation 89, for an area not exceeding five acres, for washing purposes or for stacking tailings, and shall, at the time of lodging such application, deposit the amount of rent to the end of the year at the rate prescribed in Regulation 115, together with the survey fee as prescribed in Regulation 156, and also the fee for registration, as prescribed in Regulation 157.

Market or Garden Areas.

41. Any miner requiring land in any proclaimed mining district for the purpose of poultry farming, growing fruit or vegetables, fodder, or other garden produce, may apply to the Registrar for an area not exceeding five acres, in manner prescribed in Regulation 89, and shall at the time of lodging an application for the same, deposit the amount of rent to the end of the year at the rate prescribed in Regulation 115, together with the survey fee as prescribed in Regulation 156, and also the fee for registration, as prescribed in Regulation 157.

Market or Garden Areas to be improved.

42. The holder of any area under Regulation 41 shall within thirty days from the date of registration, commence to, and thenceforth shall habitually reside thereon, and shall, within six months of the said date, securely fence such area, and cultivate at least one-fourth thereof.

Conditions relating to Areas.

43. (a.) The holder of any Residence Area shall, at the expiration of thirty days from the date of registration, occupy the same, and thenceforth habitually reside thereon.
- (b.) The holder of any Business Area shall, within a like period, *bonâ fide* occupy, and thenceforth continue to occupy, the same for the purpose of carrying on his business.
- (c.) The holder of any Machine Area shall, within six months from the date of registration, erect the machinery specified in his application therefor, and shall thenceforth continue to work the same.
- (d.) The holder of any Tailings Area shall, within six months, and the holder of any Washing Area shall within three months from the date of registration *bonâ fide* use and thenceforth continue to use the same for the purpose of stacking tailings and for washing purposes respectively. Any area not exempted from the above conditions by the Registrar may be taken possession of or forfeited as provided in Regulations 99 and 100.

Areas may be mined on.

44. The holder of any of the foregoing areas shall not, by virtue of his right thereto, be entitled to mine for minerals thereon. If any such area is believed to contain minerals, any miner may apply to the Registrar for permission to enter upon the same to mine, upon payment to the holder thereof of such amount by way of compensation as may be determined, in case of dispute, by the Registrar, who may obtain expert evidence to aid him in determining such amount, and the cost of obtaining such evidence may form part of the award: Provided that no machinery shall, under any circumstances, be undermined without the consent of the owner.

Exemption on Areas.

45. The holder of any area in this division may, on good cause being shown to the satisfaction of the Registrar, obtain exemption from the conditions of use or occupation for any period not exceeding twelve months: Provided that in the case of Residence or Business Areas substantial improvements of the value of Ten pounds and Twenty pounds respectively, exclusive of fencing, have been erected thereon.

DIVISION V.—WATER RIGHTS.

Classes of Water Rights.

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

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

Sluice Heads—how measured.

47. A ground sluice head of water shall be a volume of water three inches deep, by twelve inches wide. An open box six feet in length and twelve inches in width, with 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 not exceeding six inches in the entire length of the box; and the gauge of water as above specified shall be taken at the mouth of the box where the water is discharged from the box into the race. A box sluice head shall be a volume of water measuring one inch deep and twelve inches wide, as above described.

The quantity of water to which any miner shall be entitled under a Stream Water Right shall not exceed four ground sluice heads, or twelve box sluice heads, measured as hereinbefore provided.

Priority of Water Right.

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

When right to water ceases.

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

Water Races.

50. Any leaseholder or miner desirous of obtaining a Water Right of the kind numbered (1), in Regulation 46 shall take possession of the site therefor by erecting a post as prescribed in Regulation 89, at the terminal points thereof, and shall lodge with the Registrar an application therefor, in the form of Schedule 12, accompanied by the fee for

registration as prescribed in Regulation 157. On receipt thereof, the Registrar shall deliver a notice in the form of Schedule 22 to such applicant, who shall cause the same to be posted up outside the Registrar's office, and a copy thereof shall also be posted at each end of the proposed race for fourteen days, at the expiration of which the Registrar may grant registration of the same, and shall thereupon issue a Certificate of Registration in the form of Schedule 14.

Races through and over holdings and roads.

51. Any miner shall be entitled to cut and construct a race through any holding: Provided that such race shall be cut or constructed in such a manner as not to injure such holding. Any disputes arising through the exercise of this privilege shall be settled by the Registrar, whose decision shall be final. Whenever any race crosses, with the consent of the local authority, a road or public footway, the owner of such race shall construct and keep in repair a good and substantial bridge over such race, at least twelve feet in width when crossing a road, and at least six feet in width when crossing a footway.

Races to be kept in repair.

52. The holder of any Water Right shall keep and maintain all races and appurtenances thereto in proper repair, and in the event of any complaint being made to the contrary to the Registrar, he may make such order as may be necessary to prevent public injury.

Water not to be wasted.

53. The holder of any Water Right shall not allow the water thereby secured to him to run to waste, and in the event of the water therein being allowed to run to waste, the Registrar, on complaint being made to him, may make such order as may be necessary to prevent such waste.

Protection to Water Races.

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

Registration of Water Rights.

55. All water rights, and shares therein, and all transfers thereof respectively, shall be registered in the manner provided in Regulations 89 and 114.

Other Water Rights.

56. Any applicant for a Water Right of the kind numbered 2, 3, and 4, in Regulation 46, being the holder of a mining license, may mark off and take possession of any area not exceeding fifty acres of any unoccupied Crown land within a mining district in any shape or form the applicant may deem desirable. The boundaries of the area shall be defined by corner posts and trenches, as described in Regulation 89.

How applied for.

57. The applicant shall, after taking possession as provided by Regulation 89, apply to the Registrar in the form of Schedule 12, and shall deposit with the Registrar the amount of rent to the end of the year at the rate prescribed in Regulation 115, together with the survey fee as prescribed in Regulation 156, and also the fee for registration prescribed by Regulation 157. On receipt thereof the Registrar shall issue to the applicant a notice in the form of Schedule 22, which the applicant shall cause to be posted outside the Registrar's office, and a copy thereof shall also be posted on the corner posts of the area applied for for a period of fourteen days.

At the expiration of such period the Registrar may grant registration of the Water Right, and shall thereupon issue a Certificate of Registration in the form of Schedule 14: Provided that the Registrar may refer the application for the approval of the Minister, and, in such case, shall defer registration till the decision of the Minister has been given thereon.

Extended Water Rights.

58. The foregoing Regulations 56 and 57 shall not prevent any person from marking out and making application for any larger area than 50 acres as an Extended Water Right; but the Registrar shall, before granting registration thereof, submit the application, together with his report and recommendation thereon, for the decision of the Minister.

Water may be sold.

59. Every holder of a Water Right of the kind numbered (2), (3), or (4) may sell or dispose of water obtained by virtue of such Water Right. The maximum price to be charged for such water shall be fixed from time to time, as circumstances may demand, by the Minister of Mines, after a report from the Registrar. Any infringement of this Regulation as to price will render such Water Right liable to forfeiture.

Water Rights may be mined on.

60. The holder of any Water Right shall not, by virtue of his title thereto, be entitled to mine thereon. When the area of any such Water Right is reasonably supposed to contain mineral, any miner may apply for a claim or lease of any portion thereof on payment of such amount by way of compensation as may be determined, in case of dispute, by the Registrar: Provided that a copy of such application for permission to mine shall be served upon the owner of such Water Right seven clear days before the hearing of the said application; and further that the working plant or shafts or other workings shall not be interfered with, unless with the consent of the owner. In the event of mineral being found in the area of such Water Right by the owner thereof during the search for water or otherwise, he shall be entitled to mark off and apply for a Lease or Claim, and on the granting thereof such Water Right shall lapse, and a new Water Right may be granted over the remaining portion (if any) of the area of the original Water Right.

Miner entitled to use of water.

61. When mineral is discovered in the area of any Water Right and a claim or lease is granted of the whole or any portion of such area, as provided in Regulation 60, the claimholder or lessee shall be entitled to the free use of so much of the water obtained by him in prosecuting mining operations as may be found necessary for the purpose of mining on such claim or lease, without let or hindrance from the owner of such Water Right, but he shall not be entitled to drain water from the surface of such Water Right; and any dispute as to quantity of water so used or the method of obtaining the same shall be settled by the Registrar. When a claim or lease is granted under the provisions of this and the last preceding section, the Minister may, on the application of the owner of such Water Right, reduce the rent payable by such owner in proportion to the area occupied by such claim or lease.

Conditions on Water Rights.

62. Every Water Right shall be continuously used and worked unless the holder thereof has obtained exemption as provided by these Regulations, and any Water Right left unused or unworked for a period of three months shall be liable to forfeiture, and may be taken possession of or forfeited in manner provided in Regulations 99 and 100.

DIVISION VI.—MINERAL LEASES.

What land may be taken possession of, and by whom.

63. Any person or any number of persons conjointly desirous of obtaining a Mineral Lease may, in manner

hereinafter described, take possession of any Crown land not exempted from lease, and apply for a lease of such land for any term not exceeding twenty-one years.

Duration and Area of Leases.

64. The term of every lease shall be computed from the first day of January next preceding the date of application therefor. The area of a lease for tin, silver, antimony, or precious stones shall not exceed fifty acres; the area of a lease for any other mineral, except coal, shall not exceed one hundred and fifty acres, and the area of a lease for coal shall not exceed six hundred and forty acres. The maximum length of a lease, as far as practicable, shall not exceed twice the width across the line of reef or lode, and such area shall be measured in the form of a parallelogram wheresoever it is practicable to measure in that form.

Mode of taking possession.

65. Prior to making application for a Lease, the intending applicant or applicants, or some one of them, or some person or persons authorised in that behalf, shall, at each corner of the land intended to be applied for, erect a post not less than four inches in diameter, or a cairn of stones. Such post or cairn shall project not less than three feet above the ground, set in the angle of L trenches, the arms of which shall not be less than four feet long and six inches deep, and cut in the general direction of the boundary lines. One of such posts or cairns shall be deemed the datum point from which the Mining Surveyor shall commence his survey of the land. On such post or cairn the applicant shall post a legibly-written or printed notice in the form of Schedule 10, and such notice shall be kept visible and the words legible until the survey of the area is made, and he shall also cut or clear the boundary lines so that each post or cairn may be clearly seen at all times from end to end of such lines.

