



SUPPLEMENT

TO THE

NEW ZEALAND GAZETTE

OF

THURSDAY, NOVEMBER 21, 1895.

Published by Authority.

WELLINGTON, TUESDAY, NOVEMBER 26, 1895.

*Amended Regulations under "The Mining Act, 1891."
(Prospecting and Tunnelling.)*

GLASGOW, Governor.

WHEREAS by the three hundred and forty-first section of "The Mining Act, 1891" (hereinafter referred to as "the said Act"), it is enacted that it shall be lawful for the Governor, subject to the provisions of the said Act, from time to time to make, alter, amend, and revoke regulations for all or any of the purposes therein mentioned:

And whereas, in pursuance and exercise of the hereinbefore in part recited authority, regulations were made on the twenty-third day of December, one thousand eight hundred and ninety-one, and came into operation on the first day of January, one thousand eight hundred and ninety-two:

And whereas it is desirable to revoke No. 144 of the regulations so made as last aforesaid, and also to revoke other regulations made under the said Act, and to make other regulations in lieu thereof, as hereinafter set forth:

Now, therefore, I, David, Earl of Glasgow, the Governor of the Colony of New Zealand, in pursuance and exercise of the powers and authorities in that behalf conferred upon me by the said in part recited Act, do hereby revoke No. 144 of the regulations of the twenty-third day of December, one thousand eight hundred and ninety-one, also clause No. 160 in Class I. of the regulations of the twelfth day of July, one thousand eight hundred and ninety-four, made under the said Act, and in lieu thereof, and also in addition thereto, I do hereby make the regulations hereinafter set forth, that is to say:—

PROSPECTING CLAIMS.

- (1.) A prospecting claim in alluvial or quartz ground shall be double an ordinary claim, but not more than six prospecting claims shall be held together as one claim—that is to say, not more than 120,000ft. in alluvial ground or 720,000ft. in quartz ground.

AIDS TO PROSPECTING.

Class I.—One party of two or three men in each riding of any county will be subsidised at the rate of 10s. per week per man for prospecting new and unprospected country three miles from any workings where more than ten men had been working for a period of six months before prospecting commenced. Where the prospecting operations consist in trenching for lodes a subsidy may be given under this head, and in that case the operations need not be three miles from any workings.

TUNNELLING.

Tunnel can be granted through Land held in Claims, Licensed Holdings, and Special Claims.

Any person desirous of constructing a drive, adit, or tunnel through any land held by any other person as a claim, licensed holding, or special claim, or using any constructed drive, adit, or tunnel not being made use of by any other party, in order to get into or work his claim, licensed holding, or special claim, as the case may be, shall make application to the Warden to construct or use such drive, adit, or tunnel, who shall appoint a day for the hearing of such application, being not less than sixteen days from the date of lodging the same.

Mode of Application.

The applicant shall post and maintain a notice for fourteen days at the mouth or proposed mouth of the drive, adit, or tunnel that he proposes to construct or use in the form prescribed in Schedule twenty-eight of the regulations made under "The Mining Act, 1891," and serve a notice on the person holding the land under any mining right that he proposes to go through with such drive, adit, or tunnel.

Hearing of Application, Warden may grant or refuse.

On the hearing of the application the Warden may grant the applicant permission to construct a drive, adit, or tunnel, or use any constructed drive, adit, or tunnel, as the case may be, on such terms and conditions as he may deem fit, or, if there be any valid objection to granting such permission, the Warden may refuse to grant the same.

As witness the hand of His Excellency the Governor, this twenty-sixth day of November, one thousand eight hundred and ninety-five.

A. J. CADMAN,
Minister of Mines.

Regulations under "The Mining Act, 1891," and "The Mining Act Amendment Act, 1895." (Extended Prospecting Licenses and Tunnel Prospecting Licenses.)

GLASGOW, Governor.

