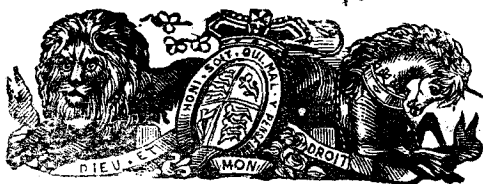


NEW ZEALAND.



# OTAGO PROVINCIAL GOVERNMENT GAZETTE.

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No. 646.

James Macandrew, }  
Superintendent of }  
the Province of }  
Otago.

## ORDER IN COUNCIL.

At the Provincial Government Buildings, Dunedin, the  
eleventh day of January, one thousand eight  
hundred and seventy.

Present :

HIS HONOR THE SUPERINTENDENT,  
DONALD REID,  
GEORGE DUNCAN, and  
JOHN LILLIE GILLIES, Esquires,  
Members of the Executive Council of the Province  
of Otago.

**W**HEREAS Thomas Dick Esquire then Superin-  
tendent of the Province of Otago by virtue  
and in exercise of the powers delegated to and vested  
in him in that behalf did by Proclamation in the  
*Government Gazette* of the said Province bearing date  
twenty-ninth day of January one thousand eight hun-  
dred and sixty-seven constitute and appoint all the  
territory therein described to be a Gold Field under  
the provisions of the "Gold Fields Act 1866" to be  
called "Otago Gold Field:" And whereas the limits of  
the said Gold Field have from time to time been  
altered: And whereas by "The Gold Fields Act  
Amendment Act 1867" it is enacted that within  
any Province in which by any Act or Ordinance it  
is provided that the Superintendent shall in the ad-  
ministration of the Government thereof act by and with  
the advice and consent of an Executive Council it shall  
be lawful for the Governor in Council under his hand

and under the Public Seal of the Colony from time to  
time as occasion may require to delegate to the Execu-  
tive Government for the time being of such Province  
subject or not to any restrictions or limitations as he  
shall think fit all or any of such powers vested in the  
Governor or the Governor in Council by the "Gold  
Fields Act 1866" as under or by virtue of the one hun-  
dred and ninth section of the said Act may be delegated  
by the Governor in Council and in like manner to revoke  
any such delegation: And whereas by an Ordinance of  
the Superintendent and Provincial Council of the Pro-  
vince of Otago intituled the "Executive Council Ordi-  
nance 1861" it is provided that the Superintendent of  
the said Province shall in the administration of the  
government thereof act by and with the advice and  
consent of an Executive Council: And whereas the  
Governor hath with the advice and consent of the  
Executive Council of New Zealand and in pursuance  
of the power and authority for that purpose vested in  
him by the "Gold Fields Act 1866" and subject to  
its provisions delegated unto the Executive Govern-  
ment for the time being of the Province of Otago all  
such powers vested in the Governor or the Governor in  
Council by the said last mentioned Act as under or by  
virtue of the one hundred and ninth section of the said  
last-mentioned Act may be delegated by the Governor  
in Council to have hold and exercise the said powers  
within the said Province of Otago: And whereas by  
Section XI of the "Gold Fields Act 1866" it is enacted  
that it shall be lawful for the Governor in Council sub-  
ject to the provisions of the said Act, from time to time  
to make Regulations for any Gold Field and to alter  
amend or revoke the same: And whereas by an Order  
in Council dated the fifteenth day of April one thou-  
sand eight hundred and sixty-eight and published in  
the *Provincial Government Gazette* of the Province of

Otago aforesaid (Number 540) of the twenty-ninth day of April, one thousand eight hundred and sixty-eight certain Regulations were made under said Section XI of the said Act for the said Otago Gold Field: And whereas the said Regulations so made as aforesaid have from time to time been altered and amended: And whereas it is expedient to revoke the said Regulations so made by the said Order in Council of the said fifteenth day of April one thousand eight hundred and sixty-eight and all Regulations altering or amending the same and to make other Regulations in lieu thereof;

Now therefore His Honor James Macandrew Superintendent of the Province of Otago by and with the advice and consent of the Executive Council of the said Province and by virtue and in exercise of the powers delegated to the Executive Government of the said Province of Otago in this behalf doth hereby order that the said Regulations so made by the said Order in Council of the said fifteenth day of April one thousand eight hundred and sixty-eight and all Regulations altering or amending the same and all Rules and Regulations whatsoever made under the provisions of the eleventh (XI) Section of the said "Gold Fields Act 1866" and now in force on the Otago Gold Field (except in so far as the same respectively revoke any former Regulations) shall from and after the day of the date hereof be revoked. And with the advice and consent aforesaid and by virtue and exercise of the powers aforesaid doth hereby make the Regulations following for the "Otago Gold Field."

ALEX. WILLIS,  
Clerk to the Executive Council  
of the Province of Otago.

## REGULATIONS FOR THE "OTAGO GOLD-FIELD."

### I.—PRELIMINARY REGULATIONS.

#### 1. Interpretation.

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 "person" shall mean the holder of a Miner's Right.

The word "claim" shall mean the portion of land which each person or party shall be entitled to occupy or to occupy and mine in under any Miner's Right or Business License.

The words "mining claim" shall mean the portion of land which each person or party shall be entitled to occupy and mine in under these Regulations.

The words "block-claim" shall mean the area held jointly by the members of any party of miners.

The words "tail-race" shall mean a race constructed for the purpose of drainage or for the discharge of tailings.

The words "ground-slucice" shall mean a race constructed for the purpose of saving gold.

The words "new gold workings" shall mean ground previously unworked.

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

#### 2. The Miner's Right.

Every person residing on a Goldfield 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.

#### 3. Miner's Right to be signed by Warden.

Every Miner's Right shall before the issue thereof be signed by some Warden acting within the Province of Otago.

### II.—CLAIMS TO BE MARKED.

#### 1. How to Mark Claims.

Every claim shall be marked at each corner by a peg or cairn of stones not less than two feet high and by —| trenches not less than six inches in depth and five feet in length extending on either side of every such peg or cairn in the direction of the boundaries of the claim 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 and from and after the time of such claim being so marked it shall be the property of the person so marking the same unless it shall subsequently become forfeited or shall be within the meaning of these regulations abandoned.

#### 2. Marking Quartz Claims.

In marking quartz claims there shall in addition to the corner pegs cairns and trenches be similar pegs or cairns placed at intervals of not less than one hundred feet along the supposed line of reef.

#### 3. Marking Dredging Claims and River Claims.

Claims on rivers shall be marked as provided in section I or by ↖ marks not less than one foot in length to be cut upon the rocks above high flood mark.

#### 4. Form of ordinary and extended Claims.

Any ordinary claim or extended claim or block of such claims may be of any form provided that no such claim or block-claim shall exceed in length twice the breadth thereof but unoccupied spare ground that may be situated between two or more claims may be taken up irrespective of length or breadth.

### III.—ORDINARY CLAIMS.

#### 1. Size of Claims.

An ordinary claim shall not exceed an area of 10,000 square feet (equal to 100 feet by 100 feet) for each holder of a Miner's Right.

### IV.—EXTENDED CLAIMS.

#### 1. Warden may proclaim district.

Upon receiving sufficient proof that any portion of a district has been fairly tested and is either wholly or for the greater part of an inferior character as regards the value of its gold deposits the Warden shall by advertisement in the *Provincial Government Gazette* and in one newspaper circulating in the district give public notification that it may be occupied by holders of miners' rights in claims of the undermentioned size viz:—

One (1) acre for each holder of a miner's right provided that no block claim shall comprise more than six (6) acres altogether.

#### 2. Notice to be given.

Whenever the Warden shall have declared that any district or portion of a district may be occupied in extended claims as above any person desiring to take up any such claim shall give notice to the Warden in writing and in the following form and copies of such notice shall be posted and maintained for fourteen (14) days on some conspicuous part of the claim.

#### FORM OF NOTICE.

*District and date.*

To the Warden at

I hereby give notice that I have this day marked out [here state the area and exact locality] under sec. 2 Reg. IV of the Gold Fields Rules and Regulations. Any person desiring to

Object to the same must within fourteen (14) days from the date hereof lodge his objection in the Warden's office at

Name in full.	No. of Miner's Right.	Date of Right.	Residence.

### 3. Survey how to be made.

Should the applicant for or holder of an extended claim desire the same to be surveyed the Warden may upon such applicant or holder making a deposit of £2 direct such survey to be made by any competent person and should any person other than the applicant or holder desire a survey to be made on the grounds that the applicant or holder claims or holds an excess of area such person shall make the necessary deposit and the Warden shall direct such survey to be made at the cost of such person. Provided that should the applicant or holder be found to have claimed or taken possession of a greater area than he is entitled to under this Regulation the Warden may order such applicant or holder to repay the cost of the survey, or such part thereof as may seem just.

### 4. Extended Claims to be Registered.

If no valid objection be offered the Warden shall upon hearing the application issue a Certificate of Registration for an "Extended Claim" specifying therein the area granted and the position of the same.

### 5. 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 115 of the "Gold Fields Act 1866."

## V.—QUARTZ CLAIMS.

### 1. Size of claim.

A quartz claim shall not exceed 100 feet in length to be measured along the supposed course of the lode or vein by a width not exceeding 150 feet upon each side of the supposed course for each holder of a miner's right. Provided that no miner or party of miners shall hold under this rule more than 600 feet along the course of any reef.

## VI.—DREDGING CLAIMS.

### 1. Size of claims.

In dredging claims each holder of a miner's right shall be entitled to an area of 100 feet along the course of the river or stream but in no case shall an area exceeding 800 feet in length along the course of the stream be held by any one company.

## VII.—FRONTAGE CLAIMS.

### 1. Marking frontage claims.

Any person taking up a claim on a river bank or on a lake bank or terrace shall be entitled (subject to the registration of such claim with the Warden) to hold an area having 100 feet frontage along such river bank lake bank or terrace by a depth not exceeding 1000 yards until such time as he shall reach workable gold deposits and thereafter he shall be restricted to an area within the same parallels not exceeding the area of that class of claims to which the same shall be adjudged to belong.

## VIII.—PROSPECTING CLAIMS.

### 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 either verbally or in writing and the Warden shall thereupon record the date and other particulars of such report.

### 2. Area in Alluvial ground.

The discoverer of new gold workings other than quartz workings distant from any previously discovered workings not less than two miles shall be entitled to a claim of one acre in extent provided that the increased grant shall not be given to more than six persons composing any party: Provided also that should it be proved that the discoverer failed to report the discovery of such gold workings for a period exceeding seven (7) days he shall thereon forfeit all right to an increased area.

