



THE
GOVERNMENT GAZETTE
OF THE
PROVINCE OF MARLBOROUGH.

Published by Authority.

All Public Notifications which appear in this Gazette with any Official Signature hereunto annexed, are to be considered as Official Communications made to those persons to whom they relate, and are to be obeyed accordingly.

THOMAS CARTER,
Superintendent.

Vol. V.]

WEDNESDAY, JUNE 15, 1864.

No. 71.

Superintendent's Office, Picton,
June 11, 1864.

IT is notified for general information that
JAMES COUTTES CRAWFORD, Esq.,
has been appointed Resident Magistrate on
the Pelorus Gold-Field, and is empowered
to act as Warden *pro tem*.

THOMAS CARTER,
Superintendent.

Superintendent's Office, Picton,
June 11, 1864.

IT is hereby notified that I have accepted
the resignation of the under-mentioned
gentlemen as members of the Executive
Council of this Province—

C. CANNING, Esq.,
H. GODFREY, Esq.,
C. GOULTER, Esq.

THOMAS CARTER,
Superintendent.

PROCLAMATION OF GOLD-FIELDS
REGULATIONS.

Superintendent's Office, Picton,
June 11, 1864.

IT is hereby notified for Public Infor-
mation that I have appointed
Mr GEORGE RUTLAND
to the Office of Gold Receiver.

THOMAS CARTER,
Superintendent.

Superintendent's Office,
Picton, May 20th, 1864.

IHEREBY NOTIFY for general infor-
mation, that AUCTIONEERS' LICENSES
have been issued to the undermentioned
gentlemen, available to the 30th June,
1864.

JOSEPH NASH, Merchant, Havelock.
JAMES S. RAPHAEL, Merchant, Havelock.

CYRUS GOULTER,
Provincial Treasurer.

NOTICE TO MARINERS.

OTAGO HARBOUR, NEW ZEALAND.
BUOYS AND BEACONS.

IN order to their being more easily dis-
tinguished at Night, it has been
deemed necessary to arrange the BUOYS
and BEACONS in the Channel Bay from the
First Anchorage to Dunedin Bay as fol-
lows:—

BLACK—The Port side of the Channel.
RED—The starboard.
STRIPED—That there is a passage on
either side.

THOMAS DICK,
Provincial Secretary.
Dunedin, 10th May, 1864.

A BSTRACT of RECEIPTS and DISBURSEMENTS of the PROVINCIAL TREASURER, Marlborough, for the Quarter ending 31st March, 1864.

RECEIPTS.			DISBURSEMENTS.		
	£	s. d.	£	s. d.	
Balance from last Quarter			17,065	4 0	
ORDINARY REVENUE—					
Auctioneer's License	10	0 0			
Picton Wharf	45	0 0			
Registrar of Brands	6	10 0			
			61	10 0	
INCIDENTAL RECEIPTS					
			6	14 6	
TERRITORIAL REVENUE—					
From Receiver of Land Revenue			17,984	14 6	
For Contracts under Appropriation Act, June, 1863					
					500 0 0
Superintendent's Department					
			230	10 6	
Treasurer's Department					
			37	10 0	
Legal Advice					
			9	12 0	
Audit Department					
			25	0 0	
Crown Lands „					
			405	9 4	
Gaol „					
			156	0 2	
Supreme Court Expenses					
			0	6 0	
Police Department					
			164	3 0	
Native Interpreter					
			8	15 0	
Registrar of Brands, &c.					
			12	10 0	
Provincial Council Department					
			74	19 0	
Picton Harbour „					
			55	2 2	
Signalman, Wairau River Mouth					
			25	0 0	
Public Works Department (Salaries)					
			120	0 0	
Meteorological Department					
			12	10 0	
					1,337 7 2
PUBLIC WORKS AND PURPOSES—					
Picton Road (Wharf to Ferry)					
			1,537	5 7	
Road, (Hyde's Corner to Goulard's Ferry)					
			962	5 10	
Road (Hyde's Corner to Renwick Town)					
			516	9 5	
Taylor Pass Road					
			484	18 2	
Renwick to Top House					
			6	0 0	
East Coast Road					
			40	0 0	
Bridle Road, Picton to Anakiwa					
			617	6 0	
Fairfield Downs Road					
			447	12 0	
Pelorus Road					
			458	11 3	
Other Roads					
			171	5 0	
Avon Bridge					
			168	12 6	

		Public Safe at Offices	129	16	1	
		Removing Snags, Pelorus River	31	0	0	
						5571 1 10
		MISCELLANEOUS—				
		Printing Electoral Roll	36	15	0	
		Prizes, Rifle Shooting	50	0	0	
		Returning Officers	31	11	6	
		Libraries	5	0	0	
		Clarence Ferry	47	14	0	
		Tools and Implements	111	16	7	
		Advertising and Printing	34	14	9	
		Fuel and Lights	6	10	0	
		Postages	0	12	8	
		Steam Communication	125	0	0	
		Medical and Charitable Aid	131	5	0	
		Interest on Nelson Debt (Half-year)	301	16	3	
		Education	705	0	0	
		Immigration	19	10	0	
		Eradication of Thistles	122	11	6	
		Surveying Crown Lands	1060	14	3	
		Alteration of Roads, and Surveying same	95	19	9	
		In Aid of Drainage	230	2	6	
		Tackle, Wairau Mouth	7	10	0	
		Staking Opawa River	2	5	0	
		Fencing Picton Gaol	27	4	8	
		Registration	15	15	0	
		Hospital and Gaol Expenses (Nelson)	294	4	7	
		General Contingencies	506	14	5	
		Preliminary Expenses, Picton Tram- way	94	1	6	
						4064 8 11
		TOTAL DISBURSEMENTS				£ 11,472 17 11
		Balance to next Quarter				£ 23,645 5 1
		TOTAL				£ 35,118 3 0
TOTAL RECEIPTS	£	35,118 3 0				

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CYRUS GOULTER,
Provincial Treasurer.
JOS. ROWE GARD,
Provincial Auditor.

PROCLAMATION

By His Honor THOMAS CARTER,
Superintendent of the Province
of Marlborough.

WHEREAS by an Act of the General Assembly of New Zealand intituled the "Gold-Fields Act, 1862," it is provided that it shall be lawful for the Governor in Council under his hand and the Public Seal of the Colony, from time to time to delegate to the Superintendent of any Province, or to such other person as the Governor may deem fit, all or any of the powers vested in the Governor or the Governor in Council by the said Act, except the powers conferred by Sections nineteen, thirty-one, thirty-two, thirty-three, and sixty-one thereof, subject or not to any limitations or restrictions as he may think fit, and in like manner to alter or evoke any such powers.

And whereas by virtue of a commission, bearing date the sixth day of May, one thousand eight hundred and sixty-four, given under the hand of His Excellency Sir George Grey, at the Government house at Auckland, and under the Public Seal of the Colony, His Excellency Sir George Grey, the Governor as aforesaid of the said Colony, with the advice and consent of the Executive Council thereof, and in exercise of the power and authority for that purpose in him vested, did delegate absolutely and without restriction unto Thomas Carter, Esquire, as Superintendent of the Province of Marlborough, all the powers vested in him under or by virtue of the "Gold-Fields Act, 1862," except the powers contained in Sections nineteen, thirty-one, thirty-two, thirty-three, and sixty-one of the said Act, to have, hold and exercise within the Province of Marlborough the said powers by the said commission given.

Now therefore, I, Thomas Carter, Superintendent as aforesaid of the said Province of Marlborough DO HEREBY in pursuance of the said powers and authority constitute and appoint all that territory hereinafter described to be a Gold-Field under the provisions of the said Act, that is to say All that Territory comprising One hundred and seventy-five thousand acres or thereabouts, situate within the Watershed of the Ranges enclosing the basin of the Pelorus River to that point in the said river as may be determined by the intersection of the said river with a line drawn North-west (true bearing) from the North-western boundary of the Township of Havelock, being the North-west corner of Section one hundred and twenty-two of the said Township.

The aforesaid territory to include only such portions as are included within the boundaries of the Province of Marlborough.

And I declare that this proclamation shall come into operation and take effect on the Fifteenth day of June, one thousand eight hundred and sixty-four

Given under my hand, and issued under the Public Seal of the Province of Marlborough, this eleventh day of June, one thousand eight hundred and sixty-four.

THOMAS CARTER,
Superintendent.

Superintendent's Office, Picton,
June 11, 1864.

