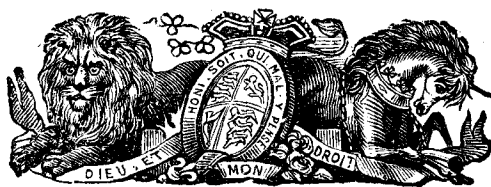


NEW ZEALAND



OTAGO

PROVINCIAL GOVERNMENT

GAZETTE.

Published by Authority.

VOL. VIII.

DUNEDIN, FRIDAY, OCTOBER 21, 1864.

No. 329.

ORDER

Revoking certain Rules and Regulations of the Otago Gold Fields, and making others in lieu thereof.

WHEREAS, by an Act of the General Assembly of New Zealand, intituled "The Gold Fields Act, 1862," and in the 14th section thereof, it is provided that it shall be lawful for the Governor in Council, subject to the provisions of the said Act, to make Rules and Regulations relating to the terms and conditions upon which Miners' Rights should be granted, and the forms of such Miners' Rights, and of Licenses and Leases, to be issued under this Act, and the modes, times, and places of the issue thereof; and also touching the extent and condition of any claim, and the conditions under which it should be worked, held, assigned, or forfeited; the application of machinery; and all such other rules and regulations relating to mining, under Miners' Rights or otherwise, in any Gold Field, as he may deem most beneficial.

AND WHEREAS, by the said Act it is also 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 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 subject to any limitations or restrictions as he may think fit, and in like manner to alter or revoke any such powers.

AND WHEREAS, by warrant under the hand of Sir George Grey, K.C.B., Governor in and over Her Majesty's Colony of New Zealand, dated the 15th day of September, 1863, at Auckland, and issued under the Public Seal of the said Colony, by and 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 thereby delegate absolutely and without restriction, unto the Honorable John Hyde Harris, as Superintendent of the Province of Otago, all the powers vested in him

under and 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 the powers within the Province of Otago.

AND WHEREAS by the "Gold Fields Act Amendment Act, 1863," it is provided that it shall be lawful for the Governor in Council, from time to time, to alter, amend, and revoke all or any Rules and Regulations made or to be made under Section 14 of the said "Gold Fields Act, 1862;" and it is also 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, and under such restrictions as he shall think fit, all or any of the powers vested in the Governor or the Governor in Council by the said "Gold Fields Act Amendment Act, 1863."

AND WHEREAS, by Warrant under the hand of Sir George Grey, K.C.B., Governor in and over Her Majesty's Colony of New Zealand, dated the fourteenth day of December, one thousand eight hundred and sixty-three, at Auckland, and issued under the Public Seal of the said Colony by and 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 thereby delegate, absolutely and without restriction, unto me as Superintendent of the Province of Otago, all the powers vested in him the said Governor, or in him the said Governor in Council, under or by virtue of the "Gold Fields Act Amendment Act, 1863."

AND WHEREAS I, John Hyde Harris, as Superintendent of the said Province, under and by virtue of the powers delegated to me as aforesaid, did on the 15th day of September, 1863, make Rules and Regulations relating to the terms and conditions upon which Miners' Rights should be granted, and the forms of such Miners' Rights, and of Licenses and Leases to be issued under the said Act, and the modes, times, and places of the issue thereof; and also touching the extent and condition of claims, and the con-

ditions under which they should be worked, held, assigned, or forfeited; the application and use of machinery; and other Rules and Regulations relating to mining, under Miners' Rights and otherwise, in the Otago Gold Fields.

AND WHEREAS I, the said John Hyde Harris, as Superintendent as aforesaid, under and by virtue of the powers so delegated as aforesaid, did on the thirty-first day of August last, by an Order published in the *Government Gazette* of the said Province on the said thirty-first day of August, revoke and cancel the second and fourteenth of the said Rules and Regulations, and in lieu thereof did make and ordain other Rules and Regulations as in the said Order set forth.

AND WHEREAS it is expedient to revoke the whole of the said Rules and Regulations, and to make others in lieu thereof.

NOW THEREFORE I, John Hyde Harris, Superintendent of the Province of Otago, under and by virtue of the powers so delegated to and vested in me in this behalf, do hereby order that the whole of the said Rules and Regulations shall, from and after the thirty-first day of October instant, be revoked, and do hereby in lieu thereof make and ordain the Rules and Regulations following:—

RULES AND REGULATIONS OF THE OTAGO 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, 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 word "Claim" shall mean the portion of land which the holder of a Miner's Right or of a Business License shall be entitled to mine in or occupy, or any share or interest in any claim, held or granted under these Regulations.