IN pursuance and exercise of the powers and authority conferred by "The Mining Act, 1891," and "The Mining Act Amendment Act, 1895," I, David, Earl of Glasgow, the Governor of the Colony of New Zealand, do hereby make, for the purposes of the said Acts, the several

regulations, and do hereby prescribe the several fees, herein-after set forth, namely:—

REGULATIONS.

Extended Prospecting Licenses.

1. *What Lands may be held under Extended Prospecting Licenses.*—Any Crown lands within New Zealand may be held under an extended prospecting license so long as such lands are distant two miles from any claim, special claim, or licensed holding, on which actual mining operations are being carried on.

2. *Marking off Ground.*—Every applicant for an extended prospecting license shall make application to the Warden of the district nearest the locality where the land applied for is situate, and he shall, previous to making such application, mark out the area applied for by causing to be erected at every angle thereof a post not less than 4in. in diameter, and standing not less than 2ft. above the ground, and shall have a distinguishing mark cut into the wood near the head of such post, and in the applicant's notice such distinguishing mark shall be stated.

3. *Deposits to be Lodged.*—The applicant for any extended prospecting license shall, at the time of making application, lodge with the nearest Receiver of Gold Revenue a deposit at the rate of £15 for every hundred acres applied for, such money to be paid into the Receiver-General's deposit account; and it shall be returned to the holder of such extended prospecting license on the certificate of an Inspector of Mines that at least £3 has been expended per annum in actual prospecting operations for every acre comprised in such extended prospecting license. Not less than one man shall be continuously employed for every thirty-six acres comprised in any extended prospecting license. The applicant shall further deposit the sum of £5 with every application for an extended prospecting license to cover the cost of hearing, advertising, and preliminary expenses.

4. *Mode of Application.*—Every application for an extended prospecting license shall be made in triplicate, in the form in the Schedule hereto marked A, or as near thereto as practicable, to the Warden of the district nearest the locality where the area applied for is situate, and it shall be signed and lodged, either by the applicant personally or by his attorney, or by a barrister or solicitor of the Supreme Court, registered mining agent, or by any person authorised in writing by the applicant or his attorney to lodge such application; and in case the land applied for is held under a timber lease by the applicant this shall be stated in the application.

The applicant shall also publicly notify such application by advertisement appearing at least once in each of two consecutive weeks in some newspaper published and circulating in the district, in the form of Schedule A to these regulations; and he shall forward a copy of such advertisement to the Commissioner of Crown Lands for the Land District wherein the land applied for is situate. A copy of such application shall be posted and maintained on the ground by the applicant from the date of application until the day of hearing, and copies of the newspaper containing the advertisement of such application shall be produced to the Warden before he shall proceed to hear the application.

5. *Hearing of Application.*—Upon receipt of such application the Warden shall appoint a day for the hearing thereof, being not less than twenty-one days from the receipt of such application.

6. *Priority of Application.*—In the event of more than one application being made for the same land or any part thereof on the same day, the Warden shall determine which of the applicants shall be held to have the prior right in accordance with the provisions of "The Mining Act, 1891."

7. *Protection during Application.*—All lands for which application shall have been made in the manner aforesaid shall be exempt from occupation from the date of lodging such application at the Warden's office until such application shall have been finally dealt with.

8. *Objectors to give Notice.*—Any person, except the Commissioner of Crown Lands, Inspector of Mines, or other officer of the Government, objecting to the issue of an extended prospecting license being granted shall forward to the Warden, at least three days prior to the hearing of the application, a full statement of his objections, and shall, within such time, serve a copy thereof on the applicant, or upon his attorney, barrister, solicitor, agent, or person authorised to lodge the application.

9. *Proceedings in Case of Objections.*—If at the hearing of any objection as aforesaid the Warden shall find such objection valid, he shall thereupon reject the application, either as to the whole or a part of the land applied for, and he may award to the objector and his witnesses any reasonable costs and expenses; and, if the Warden shall disallow the objection, he may award to the applicant and his witnesses (if any) reasonable costs and expenses, as the said Warden may direct, and any award of costs and expenses may be enforced as a judgment in the Warden's Court.