One notice of marking only allowed.

66. When any person or persons shall have marked out a portion of land and posted a notice, in accordance with Regulation 65, and after such marking shall fail to make application for lease within ten days, in accordance with Regulation 67, such person or persons shall not be allowed to again mark out and post a similar notice on the same land until after the expiration of a further period of ten clear days from the date of the expiration of the first-mentioned period. And any person who shall, by himself or by his agent, or by any method of collusion, mark out and post another notice on the same land during the said further period with a view to defeat the provisions of this clause, shall be deemed to have posted a false notice, as provided by Regulation 97.

Applications—how and when made.

67. Within ten days after taking possession of such land in the manner hereinbefore provided, the application for lease must be lodged with the Registrar of the District in which the land is situate, in the form of Schedule 9, together with the rent for the first year or part of year, and survey fee; and the application must state therein the number of shares or units into which the lease is to be divided, and the name by which the lease is to be known, such name to be subject to the approval of the Registrar. A notice in the form of Schedule 11 of every application for lease, shall be posted by the applicant outside the Registrar's office and on the datum post of the lease applied for. The applicant shall also cause a copy of such notice to be advertised twice in a local newspaper (if any) and if there is no local newspaper, then in a newspaper circulating in the district.

Objections against leases.

68. Any person being the applicant for a Mineral Lease or the holder of a Mining or Business License, may object to the granting of a Mineral Lease to any person, and in such case shall, within thirty days after the applicator

for lease has been lodged with the Registrar, lodge with the said Registrar and also serve such applicant with a notice in the form of Schedule 15 of every objection intended to be taken by him against the issue of such lease.

Procedure on hearing of objections.

69. On the hearing of every objection against the granting of any lease applied for, the Registrar shall take the evidence on oath, which shall be signed by the person giving it. Such evidence shall immediately be forwarded to the Minister by the Registrar, accompanied by his recommendation as to whether the application should be granted or refused.

Application for lease—when not objected to.

70. Every application for a lease shall be recorded in the books of the Registrar of the district in which the land applied for is situate, and, if no objection is lodged, the Registrar shall, immediately after the expiration of thirty days from the date of application, forward to the Minister the application with his report recommending the approval thereof or otherwise: Provided always, that in all cases, where no objection is lodged, a formal hearing by the Registrar in open Court shall not be necessary, nor shall it be obligatory for the applicant to attend at such Court at the expiration of the thirty days provided for objections. The Registrar may, however, should he require information from the applicant beyond that disclosed in the application, summon the applicant to attend the Court and give any such further information required.

When objection sustained, fees refunded.

71. When an objection to an application for a lease is sustained, or in case the Minister, on the recommendation of the Registrar or otherwise, should refuse to grant any application for lease, the applicant shall be entitled to a refund of the rent deposited therewith, and also the fee paid for survey should such survey not have been executed.

Applicant for forfeited, abandoned, or surrendered leases to pay full fees.

72. When application is made for land the lease of which has been forfeited, under Section 5 of "The Mineral Lands Act Amendment Act, 1899," or abandoned or surrendered, the applicant for a new lease of such land shall make his application and pay all fees thereon, as he would do if no such forfeited, abandoned, or surrendered lease had existed, and in manner provided in these Regulations: Provided that no application for a lease or claim shall be received from any person other than the complainant to whom the land comprised in a lease or application for lease may have been awarded under the said Section until after the expiration of the period of fourteen days allowed him by such Section; and provided further that when any such abandoned, surrendered, or forfeited lease has been previously surveyed, the applicant for a new lease thereof shall be entitled to a refund of any balance remaining on account of the fees deposited for survey, after the cost of re-survey, re-marking, or inspection has been ascertained.

Withdrawal of application for lease.

73. Should the applicant for a lease, within thirty days from the date of his application, desire to withdraw the same, the Registrar may accept his withdrawal, and may, should he think fit, recommend a refund to the applicant of the rent and survey fee, less the sum of ten shillings for registration; but should the applicant for lease desire to withdraw therefrom after the expiration of thirty days from the date of application, he shall forfeit his deposit of rent, but shall be entitled to a refund of the survey fee if the survey be not executed prior to such withdrawal.

Labour conditions on leases.

74. All ground held under a Mineral Lease, except in case of a lease granted for coal mining, shall, at the expiration of thirty days from the notification in the *Government Gazette* of the Minister's approval thereof, be efficiently worked by

not less than one man for every ten acres or fraction of ten acres, unless exemption or partial exemption from work has been granted: Provided that the labour to be employed on any lease, or application for lease, the land comprised in which has not before been either wholly or in part the subject of an application for a lease by any person, may be two men for every fifty acres or fraction of fifty acres for the first twelve months after the date from which it is necessary to efficiently work the lease; and provided further, that in case of a lease granted for coal mining the ground shall be efficiently worked after the expiration of six months from the date of approval by not less than one man for every sixty acres or fraction thereof comprised in the lease, and, after the expiration of twelve months from the date of approval, by not less than one man for every thirty acres or fraction thereof comprised in the lease, and after the expiration of eighteen months from the date of approval, by not less than one man for every twenty acres or fraction thereof comprised in the lease; subject however to any exemption which may be granted at any time: Provided further that, subject as aforesaid, no lease shall be worked by less than two men.

In certain cases leases need not be worked.

75. In case any working shareholder in any lease is unable to continue working on the same owing to sickness, attendance at a court of justice, or from any sudden emergency, such shareholder may, on written application to the Registrar stating the reasons for the same, and without notice or payment of fee, obtain partial exemption from work on such lease during such period as may be necessary; and it shall not be compulsory to continue working on any lease during any general cessation from work caused by floods or rain, or on any public holiday, or on any holiday proclaimed by the Minister.

Survey of Leases.

76. Should no objections have been lodged against the granting of a lease within the time hereinbefore provided, the Registrar or Inspecting Surveyor shall issue to a mining surveyor instructions to survey the land applied for without delay, and to furnish, in duplicate, an accurate plan thereof, together with a report and such other particulars as the Registrar or Inspecting Surveyor may require him to furnish. Should objections be lodged to the issue of the lease, instructions for survey shall not be issued until the Minister's decision is notified: Provided that the Registrar may, should he consider it necessary, order the survey to be made before recommending the lease.

Transfer.

77. (a) Any registered holder of a lease, or any registered applicant for a lease, may apply to transfer the whole or any share or shares in such lease or application to lease in form of Schedule 16, by lodging such form of transfer, together with the fee, as required by Regulation 157, and the stamp duty payable thereon; provided that no portion of any share or unit may be transferred, and no transfer shall be valid or recognised by the Crown unless made with the license, sanction, or authority of the Minister, and duly registered in the office of the Minister at Perth, as provided by Section 18 of "The Act": Provided that the Minister or Registrar may require from the parties to any transfer a statutory declaration as to the correctness of the amount of consideration expressed in such transfer. Provided also that no such license, sanction, or authority shall be required in the case of any transfer made by any person in whom the right to sell or assign is vested by operation of law, but every such transfer shall be registered as aforesaid.

(b) Registration of all transfers shall take place at the Minister's office, Perth.

(c) Transfers may be lodged with the Registrar or at the Minister's office, at the option of the parties thereto, and the priority of right to registration shall be according to the priority in time of lodgment.

(d) The Registrar shall record all transfers received by him, and forward them to the Minister's office, together with the instrument of lease (if available) for indorsement.

(e) When transfers are lodged at the Minister's office, the Registrar of the District wherein the leases to be transferred are situate shall be advised of the full particulars of such transfers.

Tribute contracts permitted if filed.

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

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

79. When the holder of a lease proposes to surrender such lease conditionally upon an application for a new lease being granted, he shall, until such surrender has been accepted, continue to fulfil the working conditions of the lease proposed to be surrendered, and put on such additional miners as may be required by the Regulations to hold any other ground included in the application for a new lease.

Exemption from labour by the Registrar.

80. Any lessee or applicant for a lease who shall prove to the satisfaction of the Registrar, by evidence on oath in open Court, that necessity for exemption or partial exemption from labour conditions on the land held by such lessee or applicant actually exists, may be granted exemption of labour for any period not exceeding one month by such Registrar. Application for such exemption shall be made in the form of Schedule 20, delivered to the Registrar, and a copy thereof shall be posted outside the Registrar's office, and also on the working shaft of the area applied to be exempted, three working days before the hearing of the application by the Registrar, and the onus of proof of posting of such notices shall lie upon the applicant for exemption. If such application be granted, a certificate in the form of Schedule 23 shall be issued to the applicant on payment of a fee of One guinea, a copy of which shall at once be posted at the working shaft on the land so exempted, and kept visible during the period of exemption: Provided that the Registrar, on payment of a fee of five shillings, may grant exemption without notice for a period not exceeding fourteen days, upon sufficient cause being shown. All such periods of exemption must be registered.

Exemption from labour by the Minister.

81. Any lessee or applicant for a lease desirous of obtaining exemption from labour conditions for a longer period than one month and not exceeding six months, may, in the form of Schedule 20, lodge an application with the Registrar, and post a copy outside the Registrar's Office, and at the working shaft of the area applied to be exempted, seven working days before the hearing thereof by the Registrar, for the purpose of enabling objections to be lodged. Such application and objections, together with the evidence taken on oath in open Court, shall, within seven days after the hearing, be forwarded to the Minister by the Registrar, accompanied by his recommendation of the granting or refusal of the application. The Minister may grant or refuse such application. If the Minister shall grant an exemption, a certificate in the form of Schedule 21 shall be issued to the applicant on payment of a fee of Three guineas. A copy of such certificate shall be posted by the applicant and kept visible during the period of

exemption at the working shaft on the land so exempted. Any breach of the conditions set out in the certificate shall render the certificate null and void, and if work shall not forthwith be resumed, the area so exempted will be liable to forfeiture.

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

Work during exemption optional.

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

Applications for forfeiture.

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

Collusive application for forfeiture.

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

Labour conditions not obligatory when plaint filed.

85. When a plaint has been filed applying for forfeiture of a lease, it shall not be obligatory on the lessee to comply with the labour conditions until the matter of the application for forfeiture has been decided and the Minister's decision made known. Should the application fail, the lease shall be efficiently worked at the expiration of seven clear days from the date of the dismissal by the Registrar, or the posting at the Registrar's office of the *Government Gazette* containing the notice of the refusal of the Minister to approve of forfeiture.