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.

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 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.*

Alluvial claims shall mean all claims in alluvial ground. River claims shall mean claims in the beds of rivers.

Creek claims shall mean claims in the beds of permanent streams which are or may be wholly diverted for the purpose of mining therein.

Beach claims shall mean claims situated between the ordinary high flood mark and the edge of the water on the beaches of rivers.

Quartz claims shall mean claims in quartz reefs or lodes.

2.—*Size of Claims.*

Alluvial claims shall not exceed 45 feet by 45 feet for each holder of a miner's right, unless the depth from the surface exceeds 50 feet, in which case such claim may be extended to 60 feet by 60 feet.

River claims shall not exceed 50 feet for each holder of a miner's right employed thereon; to be measured in the

direction of the course of the stream by a width not exceeding the boundaries of the bed of the river, which shall be defined by the Warden or other officer duly authorised in that behalf.

Creek claims shall be of the same extent, and subject to the same regulations with respect to measurement, form, and boundaries, as River claims.

Beach claims shall not exceed 45 feet in length for each holder of a miner's right along the course of the river, with a frontage to the water, by a width bounded by ordinary high flood mark: Provided that when any beach, or portion of a beach, shall exceed 50 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 45 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 holder of a miner's right.

3.—*Claims to be marked.*

Alluvial claims and quartz claims shall be marked by pegs standing at least two feet above the surface of the ground, or by Γ trenches at each corner thereof; river, creek, and beach claims shall be marked by pegs as before specified, or by \wedge 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 marked, on account of the nature of the ground, the peg, trench, or mark, may be placed at the nearest practicable point.

4.—*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.

5.—*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.

6.—*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.

7.—*Claims not to be forfeited by neglect of Hired Workmen.*

No claim, right, or privilege, shall be deemed to be forfeited through the neglect or absence of any hired servant thereon: Provided that if, after seven days' notice in writing of such neglect or absence has been given to the owner or holder thereof (either personally or by leaving the same at his last known place of residence), such neglect or absence is continued, any such claim, right, or privilege shall be deemed to be absolutely relinquished.

8.—*Form of Alluvial 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, shall be entitled conditionally on reporting the discovery to the Warden within a reasonable time, to 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 six persons composing any party.

3.—*Area on Quartz Reef.*

The discoverers of an auriferous Quartz Reef shall be entitled conditionally on reporting the discovery to the Warden within a reasonable time, to an area not exceeding

in the whole 300 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.—Head Races.

Any person intending to divert and use water for mining purposes by means of any Head Race, shall give notice thereof, in writing to the Warden, and to the holder or holders (if any) of a prior right or rights to divert and use water from the same source; and such notice shall be 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 the proposed termination of such race; and the intended course thereof shall be indicated by pegs not less than 2 inches square, or by large stones marked \wedge , and placed not more than two hundred yards apart. And if no valid objection be entered against such races 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 Head 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. * Do. * Do

2.—Races already constructed.

Races constructed prior to the Proclamation of any Gold-field, or of these Rules and Regulations, must be registered with the Warden, as provided by 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 Disuse.

If any race shall be entirely unused for a full period of thirty days at a time when water is available for it, occupation of the right shall be deemed to have recommenced 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, this 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. Provided that such alteration or extension shall first be approved by the Warden.

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 watercourse, 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 gauged by a box, 12 feet long, 10 inches deep, and 20 inches wide, all measured in the clear. The box shall be covered throughout. The upper or entrance end of such box may be left entirely open; but the lower end, or end of exit, shall be fitted with a bar 2 inches high, affixed to the floor of the box, and with a pressure or head-board, 6 inches deep, affixed to the top of the box, leaving an aperture of 2 inches in depth, and of the full width of the box.

(a.) If more than one sluice head of water requires to be gauged, the gauge box should be enlarged horizontally to ensure accurate measurement. But when this cannot be done owing to natural obstacles, or other sufficient reasons, the gauge box may be enlarged perpendicularly, in which case the depth of the pressure or head-board shall be reduced at the rate of 1 inch for every additional head of water that is perpendicularly measured.

(b.) The gauge box shall at all times be placed on a level. When water is taken from one source only, the supply shall be gauged at the head of the race, or the source of supply. But if the race is fed, or supplied in part, by any side stream, or streams, the gauge box shall be placed immediately below such side stream, or the last of such side streams.

