



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.*

A. P. SEYMOUR,  
Superintendent.

VOL. V.]

MONDAY, OCTOBER 31, 1864.

[No. 83.]

PROCLAMATION.

By His Honor ARTHUR PENROSE SEYMOUR, Esquire, Superintendent of the Province of Marlborough, in the Islands of New Zealand.

WHEREAS, THOMAS CARTER, Esquire, Superintendent of the Province of Marlborough, under and by virtue of the powers delegated to and vested in him in that behalf, did, on the 15th day of June, 1864, make and ordain certain rules and regulations relating to mining on the Marlborough Gold Fields, and the making of which rules and regulations was duly notified in the *Government Gazette* of the Province of Marlborough, and published on

the 15th day of June, 1864: And whereas it is expedient to revoke the aforesaid rules and regulations.

Now therefore, I, Arthur Penrose Seymour, Superintendent of the Province of Marlborough; by virtue and in exercise of the powers delegated to and invested in me in this behalf, do hereby revoke and cancel the said rules and regulations, and in lieu thereof do make the rules and regulations following, the same to be in force from and after the 10th day of November next ensuing.

Given under my hand this 30th day of September, one thousand eight hundred and sixty-four.

ARTHUR PENROSE SEYMOUR,  
Superintendent.

# RULES AND REGULATIONS

## OF THE

# MARLBOROUGH GOLD FIELDS.

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

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.

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 alluvial claims in the beds of creeks or rivers (including beaches), the course whereof may have been or shall be wholly diverted for the purpose of mining therein

Quartz claims shall mean claims in quartz reefs or lodes.

#### 2.—*Size of Claims.*

Ordinary claims shall not exceed 30 feet by 30 feet for each person, unless the depth of sinking exceeds 50 feet, in which case such claim may be extended to 40 feet by 40 feet.

Wet claims shall not exceed 40 feet by 40 feet for each person, unless the depth of sinking exceeds 50 feet, in which case such claims may be extended to 50 feet by 50 feet.

Creek or river claims shall not exceed 40 feet for each man employed thereon, nor be more than 240 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.

Quartz claims shall not exceed 30 feet in length along the course of the lode or vein, by a width not exceeding 200 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 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 3 feet above the surface of the ground; and such pegs or trenches shall be maintained during the occupancy of the ground; river claims shall be marked by pegs, as before specified, or by arrow marks not less than one foot in length to be cut upon the rocks above high flood mark; and such pegs, trenches, or marks 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 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.

*Form of Alluvial Block Claims.*

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

III. PROSPECTING.

1. *Protection while Prospecting.*

Any person may obtain from the Warden a certificate of protection for an extended claim during the time he is engaged in prospecting.

2. *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.

3. *Area in Alluvial Ground.*

Discoverers of new gold workings may have allotted to them an extent of ground not exceeding twice the area of an ordinary claim; the discoverers of new gold workings distant not less than one mile from existing 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 6 miles from existing workings, may obtain 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.

**4.—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.

**5.—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.

**6.—Prospecting Claims Surveyed.**

All prospecting claims must be surveyed, and a copy of the plan lodged with the Warden. Expenses of such surveys to be regulated by the Warden.

**IV.—Water Rights and Races.**

**1.—New Races.**

Any persons who intend 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.

**FORM OF NOTICE.**

**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 fifteen days.**

The cutting and formation of races must be commenced within fifteen days 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 long and 10 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, and the bottom of the race shall be cut level 20 feet below and above the box.

**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, etc.**

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.

**17.—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.

**18.—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.

**19.—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.

**20.—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.

**21.—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 con-

struction : provided that the person so using any tail-race shall assist in clearing the same whenever it shall be necessary to do so.

22.—*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.

V. 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 within 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 machine 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 occa-

sioned 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.

V.I Creek and River Claims.

1.—*Protection During Preliminary Operations.*

During the time that any person shall be occupied during 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 there against within the aforesaid period, the Warden may issue a certificate of registration to the applicant.

FORM OF NOTICE.

No. \_\_\_\_\_ (District and date.)  
I hereby give notice that I intend to divert the course of (name of river) and to form a new channel therefore, 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: Provided 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 \_\_\_\_\_  
[Signed] \_\_\_\_\_

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.] \_\_\_\_\_

**3.—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.

**4.—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 at any one time; and every such renewal shall be endorsed on the back of the certificate, and recorded in the Registration Book.

**5.—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 there-

with, 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.

**6.—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.

**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, tunnelling 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 per man.