"Government Gazette"—Notices to be published in.

86. Notice of all approvals of applications for, and of all forfeitures and non-forfeitures of leases shall be published in the *Government Gazette*, and when so published shall be deemed to have been duly given to the lessee; and a complete file of the *Government Gazette*, for public inspection, shall be kept at all Registrars' Offices, and at all Police and Post Offices in every Mining District, and the contents thereof shall be sufficient notice to all persons interested or in any way concerned in the approvals and forfeitures therein published.

Amalgamation of leases.

87. An application to amalgamate two or more leases shall be made to the Registrar, in the form of Schedule 24, and if the Registrar is satisfied that the case comes within Section 17 of "The Act," he shall transmit the application with a report thereon to the Minister; and upon the amalgamation being registered, a certificate shall be issued to the lessee or lessees in the form of Schedule 25, and an indorsement to the same effect shall be made on the leases on their production at the office of the Minister in Perth.

Provided that on such application the Registrar may, if satisfied that the case comes within the Section aforesaid, allow the labour to be concentrated on any portion of the leases as if the leases were amalgamated, for any period not exceeding one month.

Leaseholder to have the right to dispose of surplus water.

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

DIVISION VII.—GENERAL REGULATIONS.

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

Holdings, how taken possession of and registered.

89. The mode of taking possession of any holding, except as otherwise provided, shall be by fixing in the ground firmly at each corner or angle thereof (or as nearly as practicable thereto) a post not less than four inches in diameter, projecting above the surface not less than three feet, and set in the angles of an L trench, the arms of which shall be not less than four feet in length and six inches deep and cut in the general direction of the boundary lines: Provided that, when registration is required, such miner shall, within ten days after such marking, make application in the form of Schedule 12 to the Registrar. The Registrar shall thereupon deliver to the applicant a certificate in the form of Schedule 13, who shall cause it to be posted on some conspicuous part of the ground applied for, and shall also post a copy thereof at the Registrar's office for a period of six clear working days. If no objection be lodged against such application within such period, the applicant may be registered for the holding by the Registrar, and shall receive a certificate of registration in the form of Schedule 14, a copy of which must be kept continuously posted in a conspicuous place on the holding; should any objection be lodged within the time specified, the Registrar shall defer registration until he has heard and determined the matter summarily or in open Court.

Not necessary to re-mark forfeited holdings.

90. It shall not be necessary for any applicant for any holding of whatever kind of any ground identical with any forfeited, abandoned, or surrendered holding which has been surveyed to comply with provisions as to marking the same, but the notices provided for by these regulations shall be posted on one of the existing survey posts.

Ground marked off in excess.

91. Any miner marking off more ground than he is entitled to, shall be liable to have the surplus ground marked off at either end or side of the claim at the option of any other miner applying to the Registrar for such surplus: Provided that the original occupant shall be entitled to retain that portion which contains his working shaft, or on which any permanent building other than an outhouse has been erected.

Non-maintenance of posts, etc.

92. If the owner of any holding shall fail to maintain the posts, trenches, or other sufficient boundary marks, as required by "The Act" and Regulations, he shall forfeit and pay for every such failure a sum not exceeding Ten pounds.

If posts, etc., not maintained no damages for trespass.

93. If posts, trenches, or other marks as aforesaid, are not maintained, as provided in the next preceding regulation, and any person shall commence to work or mine on any such holding, he shall not be liable for damages, provided that he ceases to work and mine as

soon as the posts are replaced, or the trenches or other marks are renewed, and notice in writing given to him not to trespass.

Boundary marks to be pointed out.

94. The owner of, or any shareholder in, any holding shall point out the corner posts and boundary lines of any such holding to any person being the holder of a Mining License requiring to know the same, provided that the request be made at a reasonable time during working hours.

Unauthorised removal of boundary marks.

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

Registrar to determine disputes as to boundary marks.

96. The Registrar shall have power to determine all questions and disputes arising with respect to the size, measurements, and position of marking-posts, trenches, or boundary marks; and, where any post is not, in size, or position, or character, exactly as required, he shall decide whether any such post or mark is or is not sufficiently in accordance with the spirit and intention of "The Act" and Regulations.

Penalty for posting false notices.

97. Any person who shall post any false notice of application or certificate of application for any holding with a view to mislead shall be guilty of a breach of these Regulations.

Forcible possession prohibited.

98. Any person being the holder of a Mining License, Business License, or Mineral Lease who shall take forcible possession of any land occupied by any other person after his right to take possession thereof has been disputed, shall forfeit all right and title which he may have acquired to the possession of such land; and in all cases of such dispute as to possession, the person whose right to take possession is disputed shall apply to the Registrar to inquire into the dispute, and, pending such inquiry being held, the applicant shall not work on such land, or interfere in any way with the occupant in possession.

Forfeiture of Holdings.

99. Any miner giving notice that any registered holding other than a lease is liable to forfeiture for breach of any condition other than non-payment of rent for the same, and being desirous of obtaining possession of the same on his own behalf, may apply for the forfeiture thereof by plaint and summons, as provided in the Judicial Regulations, and on the hearing of the plaint in the Registrar's Court the Registrar may declare such holding absolutely forfeited, and thereupon the right or title of the original holder thereof shall cease and determine.

Recovery of possession on behalf of Her Majesty.

100. In case any holding shall be or be liable to be forfeited or determined for any breach of condition or otherwise, or in case the term granted or acquired shall have expired, possession of the land may be recovered on behalf of Her Majesty in manner following, that is to say: It shall be lawful for the Registrar to order and direct any police constable or other person to take possession of such land immediately, and without suit or process of any kind, and from time to time remove therefrom all persons in occupation of such land: Provided that before issuing such order the Registrar shall cause a notice of his intention to be served on the holder thereof, and after the expiration of seven days from such service he shall hear and determine in open Court any objections which may be made against the issue of such order.

Forfeited holdings—how dealt with.

101. Where any holding other than a lease becomes forfeitable, and is declared forfeited by the Registrar on the plaint of any miner, such miner shall, on making application in the form of Schedule 12, be entitled to priority of registration for the same on payment of the prescribed fees at any time within three clear days from the date of such forfeiture being pronounced, and shall thereupon be entitled to receive a Certificate of Registration in the form of Schedule 14 and on posting a copy thereof, as provided in Regulation 89, he may take possession of the same. At the expiration of the said period of three clear days, should such right not have been exercised, it shall be open to any other miner to take possession of and register the same, as provided in Regulation 89.

Improvements on forfeited areas—how dealt with.

102. Whenever any holding on which is erected any house, building, or other improvements becomes forfeited or abandoned, the Registrar shall cause such house, building, or other improvements, to be sold at public auction, and the proceeds of such sale, less the costs and charges connected with the sale thereof, shall be paid to the Colonial Treasurer on behalf of the late owner thereof; and the applicant for forfeiture of any area shall have no right to claim any part of the proceeds of such sale beyond such amount as may be allowed by the Registrar by way of costs in any action for the forfeiture of such area.

What considered "efficiently worked," etc.

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

Returns to be furnished.

104. Every manager of machinery erected for extracting minerals from any ore, wash-dirt, or metalliferous earth shall, where practicable, within seven days after the expiration of each month, furnish the Department of Mines, through the Registrar of the district, with a statement in the form of Schedule 8 of the quantity of ore, wash-dirt, or metalliferous earth treated by such machinery during each month, the quantity of mineral obtained therefrom, and the estimated value thereof: Provided that where such ore, wash-dirt, or metalliferous earth shall have been received from a locality outside the district in which the machinery is situate, such statement shall be furnished to the Registrar of the district from which the ore, wash-dirt, or earth shall have been received.

105. Every holder of ground taken up for mining purposes shall furnish the Department of Mines, through the Registrar of the district, with a statement in the form of Schedule 5, 6, or 7 as the case may be: And such statement must be lodged with the Registrar not later than the seventh day of each month: Provided that where any mineral is treated at any works outside the mining district in which the said mineral is obtained, such statement shall be furnished within a reasonable time after the holder shall be apprised of the result of such treatment.

Penalty for not furnishing returns.

106. Any person refusing or neglecting to comply with the provisions of either of the two last preceding Regulations shall be guilty of a breach of these Regulations, and may be dealt with as hereinafter provided.

Abandonment of shares in claims.

107. Any shareholder in a registered claim wishing to abandon his share therein may do so by serving on the remaining shareholders notice to that effect (and if there be a lien on such share, then serving a like notice on the lienee), and posting a copy thereof at the Registrar's office and on the claim; in such case the Registrar, after satisfying himself that the notices have been served and posted in manner aforesaid, shall forthwith cancel the registration by which such share has been held, and the said shareholder shall thereupon be released from any further liability in respect of such share thereafter incurred; and any applicant for such abandoned share may, on payment of the prescribed fee for registration, at once be registered for the same without process of any kind beyond his written application: Provided that the lienee, if any, shall have, for three clear working days after abandonment, a preferent right to be so registered for the abandoned share. On failure by the lienee to avail himself of such preferent right the lien shall be cancelled, and the remaining shareholders shall thereupon have jointly a preferent right for three working days to be registered for the abandoned share.

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

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

Exemption from work, use, or occupation.

109. The owner of any registered holding other than a lease may apply to the Registrar, after having posted a copy of the application, in the form of Schedule 20, at the Registrar's office and on the claim or holding six clear working days prior to the day of hearing the application by the Registrar, to have the holding registered as exempt from work, use, or occupation, for any period not exceeding six months, and the Registrar may grant the exemption applied for upon receipt of the prescribed fee, and shall issue a certificate in the form of Schedule 23, a copy of which shall be posted in a conspicuous place on such holding: Provided that the Registrar may grant exemption for a period not exceeding thirty days for any sufficient reason upon application by the owner thereof, of which notice must be given by posting a copy of the application at the Registrar's office and on the holding three clear working days prior to the hearing of the application by the Registrar.

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

Applications for exemptions to be heard in open Court.

110. The Registrar shall hear and determine in open Court all applications made under Regulation 109 for exemption from work, occupation, or use, and objections thereto, and may grant the exemption applied for, upon terms as to bailing or on any other conditions he may deem necessary. Any failure to comply with such terms or conditions shall entail a forfeiture of the exemption.