IT is hereby notified, for Public Information, that I have appointed the undermentioned gentlemen as Members of the Executive Council of this Province—

A. P. SEYMOUR, Esq.,
C. GOULTER, Esq.,
W. STRACHAN, Esq.,
GEO. FYFFE, Esq.

THOMAS CARTER,
Superintendent.

Province of Marlborough,
Crown Lands Office,
Picton, 11th June, 1864.

NOTICE IS HEREBY GIVEN, that decisions in favor of the following applicants for Licenses to Depasture Stock, have been given in accordance with the provisions of the Land Regulations of 1st July, 1856.

John Gibson } District —
Arthur Beauchamp } Pelorus Sound.
Williams, Brothers, District, Clarence.

Boundaries not to be definitely settled until Plans of the Runs have been sent in, as required by the Regulations.

All Reserves and Freehold Land to be shewn on the Plans.

COURTENAY KENNY,
Commissioner of Crown Lands

Superintendent's Office,
Picton, Marlborough.

IT IS NOTIFIED that the undermentioned Portions of the Waste Lands of the Crown within the Province of Marlborough as hereinafter described, have been reserved for various purposes of public utility, viz. :—

All that piece or parcel of Land being Section No. 456, of the Town of Picton.

A Block of Land, situated in the Town of Picton, bounded towards the North and East partly by Section Number 484, and partly by the Waitohi Stream; towards the South by Sections Numbers 480, 481,

and 483; and towards the West by Wairau-street, containing by admeasurement about 2A. 1R. 0P.

All that piece or parcel of Land, being Section Number 132 of the Town of Picton, for a Fish Market for the Aboriginal Natives.

THOMAS CARTER,
Superintendent.

GOLDFIELDS BONUS.

Superintendent's Office, Picton,
June, 1864.

IN compliance with a resolution of the Provincial Council, I hereby offer a Reward or Bonus of £500, to be divided into two equal portions, for the discovery of two separate and independent Goldfields in this province.

The sum of £250 will be granted as soon as 2000 ounces have been raised from the particular Goldfield for the discovery of which the Bonus may be claimed.

No claim for a Bonus will be entertained for any Goldfield lying to the North of the Wairau River.

THOMAS CARTER,
Superintendent.

NOTICE.

ALL PERSONS are cautioned not to use the Drags placed at the Harbour Office, unless for the special purpose for which they are intended.

THOS. G. BAILLIE,
Harbour Master.
Picton, June 15, 1864.

Superintendent's Office, Picton,
May 19, 1864.

IT is notified, for general information, that a Writ for the Election of a Member to serve in the Provincial Council of Marlborough, for the District of Awatere, has been returned to me by the Returning Officer, with a certificate that the undermentioned gentleman has been duly elected as a member of the Provincial Council of Marlborough, for the said District of Awatere.

GEORGE HOOME BINNING MONRO, Esq.,
of Awatere, Sheep Farmer.

THOMAS CARTER,
Superintendent.

NOTICE.

ALL PERSONS are cautioned against throwing Ballast, Filth, or Glass, &c., into the Harbour, in contravention to the 30th clause of the Harbour Regulations.

THOS. G. BAILLIE,
Harbour Master.

Picton, June 15, 1864.

PROVINCE OF MARLBOROUGH.

Crown Lands Office, Picton,
June 11, 1864.

APPLICATIONS for DEPASTURAGE LICENSES, in accordance with the Land Regulations of 1st July, 1856, received by the Commissioner of Crown Lands before the 11th day of June, 1864.

Charles
Houghton
Mills.

District—Pelorus Sound.
Boundaries—West and North by Pokokini Bay and Pelorus Sound; on the East by Crail Bay; and on the South by a right line due East from Pokokini Bay to Crail Bay.
Estimated extent—Under 10,000 acres.
Deposit paid—£15.

James
Edmund
Hodson.

Districts—Kaituna and Pelorus.
Boundaries—Northward by the township of Havelock; Eastward by surveyed sections Kaituna Valley; Westward by surveyed sections Pelorus Valley; and Southward by wooded range.
Estimated extent—Under 10,000 acres.
Deposit paid—£15.

Allen
Houghton

District—Pelorus Sound.
Boundaries—A block of land lying between Kaima Bay on the North; and the Pelorus River on the South. Bounded on the East by the Pelorus Sound, and the West by a strip of land between the property of Henry Cornfoot, on the Kaima Bay and Wells's section on the Pelorus River.
Estimated extent—About 2000 acres.
Deposit paid—£15.

Charles
Fowell Wil-
lett Watts.

District—Clarence.
Boundaries—North by back line of Tytlerrun; west by Tytlerrun; East by Wm. Robinson's western boundary; South by seaward Kaikoura ranges.
Estimated extent—Under 10,000 acres.
Deposit paid—£15.

COURTENAY KENNY,
Commissioner of Crown Land

RULES AND REGULATIONS
OF THE
MARLBOROUGH GOLD FIELDS,
AND
RULES OF THE WARDEN'S COURTS.

I. PRELIMINARY REGULATIONS.

1.—*Interpretation Clause.*

In the construction, and for the purposes of these Regulations, the following terms shall, if not inconsistent with the context or subject matter, have the respective meanings hereby assigned to them (that is to say)—

The word 'Warden' shall mean Warden, Commissioner, Resident Magistrate, Justice of the Peace, or any other Officer entrusted with the superintendence of the Gold Fields, or any portion thereof, and holding a Commission duly empowering him to have charge thereof, and shall include 'Warden and assessors,' except where it is otherwise specially provided.

The word 'person' shall mean the holder of a miner's right.

The words 'worked and abandoned ground' shall mean any ground, the whole or greater portion of which has been mined upon for gold, and abandoned.

The words 'New Gold Workings' shall mean ground previously unworked, or which has been worked and abandoned.

Words importing the singular number shall include the plural number; and words importing the masculine gender shall include the feminine gender.

2.—*The Miner's Right.*

Every person residing on a Gold Field and engaged in mining for gold, shall take out a miner's right; such miner's right to be carried on the person, and produced for inspection when demanded by the Warden or other officer, or by any person duly authorised in that behalf in writing by the Warden.

II. CLAIMS.

1.—*Classification of Claims.*

Ordinary claims shall mean alluvial claims worked without the aid of appliances for drainage.

Wet claims shall mean alluvial claims in flooded ground, which cannot be wrought without the aid of appliances for drainage.

Creek and river claims shall mean claims in the beds of creeks or rivers, the course whereof may have been or shall be wholly diverted for the purpose of mining therein.

River beach claims shall mean claims situated between high water mark and low water mark on the beaches of rivers.

Quartz claims shall mean claims in quartz reefs or lodes.

2.—*Size of Claims.*

Ordinary claims shall not exceed 25 feet by 25 feet for each person, unless the depth of sinking exceeds 50 feet, in which case such claim may be extended to 30 feet by 30 feet.

Wet claims shall not exceed 30 feet by 30 feet for each person.

Creek or river claims shall not exceed 30 feet for each man employed thereon, nor be more than 300 feet in length in the whole, to be measured in the direction of the course of the stream, by a width not exceeding the boundaries of the bed of creek or river, as defined by the Warden or other officer duly authorised in that behalf.

River beach claims shall not exceed 30 feet in length along the course of the river, with a frontage to low water mark, by a width bounded by high water mark: Provided that when any beach, or portion of a beach, shall exceed 30 feet in width, the Warden may, upon application being made to that

effect, authorise the holding and working of any such excess by persons other than the holders of the frontage claims.

Quartz claims shall not exceed 30 feet in length along the course of the lode or vein, by a width not exceeding 100 feet upon each side of the course, for each person; and no claim shall exceed in the whole 120 feet in length by 200 feet in width.

Nothing herein contained shall apply to the size of claims taken up under previous regulations.

3.--Number of Claims in a Block.

The maximum number of claims that may be occupied in one block by any party of miners shall be as follows:—

1. In ordinary claims, four single claims
2. In wet claims, six single claims.
3. In creek or river claims, six single claims.
4. In river beach claims, four single claims.
5. In quartz claims, four single claims.

4.--Amalgamation of Claims.

The Warden may, upon sufficient cause being shown, permit the amalgamation of any two or more claims, upon such terms and conditions as he may consider necessary to secure the effectual working thereof. Provided that seven days' notice in writing in the form hereinafter set forth shall be given to the Warden by the persons desiring to amalgamate such claims, and copies of such notices shall be posted on each of the claims which it is proposed to amalgamate for a like period of seven clear days, at the expiration whereof the Warden may proceed to issue a Certificate of Registration.

FORM OF NOTICE.