### 3. Area on quartz reefs.

The discoverer of a new quartz reef distant not less than 300 feet from the line of any previously discovered and wrought lode shall be entitled to occupy a double claim upon such newly discovered lode and any person who shall strike any previously discovered reef or lode at a distance of not less than one mile from the nearest workings upon the said reef shall be entitled to a double claim and such increased area shall not be granted to more than six persons in one party.

### 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.

### 5. Right to take prospecting claim.

The owners of any tunnel drive ground-sluice or tail-race shall be entitled to take up a prospecting claim subject to the rules and regulations affecting the same on any auriferous lead or discovery made during the prosecution of any such work.

## IX.—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 mark out the same and 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 pay the sum of L2 for survey and other necessary expenses but should such survey or other expenses exceed L2 the applicant must pay the excess. And the Warden shall thereupon direct a Surveyor or other competent person 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 or depositing 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 Surveyor or other person employed shall erect a post measuring not less than two inches in diameter 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 the Warden at \_\_\_\_\_ for a grant of this land as a special site for [erecting machinery\* or stacking tailings] thereon and whereas I have 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 the Warden's office

on or before [specify date] upon which day he will proceed to hear and dispose of such application.

Posted by me this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_  
(Signature of Surveyor.)  
(Signature of the Surveyor.)

\* If machinery state for what purpose.

#### 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 or for any less area.

#### 5. Restriction of site.

Special sites shall not except under special circumstances 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. 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 is provided by sections 4 5 and 6 of Regulation XX relating to residence Provided always that the compensation directed be estimated by section 6 thereof shall only be paid in the case of sites that are or may be occupied *bonâ fide* by machinery.

### X.—PUDDLING MACHINES AND SLUDGE CHANNELS.

#### 1. Notice of construction or erection to be given

Any person intending to erect a puddling-machine or to construct a sludge-channel shall mark out the proposed site of such puddling-machine in the manner prescribed for ordinary claims and the proposed course of such sludge-channel in the manner prescribed for water-races and shall give notice thereof in writing to the Warden and the said notice shall be in the form hereinafter prescribed and copies thereof shall be posted and maintained by the applicant for fourteen clear days upon the proposed site of such machine or sludge-channel: And at the expiration of the said term of fourteen days the Warden may if there be no valid objection thereagainst issue a certificate of registration.

FORM OF NOTICE.

(District and date.)

To the Warden at

I hereby give notice that I intend to [erect a Puddling-machine, or construct a Sludge channel, as the case may be] at [ ] and I estimate [state the number] days will be necessary for its construction.

\* Here describe the locality and in case of a puddling-machine state the proposed course of the sludge drains.

#### 2. Main sludge-channel to be first constructed.

No person shall be permitted to erect a puddling-machine in any locality 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.

#### 3. Expense of construction.

The expense of the construction of such channel shall be borne by the persons then or afterwards using the same and the proportion to be borne by each party shall be ascertained by the Warden and Assessors or at the option of the original owner by arbitration and payment of such proportion to the person constructing the same shall be made prior to the granting of any certificate of registration.

#### 4. 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 drain connected with such machine and on no pretence whatever shall the sludge of any main channel or private drain be permitted to overflow the banks or edges thereof.

#### 5. 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.

#### 6. Abandonment of dams or machines.

Any machine or sludge channel not commenced within seven (7) days from the date of the grant thereof or not completed within the time stated in the notice or unoccupied for one calendar month during a period when sufficient water has been available shall be deemed to be abandoned Provided that the Warden shall have power to extend the time for construction if he shall deem it necessary.

### XI.—DAMS AND RESERVOIRS.

#### 1. Notice to be given.

Any person desiring to construct a dam and form a reservoir for the storage of water for mining purposes shall mark out the proposed line of such dam-bank and the area intended to be occupied as a reservoir by pegs or cairns and trenches as provided for the marking of claims and shall give notice thereof in writing to the Warden and such notice shall be in the form hereinafter prescribed and copies thereof shall be posted and maintained by the applicant at each end of the proposed site of the dam-bank for fourteen clear days and at the expiration of the said term of fourteen days the Warden may if there be no valid objection thereagainst issue a certificate of registration.

FORM OF NOTICE.

(District and date.)

To the Warden at

I hereby give notice that I intend to construct a dam bank and form a reservoir for the storage of water at and that the following are the particulars respecting such dam and reservoir:—

1. Locality—
2. Length of Dam—
3. Greatest Height—
4. Greatest Breadth of Base.
5. Area of Reservoir—
6. Time estimated for construction—

(Signatures, Nos. of Miner's Rights, &c.)

#### 2. Construction of Dams.

In the case of any dam or reservoir hereafter to be constructed the Warden may at his own discretion or at the request of any claimholder or resident holding a claim or residing in the neighborhood of the proposed site of such dam or on or near to the proposed course of the overflow of water therefrom cause a surveyor to prepare a specification setting forth the proper mode of construction and the necessary strength and thickness of the embankment of such dam and the width of the by-wash thereof and the Warden may thereupon make such orders therein from time to time as shall be necessary.

#### 3. Inspection of dams.

The Warden may at any time direct a surveyor to inspect any dam or reservoir that heretofore has been or hereafter may be constructed and to report upon the strength security and fitness thereof and of any works connected therewith and such Warden may thereupon make any such order therein as may be necessary.

#### 4. 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 such dam or remove such machine. 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.

5. *Superintendent may order inspection.*

If it shall be represented to the Superintendent that any dam or reservoir is insecure or of doubtful security he may if he shall think fit cause an inspection thereof to be made by a competent engineer and may upon the report of such engineer make any order in respect of such dam or reservoir which may be necessary for insuring the greater security thereof.

6. *Certificate or license may be cancelled.*

If the owner of any dam or reservoir shall refuse or neglect to comply with any such lawful order as aforesaid the certificate or license granted for such dam or reservoir may be cancelled and the embankment thereof be removed or such other order made therein as may be requisite.

7. *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 shall be proved to the satisfaction of the Warden that such breaking away resulted from the faulty construction of such dam.

XII.—WATER RIGHTS AND RACES.

1. *Races to be registered.*

Any person intending to divert and use water for mining purposes by means of any water race to be constructed upon Crown Lands under authority of these Regulations shall give notice thereof in writing to the Warden of the Goldfield district in which such water race is intended to be constructed and to any person whose interests may be affected by the diversion of such water as well as to the owner or occupier of any land through which it is proposed to carry such water race and such notice shall be in the form hereinafter prescribed and copies of such notice shall be posted and maintained for fourteen clear days at the source or sources whence it is proposed to obtain water and at the proposed termination of such water race and the intended course thereof shall be indicated by pegs not less than two inches in diameter or by large stones marked // and placed not more than two hundred yards apart and such notices shall state the mean breadth and depth of the proposed water race and the quantity of water it is proposed to divert and shall also state the time required for the construction and completion of such race. And if no valid objection be entered against the construction of such water race within fourteen clear days from the delivery of such notice a license in the form of Schedule A to these Regulations may be granted by the Warden to the applicant subject to the provisions and conditions herein contained. And on the issue of every such license a Registration fee of two shillings and sixpence will be charged.

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 such race is ( \* ) or thereabouts and its intended course is ( \* ).

The mean depth and breadth of such race is ( \* ) and it is proposed to divert ( \* ) sluice-heads of water.

[Signature and address in full of applicant.]

\* Here describe precise localities.

Any person objecting to the issue of a license to the above-named applicant must lodge his objection in writing at my office at..... within fourteen clear days from the date hereof.  
Warden.

2. *Races to be commenced within one month.*

The cutting and formation of a water race must be commenced within one calendar month from the issue of the license authorising the same and the holder of such license shall continue cutting and forming the same until the work is complete. Provided that the Warden may on sufficient cause being shown extend the time for commencement for a further period of one month or permit an intermission of the work for not more than two months at any one time.

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 and 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. *Superiority of right forfeited by disuse.*

If any race shall be entirely unused for a full period of thirty (30) days at a time when water is available occupation of the right shall be deemed to have recommenced at the last re-occupation thereof.

5. *Heads of Races.*

Every race shall have a point specified at which it shall be taken from the creek or river. In races already cut this shall be taken to be the point from which the race now heads and no person shall shift a water-right or any portion thereof from one race to another or alter the head of any race without the written sanction of the Warden or to the prejudice of any existing right.

6. *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 and any such alteration or extension shall be applied for as provided under section 1 of this regulation.

7. *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.

8. *Water gauge.*

In the construction and for the purpose of these regulations a head of water shall be held and deemed to be 40 superficial inches of water to be 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 each 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 floor of the box 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 dimensions of the box must be as follows:—

Number of Sluice Heads.	Perpendicular height of Sluice-box.	Depth of Pressure Board.	Width of Sluice-box.	Height of Aperture.	Quantity.
	inches.	inches.	inches.	inches.	inches
1	10	6	20	2	40
2	11	5	20	4	80
3	12	4	20	6	120
4	13	3	20	8	160
5	14	2	20	10	200
6	15	1	20	12	240
7	16	0	20	14	280

and so on in proportion to any greater number of sluice-heads.

- (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 the last side-stream.
- (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 one (1) foot per second in the said 30 feet to be gauged by a float.

#### 9. *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.

#### 10. *Sides of races may be protected.*

The Warden shall have power to protect a space not exceeding ten (10) feet on each side of any head-race either throughout the entire length of such head race or over any and such portions thereof as he may deem necessary.

#### 11. *Forfeiture of water-races.*

All right to any water-race authorised to be constructed under the provisions of these regulations shall become forfeited if entirely unused by the owner thereof 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 upon sufficient cause being shown to suspend the operation of this section for a further period not exceeding six months and a certificate of such suspension shall be given in writing to the holder of such license.

#### 12. *Licenses to be renewed.*

Every license for a water-race shall be renewed annually and if any such license is not so renewed within sixty 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.

#### 13. *Reservations.*

No license shall be granted under the authority of these Regulations 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.

#### 14. *Water for general use.*

Two sluice heads of water shall if required be at all times allowed to flow in the natural course of any stream for general use.

#### 15. *Side-streams.*

Where a water-race crosses any water-course the use of which is required by holders of miner's rights or by the owners or occupiers of any land such water-race shall be carried either over or under such water-course so as not to interfere with the natural flow of water therein.

#### 16. *Tail-water may be used.*

Water from a tail-race may be used by any person provided that such does not interfere with the proper discharge of tailings.