Registration of mining tenements.

111. The holders of all holdings for which registration is required (unless otherwise provided) must apply to the Registrar for registration of the same as provided in Regulation 89: Provided that non-registration within the prescribed time shall not be deemed a breach of these Regulations if good cause be shown for such delay to the satisfaction of the Registrar, nor shall any penalty be inflicted for the non-performance within the prescribed time of any act required by these Regulations to be done by the holder of any such holding, if he can prove that the non-performance as aforesaid was caused by the neglect or default of the Registrar or his officers, or from any circumstance over which he had no control.

False representation.

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

Rules and agreements to be binding.

113. All rules and agreements entered into by a majority of at least two-thirds in interest of the shareholders of any claim or lease for the management and working thereof shall be binding on the shareholders of such claim or lease, and on any person becoming a shareholder therein, provided such rules and agreements are not contrary to "The Act" or these Regulations. All such rules and agreements shall be registered by filing a copy, signed by the parties or their agents, at the Registrar's office, and on payment of the fee prescribed in Regulation 157; and such rules or agreements may be cancelled or amended at any time by a like majority of the shareholders in any such claim or lease.

Transfers.

114. Except as otherwise provided the holder of any registered holding or share therein (other than a Mining Lease), or the registered holder of any lien thereon, may transfer the same in the form of Schedule 27, after having posted a notice of his intention so to do at the Registrar's office, and on the holding, for three clear working days; and upon production at the Registrar's office of his certificate of registration, transfer certificate, or lien ticket (or declaration of loss thereof), and payment of the fee prescribed in Regulation 157, the Registrar shall issue to the transferee a certificate of transfer in the form of Schedule 28, provided no valid objection be lodged against the same; and the transferee shall be liable for all encumbrances, agreements, and conditions registered against the property so transferred.

Rent to be reserved.

115. The yearly rental to be reserved per acre or fraction thereof on all holdings under these Regulations, where payment of rent is provided for, shall be—in case of a mineral lease or a Garden Area, Five shillings; in case of a Lease for Coal mining, Sixpence; and in case of all other holdings, Twenty shillings: Provided that in case of Water Rights the Minister may in special cases approve of any less rental being reserved. All such rents shall be payable in advance, and the first payment shall be made at the time of lodging the application, and all subsequent payments shall be payable to the Registrar, or, in case of a lease, to the Registrar or Minister at the Department of Mines in Perth. The rent of all holdings shall be calculated from the first day of January to the thirty-first day of December, and may be paid at any time up to the thirty-first day of January, without fine. If not so paid, such rents may be paid at any time during the month of February with the addition of a fine of five per centum of the rent due, or they may be paid at any time up to the thirty-first day of March, with the addition of a fine

of ten per centum of the rent due. If not so paid, any holding, except a lease, may be forfeited by the Registrar, and any lease shall be voidable at the will of the Minister. Holdings applied for during the year will be charged rent from the beginning of the quarter of the year during which the application is made. Such quarters end on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December.

Transfers to be separate.

116. In transfers of all holdings or shares therein the following Rules shall be observed:—

- (1.) When two or more holdings the property of the same owners are to be transferred, a separate transfer shall be executed for each holding.
- (2.) When any holding is held by several shareholders and two or more of such shareholders desire to transfer the whole or portion of their interests, a separate transfer shall be executed by each shareholder.
- (3.) When all the shareholders desire to jointly transfer the whole holding, one transfer signed by all the shareholders shall be sufficient.

Stamp Duty payable on transfers.

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

Liens.

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

How effected.

- (1.) Upon the production to the Registrar of the mining licenses of the lienor and lieinee, except in case of a lease, and upon the execution by the lienor of a lien ticket duly attested, in the form of Schedule 29, and on payment of the fee prescribed in Regulation 157, and of stamp duty, if any, the Registrar shall register a lien upon the holding, share, or interest intended to be charged, and shall then issue to the lieinee a duplicate of the lien ticket; and every such lien registered as aforesaid shall be a specific charge upon such holding, share, or interest until the debt has been paid. If more than one lien is registered on any holding, share, or interest, the liens shall take precedence according to the date of registration.

Cancellation of.

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

Sale under.

- (3.) In the event of the lienor failing to redeem such holding, share, or interest at the time appointed, the lieinee may cause the same to be sold by auction, after having posted a notice in writing, of his intention so to do on a conspicuous part of the holding, and at the Registrar's office, not less than thirty days before the day of sale: And the lieinee shall apply the proceeds of such sale in payment of all costs and expenses consequent on such default, then in payment of the debt secured by the lien, and shall pay the balance, if any, subject to any other lien, to

the lienor. The lienor shall be entitled to redeem at any time before sale, upon payment of the debt and expenses incurred.

Purchaser shall be registered.

- (4.) In case of any sale under the powers herein contained, the Registrar shall, upon production of the lien ticket, accompanied by a statutory declaration of default having been made in payment of the money secured thereby, the mining license of the purchaser (except in case of a lease), and on payment of the fee prescribed in Regulation 157, register such purchaser as the holder of such holding, share, or interest therein, in lieu of the lienor.

Lienee not a co-partner.

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

For the purposes of this regulation the word "Registrar" shall mean and include the Registrar at the Minister's office in Perth, as well as the Registrar of each mining district.

Declaration of loss of mining license, certificate of registration, lien ticket, or transfer certificate.

119. When any person has lost his mining license, certificate of registration, transfer certificate, or lien ticket, he may make a declaration of such loss in the form of Schedule 33, before a Registrar, Justice of the Peace, or Commissioner for taking affidavits, and such declaration shall be filed at the Registrar's office and may be used for all the purposes required, on payment of the fee prescribed in Regulation 157, and a duplicate of such lost document shall be issued as soon as conveniently may be.

Attorney or Agent to be appointed.

120. The registered proprietor of any holding or of any share therein, in the event of being absent for a longer period than thirty days from the mining district in which the holding is situate, shall appoint an attorney or agent in the form of Schedule 30, upon whom any notice, legal process, or other document may be served, and whose acts shall be held as those of the principal, and the name and address of such attorney or agent shall be registered at the Registrar's office. In the event of such registration not being so made, any notice, legal process, or document required by these Regulations to be served shall be deemed to have been sufficiently served upon such absent person, provided a copy of such notice, process, or document be posted for the period required by these Regulations at the Registrar's office, and on some conspicuous part of the holding to which the same refers:

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

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

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

122. If any miner who is employed to represent a share in a claim or lease absents himself from such claim or lease, or otherwise neglects to represent such share unknown to the owner thereof, the same shall not be forfeited unless it remains unrepresented for seven clear working days after notice of such absence or neglect has been served on the owner or his agent.

Interest of a defaulting shareholder to be sold by auction.

123. The non-payment by any shareholder in a claim or lease (when no deed of partnership exists) of calls made on him for the purpose of defraying the working expenses of such claim or lease, shall entitle the other shareholders to a preferential lien upon the defaulting shareholder's interest in the claim or lease in respect of which such expenses are owing, until the calls are paid; and whenever any calls in respect of any share, in such claim or lease, as aforesaid, remain unpaid for a period of thirty days from the call being due, a majority in number and interest of the shareholders who have paid their calls may request the Registrar to inquire into the matter, and if he is satisfied that such call is legally due on such share, he shall cause it to be sold by auction, of which sale due notice shall be posted at the Registrar's office, and the proceeds shall be applied to the payment of all legal expenses incurred by the process and the calls due on such share; and the residue, if any, shall be paid to the late owner of the share, and the Registrar shall, upon payment of the prescribed transfer fee register such share without further process in the name of the purchaser thereof.

Mining plant not to be forfeited with holdings.

124. The tools, appliances, and mining plant on or used in connection with any forfeited holding shall not be forfeited therewith. Provided that such of them as belong to the forfeiting shareholder and are easily removable shall be removed from the holding within two calendar months from the declaration of the forfeiture, or within such further reasonable time as the Registrar may allow.

And provided further that at the time of the declaration of the forfeiture or within seven days thereafter, the Registrar shall assess and declare the value of the forfeiting shareholder's interest in any such tools, mining plant, and appliances, as are not easily removable, and within seven clear working days after the declaration of such forfeiture the incoming shareholder shall pay into the Registrar's court the full amount of such value for the use of the forfeiting shareholder, and in default of such payment the forfeited claim or share therein may be granted to any other miner applying for the same, and paying into the Registrar's court the assessed value of the forfeiting shareholder's interest in the tools, mining plant, and appliances.

Unauthorised shafts, etc.

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

Unauthorised occupation of Crown Lands.

126. Any person being in unauthorised occupation of Crown land in any proclaimed Mining District may be summarily removed therefrom by order of the Registrar, and any person resisting or obstructing the carrying out of any such order shall be liable to a penalty not exceeding Ten pounds.

Any person or persons travelling with 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 the public or any private rights, shall be guilty of an offence under this regulation, and be liable to a penalty of Ten pounds for each day such horses, camels, or other animals are so camped, and may be summarily removed by order of the Registrar.

Roads across Claims, etc.

127. When requisite for the efficient working of any holding, or for the public interest, the Registrar may authorise the making of a road over any gully, creek, or holding within any Mining District, in such

manner and under such conditions as he may determine: Provided that compensation be paid by the person or persons benefited thereby, for the removal of, or injury caused to, any improvements thereon.

Nuisances not permitted.

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

Decency and sanitary conditions to be observed.

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

Bailing compulsory.

130. The owner of any holding in which water has accumulated to the injury of any adjoining holding shall, on receipt of complaint to that effect from the party injured, or his agent, effectually remedy the injury; or the party injured may at once lodge a complaint with the Registrar, who shall have power to order the owner of the holding causing the injury to keep it continuously free from any injurious accumulation of water whilst occupied by him.

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

Drainage.

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

Shafts and holes near roads to be secured.

132. Any miner having a shaft within twenty feet of a public road shall securely fence or log the same, and any miner abandoning any such shaft or hole shall first either fill up or securely fence or log the same, or in some other way make it safe in a permanent manner; and no person shall throw down or remove therefrom any fence or timber, or other material placed for such purpose, or at any time wilfully injure or destroy any shaft, drive, or other workings in any mine so as to prevent or impede the further working of such mine or any adjacent ground.