No. _____ District and Date. _____
 We hereby give notice that we desire to amalgamate our claims, situate at [here state locality] for the more efficient working thereof; and we declare that the following particulars are true in every respect.

Signatures in full of each person.	Nos. of Miners' rights.	Number of Claims proposed to be amalgamated.	Class of Claims	Area of Claim held by each party.

5.--Claims to be Marked.

Claims shall be marked by pegs standing _____ above the surface of the ground, or by _____ trenches at each corner thereof; and such pegs or trenches shall be maintained during the occupancy of the ground: Provided that when any corner cannot be so marked on account of the nature of the ground, such peg or trench may be placed at the nearest practicable point.

6.--Surplus Ground to be Forfeited.

If any person shall occupy a larger area of ground than that to which he is entitled under these regulations, he shall forfeit the surplus.

7.—Shepherding Forbidden.

No person shall be deemed to possess a valid title to any claim unless the same shall be fairly worked during the entire period of occupancy; and any claim unworked beyond the space of twenty-four hours, shall be deemed to be forfeited, unless sufficient reason, such as sickness or other urgent cause, shall be proved to the satisfaction of the Warden.

8.--Rights of Servants vested in Employers.

If any person shall hire himself to an employer for wages, the right to hold and occupy the claim of such servant shall vest in the employer.

9.—Form of Claims.

Alluvial claims may be of any form; provided that no block-claim shall exceed in length, twice the breadth thereof.

III. PROSPECTING.

1.—Discovery to be Reported.

Any person discovering new gold workings, and being desirous of obtaining an increased area thereon, must immediately report such discovery, with full particulars thereof, to the Warden, or other proper authority.

2.—Area in Alluvial Ground.

Discoverers of new gold workings may have allotted to them an extent of ground not exceeding treble the area of an ordinary claim; and the discoverers of new gold workings distant not less than ten miles from existing workings, may have allotted to them an extent of ground not exceeding quadruple the area of an ordinary claim: Provided that the increased grant shall not be

given to more than four persons composing any party.

3.—*Area on Quartz Reef.*

The discoverer of an auriferous Quartz Reef may have allotted to him an area not exceeding in the whole 200 feet in length, measured along the course of the lode or vein, by a width of 100 feet upon each side of the course.

4.—*Notices to be posted by the Warden.*

Notices of all Prospecting Claims granted, with full particulars of locality, yield of gold, and description of workings, shall be posted by the Warden on the outside of his office, for public information.

IV.—WATER RIGHTS AND RACES.

1.—*New Races.*

Any persons intending to divert and use water for mining purposes by means of any race, shall give notice thereof, in writing to the warden, in the form hereinafter set forth; and copies of such notice shall be posted and maintained for 14 clear days at the source whence it is proposed to obtain water, and at intervals of not more than a quarter of a mile along the intended course of the race. And if no valid objection be entered against such race within 14 clear days from the posting of such notices, a Certificate of Registration may be granted by the Warden to the applicant.

FORM OF NOTICE. (District and Date.)

To the Warden at

I hereby give notice that I intend to construct a Water Race for mining purposes, commencing at a point (*) and terminating (*).

The length of each race is * or thereabouts, and its intended course is (*).
[Signature and address in full of applicant.]—

* Here describe precise localities.

2.—*Races already constructed.*

Races constructed prior to the Proclamation of any Goldfield, or of these Rules and Regulations, must be registered with the Warden, as provided in Section 1.

3.—*Superiority of Right.*

Superiority of right to a supply of water shall be determined by priority of occupation, the earlier occupant having the superior right. In all cases

when the occupier claims under a certificate or other authority in writing granted by a Warden or Commissioner, occupation shall be taken to have commenced at the date of such certificate or authority.

4.—*Races to be commenced within one month.*

The cutting and formation of races must be commenced within one calendar month from the date of registration, and the occupiers shall continue cutting and forming the same until the work is completed, otherwise any superiority of right to which they may be entitled by virtue of such registration shall be deemed to be forfeited.

5.—*Superiority of Right forfeited by abandonment.*

If any race is abandoned for the space of one calendar month, at a time when water is available for it, occupation of the right shall be deemed to have commenced at the last re-occupation thereof.

6.—*Abandonment of Races.*

All right to any race shall become forfeited if abandoned for the space of one calendar month, unless in cases of sickness or unavoidable absence, or in consequence of failure of water; but it shall be lawful for the Warden, in his discretion, upon sufficient cause being shown, to suspend the operation of this Regulation for a further period of one month, and a certificate of such suspension shall be given in writing to the occupiers.

7.—*Heads of Races.*

All races that may hereafter be cut, shall have a point specified at which they shall be taken from the creek or river. In races already cut, the point shall be taken to be the spot from which the race now heads. No person shall shift or alter the head of any race without the written sanction of the Warden, nor to the prejudice of any existing right.

8.—*Alteration of Races.*

The alteration or extension of a race at any time shall not in any way affect any right or privilege attached to such race; and the holders thereof shall, during such alteration or extension, be deemed to be in occupation of all the rights and privileges attached to such race.

9.—*Insufficient Supply of Water.*

If the water flowing in any creek or river is insufficient to supply all the races connected therewith, the owner of any right shall—on receipt of a written notice from the owner of a superior right, stating that the supply of such superior right is less than he is entitled to—immediately cease to use the water, or such portion thereof as may be necessary to make up the supply of the superior right.

10.—*Water Gauge.*

If any dispute shall arise between holders of water-rights deriving their supply from the same creek or water-course, relative to the quantity of water to which each of them, the said holders, is or may be entitled, the following shall be taken to be a head of water, and such holders shall be limited thereto:—

A stream of water running for twelve hours on each day to be gauged by a box, 6 feet high and 20 inches wide, with an opening of a uniform depth of 2 inches across the bottom. The box shall be fixed level in the race, the lower edge of which shall be level with the edges of the box.

10A.—*Supply of Water may be Reduced.*

When the supply of water from any creek or stream shall be insufficient for the use of all the holders of water rights thereon, it shall be lawful for the Warden, upon adequate cause being shown, to reduce the quantity which each of them, the said holders, shall be entitled to draw therefrom, and to regulate the time and mode in which such water may be used.

11.—*Number of Sluice Heads allowed.*

The number of sluice heads allowed for any such race, as aforesaid, shall be as follows:—One or two miners, one sluice head; four or more miners, two sluice heads; and so on, at the rate of one sluice head to every additional three miners.

12.—*Water not to be wasted.*

Holders of rights shall not allow any water to run to waste; but such water shall be appropriated to the use of the next holder of a right, according to the date of their respective registrations.

13.—*Transfer or Assignment.*

The transfer or assignment of any race, or of any interest therein, shall not affect any right or privilege attached to such race: Provided that any such transfer or assignment shall have been duly registered at the office of the Warden, and a memorandum thereof made upon the back of the original certificate.

14.—*Keeping Races in Repair, Bridging, &c.*

The holder or occupier of any race shall keep the same in repair, and shall make an efficient bridge where any road in ordinary use crosses the race, upon being required to do so by the Warden.

15.—*Working Ground occupied for Races.*

Any person desirous of working the ground on which any race or portion of a race is situated, may do so by first providing an equally good race for the use of the occupier: Provided that the consent of the Warden thereto be first obtained.

16.—*Reservations.*

No water-right shall be granted for the use or diversion of any water which is, or may be, required for public purposes, or for the use of the miners generally.

16A.—*Water for General Use.*

Two sluice-heads of water shall, if required, be at all times allowed to flow in the natural course of a creek or river, for general use.

17.—*Causing Claims to be Flooded.*

No person shall back the water of any creek, river, race, or water-course, upon any claim, or otherwise cause any claim to be flooded, either wilfully or by neglect.

18.—*Obstructions to Water-courses.*

No person shall deposit any earth, stones, tailings, or other substance in the bed of any water-course, so as to obstruct the flow of water therein.

19.—*Side-streams.*

Where a race crosses any water-course, the use of which is required by holders of Miners' Rights, it shall be carried either over or under the same, so as not to interfere with the natural flow of water therein.

20.—*Use of Tail-races.*

Any person wishing to use a tail-race may do so on condition of first paying to the owner of such tail-race a proportionate share of the expense of construction: provided that the person so using any tail-race shall assist in clearing the same whenever it shall be necessary to do so.

21.—*Flood-races.*

Any person may cut a flood-race through or by his claim, subject to such restrictions as the Warden may consider necessary for the public good.

DAMS AND PUDDLING MACHINES.