License.

10. *Warden to recommend License.*—If, at the final hearing, there shall be no objection, or if on hearing the objections (if any) the Warden shall not find any such objection valid, and if there be no reason known to the Warden why a license of the whole or any part of the land applied for should not be granted to the applicant, he shall recommend that an extended prospecting license be granted to such applicant, and he shall inform the Commissioner of Crown Lands of the district accordingly.

Every extended prospecting license granted by the Governor under these regulations shall be in the form or to the effect set forth in Schedule B to such regulations.

11. *Proceedings in Case of Refusal of License.*—If any license so applied for shall be refused, or if any application for a license shall be withdrawn, a notice thereof shall be posted outside the Warden's office, and it shall be stated in such notice that such ground is open to persons holding miners' rights or business licenses, or to any applicant for a license, as if no license of the said ground had ever been applied for.

12. *Conditions.*—Every holder of an extended prospecting license shall hold such license upon the express conditions that he will carry on vigorously and continuously prospecting operations on the land for which an extended prospecting license is granted, and that such holder will, upon the discovery of any metals or minerals on such land, promptly report every such discovery to the Warden of the district in or nearest to which the land comprised in such license is situated, and will expend annually at least £3 for every acre comprised in such license, and employ upon the said land not less than one man for every thirty-six acres comprised in any extended prospecting license.

13. *Registration of Assignment.*—Every sale, transfer, or assignment of land comprised in any extended prospecting license, or any interest therein, shall be registered at the Warden's office, whether such transfer or assignment be by deed or otherwise. Before any transfer or assignment is made, a certificate must be produced from the Inspector of Mines that the conditions on which such extended prospecting license was granted have been complied with.

14. *Surplus Ground.*—If any applicant for an extended prospecting area marks off a larger area of land than is set forth in his application, any person requiring such land can have the land surveyed at his own cost by any authorised surveyor, and on the production of a plan of such authorised surveyor to the Warden, he may award any surplus ground over and above the area comprised in the extended prospecting license to the person causing such survey to be made, and the Warden may recommend that such person be granted an extended prospecting license for such surplus area.

15. *Licensee to get Notice of Complaint.*—In the event of any Inspector or holder of a miner's right deciding to lodge a complaint in the Warden's Court, on the ground that the holder of an extended prospecting license is not faithfully complying with the conditions under which such license was granted, notice in writing shall be first served on the holder of such extended prospecting license, or on his representative, and if, after receiving such notice as aforesaid, the holder of the said extended prospecting license shall fail or neglect to comply with the conditions under which such license was granted, that shall be sufficient evidence for the Warden to recommend the Governor to cancel such extended prospecting license.

Tunnel Prospecting Licenses.

16. *Application for License.*—Every application for a tunnel prospecting license shall be made in triplicate, in the form in the Schedule hereto marked C, or as near thereto as practicable, to the Warden of the district, and it shall be signed and lodged, either by the applicant personally or by his attorney, or a barrister or solicitor of the Supreme Court, or by a registered mining agent, or by any person authorised in writing by the applicant or his attorney to lodge such application.

17. *Marking off Line of Tunnel.*—The applicant for any tunnel prospecting license shall, previous to making application to the Warden, mark off the line of proposed tunnel by causing to be erected at the commencing and terminating points, and also at any angle, a post not less than 4in. in diameter, and standing not less than 2ft. above the ground, and shall have a distinguishing mark cut into the wood near the head of such post.

18. *Deposits to be lodged.*—The applicant for any tunnel prospecting license shall, at the time of making application, deposit with the Receiver of Gold Revenue for the district a sum for survey and necessary expenses, in accordance with the scale set forth in Schedule D to these regulations, together with the sum of £5 to cover the cost of hearing, advertising, and preliminary expenses: Provided that, in case the sum deposited by the applicant for survey is not sufficient to cover the cost of same, the applicant shall, after

demand in writing has been made by the Clerk of the Warden's Court, deposit such additional sum as may be required to cover such cost.