Liability to penalty for allowing work in insecure shafts, etc.

133. Whenever the Registrar 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 an Inspector of Mines, or in his absence by two competent persons, and upon their report the Registrar may order the owner of such shaft or workings to do, within a specified time, whatever may be considered necessary to remove the cause of danger, and to pay the cost of inspection,

and may prohibit any other work being done in such shaft or workings until such order has been complied with.

Accidents to be reported.

134. In any district where no Inspector of Mines has been appointed, in the case of any accident in connection with mining, whereby loss of life or serious bodily injury has been occasioned, the mining manager or other person in charge of the mine or other works, or some one of the shareholders, shall immediately report at the Registrar's office the nature of the accident, and the Registrar shall cause an inspection to be made of the mine or other works where the accident occurred, by two competent persons, and proceed to hold an inquiry into the nature and cause of the accident, and shall forward a copy of the evidence taken at such inquiry, with his report thereon, to the Minister.

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

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

Death or Insolvency of Holder.

136. All lands held under a Mining License, Consolidated Mining License, Business License, or Mineral Lease shall, on the death of the holder thereof, devolve on his legal personal representative; and shall, on the insolvency of the holder thereof, devolve on the Official Receiver, Trustee, or Assignee in Bankruptcy. Every such devolution shall forthwith be registered at the office of the Minister of Mines, or at the Registrar's office, as the case may require. And land so devolving may, on application under Regulations 80, 81, or 109, be exempted from the labour conditions for such period as the Minister or the Registrar may deem reasonable.

Unregistered deeds void as against registered deeds.

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

Certified extract of register to be received in evidence.

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

Examination of registers by shareholders and others.

139. Any registered shareholder in any holding, or any registered lienor on any such holding, may, upon application at the Registrar's office, examine the register, so far as it relates thereto. Any other person may examine the registers, at the Registrar's office, of any holdings, upon payment of the prescribed fee for each holding searched against.

Objections—how disposed of.

140. When any objection shall have been lodged with the Registrar by which the occupation of, or the registration of, any title to any holding shall have been stayed, the

Registrar shall forthwith fix a day for the hearing thereof in open Court. If the objector shall fail to prosecute his objection, or if the Registrar shall dismiss it, he shall register such title in the manner provided by these Regulations.

Caveat may be lodged against lease, etc.

141. Any person desirous of entering a *caveat* in the form of, Schedule 31 against dealing with any lease or land applied for as a lease, as provided by Section 57 of "The Mineral Lands Act Amendment Act, 1899," shall lodge such *caveat* with the Registrar, at the office of the Minister of Mines in Perth, or with the Registrar of the district in which the land leased or held under application for lease, the subject of such *caveat*, is situate.

- (1.) Every *caveat* shall state the name and address of the person by whom or on whose behalf the same is lodged, and shall be signed by the caveator or his agent.
- (2.) The Registrar may, by notice to the person lodging such *caveat*, require him to support the same by a statutory declaration, stating the particulars of the estate or interest under which the claim is made, and unless such declaration be lodged with the Registrar within the time specified in such notice, the *caveat* shall lapse.
- (3.) No *caveat* shall be received by the Registrar at the office of the Minister of Mines unless some address or place within the City of Perth be appointed therein as the place at which notices and proceedings relating to such *caveat* may be served, and no *caveat* shall be received by a Registrar of a district unless some address or place within the limits of the district be appointed, at which notices and proceedings relating thereto may be served.
- (4.) Every notice relating to a *caveat*, and any proceedings in respect thereof, if left at the address or place appointed as aforesaid, shall be deemed to be duly served.
- (5.) Upon the receipt of a *caveat* the Registrar, shall send a notification to the lessee against whose lease or application such *caveat* has been lodged, by registered letter directed to the last known address of such lessee.
- (6.) The lessee or applicant, may, summon the caveator to attend before the Registrar, to show cause why such *caveat* should not be removed; and the Registrar may, upon proof that the caveator has been summoned, make such order in the premises, either *ex parte* or otherwise, as to the Registrar may seem fit.
- (7.) Every *caveat* shall be deemed to have lapsed upon the expiration of fourteen days after notice given to the caveator that the lessee or applicant has applied for the registration of a transfer of, or other dealing with, the lease or application the subject of such *caveat*. The said notice shall be deemed to be duly given, if sent by post to the caveator in a registered letter addressed to the caveator at the address stated in the *caveat*, and the notice shall be presumed to have been received by the caveator at the time when, by the ordinary course of post, the letter would be delivered.
- (8.) A *caveat* shall not be renewed by, or on behalf of, the same person in respect of the same estate or interest.
- (9.) If, before the expiration of a *caveat*, the caveator or his agent appears before the Registrar, and gives such undertaking or security, or lodges such sum in Court as the Registrar may consider sufficient to indemnify every person against any damage that may be sustained by reason of any disposition of the property

being delayed, then, and in such case, the Registrar may direct a postponement in registering any dealing with the lease or application for a further period to be specified in such order, or may make such other order as may be just.

Caveat by consent.

142. When a contract for sale of a lease or the interest of the applicant in any land applied for as a lease shall have been made, the parties to the contract may, on payment of the fee prescribed in Regulation 157, register a *caveat* in the form of Schedule 32, together with a copy of the contract, and such *caveat* shall remain in force for the full term specified in such agreement unless sooner removed with the consent of the parties thereto.

Caveat to stop transfers, etc.

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

Registrar to have summary jurisdiction.

144. The Registrar of any Mining District shall have power, with consent of all parties interested, and at their request, to decide any matter in dispute summarily, either in or out of court, without legal process, and the decision in any case so decided shall be recorded in the same manner as if decided in the Registrar's Court, but there shall be no appeal in any case so decided.

Agreement to bar appeal.

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

Penalties for breach of Regulations.

146. Any person committing a breach of these Regulations, or disobeying a lawful order of the Registrar or Registrar's Court, shall, for every such offence for which a penalty is not otherwise specially provided by "The Act" or these Regulations, be liable to a penalty not exceeding Ten pounds, and, in default of payment, may be imprisoned by order of the Registrar for any period not exceeding three months with or without hard labour.

Forms may be printed or otherwise.

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

DIVISION VIII.—SURVEYS.

Surveys—by whom made.

148. All surveys of holdings where survey is required shall be executed by Mining Surveyors and in accordance with the Regulations under "The Act" and any Regulations for the guidance of Mining Surveyors which may be in force.

Applicants to point out boundary marks.

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

150. Should it be found by the surveyor that any holding 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 his so doing, he must survey the holding strictly in accordance with the applicant's pegs

151. No area shall be surveyed in excess of the area applied for without reference to the Registrar, and his consent to the increased area obtained, and no area shall be surveyed in excess of the area pegged if any adjoining interests are thereby affected.

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

Objections to survey.

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

Surface rights to be set out.

154. All roads, railway reserves, telegraph lines, and registered holdings lawfully occupied, and situated upon any land the subject of survey at the time of such survey, shall be marked by the Surveyor on the ground and shown on his plan.

Mining Surveyor to furnish plans and reports.

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

Schedule of Surveyors' Fees.

156. The scale of fees for surveys of all holdings shall be as under:—

	£	s.	d.
For 1 acre and under ...	1	0	0
" 5 acres " ...	2	0	0
" 10 " ...	3	10	0
" 20 " ...	4	10	0
" 30 " ...	5	10	0
" 40 " ...	6	10	0
" 80 " ...	9	0	0
" 100 " ...	10	0	0
" 160 " ...	12	10	0
" 200 " ...	14	0	0
" 320 " ...	17	10	0
" 400 " ...	20	0	0
" 500 " ...	22	10	0
" 600 " ...	24	10	0
" 640 " ...	25	10	0
" Traverse sections at per chain ...	0	0	10
" Survey of underground workings at per diem ...	5	5	0

No travelling expenses or mileage will be allowed to surveyors except in cases of surveys in isolated positions; when a special journey is necessary, mileage may be allowed as per arrangement, with the approval of the Registrar or Inspecting Surveyor.

DIVISION IX.—FEES, ETC.

157. The following shall be the scale of fees and rents payable under "The Act" and these Regulations:—

FEES:	£	s.	d.
Mining License ...	0	10	0
Mining License—additional fee under Regulation 36 ...	0	5	0
Consolidated Mining License (for each person represented) ...	0	10	0

FEES—continued.	£	s.	d.
Consolidated Mining License—additional fee under Regulation 36 ...	0	5	0
Business License ...	4	0	0
Business License—Additional fee under Regulation 36 ...	1	0	0

Registration of—

Prospecting or other Area and Water Rights ...	0	5	0
Prospecting Area, Re-registration of ...	0	2	6
Claim ...	0	2	6
Claim—union of, for each claim ...	0	2	6
Lease—amalgamation of, for each lease... ..	1	1	0
Lease—exemption on, one month ...	1	1	0
Lease—protection ...	0	5	0
Lease—exemption on, over one month ...	3	3	0
Any Holding—exemption on, over one month ...	0	10	0
Any Holding—protection on, under one month ...	0	2	6
Caveat ...	1	0	0
Lien ...	0	5	0
Interest in Lease sold under Lien ...	1	0	0
Interest in Claim or Area sold under Lien ...	0	2	6
Stack of Earth ...	0	5	0
Agreement for working ...	0	5	0
Power of Attorney ...	0	5	0

Transfer of—

Mining Lease or Share ...	1	0	0
Any other Holding ...	0	2	6
Business License ...	0	5	0
Defaulting Shareholder's Interest in Claim ...	0	2	6
Defaulting Shareholder's Interest in Lease ...	1	0	0
Any Declaration of Loss of Document (exclusive of stamp duty) ...	0	5	0
Search Fee (each entry) ...	0	2	6

RENTS:

Mineral Leases and Garden Areas, per acre or fraction thereof ...	0	5	0
Coal Mining Leases, per acre or fraction thereof ...	0	0	6
All other holdings, per acre or fraction thereof ...	1	0	0

STAMP DUTIES:

Transfers of any kind (for every £5 of the consideration) ...	0	0	6
Lien Tickets (for each £50 or part thereof of the amount secured up to £300) ...	0	1	3
Lien Tickets above £300 (for each additional £100 or part thereof) ...	0	2	6
Discharge of Liens, for every £100 secured ...	0	1	0
Power of Attorney ...	0	10	0
Agreement of any kind above value £5 ...	0	2	6

Schedule 1.