1.—*Dams and Puddling Machines.*

Any person intending to form a Dam, or to erect a Puddling Machine, shall give notice thereof in writing to the Warden, in the form hereinafter prescribed, and shall post and maintain for a period of seven clear days copies of such notice upon the intended site of such Dam or Machine, and at intervals not exceeding 100 yards along the course of any proposed sludge-drains connected therewith. And if no valid objection be entered within seven days from the posting and service of such notice, the Warden may grant a Certificate of Registration to the applicant.

FORM OF NOTICE.

(District and date.)

To the Warden at

I hereby give notice that I intend to form a Dam (or erect a Puddling Machine, as the case may be), at ()
[Signature and address in full of applicant]—

* Here describe the locality, and in the case of a Puddling Machine, state the proposed course of the sludge drains.

2.—*Machines not to be in centre of Gully.*

Dams may be formed, and puddling machines erected upon such sites only as shall be approved by the Warden; and no such dam or machine shall be permitted to be placed in the centre of any gully or flat.

3.—*Main Sludge Channel to be first constructed.*

No person shall be permitted to erect a puddling machine in any locality wherein puddling operations have not

heretofore been carried on, until a Main Sludge Channel shall have been constructed, and in all cases such main channel must be constructed by, and at the expense of the persons desirous of erecting such machine.

4.—*Main Sludge Channels to be approved by the Warden.*

The position and course of all Main Sludge Channels, and the width and depth thereof, shall be subject to the approval of the Warden, who shall have power to alter and vary the same whenever it shall seem to him necessary so to do; and upon the approval of any such Main Channel, the Warden shall grant a certificate of the same to the applicant.

5.—*Expense of Construction.*

The expense of the construction of such channel shall be borne by the persons then or afterwards using the same, in proportion to the position of each machine relatively to the said channel, and payment of such proportion to the person constructing the same shall be made prior to the granting of any Certificate of Registration.

6.—*Sludge Drains and Channels to be kept clear.*

Main Sludge Channels shall be kept clear and in good repair by the joint labour of the machine owners in each locality; and the owner of each machine shall further keep clear and in good order the private sludge drains connected with such machine; and on no pretence whatever shall the sludge from any main channel or private drain be permitted to overflow the banks or edges thereof.

7.—*Roads over Drains to be Bridged.*

When Sludge or Water Drains run across or under any road in general use, a substantial bridge (the culvert of which shall be of sufficient size to carry off the sludge or water), shall be constructed and kept in repair by the owner of the machine whence such sludge or water proceeds.

8.—*Forfeiture of Dams or Machines.*

The site of any dam or machine not commenced within seven days from the date of the grant thereof, or not completed within a reasonable time, or any dam or ma-

chine unoccupied for one calendar month during a period when sufficient water has been available, shall be deemed to be forfeited, and may be granted by the Warden to any person who may apply for the same.

9.—*Injury to Property by Dams.*

If any claim shall be flooded, or property injured by the bursting of any dam-bank, the owner of such dam shall be liable for any loss or damage occasioned thereby, unless it is proved to the satisfaction of the Warden that such breaking away did not result from the faulty construction of the dam.

10.—*Transfer or Assignment.*

The right and interest in any dam or machine may be transferred or assigned by the holder thereof; but such transfer or assignment shall, in all cases, be registered with the Warden, and endorsed on the original certificate.

11.—*Sites proving Auriferous.*

If it shall be proved to the satisfaction of the Warden that the ground occupied by any dam or machine contains auriferous earth or quartz, the owner of such dam or machine shall be compelled to remove the same: Provided that adequate compensation for such removal shall first have been estimated by assessors and paid by the person desirous of working the ground.

VI. CREEK AND RIVER CLAIMS.

1.—*Protection during preliminary Operations.*

During the time that any person shall be occupied in preliminary operations, having for their object the working of any Creek or River Claim, he shall be protected by the Warden in the occupancy of such claim: Provided that not less than one-half of the miners whom it is proposed ultimately to employ, shall be at work thereon.

2.—*Wall to be allowed.*

Holders of such claims shall be allowed a sufficient wall on either side of the bye-wash, and the width of such wall shall be defined by the Warden.

3.—*Diversion of Permanent Rivers.*

Any person desirous of diverting the course of any Permanent River, shall give Notice thereof to the Warden in the form hereinafter prescribed; and

copies of such notices shall be posted and maintained, for a period of Ten clear days, at the points proposed for the commencement and termination of such diversion, as aforesaid, and if no valid objection be entered thereagainst within the aforesaid period, the Warden may issue a Certificate of Registration to the applicant.

FORM OF NOTICE.

(District and date.)

No.

I hereby give notice that I intend to divert the course of (name of river) and to form a new channel therefor, commencing at a point situate (*), and terminating at a point (*),
(Signature, &c.)—

* Here insert, with sufficient accuracy, the localities.

VII. ROADS, &c.

1.—*Right of Water and Roadway.*

Every person holding a claim under these regulations shall be entitled to a supply of water for his use in connection therewith, and to a roadway whereby he may, at all times, obtain free ingress and egress thereto and therefrom.

2.—*Sludge and Water to be kept off Roads.*

No person shall allow any sludge or water to run or spread over any road or crossing place.

3.—*Protection to Public Roads.*

No person shall dig within the distance of five feet from any public road, nor drive underneath, nor in any way interfere with such road without first obtaining the authority of the Warden.

4.—*Alteration of Roads.*

Any person desirous of altering the direction of any public or private road, and of occupying the site thereof for mining purposes, shall give notice thereof in writing to the Warden, and post and maintain a copy of such notice in a conspicuous part of such road for three clear days, upon the expiration whereof the Warden may authorise such alteration to be made.

5.—*Right of Road over Claims.*

Upon any four or more persons applying for a road or crossing place over any claim or other obstruction, the Warden shall determine whether or not such road or crossing place is necessary, and shall make such order relative thereto as he may deem requisite: Pro-

vided that when a road shall have been formed on an occupied claim, it shall be lawful for the occupier of such claim to work the ground over or through which the road passes, if he first constructs a good and sufficient road in lieu thereof.

VIII. PROTECTION.

1.—Warden may grant Protection for Seven Days.

The Warden may, upon sufficient cause being shown, grant protection to any claim for a period not exceeding seven days, and such protection shall be given in writing in the form hereafter provided, and a copy thereof shall be posted on the claim.

FORM OF PROTECTION,

(District and date.)

No. I hereby give notice that I have granted protection for _____ days to the claim occupied by _____ and situate at _____

Warden.

2.—Protection for extended Period.

If any person shall be desirous of obtaining protection for a claim for a longer period than seven days, he shall give notice in writing to the Warden in the form hereafter prescribed, and shall post and maintain a copy of such notice on his claim for the space of seven clear days; at the expiration whereof, if no valid objection be entered, the Warden may issue a Certificate of Registration to the applicant, and such Certificate may be for the period named in the application, or for any less time.

FORM OF NOTICE OF APPLICATION FOR PROTECTION.

(District and date.)

No. I hereby give notice that I desire to obtain a Protection Certificate for (here state the time) for my claim situate at _____, and that the following particulars are true in all respects:—

1. The claim has been worked during _____
2. The depth sunk is _____
3. The length of drives (if any) is _____
4. The cause for which I require protection is _____ (Signature, &c.)

2A.—Information to the Holders of Miners' Rights.

When any claim is under protection for a longer period than seven days, the occupier thereof shall post and at all times maintain on some conspicuous part of the said claim, a board not less than nine inches square, with the word

“PROTECTED” and the number of his Certificate painted legibly thereon.

2B.—Limitation of Protection.

Protection shall not in any case be granted for a longer period than one month; but such protection may from time to time be renewed by the Warden for not more than fourteen days in any one time; and every such renewal shall be endorsed on the back of the Certificate, and recorded in the Registration Book.

3.—Protection during Notice.

Sites for dams and machines, and the proposed courses for water-races, sludge-channels, and drains, together with all rights and privileges connected therewith, shall be protected during the period assigned for giving notice of intention to construct or erect the same, or until finally dealt with by the Warden.

4.—Protection during Operations.

All claims, rights and privileges of whatsoever nature, lawfully held and enjoyed under these Regulations, shall be protected during the time that the owners or holders thereof shall be actually engaged in operations connected therewith.

5.—Protection to River Beach Claims.

River Beach Claims, that have been occupied and wrought for not less than one month, shall be deemed to be protected whilst flooded by the rising of the river: Provided, that if such claims are suffered to remain unworked for a period of twenty-four hours, during which ten (10) feet or more in width, measured from high water mark, shall remain uncovered by water, they shall be deemed to be forfeited.