(c.) The velocity of the water above the gauge box shall, if required, be lessened by the construction of a dam bank, or by levelling the race for a distance of 30 feet; and such velocity shall not exceed an average of 1 foot per second in the said 30 feet, to be gauged by a float.

11.—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, in due and equal proportion, which the said holders shall be entitled to draw therefrom, and to regulate the time and mode in which such water may be used.

Provided that nothing herein contained shall be deemed or taken to affect the rights of the holder or holders of a first water-right hereafter granted on any stream; but such holder or holders shall at all times be entitled to the full supply of water for which he or they shall be registered.

12.—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, or 40 inches of water; four or more miners, two sluice-heads; and so on at the rate of one sluice-head to every additional two miners.

13.—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.

14.—Transfer or assignment.

The transfer or assignment of any race, or of any interest therein, shall not effect 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.

15.—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.

16.—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.

17.—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.

18.—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.

19.—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.

20.—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.

21.—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.

22.—Construction of Tail-races.

Before any person shall construct a tail-race, he shall first proceed by notice in the same manner as is directed in Section 1, for head-races. But such notice shall only require to be posted for seven (7) clear days; at the expiration whereof the applicant shall return to the Warden a copy of the notice, which shall be signed by the holders of the four (4) nearest claims, as expressing their assent to or dissent from the issue of a certificate for such tail-race. And the Warden shall enquire into any objection thereto, or into any cause of dissent as aforesaid; and shall thereafter issue or withhold a Certificate of Registration according to the equities of the case.

23.—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.

24.—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.

25.—Races may be carried through Claims.

Upon application being made to the Warden it shall be competent for him to authorise the applicant to pass a head-race or tail-race over, under, or through any claim, or right: Provided that compensation shall be allowed for estimated damage (if any), and prior to commencing the construction of such race such compensation shall be paid to the holder or holders of the claim or right over, under, or through which the proposed race has to be constructed.

26.—Certificates Renewable Annually.

Every grant or certificate for a head-race shall be brought to the Warden for renewal annually, and if any such grant or certificate is not so brought within 30 days after the expiration of twelve months from the date at which it has been or may be granted, it may be deemed to be forfeited, and the registration thereof may be cancelled.

V.—DAMS AND PUDDLING MACHINES.

1.—Notice of Construction or Erection to be given.

Any person intending to form a Dam, or to erect a Puddling Machine, shall give notice thereof in writing to the Warden, and to the four parties working or occupying claims nearest to the proposed site, who shall sign such notice, expressing their assent thereto or dissent therefrom. Such notice shall be in the form hereinafter prescribed, and copies thereof shall be posted and maintained by the applicant for seven clear days upon the proposed site of

such Dam or Machine. And at the expiration of the said term of seven days the Warden shall enquire into any objection or cause of dissent and thereafter issue or withhold a Certificate of Registration according to the equities of the case.

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 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 person 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 labor 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 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 occasioned thereby, provided that it is proved to the satisfaction of the Warden that such breaking away resulted from the faulty construction of such dam.

10.—Sites proving Auriferous.

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

VI.—CREEK CLAIMS.

1.—*Notice of Diversion to be given.*

Any person desirous of diverting the course of a permanent stream for the purpose of working the bed thereof as a creek claim, shall first give notice of his intention to the Warden, and to all parties working in, or occupying claims adjoining the proposed line of diversion. Such Notices shall be in the form hereinafter prescribed, and copies thereof 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 stream* 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.

Section 2.—*Wall to be Allowed.*

Holders of creek claims shall be allowed a sufficient wall between the channel of diversion and the bed of the stream; and the width of such wall shall be defined by the Warden.

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 road in common use, 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 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 Roadway over Claims.*

Upon any twenty or more persons applying for a road or crossing-place over any occupied claim or claims, the Warden shall determine whether such road or crossing-place is necessary, and shall make such order relative thereto as he may deem requisite: provided that it shall be lawful for the holder or holders of such claim or claims to work the ground over or through which such road or crossing-place shall pass.

VIII.—PROTECTION.