WESTERN AUSTRALIA.

Mining License.

No.	Fee, Ten shillings.
Issued to	under the provisions of The
Mineral Lands Acts, 1892-99, to be in force until	19 .
Place of issue:	
Date of issue:	
Not transferable.	Registrar.

Schedule 2.

WESTERN AUSTRALIA.

License to Quarry.

No.	Fee,
of	is hereby authorised
subject to the provisions of The Mineral Lands Acts 1892-99, and the regulations thereunder, to enter upon the Crown lands in the vicinity of	for the following purposes, that is to say: to quarry, dig for, and carry away any rock, soil, or other material for building purposes, or to make bricks or any other commodity; and this license shall be in force for
calendar months from the date hereof.	
Witness my hand this	day of 19 .
Place of issue:	
Date of issue:	
	Registrar.

Schedule 3.

WESTERN AUSTRALIA.
Business License.

No.

Fee, Four pounds per annum.

of having paid the stipulated fee in that behalf is authorised to occupy the prescribed area of Crown land for the purpose of residence and carrying on business in the mining district, subject to the provisions of The Mineral Lands Acts, 1892-99, and to all the Regulations issued or to be issued thereunder. This license shall be in force twelve months from the date hereof.

Registrar.

Place of issue :
Date of issue :
Occupation of licensee :
Residence :

Schedule 4.

WESTERN AUSTRALIA.
Consolidated Mining License.

No. For persons. Fee, Ten shillings per annum for each person.

Issued to under the provisions of The Mineral Lands Acts 1892-99, to be in force until the day of 19

Place of issue :
Date of issue :
Not transferable.

Registrar.

Schedule 5.

WESTERN AUSTRALIA.

The Mineral Lands Acts, 1892-99.

Mining District.

Minerals other than Coal or Precious Stones.

Monthly Statement rendered pursuant to Regulation 105.

(To be lodged with the Registrar not later than the 7th 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 Mineral.	Ore or Wash-dirt treated.	Estimated Value thereof.	Remarks.
					* Above Ground.	* Under Ground.	* Sinking.	* Driving.	* Stopping.					
												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.

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

* 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 Tin, it should be stated whether the mineral is "stream tin" or "lode tin." ‡ If there has been no treatment under this head, insert the word "Nil."
§ 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.

Schedule 7.

WESTERN AUSTRALIA.

Mining District.

To be rendered in Duplicate.

The Mineral Lands Acts, 1892-99.

Diamonds and other Precious Stones.

Monthly Statement rendered pursuant to Regulation 105.

(To be lodged with the Registrar not later than the 7th 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.	Diamondiferous 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 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.

† If there has been no treatment under this head, insert the word "Nil."

Schedule 6.

WESTERN AUSTRALIA.

Mining District.

To be rendered in Duplicate.

The Mineral Lands Acts, 1892-99.

Collieries.

Monthly Statement rendered pursuant to Regulation 105.

(To be lodged with the Registrar not later than the 7th 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 19 . Owner or Manager.

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

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

Schedule 15.

The Mineral Land Acts, 1892-99.
Form of Objection.

No.
I, the undersigned, do hereby give notice that I object to the registration of as for the following reasons :—
And I hereby require the Registrar to withhold the registration of the said pending the hearing of this objection by the said Registrar.

(Signature.)
Received at the Registrar's office, this
day of 19 , at the hour of .m.
Registrar.

Schedule 16.

The Mineral Land Acts, 1892-99.
Transfer of Mineral Lease or Share therein.

No.
I (or we) (1) Mineral Lease No. known as
in the Mining District, commencing at
and containing acres roods perches, in consideration
of do hereby transfer and assign all right, title,
and interest in the said (2) to , and hereby request
that this transfer may be registered at the office of the Minister
and at the office of the Registrar for the Mining District
accordingly.
In witness whereof have hereto set hand
this day of 19 .
[Signature of Transferror.]
[Signature of Transferee.]
Signed, }
by the said }
in the presence of } Witness.
Received this Transfer at .m. on the day of
, 19 , with fee of twenty shillings.
Registrar.

(1.) Proprietor of or applicant for, as the case may be.
(2.) Lease or share.

Schedule 17.

The Mineral Land Acts, 1892-99.
Certificate of Registration of Stack of Metalliferous Earth.
No. Fee, Five shillings.
Under the provisions of Regulation 108 of the Mineral Land
Regulations, I have this day registered as the property of
the stack of on the claim known as situated
at , and, provided the conditions of the said Regulation
are complied with, no person shall remove the said , or
any part thereof, for a period of months from the date
hereof, without the permission, in writing, of the said
Dated at this day of 19 .
Registrar.

(A copy of this certificate must be kept posted on the stack.)

Schedule 18.

The Mineral Land Act, 1892-99.
Application for Union of Claims.

No.
We, the undersigned, being the registered holders of not
less than two-thirds in interest in the claims numbered
respectively , and situated
hereby request the Registrar of the Mining
District to unite the claims aforesaid, as one claim under the
style of
Dated this day of 19 . (Signatures.)

Mining Licenses.

Name of holder.	No.	Date.	Share in united Claim.

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

Schedule 19.

The Mineral Lands Acts, 1892-99.
Certificate of Union.

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

Names of Shareholders.	Share in united Claim.

Given under my hand at this day of 19 .
Registrar.

Schedule 20.

The Mineral Lands Acts, 1892-99.
Application for Exemption from Work, Occupation, or Use.
No.
I, the undersigned, (1) the
do hereby give notice that, after the expiration of days
from this date, I intend to apply for exemption from (2)
of the above for a period of calendar
months on the grounds following, viz :— (Signature.)
Dated this day of 19 .
Objections against the above application must be lodged at
the Registrar's office on or before the day of
19 .
Received this application at .m., on the
day of 19 , with fee of
Registrar.

(1.) Holder of, or shareholder in, as the case may be.
(2.) Work, occupation, or use, as the case may be.
(This application must be posted on the ground, and at the Registrar's
office.)

Schedule 21.

The Mineral Lands Acts, 1892-99.
Certificate of Registration of Exemption from Work
for months.
No. Fee, Three pounds three shillings.
The (1) of Mineral Lease No. in the
Mining District has this day of
19 , paid to me the above sum and made application
for months' exemption from work of the said (2)
under the provisions of Regulation 81 of the Mineral Land
Regulations.
This is to certify that the above-mentioned application was
granted by the Minister on the day of 19 ,
for the period of months, in terms of the said
Regulation, subject to the conditions specified hereunder.
Dated this day of 19 .
Registrar.

Conditions above referred to.

This certificate is not to be issued until the Application has
received Ministerial approval.
(1.) Lessees or applicants for, as the case may be.
(2.) Lease, or Application for Lease, as the case may be.

Schedule 22.

The Mineral Lands Act, 1892-99.
Notice of Application for Water Right.

No.
I, the undersigned, hereby give notice that I have this
day of made application for a water
right under the provisions of Regulation of the Mineral
Land Regulations; and it is my intention to [insert particulars
of water right]
and it is my intention to make application on the day
of 19 to the Registrar of the Mining
District for registration of the water right aforesaid.
Dated at this day of 19 .

Mining License.
No. Date.
(Signature.)

Schedule 23.
The Mineral Lands Acts, 1892-99.
Certificate of Registration of Exemption from Work, Occupation, or Use.
No. _____
This is to certify that I _____ Registrar at _____
have this _____ day of _____ 19 _____,
granted _____ exemption from (1)
(subject to the undermentioned conditions) to the (2)
of _____ No. _____ in the _____ Mining District
in terms of Regulation (3) _____ of the Mineral Land Regulations,
and that I have received the fee for registration of the same. _____ Registrar.
(1.) Work, occupation, or use, as the case may be.
(2.) Holders, or lessee, as the case may be.
(3.) 81 or 110, as the case may be.

Conditions above referred to : _____

Schedule 24.
Application for Amalgamation of Leases.
To the Registrar _____ Mining District
(I or we), the undersigned, being the registered holders of
Mining Leases numbers _____ known as _____
situated upon the _____
Mining District, and containing in all _____ acres
_____ roods _____ perches, hereby make
application for the amalgamation of the said Leases under the
provisions of Section 17 of "The Mineral Lands Act Amendment
Act, 1899," and hereby request that you will forward this our
application to the Honourable the Minister of Mines with your
report thereon.
Dated this _____ day of _____ 19 _____
(Signatures.)
Received this application at _____ m. on the _____ day of _____
19 _____, with _____ pounds _____ shillings,
fee thereon. _____ Registrar.

Schedule 25.
Certificate of Amalgamation of Leases.
This is to certify that the undermentioned Leases have this
day been amalgamated under the provisions of Section 17 of
"The Mineral Lands Act Amendment Act, 1899."

District.	Nos. of Leases.	Name of Leases.	Areas.	Names of Leases.

Dated this _____ day of _____ 19 _____
Fee paid, £ _____ : _____ : _____
Under Secretary for Mines.

Schedule 26.
The Mineral Lands Acts, 1892-99.
Notice of Transfer of any Holding or Share therein not being a Lease.
No. _____
I, the undersigned, hereby give notice that it is my intention
to transfer the _____ No. _____ now registered in my name,
to _____ and I intend, at the expiration of three clear
days from this date, to make application to the Registrar for the
registration of the said transfer.
Dated at _____ this _____ day of _____ 19 _____
(Signature.) _____

Schedule 27.
The Mineral Lands Acts, 1892-99.
Transfer of any Holding or Share therein, not being a Lease.
No. _____
I, _____ of _____, in consideration of _____
do hereby transfer to _____ of _____ my _____
No. _____, situated _____
subject to all and singular the terms and conditions under which
the said _____ has been held by me; and I,
of _____, do hereby accept the said _____, subject
to the terms and conditions aforesaid.
Dated at _____ this _____ day of _____ 19 _____
[Signature of Transferor.]
[Signature of Transferee.]
Witness to signatures
Mining Licenses
Transferor _____ No. _____ Date. _____
Transferee _____ No. _____ Date. _____
Received this transfer at _____ m. on the _____ day of _____
19 _____, with fee of Five shillings. _____ Registrar.