IX. REGISTRATION.

1.—Permissive Registration.

All claims, the Transfer or Assignment of Claims and Rights, and Mining Partnerships may be Registered with the Warden.

2.—Claims and Rights that must be Registered.

Extended Claims, Amalgamated Claims, Quartz Claims, Prospecting Claims, Creek and River Claims, Water Rights and Races, Dams and Puddling Machines, must be registered with the Warden.

3.—*Registration Fees.*

Except where it is otherwise expressly provided, the fee payable in respect of the several Registrations mentioned in these Regulations, shall be two shillings and sixpence: such fee shall include payment for copies of notices, but not for any survey.

4.—*Information to the Public.*

Any person requiring any information from the Transaction Book of the Mining Registrar may obtain the same on payment of one shilling; and it shall be the duty of the Mining Registrar to furnish such information.

5.—*Conditions of Registration.*

The warden may endorse on the back of any Certificate of Registration such lawful conditions as may be desirable or necessary for the public good; which conditions shall at all times be binding upon the holder of any such Certificate.

X. LICENSES.

1.—*Business Licenses.*

Every person engaged in trade or business of any kind within the limits of the Gold Fields, shall obtain from the warden a business License, for which he shall pay the sum of five pounds (£5) annually, and shall be entitled to occupy an area not exceeding 800 square feet, the frontage whereof shall not exceed 20 feet.

2.—*Wholesale Licenses.*

Every holder of a Wholesale License for the sale of fermented and spirituous liquors, in quantities of not less than two gallons, shall pay a fee for the same of twenty (£20) pounds.

3.—*Retail Licenses.*

Every holder of a Retail License for the sale of fermented and spirituous liquors in any quantity shall pay a fee for the same of sixty (£60) pounds. The holders of Business or Liquor Licenses shall, if so required by the warden, be sworn in as special constables.

4.—*Licenses may be Cancelled.*

The warden may recommend the withdrawal, suspension, or cancellation, of any License upon proof, to his satisfaction, of a breach of the Gold Fields' Regulations, or of any disorderly conduct upon the premises held under such

License, and such License may thereupon be withdrawn, suspended, or cancelled accordingly.

5.—*Sites to be marked by Pegs.*

Occupants of sites for business purposes, shall place and maintain at each frontage corner of such site, a peg not less than two inches square, and standing at least one foot above the surface.

6.—*Space to be left between buildings.*

A space of four feet shall at all times be left unoccupied between sites occupied for business purposes.

7.—*Registration of Sites.*

Business sites may be registered with the warden for ten days, whilst the holder is engaged in preparing for the occupancy thereof, and the fee for such Registration shall be five shillings; such Registration may be renewed by the warden for an additional period of ten days, and every such renewal shall be endorsed on the certificate, and recorded in the Registration Book.

8.—*Occupancy of Sites.*

Business sites can only be held or occupied by holders of business licenses, and no site can be held unoccupied for more than twenty-four hours, unless the same shall be registered as provided in Section 7.

9.—*Information to the public.*

When any business site has been registered, the holder thereof shall post and maintain thereon a board, not less than nine inches square, with the word "Registered," and the date and number of such Registration legibly painted or written thereon.

10.—*Transfer or assignment of Licenses.*

A Business License may be transferred or assigned by the holder within the District for which it was originally granted: Provided that such transfer or assignment shall be Registered with the Warden; and the fee for such Registration shall be ten shillings.

XI. GENERAL REGULATIONS.

1.—*Interference Prohibited.*

No person shall, under any pretence whatever, damage, destroy, or otherwise interfere with any race, tail-race, dam, sludge-channel, or drain, machine,

or other appliance connected therewith nor with any claim, unless the sanction of the owners thereof, or the authority of the warden shall first have been obtained for such interference.

1A.—*Throwing earth or Tailings on Claims.*

No person shall throw or cause to be thrown upon any claim other than his own, any earth, stones, gravel, tailings, or any other substance, whereby the proper and efficient working of such claim may be stopped or impeded.

2.—*Interference with Pegs, and Notices, etc.*

No person shall alter the position of any trench nor remove any peg from a claim in the occupation of any other person, nor deface, destroy, or remove any notice posted in accordance with these Regulations, nor interfere with any mark or boundary.

2A.—*Stacking auriferous substances.*

Any person wishing to retain possession of auriferous substances, may have the same protected for a period not exceeding three months, provided that such substance is properly stacked on ground not supposed to be adapted to mining purposes, and that a board with the owner's name, address, and date of stacking, legibly written or painted thereon, be posted close to such stack.

3.—*Jumping Forbidden.*

No person shall take possession of any claim, race, dam, machine, or any other right or privilege whatsoever, (unless the same shall have been absolutely relinquished) without first obtaining the consent of the owners, or the authority of the Warden.

4.—*Penalty may be substituted for Forfeiture.*

In all cases wherein forfeiture is decreed by these Regulations, it shall be lawful for the Warden to substitute a monetary penalty in lieu thereof, and to allow thereout a sufficient sum to defray any reasonable expenses incurred by the plaintiff in the prosecution of his suit.

5.—*Compensation may be Adjudged.*

In all cases of forfeiture, the Warden may adjudge compensation to be paid by the person to whom any claim or right may be awarded by the former

owner or holder thereof, and to appoint a time within which such payment shall be made: Provided that such compensation shall not exceed in amount two-thirds of the estimated value of any work actually performed thereon or in connection therewith.

6.—*Permission to enter Claims.*

The Warden shall have power to authorise the entry of any surveyor or assessor into and upon any claim for the purpose of measuring the depth of any shaft, or the dip, direction, inclination or length of any tunnel or drive.

7.—*Notices to contain full particulars.*

All notices tendered or posted in conformity with these Regulations must contain the name in full of each member of the party, together with the date, number, and place of issue of his Miner's Right.

7A.—*Notices to be posted at the Warden's Offices.*

Copies of all notices given in conformity with these Regulations shall be posted by the warden at his office, and exhibited on the outside thereof during the currency of such notice: Provided that non-compliance with this rule shall not invalidate the proceedings in relation to any application.

8.—*Warden to be Judge of Objections, etc.*

The warden shall in all cases be the sole judge of the validity of objections to the issue of any Certificate of Registration, and also of what is a "reasonable time" for the performance of any work when no fixed period is provided by these Regulations.

9.—*Certificate may be cancelled.*

If any Certificate shall have been obtained by misrepresentation, or if any of the conditions prescribed herein have not been duly complied with, the warden may, upon proof thereof, cancel such Certificate, or make such other order therein as may appear to be just.

10.—*Neglect of Warden's Orders.*

Any person who shall neglect or refuse to comply with any written notice or order of the warden, duly served, and in conformity with these Regulations shall be deemed to be guilty of a breach thereof and liable to the penalty imposed by the 32nd section of the "Gold Fields Act, 1858.

XII. RESIDENCE.

1.—*Area which may be occupied for Residence.*

Subject to the conditions hereinafter set forth, the holder of a Miner's Right shall be entitled to occupy for residence an area of Crown lands not exceeding half an acre, or 2,240 square yards.

2.—*Residence Areas to be Registered.*

Any person desirous of occupying land under the preceding regulation, shall mark the corners of the area which he proposes to occupy with } trenches, or substantial posts standing at least three feet above the surface, and shall give notice in writing in the form hereunto appended, to the warden of the district, and a copy of such notice shall be posted and maintained in some conspicuous part of such area for the space of seven clear days, at the expiration whereof, if no valid objection has been entered thereagainst, the warden may grant a Residence Certificate to the applicant.

3.—*Discovery of Auriferous Deposits.*

If any auriferous deposit shall be traced to the boundaries of any land occupied for residence, the warden may, upon satisfactory proof thereof, authorise any surveyor or other person, by writing under his hand, to enter thereupon, and at such times, and in such manner as he may appoint to search the land so occupied for a continuation of the said auriferous deposit.

4.—*Auriferous Areas may be Worked.*

If any residence area shall be proved to be auriferous, the warden may, upon application, order the whole or any part thereof to be given up for mining purposes to such persons as he shall nominate: Provided that the original occupier shall be entitled to one full claim therein.

5.—*Compensation to be paid.*

In all cases compensation for *actual damage or loss* shall be estimated by assessors, and paid to the occupier of such area, by the persons desirous of mining thereon, prior to their taking possession thereof.

6.—*Conditions of Working.*

The warden shall make such orders relative to the mode of working the ground, the restoration of the soil, and other conditions as he may deem necessary or desirable.