1.—*Protection for Seven Days.*

The Warden may, without prior notice, grant protection to any claim for a period not exceeding seven days: provided that at the time of making application therefor, the applicant shall produce the consent in writing of the four parties working or occupying claims nearest to that for which protection is sought; 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 *and*

(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, and to the four parties

working or occupying claims nearest to that for which protection is sought, who shall sign such notice, expressing their assent thereto or dissent therefrom. Such notice shall be in the form hereinafter prescribed; and a copy thereof shall be posted and maintained by the applicant on the claim for three 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*) my claim situate at _____, and that the following particulars are true in all respects—

1. Classification of Claim
2. Date at which occupation commenced
3. Time during which the Claim has been worked
4. The Claim (has not, or has) been protected before*
5. Cause for which protection is required

(Signature, No. of Miner's Right.)

* If the claim has been protected before, the applicant must state when, and for what period.

3.—*Information to 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 for a longer period than seven days shall not be granted to any claim which has not been fairly wrought for at least one month. The most extended period for which protection may be granted at any one time shall be Thirty days; and such protection shall not be renewed unless it is proved to the satisfaction of the Warden that the claim is unworkable.

5.—*Renewal of Protection.*

Application for renewal shall be made in the same manner as is provided in Section 2; and such renewal, if granted, shall be endorsed on the back of the Certificate, and recorded in the Registration Book.

6.—*Protection during Notice.*

When any Notice has been given and posted in conformity with these Regulations, the claim, right, or privilege to which such Notice may refer, shall be protected during the currency thereof, and until the application has been finally dealt with by the Warden.

7.—*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, rights, and privileges, may be registered. Mining Partnerships, and Agreements between holders of Miners' Rights or Business Licenses, may be registered.

2.—*Registration of Huts.*

The Holder of a Miner's Right may, on application to the Warden, register his hut or place of abode; and any hut or place of abode so registered shall be protected during the absence of the owner for such a period not exceeding six months, as may be assigned.

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.—LICENSESES.

1.—Business Licenses.

Every person engaged in trade or business of any kind within the limits of the Gold Field, 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 of half a square chain, having a frontage of 33 feet and a depth of 66 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 Ten (£10) 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 Twenty (£20) Pounds.

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 between Buildings.

An open space of six feet shall at all times be left between buildings occupied for business purposes. The holder or occupier of a single business area or site shall only build upon 27 feet of his frontage. The holder or occupier of two or more adjoining areas or sites may build upon 33 feet frontage for every such additional area or site.

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 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.—Roadway between Business Sites.

A space of sixty-six feet shall at all times be left for a road or street between business sites; and no person shall, on any pretence whatever, encroach upon such roadway.

XI.—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 deposits 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.

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.—Tent Ground.

Subject to the conditions set forth in Sections 3, 4, and 5, the holder of a Miner's Right shall be entitled to occupy for residence an area of 12 x 24 feet without registration: Provided that such area shall not be taken up on known auriferous ground, nor in the line of any workings, nor on land set apart for business purposes.

XII.—TUNNELLING.

1.—Walls to be left.

A wall of not less than ten feet shall be maintained on each side of any tunnel.

2.—Removal of Walls.

If any person is desirous of removing any such wall he shall be permitted to do so provided that he first obtains the consent in writing of the party occupying the adjacent claim; and such consent shall be in the form hereinafter prescribed.

FORM OF CONSENT.

I (or we) hereby consent to the removal by (name of party applying for permission) of the wall now standing between our respective tunnels, situated at (here state locality),* (Signatures &c.) (District and date)

* If any special conditions are imposed, they must be specified in the document.

3.—Ventilation.

When cross-drives or openings are required for ventilation, and the various parties concerned cannot agree thereon, 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.

XIII.—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 the Miners' rights may occupy claims, not exceeding double the ordinary area prescribed by the regulations.

2.—*Extension of Claims.*

Extended mining claims may be granted by the Warden, upon application being made as hereinafter directed, subject to the condition that a sufficient number of holders of miners' rights shall be constantly employed thereon, namely:—

For a quarter acre (10,890 square feet), two men,

For half an acre (21,780 square feet), three men,

For one acre (43,560 square feet), five men;

and so on in proportion. Provided that no such claim shall be granted in new and unworked ground, unless it shall be proved to the satisfaction of the Warden that such ground has been fairly tested, and cannot be profitably worked in claims of the ordinary size. Provided also, that an extended claim shall in no case be permitted to exceed three acres in extent.

3.—*Form of Application.*

Application for extended claims 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 (here state extent of area applied for), situated at (here state precise locality), and I (or we) deposit herewith the sum of Five Pounds as security for the payment of any expenses connected therewith.