Schedule 28.
The Mineral Lands Acts, 1892-99.
Transfer Certificate.
No. _____
This is to certify that I have this day registered a transfer
from _____ to _____ of _____
and the said _____ is now the registered holder thereof
subject to _____
Dated at _____ this _____ day of _____ 19 _____
Registrar. _____
(This certificate must be produced at the Registrar's office when this
interest is to be again transferred.)

Schedule 29.
The Mineral Lands Acts, 1892-99.
Lien Ticket.
No. _____ Fee, Five shillings.
I, _____ of _____, do hereby grant to _____
of _____, a lien upon my _____ in _____
numbered _____ situated _____ as security for the payment
on or before the _____ day of _____ 19 _____, of the sum of £ _____
being the amount due and owing by me to the said _____
and until the sum aforesaid shall have been paid in full, I hereby
engage and bind myself not to transfer or assign the said _____
or any portion thereof, without the written consent of the said _____
; and I, the said _____, hereby accept the
said lien upon the said _____ as security for the
payment within the time specified of the aforesaid sum of £ _____
and upon such payment being made to me, I hereby engage and
bind myself to release the said _____
Dated _____ this _____ day of _____ 19 _____
Lienor. _____
Lienee. _____
Witness : _____
Mining Licenses (except in case of a lease).
Lienor : _____ No. _____ Date _____
Lienee : _____ No. _____ Date _____
The within lien was registered by me this _____ day
of _____ 19 _____, at the hour of _____ m. _____ Registrar.

Schedule 30.
Power of Attorney.
No. _____
Know all men by these presents that I, _____ of _____
do hereby make, constitute, and appoint _____
my true and lawful attorney, with power to do all acts and sign
and execute all documents on my behalf in the Colony of Western
Australia in connection with my holdings under "The Mineral

Lands Act, 1892," and "The Mineral Lands Act Amendment Act of 1899," and more particularly for the purpose of (r) And I agree that all and whatsoever the said shall lawfully do under this power I will at all times ratify and confirm as good and valid.

Given under my hand and seal this day of 19 Signed sealed and delivered by the said in the presence of Signature and Seal.

(1) Here set out any specific act to be performed.
(A duplicate of this power of attorney must be registered and will be considered valid until cancelled at the Registrar's office by the principal.)
(Stamp duty on instrument filed, Ten shillings.)

Schedule 31.

The Mineral Lands Acts, 1892-99.

Form of Caveat.

No. Fee, One Pound.
To the Registrar at
Take notice that I, of claim*

in lease [or land held under application for lease] No. in Mining District and I forbid the present registered holders thereof from transferring, or in any way dealing with, or encumbering the same, and I appoint as the place at which proceedings relating hereto may be served.

Dated this day of 19 Signed in the presence of Received this Caveat at .m. on the day of 19 , with fee, One Pound.

Registrar.

* Set out particulars of interest, etc., claimed.

Schedule 32.

The Mineral Lands Acts, 1892-99.

Form of Caveat by consent against a Transfer, etc.

Fee, One pound.

Whereas has applied for a lease [or is owner of a lease] registered in the books of the Department of Mines as No. and situated and containing about acres: And whereas has agreed to purchase all the right, title, and interest of the first-named persons in and to the said for the sum of pounds, to be paid in manner following:—

It is hereby agreed between the said parties that, pending the completion of the purchase of the right, title, and interest of the said and the final registration of the transfer of the above described to this caveat shall be an effectual bar to the transfer, assignment, or encumbrance of such lease in any way whatever during the currency of the agreement of sale and no longer.

In witness whereof the parties have this day of 19 , attached their signatures hereto.
Received this Caveat at .m. on the day of 19 .

Registrar.

NOTE.—A copy of the agreement referred to herein must be filed with this Caveat.

Schedule 33.

Form of Declaration in lieu of Certificate, etc.

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

I request that for the purpose of this declaration may be received in lieu of the said lost (Signature)

Declared before me at this day of 19 Registrar (or J.P. or Commissioner for Affidavits).

Schedule 34.

Mineral Lease.

WESTERN AUSTRALIA.

Mineral Lease No. , District of 19

THIS INDENTURE, made the day of 19 BETWEEN the Minister of Mines in and for the Colony of Western Australia, acting in this behalf for Her Majesty, her heirs and successors, of the one part, and of the other part, WITNESSETH that the Minister

of Mines, in consideration of the sum of pounds shillings sterling for rent in advance paid by the said and of the rent and royalty hereinafter reserved, and under and subject to the conditions, provisions, declarations, reservations, and exceptions hereinafter contained, and to the provisions of "The Mineral Lands Act, 1892," "The Mineral Lands Act Amendment Act, 1899," and The Mines Regulation Act, 1895," and any Acts amending the same hereinafter referred to as "the said Acts," and the Regulations made thereunder respectively, and to all other terms, conditions, exceptions, reservations, and provisos in any of the Acts relating to the occupation of Crown Lands affecting the same, doth by these presents grant and demise unto the said h executors, administrators, and assigns [If the lessee is a corporate body, omit "his executors, administrators, and assigns," and insert "and its assigns"] (hereinafter called the "Lessees"), ALL THAT piece or parcel of land situated in the Mining District of our Colony of Western Australia, containing, by admeasurement , be the same more or less, and particularly described and delineated in Schedule 1 hereto: And all those mines, veins, seams, lodes, or deposits of in, on, and under the said land (hereinafter called the said mine) together with the rights, liberties, easements, advantages, and appurtenances thereto belonging or appertaining; excepting and reserving from this demise all such portions of the surface of the said land as are now lawfully occupied by persons other than the lessees for residence or business purposes, or any portion of the surface thereof that is now used or may be hereafter required for the erection thereon of any public buildings, or for the making or construction of any street, road, telegraph line, or railway, or other public works whatsoever: And also together with free liberty for the lessees, their agents and workmen (including contractors and tributers) to search for and win the on, in, and under the said land: And also to sink, drive, make, and use all pits, shafts, levels, drives, adits, races, drains, tunnels, reservoirs, roads, and tramways, and to bore for water and to erect all such buildings, engines, furnaces, pumps, machinery, and works on, in, or under the said land as shall be necessary or convenient for working the mine and winning the said : And also to erect on the said land such offices, cottages, and dwelling-houses for the use of the persons and workmen employed in the said mine and works as the lessees shall think proper; saving, reserving, and excepting always unto the Minister of Mines, and his successors in office (hereinafter called the Minister) and to any and every person or persons hereinafter appointed by him in that behalf, full liberty, at all times during the continuance of this demise, to enter into and upon the land hereby demised, and all mines and works therein or thereon, in order to view and examine the condition thereof, and for that purpose to make use of all or any railroads, tramroads, or other roads, and all machinery upon the said lands or belonging to the said mines, and also to use or make any levels, drifts, or passages requisite for the purpose of any such inspection. To HAVE AND TO HOLD the said land and mine, and all and singular other the premises hereinbefore mentioned and hereby demised, with the appurtenances, subject as aforesaid, unto the lessees (holding shares respectively as set out in Schedule 2 hereto) for the full term of Twenty-one years from the first day of January, One thousand nine hundred , for the several purposes stated in the twelfth section of "The Mineral Lands Act, 1892," and for no other purpose; YIELDING AND PAYING therefor the yearly rent of per acre in advance, the first day of rent having been paid as aforesaid on the day of One thousand nine hundred , and the next and every subsequent payment to be made on or before the thirty-first day of January next ensuing, and, if not so paid, the said rent may be paid on any lawful day during the month of February in each year, together with a fine of ten per centum on the amount of rent payable, and, if not so paid, the said rent may be paid on any lawful day during the month of March in each year, together with a fine of fifteen per centum on the amount of rent payable.

[In Coal Mining Leases, insert:—And further yielding and paying a royalty of threepence per ton on all coal raised from the land during the first ten years, and sixpence per ton on all coal raised from the land during the remainder of the said term, subject to the reduction mentioned in Section 24 of the said "Mineral Lands Act, 1892;" such royalty to be paid within one month after the first day of each quarter of every year during the said term, and calculated on the quantity of all coal raised from the land during the preceding quarter.]

And further yielding and paying a royalty of One pound per centum of the value of all gold found, associated, or combined with any on the demised land, and which may be extracted by the lessees; such royalty to be paid within one month after the first day of each quarter of every year during the said term, and calculated on the value of the gold extracted during the preceding quarter. All such rent and royalty as aforesaid to be paid to the Minister at the Department of Mines in Perth, or to his agent, pursuant to the said Regulations.

PROVIDED ALWAYS, and it is hereby declared, that if the rent and fine and royalty (if any) be not paid as before provided, clear of all rates, taxes, and assessment to which the said land and premises are now or at any time during the said term may be subject or liable, and whether such rent, fine, or royalty shall have been legally demanded or not, it shall thereupon be lawful for the Minister, and for any person appointed by him in that behalf, and for any Bailiff of the Registrar's Court or of Crown Lands, to enter upon the said land, premises, and mine, and seize and distrain all minerals, stone, and earth, and all machinery, apparatus, tools, carts, engines, plant, and all other goods, chattels, and effects whatsoever which shall be in, on, or under the said land, premises, and mine, and every distress then made may take away, sell, and dispose of so much thereof as may be necessary as in cases of distress for rent reserved in common leases, and, out of the moneys arising thereby, to retain so much as shall be sufficient to satisfy the said arrears and other payments which shall at the time of such sale be unpaid, and all expenses incurred by the non-payment thereof and by distraining; and if any surplus, the same to be paid to the lessees. AND THE LESSEES COVENANT with the Minister in manner following, that is to say:—

1. That the said lessees shall and will, during the said term, pay the rent and royalty hereby reserved at the times and in the manner hereinbefore provided for the payment thereof clear of all deductions.

2. And shall and will, except when prevented by inevitable accident, or during the execution of repairs, or during any exemption of labour granted under the said Acts or Regulations, diligently explore or search for and work the said land, premises, and mine in a skilful and workmanlike manner.

3. And shall not nor will use or occupy, or permit to be used or occupied, the said land for other than *bona fide* mining purposes, or as sites for offices or dwellings for the persons employed in, on, or about the said mine.

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

5. And shall and will employ in the construction of the works or in mining operations, on, in, or under the said land, and during the usual hours of labour, such number of miners or workmen as shall be required by law: Provided always that such miners or workmen shall not be Asiatic or African aliens.