7.—*Transfer or Assignment.*

The right and interest in any area occupied under a Residence Certificate may be transferred or assigned by the holder thereof, but such transfer or assignment shall, in all cases, be registered with the warden, and endorsed on the original certificate.

8.—*Registration Fees.*

The fees payable for registering any such application shall be five shillings (5s.), and the fee for registering any transfer or assignment shall be two shillings and sixpence (2s. 6d.)

FORM OF NOTICE REFERRED TO.

No.	District of	186.
I hereby give notice that I desire to occupy for Residence (state the extent) of land situate at _____ and that I have this day marked the corners of such land with (posts or trenches), in conformity with the Regulations herein made and provided.		
Signature of the Applicant }		
and the number and date }		
of his Miner's Right }		

XIII. TUNNELLING.

1.—*Definition.*

Hills where the sinking exceeds 20 feet in depth, shall be considered tunnelling ground, subject to these Regulations.

2.—*Protection whilst Prospecting.*

Persons engaged in prospecting shall be protected in the occupancy of a claim having a frontage for two persons of 30 feet, or for four persons of 60 feet, by a depth of 300 feet.

3.—*Registration and Marking.*

Claims under the preceding section must be registered, and the boundaries marked and maintained by parallel trenches, or rows of pegs placed not more than 50 feet apart; and such trenches or pegs shall be at right angles with the frontage of the hill, along the entire depth allowed.

4.—*Discovery of Auriferous Earth.*

On the discovery of payable auriferous earth, prospectors shall immediately mark off their claims in blocks in accordance with the Regulations relating to alluvial mining.

5.—*Walls.*

Persons tunnelling shall not drive beyond their own parallels; and a wall of not less than 10 feet shall be maintained on each side of the tunnel.

6.—*Protection of Tunnels.*

No person shall mine or remove the surface earth over any tunnel, nor within the parallels of ground marked off for tunnelling purposes, without the consent of the owners, or the sanction of the warden being first obtained thereto.

7.—*Ventilation.*

When cross-drives or openings are required for ventilation, the warden may issue an order for making such drives or openings, and for the allocation of the work to be performed, and also for the distribution of any auriferous deposits which may be found in the intervening wall.

8.—*Superiority of Right.*

Priority of Registration shall in all cases be deemed to confer superiority of right.

XIV. EXTENDED CLAIMS.

1.—*Old Worked Ground.*

Upon receiving sufficient proof that any portion of the District has been fairly worked, and is either wholly or for the greater part abandoned, the warden may declare the same to be "*Old Worked Ground*," and shall thereupon define the boundaries wherein holders of Miners' Rights may occupy claims not exceeding double the ordinary area prescribed by the Regulations.

2.—*Inferior Ground.*

If it shall be proved to the satisfaction of the warden that any ground

cannot be profitably worked in claims of the size prescribed by the Regulations, he may declare the same to be "*Inferior Ground*;" and upon application being made as hereinafter directed, may grant therein extended claims, not exceeding treble the ordinary area.

3.—*Form of Application*

Application for extended claims in "*Inferior Ground*" shall be made to the warden in the following form:

To the Warden at

(District and date.)

I (or we) hereby give notice that I (or we) desire to obtain an extended claim of inferior ground at (here state precise locality.)

(Signature, with date and number of Miner's Right, held by each member of the party.)

4.—*Notice of Hearing to be Posted.*

Upon receiving such application, or as soon thereafter as may be, the Warden shall deliver to the applicant a notice setting forth the nature of the application and the names of the applicants, and fixing a day upon which he will attend to take the application into consideration, and to hear any objections that may be urged by the holders of Miner's Rights against the granting of such application; and such notice shall be posted and maintained by the applicants on the ground applied for, during a period of not less than seven days prior to the hearing.

5.—*Extended Claims to be Registered.*

If no valid objection is offered, the Warden may, upon hearing the application, issue a Certificate of Registration for an extended claim, specifying therein the area granted.

6.—*Extended Sluicing Claims.*

Where a greater amount of labor and expense than usual is necessary to prepare for working, the Warden may grant an extended sluicing claim, not exceeding double the area of an ordinary claim, provided that such claim shall be duly registered.

7.—*Sluicing Claims in worked and abandoned ground.*

For Sluicing Claims in worked and abandoned ground, the Warden may grant an extent of ground not exceeding treble the ordinary area.

Issued by His Honor,
T. CARTER,
Superintendent of the Province of Marlborough.

WARDEN'S COURT RULES.

Issued by His Excellency SIR GEORGE GREY, at Wellington,
October 6th, 1862.

WARDENS' COURTS.

RULES FOR REGULATING THE PROCEDURE AND PRACTICE OF WARDENS' COURTS WITHIN THE PROVINCE OF MARLBOROUGH.

1. The Schedule of Forms and Scale of Fees hereunto annexed shall form part of these Rules.

2. In construing these Rules and Forms, the following terms in inverted commas shall bear the several meanings set against them respectively:

"The Act." The Gold Fields Act, 1858, (21 and 22 Victoria, No. 74.)

"Clerk," "Bailiff." The Clerk, Bailiff, or other person duly appointed and authorised to act as such respectively.

"Oath" shall include affirmation.

Words importing the masculine gender only shall include females; and importing the singular number shall be extended to the plural number.

3. Every Warden's Court shall be holden at such place and times as the Judge may appoint, and he may from time to time adjourn the Court.

4. There shall be for every Warden's Court a Clerk who shall be appointed by and hold office during the pleasure of the Governor or the Superintendent, or other person duly delegated by the Governor to exercise such power under the Act.

5. It shall be lawful for the Judge of the Court to appoint a Deputy to act for the Clerk as often as he shall be prevented by illness or other cause from acting in his office, and an entry of such appointment and the cause of the Clerk's absence, shall be made in the Minute-Book of the Court.

6. The Clerk of Court shall issue all Summonses, Warrants, and Writs of Execution, keep an account of all proceedings, take charge of and keep an account, in a book to belong to the Court, of all fees and fines payable or paid into Court, and of all monies paid into and out of Court, adjourn the Court to any day he may deem convenient when from any cause a Court can-

not be held on the day appointed, and shall do and perform all other acts and duties properly incident to the office of Clerk.

7. There shall also be a Bailiff of Court, who shall be appointed by and hold office during the pleasure of the Judge thereof.

8. The Bailiff shall attend the Sittings of the Court, unless when his absence shall be allowed by the Judge, and shall, when required, serve all Summonses and Orders, and execute all the Warrants and Writs issued out of the Court, and in other respects shall be subject to the directions of the Judge.

9. The Parties in every Complaint, Action, or Proceeding, shall appear and act personally or by a Barrister or Solicitor of the Supreme Court, and not otherwise, unless under special circumstances the Judge permits any party to appear by an agent, not being a Barrister or Solicitor.

10. No Officer of the Court shall, either by himself or by any partner or person in his employment, be directly or indirectly engaged as Counsel, Attorney, or Agent for any party in any proceeding in the Court.

11. Every action shall be commenced by a complaint and summons in the form or to the effect in the Schedule hereto annexed.

12. In the Complaint and Summons there shall be set forth the Christian and Surname, and place of abode and calling and description of the Complainant, and likewise of the Defendant; but when the Christian and Surname of the latter are not known, he may be designated by any name or names which he may have acquired by usage or reputation.

13. In every Complaint and Summons there shall be set forth briefly but distinctly and explicitly the ground or cause of complaint; and if there be more than one ground or cause of complaint, each shall be stated substantively, and consecutively numbered, and there shall also be set forth the recovery or relief claimed.

14. Such Summonses may be issued against any Defendant residing or being

without the District within which the Court has jurisdiction, (but not out of the Province :) provided it clearly appear from the complaint that the cause of action is otherwise within the jurisdiction of the Court.

15. The service of any Summons shall be by delivering a copy of the same to the Defendant (or if more than one, to each of them) personally; or if he cannot be found, by leaving such copy at his place of abode; or in case of co-partners, at the Claim, Station, or other place of business of the firm.

16. The Summons may be served by the Bailiff or by any other person whom the Court may authorise, and he shall by a certificate under his hand certify the time and mode of such service, to be endorsed on the Summons without prejudice to the Judge taking proof thereof by oath if he think fit.

17. Either party may obtain from the Clerk of Court Summonses to Witnesses, to be served at the option of such party, either by himself as his agent, or by the Bailiff of the Court, with or without a clause requiring the production of books and writings in their possession or under their control.