**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 ten 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 pounds (£20.)

**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 forty pounds (£40). 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 ten 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 fifteen 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.

**2. 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.

**3. Interference with Pegs and Notices, &c.**

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.

**4. 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.

**5. 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 actually relinquished), without first obtaining the consent of the owners or the authority of the warden.

6. *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 payment 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.

7. *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.

8. *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.

9. *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.

10. *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 proceeding in relation to any application

11. *Warden to be Judge of Objections, &c.*

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.

12. *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.

13. *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 53rd section of the "Gold Fields Act, 1862."

## 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 a quarter of an acre, or 1210 square yards, unless special provision for a larger area be obtained from the warden.

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  $\perp$  trenches, and 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 shall cause such area to be surveyed before certificates for the same be issued.

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 . . . . . }

#### 9. *Surveying Fees.*

Before a certificate of Registration be granted to any applicant for any area for Residence, the same must be surveyed; and a plan of such survey must be deposited with the warden. The fee payable for such survey to be determined by the warden.

### XIII. *Tunnelling.*

#### 1. *Definition.*

Hills where the sinking exceeds twenty 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 one person of 30 feet, or for more 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 fifty feet apart; and such trenches or pegs shall be at right angles with the frontage of the hill, along the entire depth allowed; the fee for such registration to be two shillings and six pence.

#### 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. *Parallels.*

Persons tunnelling shall not drive beyond their own parallels.

#### 6. *Protection of Tunnels.*

No person shall mine within ten feet of any main tunnel, or trench at the foot of the claim, and no person shall 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. *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 herein-after directed, may grant therein extended claims, the extent of which to be decided by the Warden.

#### 2. *Form of Application.*

Application for extended claims in "*Inferior Ground*" shall be made to the warden in the following form, a duplicate of which will be posted on the ground for not less than seven days prior to the hearing:

To the Warden at

(District and date.)

I (or we) hereby give notice that I (or we) desire to obtain an extended claim (here state the extent of area applied for) situate at (here state precise locality) and I (or we) deposit herewith the sum of £5 (five pounds) as security for the payment of any expense connected therewith.

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

### 3. Official Survey.

Upon receipt of such application and deposit or as soon thereafter as may be, the Warden shall direct the Mining Surveyor to proceed to the land applied for, and to survey the same, and to report as to the area, boundaries, and description thereof; the character of the ground, the likelihood of any river, creek, or permanent water spring, or artificial reservoir, which may be included within the boundaries of the said land, being required for, or the feasibility of the same being applied to public purposes, or for the use of miners of the district generally; 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 survey; and to furnish a plan of such land on a scale of sixteen inches to the mile, together with 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.

### 4. Surveyor to Post Notice.

The surveyor shall, at the time of making the survey hereinbefore directed, post a notice in the form hereunto annexed, in some conspicuous place on the ground, and such notice shall be maintained by and at the expense of the applicants, until the application has been heard and determined, and a copy of such notice shall also be posted by the surveyor on the outside of the Warden's office.

#### FORM OF NOTICE TO BE POSTED BY THE SURVEYOR.

To all persons whom it may concern.  
I hereby give notice that  
residing at \_\_\_\_\_ did on the \_\_\_\_\_  
day of \_\_\_\_\_ apply to me for an

Issued by His Honor,

A. P. SEYMOUR,  
Superintendent of the Province of Marlborough.

"Extended Claim" of [here state area] of land, which the Mining Surveyor has this day marked out, and that any person desiring to object to such extended claim, must, within seven clear days from the date of this notice, enter his objection at my office. And I further give notice that I will hear and determine this application and the objection [if any] lodged there against at my office aforesaid, on the

day of \_\_\_\_\_ 186  
Signature of [Warden].  
Dated the \_\_\_\_\_ day of \_\_\_\_\_ 186 .  
Posted by me this \_\_\_\_\_ day of \_\_\_\_\_  
Mining Surveyor.

### 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, the exact position of the same, and the special conditions (if any) upon which such certificate has been granted, and the charge for such Registration shall be ten shillings.

### 6.—Forfeiture.

If at any time the requisite number of holders of miners' rights shall not be employed or occupied upon any such "Extended Claim," the warden may, upon proof thereof being produced before him, in the presence of all parties interested, cancel the certificate of Registration, either in the whole or in part, as may be equitable. Provided always that a monetary penalty may be imposed in lieu of forfeiture as set forth in Section 6 of Regulation XI.

Dated at Picton this Thirtieth day of  
September, one thousand eight hundred and sixty-four.