The applicant shall also publicly notify such application by advertisement appearing at least once in each of two consecutive weeks in some newspaper circulating in that district, in the form of Schedule C to these regulations. A copy of such application shall be posted and maintained on the ground by the applicant from the date of application until the day of hearing, and copies of the newspaper containing the advertisement of such application shall be produced to the Warden before he shall proceed to hear the application.

19. *Hearing of Application.*—Upon receipt of such application the Warden shall appoint a day for the hearing thereof, being not less than sixteen days from the receipt of such application.

20. *Priority of Application.*—In the event of more than one application being made for the same land or any part thereof on the same day, the Warden shall determine which of the applicants shall be held to have the prior right in accordance with the provisions of "The Mining Act, 1891."

21. *Protection during Application.*—All lands for which application shall have been made in the manner aforesaid shall be exempt from occupation from the date of lodging such application at the Warden's office until such application shall have been finally dealt with.

22. *Objectors to give Notice.*—Any person, except the Commissioner of Crown Lands, or Inspector of Mines, or other officer of the Government, objecting to the issue of a tunnel prospecting license being granted shall forward to the Warden, at least three days prior to the hearing of the application, a full statement of his objections, and shall within such time serve a copy thereof on the applicant.

23. *Proceedings in Case of Objections.*—If at the hearing of any objection as aforesaid the Warden shall find such objection valid, he shall thereupon reject the application, either as to the whole or a part of the land applied for, and he may award to the objector and his witnesses any reasonable costs and expenses; and, if the Warden shall disallow the objection, he may award to the applicant and his witnesses (if any) reasonable costs and expenses as the said Warden may direct, and any award of costs and expenses may be enforced as a judgment in the Warden's Court.

24. *Survey, and Report to Warden.*—After the preliminary hearing of any application, the Warden shall forward, or cause to be forwarded, a copy of such application (if there has been no objection thereto, or if the objections have not been sustained) to the District Surveyor, or, when there is no such officer, to the Chief Surveyor of the land district, or to an authorised surveyor registered under the mining regulations, who shall make or cause to be made a survey, and furnish a plan of the ground to the Warden, with a report as to the area, boundaries, description, and character of the ground; as to the likelihood of any river, creek, or permanent water, spring, or artificial reservoir which may be included within the boundaries of the area applied for being required for, or the feasibility of the same being applied to, public purposes, or for the use of miners of the district generally for gold-mining purposes; and also as to any claims to prior occupancy which shall come to his knowledge, inquiry as to which it shall be his duty to make while making the said survey; and the Surveyor shall also furnish to the Warden a tracing of so much of the general map of the district as will be sufficient to connect the particular area applied for with at least one trigonometrical station, or, in the absence of any such, with some fixed point.

25. *Survey before Final Hearing.*—The Surveyor shall, if possible, make the survey prior to the day fixed for the final hearing; but if from any cause the survey cannot be made or the plan prepared in time, the hearing may be adjourned from time to time at the discretion of the Warden; and no application shall be finally dealt with by the Warden until the plans and report of the Surveyor shall have been received. On any application for a tunnel prospecting license being recommended by the Warden, the Surveyor shall draw copies of the plans on or attached to the said tunnel prospecting license, in triplicate: Provided that in all cases survey shall be made within the time prescribed by section 125 of the Mining Act.

26. *Notice to be posted by Surveyor.*—Whenever the Surveyor shall have made any survey as aforesaid, he shall place a notice, in the form contained in Schedule E hereunto annexed, in some conspicuous place on the ground proposed to be taken up as a tunnel prospecting license.

License.