18. The parties shall be heard in open Court upon the day appointed, but the Judge may adjourn the hearing of any cause in such manner and on such terms as to payment of costs or otherwise, as to him may seem fit.

19. If the Complainant do not appear at the time appointed, and good cause for his absence be not shown, the Judge shall dismiss the complaint, and award a sum to the Defendant as costs, or adjourn the hearing of the same.

20. If the Defendant do not appear, the Court may either hold him as confessed, and give judgment accordingly, or institute such inquiry into the cause of action as may be deemed necessary, and thereupon pronounce such decision as may be consistent with the ends of justice, either alone or with the assistance of Assessors or Jurors.

21. Whenever the Court shall make a Decree, in the absence of any party interested in the subject matter of the suit binding the rights of such party, the Judge may, in his discretion, at the same or any subsequent Court set aside such Decree, or any part thereof, and grant a rehearing of the suit upon such terms, if any, as to payment of costs, giving security, or otherwise, as he may think fit, on sufficient cause shown for that purpose.

22. When both parties appear, and from the nature of the cause, or the conflicting statements of the parties, it shall be necessary to take evidence, either party may before, but not after, any evidence is taken move that the cause be tried with the assistance of Assessors or Jurors.

23. If from the nature of the cause (*e. g.*, an encroachment or an unlawful or injurious operation) the Court deem it necessary to repair to the spot, and there on view investigate and determine the matter, the Court may proceed forthwith, or appoint a time for that purpose, and order the parties and witnesses then and there to attend.

24. In all actions brought before the Court, the Judge shall be sole Judge, unless he think fit to take the assistance of Assessors or Jurors, or unless either of the parties shall move that the complaint be tried by Assessors or Jurors, and shall pay into Court the costs for the summoning and attendance of the Assessors or Jurors.

25. The Assessors or Jurors shall consist of four persons of full age and good repute, who may be selected by the parties in the cause, from indifferent persons present in Court, if the said parties concur in this mode of proceeding. If they do not so concur, the Trial shall be adjourned to another day to be then fixed.

26. The Clerk of Court shall thereupon cause to be summoned twelve Assessors or Jurors residing within the District for the Trial of the cause upon the day appointed.

27. The Assessors or Jurors so summoned shall be chosen from time to time in alphabetical order, as their names shall appear in the Jury List for the District, which list shall be yearly or oftener, if he think proper, prepared by the Judge of the Court, and shall contain the names of all men residing within the jurisdiction of the Court, being holders of Miner's Rights or Business Licenses.

28. It shall not be necessary to summon more than twelve Assessors or Jurors to attend any one sitting of the Court, and those summoned for the Trial of any one cause shall be deemed to have been summoned for the Trial of all causes to be tried at the same sittings of the Court, with the assistance of Assessors or Jurors.

29. Every summons of an Assessor or Juror shall be served on him personally, or by leaving the same at his ordinary place of abode, at least one clear day before the sitting of the Court.

30. When the Assessors or Jurors shall be in attendance, if their number shall be

odd, the Clerk shall strike off one, and the number being even, the Complainant and Defendant alternately shall each strike off one until the number be reduced to four.

31. The four thus remaining shall be empanelled and sworn to give their verdict in the cause to be brought before them.

32. Every such Juror thus empanelled shall be entitled to receive from the Clerk of the Court the sum of ten shillings, and the expense thereby incurred shall be costs in the cause.

33. If either party shall neglect or refuse to strike the Jury as above provided, or if the Defendant shall be absent, it shall be lawful for the Clerk of the Court to strike the Jury instead of such neglecting, refusing, or absent party.

34. No evidence shall be given by either party on the Trial of any case, except such evidence as may be material to the right of action, or to the defence.

35. It shall not be necessary that the Assessors or Jurors give an unanimous verdict, but Judgment shall be entered up in pursuance of the verdict of the majority.

36. Every Judgment entered up in pursuance of the verdict of a Jury, shall have the same force and effect as if such judgment were entered in pursuance of the determination of the Judgment of the Court alone.

37. A Minute of every decision shall be entered by the Judge, in a book to be kept for that purpose, and shall be signed by the persons, whether Assessors or Jurors, who concur in making such Decision, and no formal order shall be necessary and a copy of such Minute shall, on demand, be given to any of the parties interested therein.

38. It being competent to the Court, whenever it shall seem fit, to order the working of any miner's claim affected by any matter in dispute brought before the Court, to be suspended until such matter shall have been investigated and adjudicated upon if in any complaint there shall be set forth sufficient grounds in the opinion of the Court for an interim order or injunction on the person complained against to desist from working his claim, or from any act or proceeding in the working thereof likely to cause irreparable or serious injury, and if such relief or remedy be then claimed, the Judge may issue such order or injunction in the meantime; and afterwards, on hearing the parties, may recall the same, or otherwise decide as he may see fit.

39. All the costs of any complaint or

proceeding shall be taxed by the Court, and shall be paid or apportioned between the parties in such manner as to the Judge shall seem fit, but in default of any special direction, such costs shall abide the event of the action.

40. The Judge shall, in each case, direct what number of witnesses shall be allowed between party and party, and their allowance for attendance shall in no case exceed the highest rate of the allowance mentioned in the schedule.

41. The costs of witnesses, whether they have been examined or not, may in the discretion of the Judge be allowed, although they may not have been summoned.

42. The Complainant's Solicitor shall be entitled to receive in full for his fees and costs, in addition to the costs actually paid by him, a sum not exceeding two Guineas.

43. The Defendant's Solicitor shall in every case in which judgment shall be given for or against the Defendant, be entitled to recover in full of his costs and fees, in addition to the costs actually paid by him, a sum not exceeding two Guineas.

44. The Judge may make such order as he may think fit, concerning the times, and by what instalments, any sum of money for which judgment shall be obtained shall be paid; and all such money shall be paid into Court unless the Judge shall otherwise direct.

45. Every Order, Decree, or Judgment, made by the Court, shall be carried out and enforced in the same manner as any order or judgment of a Resident Magistrate may be enforced according to the Law, for the time being, in force for regulating summary proceedings before Justices of the Peace.

46. The Judge may at all times amend all defects and errors in any proceeding in this Court.

47. In default of the payment of any Fees, payment thereof, by order of the Judge, may be enforced by such means as may be employed to recover any sum of money adjudged by the Court to be paid.

48. The Judge, the Clerk, and any other Officer may refuse to do any act for which a fee shall be demandable, unless such fee shall be first paid.

49. The appeal allowed by Section 25 of the Act, shall be in the form of a case, agreed on by both parties or their Solicitors, and if they cannot agree, the Judge of the Warden's Court, upon being applied to by them or their Solicitors, shall settle the case and sign it; and such case shall be

transmitted by the Appellant to the Registrar of the Court of Appeal.

50. The Judge may, in pursuance of the 27th Section of the Act, prescribe such additional Regulations as may from time to time be necessary for the orderly transaction of the business of this Court.

SCHEDULE OF FORMS.

1. Complaint.

In the Warden's Court of District, in the Province of Marlborough, New Zealand.

Be it remembered that upon the day of 18 , cometh before me the undersigned, Judge of the District Warden's Court, sitting at , in the said Province, A. B. (address, description, etc.), and complains against C. D. (address, description, etc.), Defendant.

1. That (here set forth briefly but distinctly and explicitly the ground or cause of complaint, and if there be more than one ground or cause of complaint, state each substantively, numbering them 1, 2, 3, etc.)

Wherefore the Complainant claims that the Defendant be adjudged to (here state the nature of the claim or relief sought)

Stated before me at aforesaid this day of 18 Judge.

2. Summons.

In the Warden's Court of District, in the Province of Marlborough, New Zealand, A. B. (address, description) Complainant, and C. D. (address, description) Defendant.

Whereas complaint hath this day been made before me the undersigned, the Judge of the said Court, by A. B. (address, description, etc.) Complainant, against C. D. (address, description, etc.) Defendant,

1. That (here set forth briefly but distinctly and explicitly the ground or cause of complaint, and if there be more than one ground or cause of complaint, state each substantively, numbering them 1, 2, 3, etc., as in complaint). Wherefore Complainant claims that the Defendant be adjudged to (here state the nature of the claim or relief sought as in the complaint). These are, therefore, to command you the said C. D., in Her Majesty's name, to be and appear on the day of 18 , at o'clock in the noon, at the Court House, at before me to answer to the said complaint, and demand (in any case falling under Rule 39, in which in the complaint an interim injunction is claimed, here insert) and in the meanwhile you are hereby enjoined to desist from (here state the matter of injunction distinctly) under the penalty, in case of disobedience of this injunction, contained in the Act.