#### 17. *Causing claims to be flooded.*

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

#### 18. *No person entitled to hold license for more water than the race is capable of carrying.*

If the holder of a water-license does not construct a race of sufficient capacity to carry the number of heads registered the number of heads over and above what the race is actually capable of carrying shall be liable to forfeiture.

#### 19. *Water for machine purposes.*

In the event of any water that may be applied for for the purpose of driving machinery for mining purposes being capable of being made available for driving other machinery than that of the applicant it shall be lawful for the Warden to refuse to grant the right to such water to the first or any applicant for such water except on the condition that the race in which such water is proposed to be taken be constructed at such a level and in such a manner as that the water may become available for driving or working all the machines or such of them as in the opinion of the Warden can be supplied by such race and in such case the Warden may cause a survey to be made and plans drawn by such surveyor or engineer as he may appoint in that behalf and the owners or occupiers of the respective machines shall in such case contribute towards the cost of such race in proportion to the quantity of water that each may require and to the relative advantages that each may be expected to derive from the construction and use of such race and to the probable expense that each would have to incur in independently leading a supply of water to his machine and such proportion shall in case of dispute be settled by arbitration.

#### 20. *Limited Water Rights.*

It shall be lawful for the Warden in granting any water license to limit the grant to certain months in the year only and the months for which any such license is granted shall in such case be set forth on the face of the license and the holder of any such license shall refrain from taking or using water in the race at all times other than those stated in such license. Provided always that the Warden may in his discretion by writing under his hand authorise the holder of any such license to take and use the water at other times without incurring any penalty.

#### 21. *Bye-washes.*

Holders of water licenses shall be entitled to make such bye-washes as may be necessary for the security of their races and to hold the right to run water from such bye-washes down such natural channels as may be convenient provided that there be no prejudicial interference with previously existing rights and any person desiring to make any such bye wash or secure such right to run water shall give notice in writing to the Warden and to any person whose interests may be affected and such notice shall be posted for not less than seven days at the point where it is intended to make such bye-wash at the expiration of which time if there be no valid objection the Warden may grant a certificate of registration to the applicant.

#### 22. *Rent.*

The holder of every license granted under the "Gold Fields Act 1866" or any preceding Act or under these Regulations or any Rules and Regulations that formerly have been or now are in force empowering the holder of

such license to cut construct and use any water-race shall pay for or in respect of each and every sluice-head of water mentioned in such license the rent or sum of five shillings per annum.

### XIII.—TAIL RACES.

#### 1. Construction of Tail Races.

Any person intending to construct a tail-race shall proceed by notice in the same manner as is directed in sub-section I of Regulation XII but such notice shall only require to be posted seven (7) clear days at the expiration whereof the Warden may grant a certificate for the same provided there be no valid objection thereto.

#### FORM OF NOTICE.

[District and date.]

To the Warden at

I hereby give notice that I intend to construct a tail-race for mining purposes commencing at a point ( \* ) and terminating ( \* ) and I estimate that days will be required for its construction.

The length of such tail-race will be ( \* ) or thereabouts and its intended course is ( \* )

The greatest depth of such tail-race will be

The greatest width of such tail-race will be

Any person desiring to object to the issue of a certificate for the above described tail-race must lodge his objection at the Warden's Office within seven clear days from the date hereof (Signatures &c.)

#### 2. Use of tail-races for drainage or discharge of tailings.

It shall be lawful for the Warden to permit any person to use a tail-race the property of any other person on condition of first paying to the owner thereof a proportionate share of the expense of construction and such proportionate share of expense shall if necessary be decided by arbitration. Provided always that the person so using any tail-race shall assist in clearing the same whenever it shall be necessary to do and so in case he shall fail to do so within seven days after receiving notice from the owner it shall be competent for the owner to clear the same and to recover from the person so failing to assist his proportionate share of the expense of cleaning the race as aforesaid.

#### 3. Ground-sluice for saving gold.

No person shall be allowed to deposit earth tailings or other substances in any ground-sluice or race for saving gold nor otherwise interfere therewith unless by the express permission of the owner thereof.

#### 4. Sides of tail-races may be protected.

The Warden shall have power to protect the holder of any tail-race or ground-sluice in the occupation of such additional area on either or both sides of such race either throughout the entire length of such race or over any and such portions as he may deem necessary for the preservation thereof in a proper state of efficiency.

#### 5. Forfeiture of Tail-races.

All right to any tail-race shall become forfeited if it be entirely unused by the owner thereof for the space of one calendar month unless in case of sickness or unavoidable absence or in consequence of failure of water but it shall be lawful for the Warden upon sufficient cause being shown to suspend the operation of this section for a further period not exceeding six months and a certificate of such suspension shall be given in writing to the holder of such tail race.

#### 6. Alteration and extension of tail races.

Every tail-race granted under the authority of these Regulations shall be held subject to the condition that the holder thereof shall extend or alter the course of such tail-race in such manner and at such times as the Warden may appoint by a written order under his hand and the holder of any tail-race desiring to alter or extend the same shall apply to the Warden as provided in

the case of new tail-races and such alteration or extension if approved by the Warden shall not affect any right or privilege attached to such tail race.

### XIV.—MAIN TAIL-RACE FOR MINING PURPOSES.

When the majority of persons from whose claims water or tailings flow to a common outlet are desirous of constructing a main tail-race or using any natural channel as a main tail race said majority shall make application in writing to the Warden in the form appended hereto and the said majority shall be empowered to frame conditions subject to the approval of the Warden for the construction of such main tail race by the joint labor or contributions of all persons interested in the construction or use of the tail-race as aforesaid and the holder of a race with the right to divert and use water shall for the purposes of this Regulation be deemed the holder of a claim and the occupiers of such tail-race may from time to time make or alter rules for the use extension or repair of such tail-race and all such rules or alterations shall be binding when signed by a majority of the persons using the same and approved by the Warden.

#### FORM OF APPLICATION.

(District and date)

To the Warden at

We the undersigned being a majority in number of persons from whose claims water or tailings flow to a common outlet at hereby make application for a main tail-race commencing at and terminating at

And we declare the following particulars to be true in every respect:—

The length of such race is

The average depth is

The average width is

(Signatures, &c.)

N.B.—Objections to the above application must be lodged with the Warden within thirty (30) days from the date hereof.

### XV.—DIVERSION OF STREAMS.

#### 1. Notice to be given.

Any person desirous of diverting the course of a permanent stream for the purpose of working the bed thereof 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 and such notice shall be in the form hereinafter prescribed and copies thereof shall be posted and maintained for a period of seven (7) 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.

(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 [ \* ]

(Signatures &c.)

\* Here insert with sufficient accuracy the localities.

### XVI.—DRAINAGE OF CLAIMS.

#### 1. Compensation for draining ground.

When any person shall drain any ground by any means whatever such person shall be entitled to receive compensation from the holders of all claims benefited by such drainage.

#### 2. Warden to fix amount of compensation.

If any person shall apply for compensation under the preceding clause the matter shall be dealt with by the Warden who shall fix the amount of compensation to be paid by the person so benefited and may order such

compensation to be paid by instalments weekly or otherwise by way of rental during such time as the benefit lasts and the said amount may in like manner be readjusted from time to time as the Warden may deem necessary. Provided that should either party demand to have the case tried by arbitration it may be determined in that manner.

### 3. Forfeiture of claim.

If the owner of any claim shall neglect or refuse to bale his fair proportion of water during the day or night if necessary such claim shall be liable to forfeiture.

### 4. Damage done to adjoining claims.

Claimholders within three claims of any claim in which water has been struck neglecting or refusing when requested by the holders of adjoining claims to bale their fair proportion of water shall be liable for any injury done thereby to adjoining claimholders.

## XVII.—TUNNELLING.

### 1. Tunnel to be registered.

Any person desiring to make a tunnel as an approach to his claim shall make application to the Warden in manner similar to that provided for the construction of tail-races and shall mark on the surface the proposed course of such tunnel and if there be no valid objection the Warden may issue a certificate of registration to the applicant.

### 2. Walls to be left.

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

### 3. Removal of Walls.

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

#### FORM OF CONSENT.

(District and Date.)

I [or we] hereby consent to the removal by [name of party applying for permission] of the wall now standing between our respective tunnels, situate at [here state locality].\*

(Signatures, &c.)

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

### 4. 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.

## XVIII.—BLASTING.

### 1. Notice to be given.

Any person shall before firing a blast post notices signifying the intended time and place of firing such blast on the ground where such blast is to be fired and on every public road or thoroughfare within a quarter of a mile of the said ground and shall give three (3) hours notice to all persons residing within danger distance of the intended time of firing the same and shall also one hour before such time hoist a red flag if between sunrise and sunset or a red lamp if between sunset and sunrise as a danger signal on some very conspicuous place on or near the claim. Provided that this regulation shall not apply to the cases of blasts where only drill bores are used.

## XIX.—BUSINESS AREAS.

### 1. Area.

Every holder of a Business License shall be entitled

to occupy an area of two square chains having a frontage of 66 feet and a depth of 132 feet.

### 2. Sites to be marked by pegs.

The occupant of any site for business purposes shall place and maintain at each frontage corner of such site a peg not less than two inches in diameter, and standing at least one foot above the surface.

### 3. Registration of sites.

Any business site may be registered with the Warden for ten days whilst the holder is engaged in preparing for the occupancy thereof and 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.

### 4. Occupancy of sites.

Business sites can only be held or occupied for business by holders of business licenses and subject to the conditions set forth in sections 4 5 6 and 7 of Regulation XX and no site can be held unoccupied for more than four clear days unless the same shall be registered as provided in section 3 of this regulation.

### 5. 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" the name of the holder and the date and number of such registration legibly painted or written thereon.

### 6. Roadway between business sites.

In all cases where practicable business sites shall be so taken up as to leave a double row of sites with a roadway between such sites of 66 feet in width.

### 7. Space between buildings.

An open space of not less than six feet shall at all times be left between buildings hereafter erected for business purposes by different holders of business licenses.

## XX.—RESIDENCE OR CULTIVATION.

### 1. Area which may be occupied for residence or cultivation.

Subject to the conditions hereinafter set forth, the holder of a Miner's Right shall be entitled to occupy for residence or cultivation an area of Crown Lands not exceeding one acre or 4,840 square yards. Provided that no individual shall under this regulation be allowed to occupy more than one acre.