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

4.—*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 the miners 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 *not less* than five chains to the inch, 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.

5.—*Surveyor to Post Notices.*

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.

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 "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 thereagainst at my office aforesaid, on _____ day of _____ 186 .

Dated the _____ day of _____ (Signature of Warden) 186 .

Posted by me this _____ day of _____ Mining Surveyor.

6.—*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.

7.—*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 4 of Regulation XI.

XIV.—SPECIAL SITES.

1.—*Sites for Machines.*

Any holder of a Miner's Right who may be desirous of obtaining a site for the erection of machinery thereon, shall make application in writing to the Warden, setting forth the purpose and all particulars of such machinery, and stating the exact locality of the site applied for, and shall at the same time deposit the sum of £5 as security for the cost of survey and other necessary expenses. And the Warden shall thereupon direct the Mining Surveyor to make a survey and plan of such site, and to report thereon.

2.—*Site for Stacking Tailings.*

Any holder of a Miner's Right who may be desirous of obtaining a site for the purpose of stacking tailings thereon, shall proceed by application to the Warden in the same manner as is provided in section 1.

3.—*Proceedings at Survey.*

At the time of making any such survey, the Mining Surveyor shall erect a post measuring not less than two inches square, and standing three feet above the surface of the ground at each boundary corner of the site applied for, and shall post a notice in the form hereinafter set forth upon some conspicuous part of such site.

FORM OF NOTICE.

(District and date.)

Whereas (name of applicant) has applied to me for a grant of this land as a special site for (erecting machinery,* or stacking tailings) thereon; and whereas the Mining Surveyor has this day surveyed and marked the boundaries of such site, this is to give Notice that any objections to the issue of a Certificate of Registration therefor must be lodged at my office on or before (specify date †), upon which day I shall proceed to hear and dispose of such application.

(Signature of Warden)

Posted by me this _____ day _____ 186 .

(Signature of Mining Surveyor)

* If machinery, state for what purpose.

† Not less than 7 clear days from date of survey.

4.—*Registration.*

At the expiration of the time specified in the Notice as aforesaid, the Warden may, if there be no valid objection thereagainst, issue a Certificate of Registration for the site applied for, and the fee for such registration shall be five shillings.

5.—*Restriction of Sites.*

Special sites shall not be granted for any land which is known to be auriferous, unless the same has been worked out and abandoned, nor for land which is in the line or direction of any workings, or which is or may probably be required for business purposes.

6.—*Limitation of Area.*

The area granted to any person or party as a special site shall in no case exceed a quarter of an acre.

7.—*Discovery of Auriferous Deposits.*

If any auriferous deposits shall be traced to the boundaries of, or discovered upon a special site, such site shall be dealt with in the same manner as provided by Sections 3, 4, and 5, of Regulation XI, relating to residence: Provided always that the compensation directed to be estimated by Section 5 thereof shall only be paid in the case of sites that are or may be occupied *bona fide* by machinery.

XV.—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 absolutely 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 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.

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 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 proceedings 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 prescribed conditions 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 or equitable.

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 penalties imposed by the 53rd section of the "Gold Fields Act, 1862."

14.—*Survey in absence of a Mining Surveyor.*

Wherever it is required by these Regulations that a survey should be made, if there be no Mining Surveyor within the district, the Warden may authorise and appoint any capable person to make the necessary survey; and such survey shall, for all the purposes of the Regulations, be taken and accepted as, or in lieu of survey, by an appointed Mining Surveyor.

15.—*Transfer of Claims, &c.*

Any claim, right, or privilege held under these Regulations may be transferred or assigned; but where it is provided that any such claim, right, or privilege must originally be registered, the transfer or assignment thereof must also be registered.

16.—*Suspension of Regulations.*

If any portion of the Rules and Regulations of the Otago Gold Fields shall be deemed to be inapplicable to the requirements of any district, the Superintendent may, if he shall think fit, upon the receipt of a memorial to that effect, signed by holders of Miners' Rights and Business Licenses residing in such district, suspend the operation of any regulation or section of a regulation, so far as such district is concerned, and may again annul such suspension, and renew the operation of such regulation or section, or may substitute others in lieu thereof.

Given under my hand, and issued under the Public Seal of the Province of Otago, at Dunedin, (L.S.) this twenty-first day of October, One thousand eight hundred and sixty-four.

J. HYDE HARRIS,

Superintendent.

By His Honor's command,

JAS. PATERSON,
Provincial Secretary.