6. And shall and will make such provision for the disposal of detritus, earth, waste, refuse, or workings of the said mine, so that the same shall not be or become a nuisance, inconvenience, or obstruction to any road, tramway, railway, telegraph line, race, drain, or creek, or private or Crown lands, or in any manner occasion private or public damage or inconvenience.

7. And shall and will make such provision for decency and the observance of sanitary conditions as the said Acts and Regulations may prescribe, or as the Minister may approve and direct.

8. And shall and will erect and keep in repair a substantial and effective protection against accident around or over all shafts, tunnels, and excavations on the said land, so as to prevent all accidental access thereto.

9. And shall permit and suffer the Inspector of Mines or any other person or persons appointed by the Minister in that behalf, and the Registrar of the District within which the land hereby demised is situate, at all proper and reasonable times during the continuance of this demise, and whether the mines are working or not, without any interruption or disturbance from the lessees their agents, servants, or workmen, or any of them, to enter into and upon the said mines, and all works and buildings connected therewith, or any part thereof, to view and examine the condition thereof, and whether the said mine or mines is or are worked in a proper and workmanlike manner, and *bona fide* for the purposes aforesaid, and for that purpose to use all and every the tramways, railroads, or other roads, or ways, and all or any of the machinery and works in and upon the said land.

10. And shall not nor will work any of the mines commenced or worked in and upon any of the land hereby demised out of or beyond the limits or boundaries of the said land.

11. And shall and will at all times during the continuance of this demise keep and preserve all mines which shall be sunk or worked in and upon the said land from unnecessary injury and damage, and also all levels, drifts, shafts, pits, watercourses, houses, erections, sheds, tramways, railroads, and other roads and ways in good order, repair, and condition, except such of the said

works as shall from time to time be declared by the Minister to be unnecessary for the further working of the said mines.

12. And shall and will from time to time, upon being required in writing so to do by the Registrar of the District within which the land hereby demised is situate, well and sufficiently bale and pump, draw away, and remove all water from the workings in the land hereby demised, which, in the opinion of the said Registrar, is or may be injurious to the holder of any adjoining claim or lease, and continue to keep the said workings free of water so long as it may be so required as aforesaid.

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

14. And shall and will permit any mining surveyor or other duly authorised person, acting under an order of the Registrar or of the Registrar's Court, with all proper assistants, during working hours, quietly to enter into and upon the said land, premises, and mine, to survey and examine the state and condition thereof, in order to ascertain if the lessee has encroached upon any adjoining claim or leasehold, and, for the purposes aforesaid, to descend all shafts and other workings and use all machinery and other appliances in and upon the said land or connected therewith without let or hindrance, provided that in so doing, no unnecessary interference is caused with the carrying on of the said mining works.

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

16. And shall and will, as often as required, furnish the Minister or other officer appointed by him, all such true and proper plans, sections, returns, and statistics, or other particulars as may be required or demanded by the Minister in the public interest.

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

18. And shall not nor will transfer, sub-let or part with possession of the said land or any part thereof, or encumber the same, without the license or authority of the Minister.

19. And shall not nor will plead acceptance of rent or royalty as a waiver of the right of the Minister or other officer on his behalf, to enforce observance of the provisions herein contained, or of the right of the Minister to declare these presents void for any breach thereof respectively.

20. And shall and will, at the end or other sooner determination of the said term, deliver peaceable possession of such land and of all and singular the premises hereby demised to the Minister or to the Registrar or other officer authorised to receive possession thereof.

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

22. And that if at any time, during the term hereby created, any part or parts of the land hereby demised, or any part or parts of the surface thereof, shall be required for the purpose of any township, village, road, canal, railway, railway stations and approaches thereto, tramway, water-course, reservoir, drain, gas or water mains, or other pipes, or for any other public purpose

whatsoever, it shall be lawful for the Minister, on giving three months' notice of his intention so to do, to cause to be set out the part or parts of the said land, or of the surface thereof which shall be so required, and as soon as the same shall be so set out, such part or parts of the said land or of the surface thereof shall cease to be included in the land hereby demised, and the lessees shall not be entitled to any abatement of rent or any compensation whatever in respect thereof.

23. And that it shall be lawful for the Minister or any persons acting with his authority, without compensation to the lessees, to make and use in, on, or under the said land, any works for freeing and keeping free from water, or for conveying water to any other lands or mines for mining purposes, or for supplying any other mines with fresh air, or for effectually working any other mines, or for any public purpose whatever, and to cut, dig, and remove any or all timber, stone, gravel, and other materials in and upon said land which may be required for any public purpose.

24. AND PROVIDED LASTLY, that if the lessees shall, at any time during the said term, fail to use the said land *bona fide* for the purpose for which it has been demised; or if the lessees shall mine for or win from the said land, mine, and premises any gold other than in association or combination with , or any mineral other than , without the express sanction first had and obtained of the Minister or if and whenever the said rent or any royalty shall be in arrear for thirty days after the time appointed for payment thereof, whether the same shall have been legally demanded or not, or if and whenever there shall be a breach of or non-compliance with the covenants, conditions, stipulations, and provisions herein contained, or any of them, or of the provisions of the said Acts, or of the Regulations made thereunder, by the lessees the Minister may declare these presents void, and upon publication in the *Government Gazette* of notice of such declaration, all the right, title, and interest of the lessees under these presents shall cease and determine both at law and in equity, and the production of a copy of the *Government Gazette* containing such notice, purporting to have been signed by the Minister, declaring the lease void shall be conclusive evidence in all Courts whatsoever of a breach of or non-compliance with the covenants, conditions, stipulations, and provisions herein contained or of the provisions of the said Acts or Regulations sufficient to authorise and sustain such declaration having been lawfully made, and that the interest created hereunder has been lawfully determined, and thereupon it shall be lawful for the Minister, his agents or officers, or for any bailiff or other person duly authorised thereto, or for any holder of a mining license who has the permission of the Minister, without any previous demand whatsoever, to enter forthwith into and upon the said land and premises hereby granted, and the same to repossess and enjoy on our behalf as fully and effectually to all intents and purposes as if this demise had not been made, and the lessees to expel and remove, without any legal process, and as effectually as the Sheriff might do in case judgment in ejectment had been obtained and a writ of *habere facias possessionem* had been issued on such judgment, and in case of such entry and any legal proceeding taken in respect thereof, the defendant in any such proceeding may plead leave and license in bar thereof, and these presents shall be conclusive evidence of such leave and license by the lessees, or other the person or persons, plaintiff or plaintiffs, in such proceedings, for such entry or other matters complained of in such proceedings.

SCHEDULE NO. 1.
[Land demised.]

SCHEDULE 2.
(The total number of shares is .)

Owners.	No. of Shares.	TRANSFERS.					
		No.	Trans-ferree.	No. of Shares.	Date of Regis-tration.	Signature of Registrar.	Signature of Minister approving.

In Witness whereof the said parties to these presents, respectively, have hereunto set their hands and seals the day and year first above written.

[L.S.]
[L.S.]

Signed, sealed and delivered by , Minister
of Mines for Western Australia, in the presence of .

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

PART II.—JUDICIAL REGULATIONS.

1. In all civil cases the proceedings shall be commenced by a plaint in the form No. 1 in the Schedule, or as near thereto as circumstances will permit.

2. The plaint shall be filed in the Registrar's office five clear days before the return day of the summons.

3. The plaint shall set forth the name and address of the plaintiff, and also of the defendant, so far as the same are known to the plaintiff. It must set forth a sufficient cause of action or complaint, and conclude with a prayer for the relief to which the plaintiff shall conceive himself entitled.

4. The items or particulars of demand (if any) shall be annexed to or contained in the plaint.

5. In all cases where particulars of demand are required to be annexed the plaintiff shall deliver to the Registrar or his clerk, at the time of filing the plaint, as many copies of the particulars of demand as there are defendants to be served, and an additional copy to be attached to the summons

6. Where the plaintiff sues for a debt or damages, but desires to abandon a portion, or to admit a set-off, and sue for the residue, the abandonment or the admission of a set-off shall be entered on the particulars and copies.

7. Upon the filing of the plaint, the Registrar or his clerk shall issue a summons in the form No. 2 in the Schedule.

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

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

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

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

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

13. Where the defendant is working in any mine or other works underground, it shall be sufficient service to deliver the summons at the mine or works to the engine-man, braceman, or other person apparently in charge of the mine or works.

14. Service of a summons, notice order, or other document may be effected on any company or other corporation by leaving the same or sending it through the post in a prepaid registered letter, addressed to the company at its registered office.

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

16. The above rules as to the mode of service of a summons shall apply to the mode of service of all summonses, subpoenas, processes, orders, or notices whatsoever,

except where otherwise directed by "The Act" or Regulations.

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

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

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

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

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

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

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

24. The Registrar shall in each case direct what number of witnesses are to be allowed on taxation of costs between party and party, and their allowance shall in no case exceed the rates mentioned in the scale in Schedule 12.

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

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

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

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

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

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

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

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

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

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

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

36. Witnesses' expenses shall be allowed at the rate in the Schedule No. 12.

SCHEDULES.

No. 1.

Plaint.

In the Registrar's Court at

No.

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

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

Dated this _____ day of _____ 19 _____
Signature.

No. 2.

Summons.

In the Registrar's Court at

To [insert defendant's name and address].

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

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

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

Dated this _____ day of _____ 19 _____
Registrar.

No. 11.								£ s. d.			
					£	s.	d.				
For every information or plaint	0	1	0	Mileage one way on all processes served by bailiff			
For every summons	0	1	0	(exclusive of first mile) per mile ...	...	...	0 1 0
For every copy	0	0	6	For every levy ...	...	...	1 1 0
For every notice of defence	0	1	0				
For every order of Warden	0	1	0				
For every execution	0	2	0				
For every declaration filed	0	2	0				
For every injunction	0	5	0				
BAILIFF'S FEES.											
For every service of summons or subpoena	0	5	0				
Possession money per diem, if in actual possession	0	10	6				

					No. 12.					
					WITNESSES' EXPENSES.					
								£ s. d.		
					Professional men (including persons employed under					
					Regulations 133 and 134) per diem...			...	...	1 1 0
					All others per diem ...			...	...	0 10 6
					Mileage for every mile after first two miles, one way					
					only ...			...	...	0 2 0