### 2. Residence areas to be registered.

Any person desirous of occupying land under the preceding section 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 hereinafter prescribed 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 (7) clear days at the expiration whereof if no valid objection has been entered thereagainst the Warden shall grant a certificate of registration to the applicant. Provided always that the Warden in his discretion may refuse to grant a residence certificate to any applicant (even although no objection may have been entered thereagainst) if it shall be within the knowledge of such Warden that the land applied for is or is believed to be auriferous or if such Warden shall deem it undesirable on public grounds that such certificate should be granted. And it shall also be lawful for the Warden in his discretion instead of refusing any application to refer the same for the consideration of the Superintendent and the Warden shall grant or refuse such application according to the decision arrived at by them.

## FORM OF NOTICE.

No.

District of

187 .

I hereby give notice that I desire to occupy for residence (state the extent) of land situate at and that I have this day utarked the corners of such land with (posts or trenches) in conformity with the Gold Fields Regulations.

Signature of the applicant,  
and the number and date  
of his miner's right.

## 3. Condition of certificate.

Every such certificate shall be subject to the condition that the holder thereof shall erect and at all times maintain a secure and substantial fence around the land held by virtue thereof and if any such holder shall fail or neglect to comply with the condition aforesaid his right to the occupancy of such land shall not be recognised notwithstanding such certificate and such certificate may be cancelled and the land declared to be forfeited by the Warden upon proof of any such failure or neglect.

## 4. Discovery of auriferous deposits.

When any auriferous deposits are traced to the boundaries of any land occupied for residence the Warden may upon satisfactory proof authorise the applicant or any 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.

## 5. Auriferous areas may be worked.

If any residence area or business area shall be proved to be auriferous the Warden may upon application order the whole or such part as shall have been proved to be auriferous to be given up for mining purposes to such person as shall have applied for the said ground.

## 6. 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 person desirous of mining thereon prior to the taking possession thereof.

## 7. Conditions of working.

The Warden may 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.

## 8. 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 24 x 48 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.

## 9. Superintendent may resume possession.

If any residence-area granted or any business area or tent ground held under these regulations shall be required for any public purpose whatsoever the Superintendent may resume possession of such residence-area business-area or tent-ground Provided that if the holder or occupier thereof shall be in legal possession at the time of such resumption he shall be entitled to compensation for any actual improvements situated or being on the land so granted or held And the amount of such compensation shall be ascertained by arbitration.

## XXI.—ROADS, &amp;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 &amp;c.

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

## 3. Protection to roadways &amp;c.

No person shall dig within the distance of ten feet from any main road or five feet from any other roadway or track in common use nor drive underneath nor in any way interfere with such main road roadway or track without first obtaining the authority of the Warden who may order any excavation to be fenced.

## 4. Alterations of roadways &amp;c.

Any person desirous of altering the direction of any roadway or track in common use 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 roadway or track for three clear days upon the expiration whereof the Warden may authorise such alteration to be made.

## 5. Mining on streets and main roads.

If any holder of a miner's right shall be desirous of mining upon or under any street or main road he shall make application in writing to the Warden for permission to do so and the Warden shall thereupon forward such application together with a report thereon to the General Road Board if such Board shall have the care and management thereof or to such other body or officer as shall have such care or management and such Board or other body or officer shall thereupon decide whether the same can be effected without injury to adjoining property or injury or obstruction to such street or main road as the case may be And thereupon the said Board or body or officer shall issue an order permitting on such conditions and terms and subject to such restrictions as he or it shall think fit or forbidding such mining as the case may require.

## 6. 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 with such road or crossing-place shall pass.

## XXII.—PROTECTION.

## 1. Protection for fourteen days.

The Warden may without prior notice grant protection to any claim for a period not exceeding fourteen days provided sufficient cause be shown and such protection shall be given in writing in the form hereinafter prescribed and a copy thereof shall be posted on the claim but such protection shall not be granted for any claim more frequently than once in three (3) months.

## FORM OF PROTECTION.

(District and date).

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 be desirous of obtaining protection for a claim for a longer period than fourteen (14) days he shall give notice in writing to the Warden 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 (3) clear days at the expiration whereof if no valid objection be entered the Warden may issue a certificate of Registration to the applicant and shall therein state the time for which protection is granted.

FORM OF NOTICE.  
(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 every respect:—

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.....

(Signatures, No. of Miners' Rights, &c.)

\* 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 fourteen (14) days the occupier thereof shall post on some conspicuous part of the said claim a board not less than nine inches square with the word "Protected" the name of the occupier the number of the Certificate and the time for which protection is granted painted or written legibly thereon.

4. Limitation of protection.

Protection for a longer period than fourteen (14) days shall not except as provided under section 5 be granted to any claim which has not been fairly wrought for at least one month except it shall be shown to the satisfaction of the Warden that the ground cannot be wrought by reason of other claims intervening or other satisfactory reason in which cases the Warden shall have power to grant protection although the claim may not have been previously wrought. The most extended period for which protection may be granted at any one time shall be ninety (90) days and such protection shall not be renewed unless it is proved to the Warden that the claim is unworkable.

5. Protection whilst testing Quartz Lodes.

Holders of Miners' Rights who may be desirous of testing a quartz reef or lode with the view of ascertaining whether the same be payably auriferous may apply to the Warden for protection for a period not exceeding 60 days and a copy of such application shall be posted on the ground for not less than 7 days. And if there be no valid objection the Warden may grant to the applicants a Protection Certificate. Provided always that during the period of protection there shall be constantly employed upon the applicants' claim for the purpose of testing the same at least two miners. Provided also that after the expiration of the said period of 60 days the Warden may upon fresh notice given and for sufficient cause shown renew such protection for a further period of 30 days.

6. 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.

7. 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.

8. 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.

9. Protection in particular localities at certain seasons.

In case the Warden shall be satisfied that from any cause mining operations cannot conveniently be carried on in any particular locality at any certain season of the year it shall be lawful for him to declare by public notice in the Provincial Government Gazette and in at

least one newspaper circulating in the district that between a certain day in each year and another certain day in the same or the next ensuing year all claims and mining privileges held within a certain portion of the Gold Field to be described in such notice shall be protected within the meaning of these regulations.

XXIII.—PROTECTION TO SLEEPING SHAREHOLDERS.

1. Claims taken up on capital advanced.

In case any person shall desire to take up a claim requiring the assistance of capital to develop the same he shall be entitled to occupy and hold for a limited period an additional area on behalf of any person willing to advance the required capital. Provided that in such case it shall be necessary to give notice to the Warden specifying the extent of such additional area and the time for which he desires to have it protected and a copy of such notice shall be posted on the ground for seven days at the expiration whereof if there be no valid objection made or known to him the Warden may issue a certificate of registration to the applicant and in such certificate he shall specify the period for which such additional area is to be held.

2. Agreement to be signed.

Before the Warden shall receive any notice under section 1 an agreement shall be drawn up and signed by each shareholder specifying the share and interest of each individual of the party and a copy of such agreement shall be registered in the office of the Warden for the information of the public.

3. Conditions of grant.

Subject to the provisions of sections 1 and 2 holders of miners' rights whilst engaged in opening up a claim or in preliminary operations in connection therewith shall not be required to place more than one-half the full number of men otherwise required by these regulations on such claim.

4. Full number—when to be employed.

Upon the expiration of the time specified for holding any claim under the foregoing sections the full number of men required by the regulations shall be put on to work in such claim but the Warden may upon application to him made in the same way as the original application and upon sufficient cause shown extend the time originally granted.

XXIV.—REGISTRATION.

1. Permissive Registration.

All claims rights and privileges may be registered. Mining partnerships and agreements between holders of miner's 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.

The fee payable in respect of the several registrations mentioned in these regulations or any renewal thereof shall be two shillings and sixpence and such fee shall include payment for copies of notices but not for any survey.

4. Registration to be recorded.

The Warden shall cause to be duly recorded in books to be provided for that purpose every registration effected in his office.

5. Information to the public.

Any person requiring any information from the Registration Books in the Warden's office may obtain the same on payment of a fee of one shilling.

## XXV.—FORFEITURE AND ABANDONMENT.

1. *Surplus ground to be forfeited.*

No person shall occupy a larger area of ground than that to which he is entitled under these regulations and in case any person shall be found to have included within his boundaries any such excessive area he shall forfeit the surplus, but shall be entitled to point out a boundary peg from which his claim shall be measured in the direction of the ground claimed by him.

2. *Abandonment.*

Any claim unwrought beyond the space of two (2) clear working days (unless the holder thereof shall have been exempted from the necessity of working the same by virtue of any regulation now or hereafter to be in force) shall be deemed to be abandoned and shall be open for occupancy by any holder of a Miner's Right without the necessity of recourse to judicial proceedings but the original holder of the claim shall be at liberty to institute proceedings before the Warden for the recovery thereof at any time not exceeding seven (7) days from the date of such occupancy as aforesaid and in such case he shall be at liberty to plead sickness or other urgent cause for non-working of such claim and if sufficient cause be show it shall be lawful for the Warden to order restitution of the claim to the original holder upon such terms and conditions as may seem just.

3. *Cancellation of Certificates &c.*

Notwithstanding anything in the foregoing section contained no person shall be entitled to take possession of any claim held under any license certificate or other authority in writing of a Warden unless or until such license certificate or other authority in writing shall have been cancelled.

4. *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 Provided that if after seven (7) 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 abandoned and may thereafter be dealt with as provided by the foregoing sections.

5. *Holidays.*

Section 2 of this Regulation shall not apply to any claim which may be unwrought at any period between the 20th day of December in each year and the 5th day of January next thereafter ensuing.

## XXVI.—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. *Depositing earth or tailings on claims.*

No person shall deposit or cause to be deposited upon any claim other than his own any earth stones gravel tailings or any other substance whereby the proper and efficient working of such other claim may be stopped or impeded Provided that any person taking up a claim where tailings are being discharged shall make provision to carry such tailings through or by his claim in such manner as shall not impede the discharge thereof.

3. *Interference with pegs and notices.*

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

6. *Removal of Plant in case of Forfeiture.*

All provisions of these Regulations relating to forfeiture and abandonment or removal notwithstanding no person shall be entitled to take possession of any claim in or upon which valuable plant may be placed or laid down without first obtaining the sanction of the Warden and in such case the owner shall be allowed a reasonable time to remove his property provided that should such plant consist in the whole or in part of timber so fixed to the soil that it cannot be removed the Warden may order the person to whom the claim shall be adjudged to pay the value of such timber and such value shall if necessary be determined by arbitration.

7. *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.

8. *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 his residence and the date and number of his Miner's Right.

9. *Notice to be lodged at the Warden's office.*

A copy of every notice given in conformity with these Regulations shall be kept for reference at the Warden's office during the currency of such notice provided that non-compliance with this rule shall not invalidate the proceedings in relation to any application.