27. *Warden to recommend License.*—If at the final hearing there shall be no objection, or if on hearing the objections (if any) the Warden shall not find any such objection valid, and if there be no reason known to the Warden why a license of the whole or any part of the land applied for should not be granted to the applicant, he shall forward a recommendation to the Governor to grant a tunnel prospecting license to such applicant.

Every tunnel prospecting license granted by the Governor under these regulations shall be in the form or to the effect set forth in Schedule E to such regulations.

28. *Proceedings in case of Refusal of License.*—If any tunnel prospecting license so applied for shall be refused, or if any application for a license shall be withdrawn, a notice thereof shall be posted outside the Warden's office, and it shall be stated in such notice that such ground is open for occupation under the Mining Act as if no license of the said ground had ever been applied for.

29. Every holder of a tunnel prospecting license shall hold such license upon the conditions that he will carry on the construction of such tunnel vigorously and continuously, and will employ not less than six men for every 40 chains in length of any tunnel comprised in (or prospected under) such license, and that such holder will, upon the discovery of any metals or minerals on such land, promptly report every such discovery to the Warden of the district in or nearest to which the land comprised in such license is situated.

30. *Licensee may take up Claim.*—The holder of any tunnel prospecting license during the term of such license shall be entitled to mark off a claim, special claim, or licensed holding within the area comprised in such tunnel prospecting license, and, in the event of the whole or any portion of the land being taken up in claims, special claims, or licensed holdings, the holders of the tunnel prospecting license shall be entitled to have a reserve of 10ft. on each side of the tunnel left intact as a protection to such tunnel.

31. *Registration of Assignment.*—Every sale, transfer, or assignment of land comprised in any tunnel prospecting license, or any interest therein, shall be registered at the Warden's office, whether such transfer or assignment be by deed or otherwise. Before any transfer or assignment is made, a certificate must be produced from the Inspector of Mines that the conditions on which such tunnel prospecting license was granted have been complied with.

32. *Scale of Fees for Survey.*—There shall be paid for the survey of any area applied for as a tunnel prospecting license as follows: Surveyor's fee, £1 10s. per day or part of a day; labour extra. Mileage, 3s. per mile, one way, from Warden's Court where application will be dealt with. Drawing plan on license, 2s. 6d. each copy.

SCHEDULE A. (REG. NO. 4.)

Application for an Extended Prospecting License.

To the Warden at

hereby apply for an extended prospecting license for gold-mining purposes under the provisions of "The Mining Act Amendment Act, 1895," over the lands hereinafter described, which have been duly marked in accordance with the regulations made under the said Act.

(Signature of Applicant.)

(Occupation.)

(Address.)

| Name and Address in full of Applicant. | Locality where the Land applied for is situated. | Extent of Land applied for. | If Land held under Timber Lease. | Proposed Metal or Mineral to prospect for. | Term for which License is required. | General Remarks. |
|--|--|-----------------------------|----------------------------------|--|-------------------------------------|------------------|
| | | | | | | |

Dated at , the day of , 18 .
The above application and any objections will be heard at the Warden's office at , on , 18 .

Any person desiring to object to the grant of an extended prospecting license for the land applied for must, at least three days prior to the hearing of such application enter his objections at the Warden's office at

(Signature of Warden or Clerk.)

SCHEDULE B.

Form of Extended Prospecting License.

WHEREAS A.B., of [occupation and address], has made application for an extended prospecting license over the lands described in the Schedule hereto, and it has been made to appear to me that the said application has been publicly notified in terms of "The Mining Act Amendment Act, 1895," and that the Warden of the District (being the district in or nearest to which the area applied for is situated) has approved of the said application: And whereas it appears expedient that this license should be

granted: Now know ye, and these presents witness, that I, _____, Governor of the Colony of New Zealand, do hereby grant unto the said A.B. [name of grantee], his executors, administrators, and assigns [or (name of corporation), their successors and assigns], sole and exclusive license and authority to enter upon and occupy the land described in the Schedule hereto for the purpose of carrying on prospecting operations for [State metal or mineral], and erecting any machinery or constructing works in connection therewith, and doing all lawful acts incidental or conducive thereto. To hold the said land for a period of* _____ from the date hereof, subject to the conditions set forth in "The Mining Act Amendment Act, 1895," and the regulations made thereunder.