Given under my hand and seal this day of in the year of our Lord 18 , at in the District aforesaid. Judge.

3. Certificate of Service.

Bailiff to the Warden's Court, do hereby certify that I served mentioned in the within Summons, with a copy thereof on the day of 18 , between the hours of and noon.

E. F.

4. Summons to a Witness.

In the Warden's Court of , holden at , between A. B. Plaintiff, and C. D. Defendant.

You are hereby required to attend at the Court House in , on the day of 18 , at the hour of noon, to give evidence in the above cause, on behalf of (Plaintiff or Defendant, as the case may be) and then and there to have and produce (state any particular documents required) and all other Books, Papers, Writings, and other Documents relating to the said action, which may be in your custody, possession, or power. In default of your attendance you will be liable to a penalty of Five Pounds, under Section 33 of the Gold Fields Act, 1862.

Dated this day of 18 . C. D.,

Clerk of Court.

To A. B. (address, description.)

5. Clerk's Notice of Jury.

In the Warden's Court of , holden at , between A. B. Plaintiff, and C. D. Defendant.

Take notice that this case will be tried by a Jury (the Plaintiff or Defendant, as the case may be) having demanded a Jury therein.

Dated this day of 18 . C. D.,

Clerk of Court.

To the Plaintiff or Defendant, (as the case may be), (address, description.)

6. Summons to Juror.

In the Warden's Court of , holden at

You are hereby summoned to appear and serve as a Juror in this Court, at the (Court House) on the day of 18 , at the hour of in the noon, upon the trial of the cause or causes to be then tried by a Jury, and in default of attendance you will be liable to a penalty of Five Pounds, under Section 33 of the "Gold Fields Act, 1862."

Dated this day of 18 . C. D.,

Clerk of Board.

To (address, description.)

7. Order fining a juror for non-attendance.

In the Warden's Court of , holden at

Whereas was duly summoned to appear and serve this day as a juror in this Court, upon the trial of the cause or causes, to be tried by Jury at this Court. And whereas he has neglected, without sufficient cause shown, to appear and serve as a Juror at this Court, it is hereby ordered that he shall forthwith (or on the day of 18) pay to

the Clerk of this Court a fine of £ for such neglect.

Dated the day of 18
By the Court, C. D.,
Clerk of Court.

Hours of attendance at the office of the Clerk (place of office) from until except on (here insert the days of the week on which the office will be closed) when the office will be closed at

8. *Bond where Plaintiff is Appellant.*

Know all Men by these presents that we A. B. of U. D. of and E. F. of are jointly and severally held and firmly bound unto G. H. of in £ * to be paid to the said G. H., or his certain Solicitor, Executors, Administrators, and Assigns, for which payment to be made, we bind ourselves, and each and every of us in the whole, one and each of our Heirs, Executors, and Administrators jointly and severally, firmly by these presents, sealed with our seals, and dated this day of one thousand eight hundred and

Whereas a cause is now depending in the Warden's Court, of holden at wherein the above bounden A. B. is plaintiff, and the above-named G. H. is defendant, and whereas the above cause came on for trial in the said Court on the day of when a judgment was given for the said G. H., and whereas the said A. B. being dissatisfied with such judgment, gave due notice to the said G. H. of his the said A. B.'s intention to appeal from the same to the Supreme Court of New Zealand, at according to the Gold Fields Act, 1862. And whereas it is thereby provided that the party who shall appeal as aforesaid shall give security to the satisfaction of the Court aforesaid, to appear and try such appeal and abide the judgment of the Court of Appeal therein, and to pay such costs as shall be awarded. And whereas the above bounden C. D. and E. F., at the request of the said A. B., have agreed to enter into the above written obligation for the purposes aforesaid, and the security intended to be hereby given has been approved by the Judge of the said Court, as appears by his allowance on the margin hereof.† Now the condition of this obligation is such that if the above bounden A. B. shall appear and try the said appeal, and abide the judgment of the Supreme Court therein, and if the above bounden A. B., C. D., and E. F., or any or either of them, shall pay unto the said G. H., his Executors, Administrators, or Assigns such costs as the said Supreme Court shall award, then this obligation will be void, otherwise shall remain in full force.

Signed, Sealed, and delivered by the above bounden

L.S.
L.S.
L.S.

In the presence of

9. *Bond where Defendant is Appellant.*

Know all Men by these presents that we A. B. of C. D. of and E. F. of are jointly and severally held and firmly bound to G. H. of in £ † to be paid to the said G. H., or

* A sum sufficient to cover the costs of appeal say £ , being double the estimated amount.

† I approve of this bond.

(L.S.)

J. J., Judge.

‡ A sum sufficient to cover the costs of appeal, say £ , being double the estimated amount.

his certain Solicitor, Executors, Administrators, or Assigns, for which payment to be made we bind ourselves and each and every of us in the whole, our and each of our Heirs, Executors, and Administrators, jointly and severally, firmly by these presents, sealed with our seals, and dated this day of one thousand eight hundred and

Whereas a cause is now depending in the Warden's Court of holden at

, wherein the above-named G. H. is Plaintiff, and the above-bounden A. B. is Defendant, and whereas the said cause came on to be tried in the said Court on the day of last, when a judgment was given for the said G. H., in the sum of £ , and whereas the said A. B. being dissatisfied with such judgment, gave due notice to the said G. H. of his intention to appeal from the same to the Supreme Court of New Zealand at according to the provisions of the Act. And whereas it is thereby provided that the party who shall appeal as aforesaid, shall give security to the satisfaction of the Court aforesaid, to appear and try said appeal and abide the judgment of the Court of Appeal therein, and to pay such costs as shall be awarded. And whereas the above-named C. D. and E. F., at the request of the said A. B., have agreed to enter into the above-written obligation for the purposes aforesaid, and the security intended to be given has been approved by the Judge of the said Warden's Court, as appears by his allowance in the margin hereof.‡ Now the condition of this obligation is such that if the above-bounden A. B. shall appear and try said appeal and abide the judgment of the Court therein, and if the above-bounden A. B., C. D., and E. F., or any or either of them, shall pay unto the said G. H., his Executors, Administrators, or Assigns, such costs as shall be awarded by the Court, then this obligation shall be void, otherwise shall remain in full force.

Signed, sealed, and delivered by the above-bounden

L.S.
L.S.
L.S.

In the presence of

10. *Case on Appeal.*

In the Warden's Court of holden at , between A. B. Plaintiff, and C. D. Defendant.

This is a suit (here state the cause of action and the facts.)

The question for the opinion of the Supreme Court is—First (here state the question for the opinion of the Court.)

(Signature of Judge.)

‡ I approve of this bond.

(L.S.)

J. J., Judge.

TABLE OF FEES.

Summonses	£0 2 0
Summonses to witness	0 2 0
Service of Summonses (if within one mile of the Court House)	0 3 0
For every extra mile one way	0 1 0
Hearing	0 4 0
Adjournment of Hearing, when made on application of Plaintiff or Defendant)	0 2 0
Swearing Witnesses, exceeding three on either side	0 2 0
Summoning Jury	1 4 0
Payment for the Jury	2 0 0
Entering up Judgment	0 2 0
Filing Notice of Ground of Appeal	0 8 0
Writ of Execution against Goods	0 4 0

Writ of Execution against the Person	0 4 0		
Issuing Warrant to Bailiff to deliver possession to a Plaintiff of premises recovered	0 8 0		
Executing any Writ of Execution beyond one mile from the Court House, for every extra mile one way	0 1 0		
Poundage on the sum levied or received, or for which the body is taken in execution, for every £1	0 1 0		
Serving or Executing any Writ of Arrest, Injunction, Writ of Attachment, or any Summons, Order, Warrant, Precept, Writ, or other process, not herein-before provided for, if within one mile of the Court House	0 8 0		
For keeping possession, per diem, any sum not exceeding	0 8 0		
For every extra mile one way	0 1 0		
Auctioneer's Commission on Goods			
			sold, not exceeding five per cent.
			Advertising—for three lines of space, not exceeding 3s., and 3d. for every additional line
			Bailiff's Fee for Executing Writ against the Goods if satisfied within two hours of the levy
			For every Search
			For any Document required in Proceedings, and not enumerated in the Schedule
			For every complete folio of 90 words, above one
			Copy of any proceedings (first folio)
			And for every complete folio of 90 words
			Cartage of Goods seized in Execution to Auction room or place of security, reasonable expenses actually paid not exceeding 20s. per diem.