10. *Survey.*

Wherever it is required by these Regulations that a survey should be made the Warden may authorise and appoint any capable person to make the necessary survey and such survey shall for all the purposes of these Regulations be taken and accepted as sufficient.

11. *Mode of Arbitration.*

In all cases where arbitration is permitted by these Regulations an arbiter shall be appointed by each party in writing, and an umpire shall be chosen by the arbiters before they shall enter upon the reference and each party shall sign an agreement of reference in the form hereinafter prescribed by Schedule B and if any arbiter or umpire that may be appointed shall die refuse or neglect to act, another person shall forthwith be appointed to supply the place of the person so dying refusing or neglecting to act in the same manner as such last-mentioned person was appointed and the award of such arbiter or arbiters and umpire may be enforced by an action upon such award in the Warden's Court.

12. *Holder of Claims entitled to all Discoveries within the boundaries.*

The holder of any mining claim shall be entitled to the benefit of all gold discoveries and workings within the boundaries of such claim.

### 13. Working ground occupied for races.

Any person desirous of working the ground which is occupied by any race or tunnel or portion of a race or tunnel may do so by paying compensation therefor and the amount of such compensation may be determined by arbitration or by first providing an equally good race or tunnel for the use of the occupier but it shall be optional with the person working the ground either to construct a new race or tunnel or to pay the amount of compensation adjudged. And if he neglect to construct a new race or tunnel the same shall be subject to the approval of the Warden or Warden and Assessors in the event of dispute.

14. Any person desirous of working any ground occupied and held under these regulations for any reservoir puddling machine special site residence area site for business purposes or tent ground shall apply in writing to the Warden who may permit such person to enter upon and work the said ground provided that compensation shall first be paid to the holder or occupier and the amount of such compensation may be settled by arbitration.

### 15. Races or tunnels may be carried through claims.

Any person or persons shall be entitled to construct a head-race tail-race or flood-race or drive any tunnel over under or through any claim provided it does not interfere with the proper working of the same and that compensation shall be allowed for estimated damage (if any) and such compensation shall if necessary be decided by arbitration.

### 16. Repairs of races and tunnels bridging &c.

The holder or occupier of any race or tunnel shall keep the same in repair and shall make an efficient bridge or crossing or in the case of tunnels shall maintain proper supports where any road which has been in ordinary use prior to the construction of any race or tunnel crosses such race or tunnel upon being required to do so by the Warden.

### 17. 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 have originally been registered the transfer or assignment thereof must also be registered at the office of the Warden and a memorandum thereof made upon the back of the original certificate.

### 18. 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.

### 19. Certificate—how cancelled.

Whenever in these regulations it is provided that a certificate shall or may be "cancelled" a memorandum of such cancellation in the Registration Book shall be conclusive evidence that such certificate has been legally cancelled.

### 20. 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 regulation shall be deemed guilty of a breach thereof and liable to the penalties imposed by the 101st section of the "Goldfields Act 1866."

### 21. Suspension of regulations.

If any portion of the Rules and Regulations of the

Otago Goldfield 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 not less than 50 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.

### 22. Existing rights preserved.

Nothing herein contained shall be taken to affect any existing rights or privileges.

#### SCHEDULE A.

LICENSE TO CONSTRUCT AND USE A RACE.  
District of \_\_\_\_\_ 18 \_\_\_\_  
[Here insert names] having applied in accordance with The Gold Mining Regulations for leave to construct a water-race in length commencing ( \* ) and terminating ( \* ) and the conditions of the Goldfields Act 1866 and of the Regulations made thereunder having been complied with I hereby grant to the said person a license to construct and use the race in accordance with ..... application.  
Warden.

\* Here describe precise localities.

#### SCHEDULE B.

##### FORM OF ARBITRATION.

Memorandum of an Agreement made this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18 \_\_\_\_ Between \_\_\_\_\_ carrying on business together in copartnership at [or as the case may be] aforesaid as Miners under the style of \_\_\_\_\_ and Party of the one part and \_\_\_\_\_ also carrying on business together in copartnership at [or as the case may be] aforesaid as Miners under the style of \_\_\_\_\_ and Party of the other part: Whereas certain differences and disputes have arisen and are still pending between the said parties: It is agreed by and between them that the same shall be referred to the award order and final determination of \_\_\_\_\_ of \_\_\_\_\_ and \_\_\_\_\_ and of such third Arbitrator as the said Arbitrators shall by writing under their hands endorsed on these presents before they enter upon the consideration of the matters referred nominate and appoint to act with them or any two of them So as the said Arbitrators or any two of them shall make and publish their award in writing under their hands of and concerning the matters referred ready to be delivered to the parties or either of them on or before \_\_\_\_\_ the day \_\_\_\_\_ next or on or before such further day to which the said Arbitrators or any two of them may by writing under their hands to be endorsed on these presents from time to time extend the time for making their said award And it is further agreed that the cost of the reference and award shall be in the discretion of the said Arbitrators or any two of them who may direct to and by whom and in what manner the same or any part thereof shall be paid: And it is further agreed that this submission may be enforced by action in the Warden's Court or may be made a rule of the Supreme Court of New Zealand at the instance of either of the parties hereto: And that the witnesses on the reference and the parties hereto (if examined) shall be examined on oath: And that the said Arbitrators shall be at liberty to proceed *ex parte* in case either party after reasonable notice shall at any time neglect or refuse to attend on the reference without having previously shown to the said Arbitrators what the latter shall consider good and sufficient cause for omitting to attend: And that the parties respectively shall produce before the Arbitrators all books deeds papers accounts vouchers writings and documents within their possession or control which the said Arbitrators may require and call for as in their judgment relating to the matters referred: and that the parties respectively shall do all other acts necessary to enable the said Arbitrators to make a just award: And that none of them shall wilfully and wrongly do or cause to be done any act to delay or prevent the said Arbitrators from making their award: And it is further agreed that the said parties their executors and administrators shall on their respective parts in all things stand to obey abide by perform fulfil and keep the award so to be made and published as aforesaid.  
In witness whereof the said parties to these presents have hereunto set their hands the day and year first aforesaid.  
Signed by the above-named \_\_\_\_\_  
in the presence of \_\_\_\_\_

## GOLD MINING LEASE REGULATIONS.

James Macandrew,  
Superintendent of  
the Province of  
Otago.

## ORDER IN COUNCIL.

At the Provincial Government Buildings Dunedin the  
eleventh day of January, one thousand eight  
hundred and seventy.

Present :

His Honor the Superintendent ;  
Donald Reid ;  
George Duncan ; and  
John Lillie Gillies, Esquires ;

Members of the Executive Council of the Province  
of Otago.

WHEREAS Thomas Dick Esquire then Superin-  
tendent of the Province of Otago, by virtue  
and in exercise of the powers delegated to and vested  
in him in that behalf did by Proclamation in the  
Government *Gazette* of the said Province bearing date  
twenty-ninth day of January one thousand eight hun-  
dred and sixty-seven constitute and appoint all the  
territory therein described to be a Gold Field under the  
provisions of the "Gold Fields Act 1866" to be called  
"Otago Gold Field:" And whereas the limits of the  
said Gold Field have from time to time been altered:  
And whereas by "The Gold Fields Act Amendment  
Act 1867" it is enacted that within any Province in  
which by any Act or Ordinance it is provided that  
the Superintendent shall in the administration of  
the Government thereof act by and with the advice  
and consent of an Executive Council it shall be  
lawful for the Governor in Council under his hand  
and under the Public Seal of the Colony, from time to  
time as occasion may require to delegate to the Execu-  
tive Government for the time being of such Province  
subject or not to any restrictions or limitations as he  
shall think fit all or any of such powers vested in the  
Governor or the Governor in Council by the "Gold  
Fields Act 1866" as under or by virtue of the one  
hundred and ninth section of the said Act may be dele-  
gated by the Governor in Council and in like manner  
to revoke any such delegation And whereas by an  
Ordinance of the Superintendent and Provincial Council  
of the Province of Otago intituled the "Executive  
Council Ordinance 1861" it is provided that the  
Superintendent of the said Province shall in the ad-  
ministration of the government thereof act by and with  
the advice and consent of an Executive Council And  
whereas the Governor hath with the advice and consent  
of the Executive Council of New Zealand, and in pur-  
suance of the power and authority for that purpose  
vested in him by the "Gold Fields Act 1866" and sub-  
ject to its provisions delegated unto the Executive  
Government for the time being of the Province of Otago  
all such powers vested in the Governor or the Governor  
in Council by the said last-mentioned Act as under or by  
virtue of the one hundred and ninth section of the said  
last-mentioned Act may be delegated by the Governor  
in Council to have hold and exercise the said powers  
within the said Province of Otago And whereas by  
section thirty (30) of the "Gold Fields Act 1866" it is  
enacted that it shall be lawful for the Governor in  
Council from time to time to make such regulations  
not being contrary to the provisions of the said Act as  
he should think fit for regulating the granting of leases  
for mining purposes and the terms and conditions on  
which such leases should be granted the amount of  
rent or royalty to be paid whether in advance or other-  
wise by the grantees of such leases the manner in  
which persons desirous of having such leases granted to  
them should mark out the land for which they might  
apply the mode and time of making and investigating  
and of determining upon applications for and objections

to the granting of leases the amount of deposit to be  
paid by the applicant and objector respectively as a  
security for the costs connected with such determination  
and the terms and conditions upon which such leases  
might be held occupied worked assigned and forfeited  
or cancelled and such regulations from time to time to  
alter amend or revoke :

And whereas by an Order in Council bearing date  
the nineteenth day of May one thousand eight hundred  
and sixty-eight and published in the Provincial Govern-  
ment *Gazette* of the Province of Otago aforesaid (num-  
ber 545) of the twentieth day of May one thousand  
eight hundred and sixty-eight certain Regulations were  
made for the purposes specified in said section thirty  
of the said Act for the said Otago Gold Field And  
whereas it is expedient to revoke the said Regulations  
so made as aforesaid and all other Regulations made  
under the provisions of the said thirtieth section of  
the said Act and now in force on the Otago Gold Field :

Now therefore His Honor James Macandrew Super-  
intendent of the Province of Otago by and with the  
advice and consent of the Executive Council of the  
said Province and by virtue and in exercise of the  
powers delegated to the Executive Government of the  
said Province of Otago in this behalf doth hereby order  
that from and after the day of the date hereof all the  
regulations made by the said Order in Council of the  
said nineteenth day of May one thousand eight hundred  
and sixty-eight and all Regulations altering or amend-  
ing the same and all Rules and Regulations whatsoever  
made under the provisions of the said thirtieth section  
of the said "Gold Fields Act 1866" and now in force  
on the Otago Gold Field except in so far as the same  
revoke any former Regulations shall from and after the  
day of the date hereof be revoked: And His Honor  
the said James Macandrew as such Superintendent  
as aforesaid by and with the advice and consent afore-  
said and by virtue and in exercise of the powers so  
delegated as aforesaid and of the said "Gold Fields  
Act 1866" doth hereby make the Regulations following  
for the Otago Gold Field for regulating the granting of  
leases for mining purposes and the terms and condi-  
tions on which such leases shall be granted the amount  
of rent or royalty to be paid by the grantees of such  
leases the manner in which persons desirous of having  
such leases granted to them shall mark out the land for  
which they apply the mode and time of making and  
investigating and of determining upon applications for  
and objections to the granting of leases the amount of  
deposit to be paid by the applicant and objector respec-  
tively as a security for the costs connected with such  
determination and the terms and conditions upon which  
such leases may be held occupied worked assigned and  
forfeited or cancelled.