In witness whereof I have hereunto subscribed my name and seal, this _____ day of _____, 18 _____, Governor.

Schedule.

All that area, situated in the _____ District, containing by estimation _____ acres, or thereabouts. Bounded on the north by _____; on the east by _____; on the south by _____; and on the west by _____.

* Not to exceed two years.

SCHEDULE C.

Application for Tunnel Prospecting License.

To the Warden at _____ I [or We] hereby apply for a tunnel prospecting license under the provisions of "The Mining Act Amendment Act, 1895," which has been duly marked off in accordance with the regulations made under the said Act.

(Signature of Applicant.)
(Occupation.)
(Address.)

| Name and Address in Full of Applicant. | Locality where Area applied for is situated. | Length of Proposed Tunnel. | Amount of Capital proposed to be expended in Construction of Tunnel. | Dimensions of Proposed Tunnel. | Number of Men proposed to be employed in constructing Tunnel. | Remarks. |
|--|--|----------------------------|--|--------------------------------|---|----------|
| | | | | | | |

Dated at _____, the _____ day of _____, 18 _____.

The above application and any objections will be heard at the Warden's office at _____, on _____, 18 _____.

Any person desiring to object to the issue of a tunnel prospecting license for the land applied for must, within two clear days from the date of such application, enter his objections at the Warden's office at _____.

(Signature of Warden or Clerk.)

SCHEDULE D.

Surveyor's Notice of Marking-out of a Tunnel Prospecting License.

To all persons whom it may concern, I HEREBY give notice that _____, residing at _____, did, on the _____ day of _____, apply to the Warden at _____ for a tunnel prospecting license, which I have this day marked out, and that any person desiring to object to the granting of such tunnel prospecting license must, on or before the _____ day of _____, 18 _____, enter his objection at the office of the said Warden. And I further give notice that the said land is exempted from occupation for any purpose whatsoever until the application of the aforesaid shall have been finally dealt with.

Dated at _____, this _____ day of _____, 18 _____.

[Signature of Surveyor.]

SCHEDULE E.

Form of Tunnel Prospecting License.

WHEREAS A.B., of [occupation and address], has made application for a tunnel prospecting license over the lands described in the Schedule hereto, and it has been made to appear to me that the said application has been publicly notified in terms of "The Mining Act Amendment Act, 1895," and that the Warden of the _____ District (being the district in or nearest to which the area applied for is situated) has approved of the said application: And whereas it appears expedient that this license should be granted: Now know ye, and these presents witness, that I, _____, Governor of the Colony of New Zealand, do hereby grant unto the said A.B. [name of grantee], his executors, administrators, and assigns [or (name of corporation), their successors or assigns], sole and exclusive license and authority to enter upon and occupy the land described in the Schedule hereto for the purpose of constructing a prospecting tunnel, and erecting any machinery or constructing works in connection therewith, and doing all lawful acts incidental or conducive thereto. To hold the said lands for a period of* _____ from the date hereof, subject to the conditions set forth in "The Mining Act Amendment Act, 1895," and the regulations made thereunder.

In witness whereof I have hereunto subscribed my name and seal, this _____ day of _____, 18 _____, Governor.

Schedule.

All that area, situated in the _____ District, bounded on the north by _____; on the east by _____; on the south by _____; and on the west by _____.

* Not to exceed two years.

As witness the hand of His Excellency the Governor, this twenty-sixth day of November, one thousand eight hundred and ninety-five.

A. J. CADMAN,
Minister of Mines.

By Authority: SAMUEL COSTALL, Govt. Printer, Wellington.