ALEX. WILLIS,  
Clerk to the Executive Council  
of the Province of Otago.

## REGULATIONS

For the granting of Gold Mining Leases in the Pro-  
vince of Otago.

## PART I.—APPLICATIONS.

## 1. What lands may be leased.

Auriferous Crown Lands in the Province of Otago  
may be leased under these Regulations except—

- (1.) The whole or any part of any land which any  
person other than the applicant is entitled to  
occupy and actually does occupy for mining  
purposes or for residence by virtue of a miner's  
right or business license.
- (2.) The whole or any part of any land in or over  
which any person other than the applicant has  
any interest or authority other than those above  
mentioned which he may lawfully use or exer-  
cise for mining purposes or for discovering the  
existence of gold or other metal or mineral.

(3.) Lands containing within their boundaries any river stream of permanent water or spring which may be required for public purposes or for the use of miners generally.

2. *Areas.*

The area of ground that may be demised under any Gold Mining Lease shall not exceed ten acres in the whole of alluvial ground or an area of four hundred yards by two hundred yards on a quartz reef.

3. *Boundaries of land applied for to be defined.*

Persons intending to apply for a lease of auriferous Crown lands shall previous to making application as hereinafter directed erect or cause to be erected at each angle of the land proposed to be leased a post three inches square and standing at least three feet in height above the surface of the ground or where that is not practicable a cairn of stones two feet in height shall be erected at each corner of the land and trenches not less than six inches in depth shall be cut for a distance of five feet on either side of such cairns or posts in the direction of the boundaries of the land proposed to be leased and such posts or cairns and trenches shall be maintained at the expense of the applicant until the application shall have been granted or refused.

4. *Mode of Application.*

Applications shall be made in the form in the Schedule hereunto annexed marked A in triplicate to the Warden of the district within which the land so applied for is situate and shall be lodged in such Warden's office by the applicant in person or his agent.

5. *Applicant to make a deposit.*

Before applying for such lease, the applicant must deposit with the Receiver of Gold Revenue the sum of Twenty Pounds (£20) as a guarantee for the payment of any expenses which may be incurred for any survey or surveys of the land applied for or by reason of any objection to such application being allowed or of any penalty that may be incurred under these regulations and such Receiver shall give to the applicant a receipt therefor and any surplus which may remain after payment of such expenses or penalty if any shall be returned to the applicant.

6. *Date to be fixed for hearing.*

Upon receipt of any such application the Warden shall appoint a day for the hearing thereof being not less than fourteen (14) days from the date of the receipt of such application. Immediately on fixing the day of hearing the Warden shall forward the application to the Superintendent who will at once publish the same in the *Provincial Government Gazette* and in conformity with section 29 of the "Gold Fields Act 1866" notify his intention to grant a lease of the whole or a portion of the land applied for if there shall be no valid objection at the hearing before the Warden and such notification may be in the form of the Schedule hereunto annexed and marked (H).

7.—*Application to be advertised and posted.*

Every such application shall be advertised not less than twice, by and at the expense of the applicant in such newspaper circulating in the district as the Warden shall direct and a copy of such application shall be posted and maintained on the ground until the day of hearing and copies of the newspapers containing such advertisement shall be produced to the Warden before he shall proceed to hear the application.

8.—*Priority of application.*

In the event of more than one application being made for the same land or any part thereof the Warden shall determine which of the applicants shall be held to have the prior right and in so doing shall be guided by priority of occupation provided that it shall be shown that the prior occupant has used reasonable diligence in lodging his application.

9.—*Protection during application.*

All lands for which application shall have been made in the manner aforesaid are exempt from occupation from the date of such application until the same shall have been granted or refused.

10.—*Applications to be recorded.*

The Warden shall cause every such application to be duly recorded in the "Leases Record Book" of his office.

PART II.—SURVEY.

11.—*Official survey.*

Upon receipt of such application the Warden shall forthwith direct a Surveyor to proceed to the land applied for and to survey the same and 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 said survey and to furnish a plan of such land 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.

12.—*Survey to be made and notice posted.*

The Surveyor shall prior to the day fixed for hearing as aforesaid make the survey as hereinbefore directed and shall place a notice in the form of the Schedule hereunto annexed marked B in some conspicuous place on the said ground.

PART III.—OBJECTIONS.

13.—*Objectors to give notice.*

Any person objecting to the issue of a lease so applied for shall prior to the hearing forward to the Warden a full statement in writing of his objections and shall (except in cases of encroachment) deposit the sum of five pounds (£5) with the Receiver of Gold Revenue (who shall give a receipt to the person making such deposit) as security for the due prosecution of his objections and payment of any expenses to which the applicant may be put by such objections if disallowed and if such objections shall not be prosecuted or shall be disallowed so much of such deposit may be handed over to the applicant as the Warden may award and the balance (if any) shall be refunded to the person so objecting.

14.—*Cases of encroachment.*

When application shall have been made for a lease of any land to the whole or any part of which any person other than the applicant shall claim to be entitled by virtue of a prior occupation under a miner's right or business license the objection to the granting of such lease may be heard by the Warden in the same way as any other case of encroachment or interference.

PART IV.—HEARING.

15. *Hearing.*

Upon the day appointed as aforesaid for the hearing the Warden shall proceed to hear the application and objection as aforesaid and may examine the parties and their witnesses (if any) on oath and such hearing may be adjourned from time to time for any period not exceeding thirty days at any one time.

16. *Proceedings in case of objections.*

If at the hearing of any objection as aforesaid the Warden shall find such objection valid he shall there-

upon reject the application either as to the whole or a part of the land applied for and may award to the objector and his witnesses (if any) reasonable costs and expenses against the applicant and if the Warden shall disallow the objection he may award to the applicant and his witnesses (if any) costs and expenses as aforesaid and every order with respect to costs and expenses may be enforced in the same manner as if the same had been awarded in an action in the Warden's Court.

#### PART V.—CERTIFICATE.

##### 17. *Warden to issue Certificate.*

If at the hearing there shall be no objection or if on hearing the objection if any the Warden shall not find any such objection valid and if there be no reason known to the Warden why a lease of the whole or any part of the land applied for should not be granted to the applicant he shall issue a certificate to such applicant in the form of the Schedule hereunto annexed and marked C and shall without delay forward a duplicate of such certificate together with the plan of the ground to the Superintendent.

##### 18. *Rent to be paid before issue of Certificate.*

Before the issuing of any such certificate there shall be produced to the Warden a receipt for the first half year's rent signed by the Receiver of Gold Revenue of the district.

##### 19. *Certificates to be exchanged for Leases.*

The holder of any such certificate shall exchange the same for a lease whenever it is notified to him that such lease is ready for execution and if the holder of such certificate shall neglect for the space of thirty (30) days from the time of such notification to execute such lease and a counterpart thereof the said certificate shall become void and shall no longer entitle the holder thereof to possession of the land therein mentioned and after the expiration of such thirty (30) days the holder of such certificate shall if he remain in possession of such land be deemed a trespasser on Waste Lands of the Crown and may be proceeded against accordingly.

##### 20. *Form of Notice.*

The notice to execute any lease shall be in the form of Schedule D hereunto annexed and may be served by the Bailiff or any other person whom the Warden may authorise and he shall by certificate under his hand in the form of Schedule E hereunto annexed to be endorsed on such notice certify the time and mode of such service.

#### PART VI.—LEASES.

##### 21. *Term of lease.*

Leases will be granted upon such applications as may be approved by the Superintendent for a period of not exceeding fifteen (15) years, from the first day of January, or the first day of July next ensuing after the date of the certificate hereinbefore mentioned.

##### 22. *Execution of lease.*

Upon receiving the lease, the Warden aforesaid shall cause notice in the form of Schedule D hereunto annexed to be given to the lessee or lessees requesting his or their attendance at the Warden's office, or other convenient place, to execute and take delivery thereof within a reasonable time not exceeding thirty days from the date of such notice and should the said lessee or lessees or his or their lawful attorney as hereinafter provided for fail to comply therewith or to shew reasonable cause for an extension of the time allowed for the purpose the Warden shall report the circumstances and the Superintendent may thereupon declare the lease forfeited or take such other action therein as he may think fit.

##### 23. *Proceedings in case of refusal of lease.*

If any lease so applied for shall be refused, either in the first instance, or after a failure to comply with the terms of the notice in the last preceding section mentioned or if any application for a lease shall be withdrawn a notice thereof shall be published in the *Provincial Government Gazette* and in such newspaper as the Warden may direct and it shall be stated in such notice that such ground is open to persons holding miners' rights or business licenses or to applicants for a lease as if no lease of the said ground had ever been applied for.

##### 24. *Costs.*

All costs and expenses incurred by or on behalf of or, by direction of the Government by reason of the withdrawal of any application for mining leases or of the non-execution of any such lease within the time aforesaid shall be considered expenses within the meaning of these regulations.

##### 25. *Fine for withdrawal.*

Out of the sum of twenty pounds (£20) deposited by any person making application for a gold mining lease, shall be deducted the sum of two pounds (£2) in addition to the previously authorised costs and expenses in case such person shall withdraw his application or forfeit or abandon his claim or not accept the lease within thirty days after notice by the Warden.

##### 26. *Arrears to be paid on execution of lease.*

Upon the execution of every such lease the rent shall be computed and paid up to the first day of January or July next following the date to which payment has been made under the certificate and thenceforth rent shall be payable half-yearly in advance on the first day of January and the first day of July in each year.

##### 27. *Attorney may be appointed.*

In case of the inability of any lessee or lessees by reason of absence sickness or any other lawful impediment to execute a lease the lawful attorney or attorneys of such lessee or lessees shall be permitted to execute such lease for and on his or their behalf.

##### 28. *Power of attorney.*

All such attorneys shall be appointed under power of attorney in the form or to the effect set forth in the Schedule hereunto annexed marked F and the execution thereof shall be attested by a Justice of the Peace.

##### 29. *Rent.*

Rent will be charged at the rate of Two Pounds and Ten Shillings (£2 10s.) per acre per annum and any fractional part of an acre will be considered as a full acre, and any fractional part of a month will be considered as a full month and charged for accordingly and such rent shall be payable half-yearly in advance during the term of the lease subject always to the condition set forth and expressed in Regulation No. 28.

##### 30. *Return of Deposit.*

In the event of the approval of any application the unexpended balance of the amount paid by way of deposit shall with the exception of the sum of £2 to be retained as security for the withdrawal fine mentioned in Regulation 27 be returned to the applicant on payment of the first half year's rent.

##### 31. *Sale and Assignment.*

No sale or assignment other than a sale or assignment by act or operation of law of any Mining Lease or of the right title or interest therein or thereto shall be valid or effectual either at law or in equity if made without the license in writing of the Superintendent and no license to assign will be granted unless and until the lease shall have been executed by the applicant as hereinbefore required and all arrears of rent shall have been paid.

##### 32. *Registration of assignment.*

Every assignment of any Gold Mining Lease shall

be registered at the Warden's office and on every such registration a fee of ten shillings will be charged.

SCHEDULES.

SCHEDULE A.

(Place and date.)

To \_\_\_\_\_

SIR,—I have deposited the sum of twenty pounds (£20), as required by the Gold Mining Leases Regulations of Otago, and I agree, if my application (the particulars of which are hereunder set forth) be investigated, that such sum shall in all respects be held subject to the terms of such Regulations, and that upon the approval of this application, I will execute a lease upon the basis therein stated, if the Governor or his delegate shall think fit to grant the same.

I have, &c.,

Signature of Applicant.

Name and address in full of Applicant.	Style under which it is intended to conduct the business.	Extent of land applied for.	Minimum number of Men to be employed by the Lessee.	Amount of Capital proposed to be invested.	Proposed mode of working the land.	Precise locality.	Term for which Lease required.	Time of commencing operations.	General Remarks.
			(1.) For the first months men.						
			(2.) Subsequently when in full work men.						

The above application, and any objection thereto, will be heard before me, at \_\_\_\_\_ on 18 .

Any person desiring to object to the issue of a Mining Lease upon the above application must within \_\_\_\_\_ clear days from the date of such application enter his objection at my Office at \_\_\_\_\_

Warden.

SCHEDULE B.

To all persons whom it may concern.

I hereby give notice that \_\_\_\_\_ residing at \_\_\_\_\_ did on the \_\_\_\_\_ day of \_\_\_\_\_ apply to the Warden at \_\_\_\_\_ for a Gold Mining Lease of (acres or yards) of land which I have this day marked out and that any person desiring to object to the issue of such lease must on or before the \_\_\_\_\_ day of 18 \_\_\_\_\_ enter his objection at the office of the said Warden. And I further give notice that the said land is exempted from occupation for any purpose whatsoever until the application of the aforesaid \_\_\_\_\_ has been finally dealt with.

(Signature of Surveyor),

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_

SCHEDULE C.

(Not Transferable.)

PROVINCE OF OTAGO.

District of \_\_\_\_\_ 18 \_\_\_\_\_

Whereas the application of \_\_\_\_\_ for a Gold Mining Lease of Crown Lands situated at \_\_\_\_\_ was heard before me on \_\_\_\_\_ 18 \_\_\_\_\_ And

whereas I have decided that a Lease of \_\_\_\_\_ acres roads \_\_\_\_\_ perches should be granted to the said applicant This is to certify that the said \_\_\_\_\_ is hereby authorised to take possession of the said land and the same to hold use and enjoy subject to the terms and conditions specified in the Gold Mining Lease Regulations in force at the date of the issue hereof.

Warden.

N.B.—This certificate is to be exchanged for a lease when the said \_\_\_\_\_ is notified that such lease is ready for his acceptance and will become void if the said \_\_\_\_\_ is notified that a lease will not be granted to him.

SCHEDULE D.

NOTICE.

Under the Gold Mining Lease Regulations

To Mr.

Take notice that unless you attend personally or by attorney at my office at \_\_\_\_\_ within thirty days from the service of this notice and execute lease No. \_\_\_\_\_ issued in your favor under the Gold Mining Lease Regulations the said lease will be cancelled.

Warden.

Warden's Office \_\_\_\_\_ 18 \_\_\_\_\_

SCHEDULE E.

Certificate of service of notice.

I, \_\_\_\_\_, Bailiff to the Warden's Court at \_\_\_\_\_, do hereby certify that I served \_\_\_\_\_, mentioned in the within notice, with a copy thereof on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_.

E. F.

SCHEDULE F.

Know all men by these presents, that I, A.B., (or we, A.B. and C.D.,) do hereby make, nominate, constitute, and appoint, and in my (or our) place and stead put E.F., of (residence and addition), to be my (or our) true and lawful attorney for me (or us), and in my name (or our names) to accept the lease of auriferous Crown land for mining purposes for which I (or we) on the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_, applied, and the deed of which was on the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_, executed by His Excellency the Governor, and for me (or us) and in my name (or our names) and as my (or our) act and deed to sign seal and deliver such deed of lease, and for me (or us) and in my name (or our names) to enter into all such covenants and agreements as I (or we) shall be required to enter into in and by said deed or otherwise, in the matter of said lease, and generally for me (or us) and in my name (or our names) to do, execute, and perform all such other acts, deeds, and things as may be necessary, or may be required to be done, executed, or performed in and about the acceptance and execution respectively for me (or us) and in my name (or our names) of such lease and deed of lease respectively, and I (or we) do hereby ratify and confirm and covenant that I (or we) will shall lawfully do, or cause to be done in or about the premises by virtue of this power.

In witness whereof, &c.

SCHEDULE G.

To the Warden at \_\_\_\_\_, In the matter of the Gold Mining lease of lands \_\_\_\_\_ situated at \_\_\_\_\_ being lease No. \_\_\_\_\_, and of the employ

ment of labor and capital thereon I being one of the lessees in the above mentioned lease do hereby make oath and say —

1. That the average number of men employed on the leased ground and in connection therewith from the of , to the of , has been

2. That the amount of capital expended to date in and upon and in connection with the leased ground as above is, £

Sworn before me at  
the day of 18 . }

Warden.

#### SCHEDULE H.

##### PUBLIC NOTIFICATION.

In conformity to the 29th section of "The Gold Fields Act 1869" and to the Regulations made under that Act and the Gold Fields Acts Amendment Acts of 1867 1868 and 1869 for the granting of Leases for Gold Mining purposes within the Province of Otago it is hereby notified that it is intended to grant a lease for Gold Mining purposes of Crown lands to the applicant specified in the annexed Schedule unless there shall be valid objections against granting such lease.

Objections to granting such lease stating the ground of objection must be made in writing and lodged with the Warden at on or before the

day of

Copy of the application made and plans annexed may be seen at the Warden's Office at

Given under my hand at this  
day of one thousand eight  
hundred and

#### AGRICULTURAL LEASES REGULATIONS.

James Macandrew,  
Superintendent of  
the Province of  
Otago.

##### ORDER IN COUNCIL.

At the Provincial Government Buildings, Dunedin, the eleventh day of January, one thousand eight hundred and seventy.

Present :

HIS HONOR THE SUPERINTENDENT,  
DONALD REID,  
GEORGE DUNCAN, and  
JOHN LILLIE GILLIES, Esquires,

Members of the Executive Council of the Province of Otago, being also Members of the Provincial Council of the said Province.

**W**HEREAS Thomas Dick Esquire, then Superintendent of the Province of Otago by virtue and in exercise of the powers delegated to and vested in him in that behalf did by proclamation in the Government *Gazette* of the said Province bearing date the twenty-ninth day of January one thousand eight hundred and sixty-seven constitute and appoint all the territory therein described to be a Gold Field under the provisions of the "Gold Fields Act 1866" to be called Otago Gold Field And whereas the limits of the said Gold Field have from time to time been altered; And whereas by the "Gold Fields Act Amendment Act 1867" it is enacted that within any Province in which by any Act or Ordinance it is provided that the Superintendent shall in the administration of the Government thereof, act by and with the advice and consent of an Executive Council it shall be lawful for the Governor in Council under his hand and under the Public Seal of the Colony from time to time as occasion may require to delegate to the Executive Government for the time being of such Province subject or not to

any restrictions or limitations as he shall think fit all or any of such powers vested in the Governor or the Governor in Council by the "Gold Fields Act 1866" as under or by virtue of the one hundred and ninth Section of the said Act may be delegated by the Governor in Council and in like manner to revoke any such delegation: And whereas by an Ordinance of the Superintendent and Provincial Council of the Province of Otago intituled the "Executive Council Ordinance 1861" it is provided that the Superintendent of the said Province shall in the administration of the Government thereof act by and with the advice and consent of an Executive Council: And whereas the Governor hath with the advice and consent of the Executive Council of New Zealand and in pursuance of the power and authority for that purpose vested in him by the "Gold Fields Act 1866" and subject to its provisions delegated unto the Executive Government for the time being of the Province of Otago, all such powers vested in the Governor or the Governor in Council by the said last-mentioned Act as, under or by virtue of the one hundred and ninth section of the said last-mentioned Act may be delegated by the Governor in Council to have hold and exercise the said powers within the said Province of Otago: And whereas by the thirty-ninth section of "The Gold Fields Act 1866" it is provided that it shall be lawful for the Governor from time to time to make regulations prescribing the mode in which applications may be made for leases of land for agricultural purposes the quantity of land not exceeding fifty acres which shall and may be granted in a lease in any particular block, the amount of deposit to be paid by any applicant therefor and by any objector thereto the terms and conditions upon which such leases may be held occupied assigned transferred forfeited and cancelled the amount of rent payable therefor and the times and places of payment the conditions upon and the manner in which entry to search for gold or for any metal or mineral upon any land so leased may be authorised and the terms and conditions upon which holders of miners' rights may be permitted to mine upon land the lease for which shall have been determined on account of its auriferous character, and such regulations from time to time to amend alter and revoke: And whereas James Macandrew Esquire Superintendent of the Province of Otago by and with the advice of the Executive Council of the said Province did by Proclamation dated the twelfth day of February one thousand eight hundred and sixty-eight and published in the Otago Provincial Government *Gazette* (No. 525) on the fourteenth day of February one thousand eight hundred and sixty-eight make certain regulations for the purposes specified in the said thirty-ninth section of the said Act: And whereas it is expedient to revoke the said Regulations so made as aforesaid and all other Regulations made under the provisions of the said thirty-ninth section of the said "Gold Fields Act 1866" and now in force on the Otago Gold Field:

Now therefore His Honor James Macandrew Superintendent of the Province of Otago by and with the advice of the Executive Council of the said Province and by virtue and in exercise of the powers delegated to the Executive Government of the said Province in this behalf by His Excellency the Governor of New Zealand in Council under the authority of the "Gold Fields Act Amendment Act 1867" and of any and every other power in any wise enabling him in this behalf doth hereby order that the said Regulations of the said twelfth day of February one thousand eight hundred and sixty-eight and all Regulations altering or amending the same and all Rules and Regulations whatsoever made under the provisions of the said thirty-ninth section of the said "Gold Fields Act 1866" and now in force on the Otago Gold Field except in so far as the same respectively revoke any former regulations shall from and after the day of the date hereof be revoked and with the advice and consent aforesaid and by virtue

and in exercise of the powers aforesaid doth hereby make the following regulations for the Otago Gold Field prescribing the mode in which applications may be made for leases of land for agricultural purposes the quantity of land not exceeding fifty acres which shall and may be granted in a lease in any particular block the amount of deposit to be paid by any applicant therefor and by any objector thereto the terms and conditions upon which such leases may be held occupied assigned transferred forfeited and cancelled the amount of rent payable therefor the terms of payment and the conditions upon and the manner in which entry to search for gold or for any metal or mineral upon any land so leased may be authorised.

ALEX. WILLIS,  
Clerk to the Executive Council  
of the Province of Otago.

## REGULATIONS RELATING TO AGRICULTURAL LEASES IN THE OTAGO GOLD-FIELD.

### 1.—*Application for Surveyed Land.*

Every application for an Agricultural Lease of surveyed Crown lands shall be in the form of the first Schedule hereto or to the like effect and must be for one or more sections as surveyed and not for a portion or portions of a section or sections. Every application for any such lease shall be lodged at such Warden's office as shall be appointed for that purpose and copies of every such application must be posted and maintained by the applicant for fourteen days on boards standing not less than three feet above the surface of the ground and erected one at each corner of the land applied for and every such application shall be advertised twice by and at the expense of the applicant in such newspaper as the Warden may direct and copies of the newspapers containing such advertisement shall be produced to the Warden at the time of hearing.

### 2.—*Unsurveyed Land.*

Applicants for unsurveyed land or for lands in respect of which any survey shall be ordered to be made at the expense of the applicant shall pay in addition to the payment hereinafter required to be made at the time of hearing a sum of two pounds in respect of such survey. Provided that applications for unsurveyed land may be refused should such land be a great distance from any survey station or should it be otherwise deemed inexpedient to receive such applications and in all cases where a survey shall be ordered the same shall be made in accordance with the rules and instructions of the Survey Department and such applications shall be in the form and shall be dealt with in all other respects in the same way as in the case of surveyed land.

### 3.—*Who may Apply.*

Every application must be made by the applicant in person, or by an agent authorised in writing by the applicant to make the same and the Warden shall not entertain any application unless he is satisfied that the same is made by or on behalf of a person resident in the Province of Otago of the full age of twenty-one years and legally capable of being bound by the contract into which it is thereby proposed to enter.

### 4.—*Application to be recorded and day fixed for hearing.*

The Warden shall cause every application to be recorded in a book to be kept for that purpose and shall appoint a day being not less than fourteen nor more than thirty days from the date of the receipt of such application for hearing and deciding the same and any objections that may be made thereto.

### 5.—*Objections.*

Objections that the whole or any portion of the land

applied for is claimed or owned by any person other than the applicant or is in the whole or in part auriferous or is or is likely to be required for any public purpose must be made in writing to the Warden and lodged at the office at which the application shall have been lodged twenty-four hours at the least before the time appointed for hearing and the person objecting must at the time appointed for hearing urge the objection personally or by counsel or agent.

### 6.—*Hearing.*

Upon the day appointed as aforesaid for the hearing the Warden shall proceed to hear the application and any such objection as aforesaid and may examine the parties and their witnesses (if any) on oath and such hearing may be adjourned from time to time for any period not exceeding thirty days at any one time.

### 7.—*Proceedings in case of objections.*

If at the hearing of any objection as aforesaid the Warden shall find such objection valid he shall thereupon reject the application either as to the whole or a part of the land applied for and may award to the objector and his witnesses (if any) reasonable costs and expenses against the applicant and if the Warden shall find that the objection is frivolous or vexatious he may award to the applicant and his witnesses (if any) costs and expenses as aforesaid and every order with respect to costs and expenses shall be enforced in the same manner as if the same had been awarded in an action in the Warden's Court.

### 8.—*Survey may be required.*

At any time before finally dealing with any application the Warden may require a report or survey to be made by the District Survey Officer or other qualified person and in such case the cost of such survey or report shall be in the first instance paid by the applicant and may be made costs in the case.

### 9.—*Granting Certificate.*

If no valid objection as aforesaid be made and no reason be known to the Warden why the application should not be granted or if on hearing such application he shall decide that a part only of the land applied for should be granted he shall require the applicant to pay to the Receiver of Gold Revenue (who shall give the applicant a receipt for the same) a sum calculated at the rate of two shillings and sixpence per acre of the land intended to be granted and such payment shall cover all charges in respect of such grant inclusive of rent for the first six months of the term but not including costs for survey if any or costs awarded on hearing of objections and upon production of such receipt to the Warden he shall give to the applicant a certificate in the form in the second schedule hereto bearing even date with such receipt from which date the commencement of the term of the lease if a lease be granted shall be taken and computed.

### 10.—*Governor's power to refuse lease reserved.*

On issuing any certificate the Warden shall forthwith forward to the Superintendent a duplicate of such certificate and notwithstanding the issue of the same it shall be lawful for the Superintendent within thirty days from the date thereof to refuse to grant to the applicant a lease of the land referred to in such certificate and immediately upon such refusal being communicated to the applicant either personally or by letter addressed to him at his usual or last known place of business or abode the certificate and any matter and thing therein contained shall become and be absolutely void and the applicant shall forthwith quit and deliver up possession of the said land and failing his so doing he may be proceeded against as a trespasser on Crown Lands.

### 11.—*Certificate to be Exchanged for Lease.*

Whenever a Lease of any lands for which a certificate shall have been granted as aforesaid shall be executed on behalf of Her Majesty the same shall be forwarded to the Warden who shall thereupon give notice in writing in the form of the fourth Schedule hereto to the holder of the certificate directing him to attend at the Warden's office within thirty days of the date of service of such notice and execute such lease. And if such person shall without reasonable cause refuse or neglect to comply with such notice or to pay the rent (if in arrear) as hereinafter provided he shall be deemed to have relinquished his claim to the land comprised in such lease and the certificate for the same shall thenceforth be void and the Warden shall report the circumstance of such refusal or neglect to the Superintendent who may thereupon by notice in the *Provincial Government Gazette* declare such land to be open for application and occupation by any other person for the same or any other purpose.

### 12.—*Rent.*

Rent at the rate of two shillings and sixpence per acre per annum shall be payable half yearly during the term and at the time of the execution of the lease rent shall be paid up to the first day of January or the first day of July as the case may be from the date up to which payment shall then last have been made and thereafter the rent shall be payable by equal half-yearly payments in advance on the first day of January and the first day of July in every year and the payment hereinbefore required at the time of granting certificate shall be deemed to include payment of rent for the first six months of the term and for the purpose of computing rent every fractional part of an acre shall be considered as an acre and every fractional part of a month shall be considered a month and shall be respectively charged for accordingly.

### 13.—*Sale and Assignment.*

No sale or assignment other than a sale or assignment by act or operation of law of any Agricultural Lease or of the right title or interest therein or thereto shall be valid or effectual either at law or in equity if made without the license in writing of the Superintendent and no license to assign will be granted unless and until the lease shall have been executed by the applicant as hereinbefore required and all arrears of rent shall have been paid and it shall be certified by the Warden that the conditions hereinafter contained regarding improvements have been fulfilled.

### 14.—*Registration of Assignment.*

Every assignment of any agricultural lease shall be registered at the Warden's Office and on every such registration a fee of ten shillings will be charged.

### 15.—*Conditions of Occupation.*

Every certificate and lease shall be subject to the conditions following that is to say—

1. That no sale or assignment shall be made without license.
2. That planting cultivation fencing or other permanent improvement shall be commenced within three months after the commencement of the term.
3. That not less than one-eighth of the whole area shall be cultivated within twelve months after the commencement of the term or one-half of the whole area substantially fenced within the same time.

### 16.—*Land may be taken for roads.*

Such public road or roads may be taken through or over any portion of the land as public convenience may require upon payment to the occupier of compensation for any improvements that may have been made on the land actually taken.

### 17.—*Construction of water-races.*

It shall be lawful for the Warden to authorise the construction and use of water-races through and over any lands held under certificate or Agricultural Lease and to grant free entry to such lands for the purposes of cleansing and repairing such races provided that the lessee or occupier shall be entitled to compensation from the person constructing any such race and that for the purposes of the construction of such races and the settling of the amount of such compensation such lands shall be held to be private lands within the meaning of the 21st section of the "Gold Fields Act 1866."

### 18.—*Area withdrawn to be deducted.*

When any land held under certificate or lease shall have been withdrawn for any of the before-mentioned purposes the area so withdrawn shall be deducted from the acreage originally granted and the rent thereafter payable under such certificate or lease shall be reduced in the same proportion as the deduction bears to the entire acreage.

### 19.—*Conditions of entry to search for Gold.*

The right of free entry upon any land held under certificate or lease as aforesaid for the purpose of searching for gold or for any other metal or mineral is reserved to the Superintendent and to such persons as shall be authorised so to do in writing under the hand of the Superintendent subject to such conditions as the Superintendent for the time being may appoint and every certificate or lease shall be subject to a condition that such certificate or lease may be determined when any gold or other metal or mineral shall be discovered on the land.

### 20.—*Application to enter to search for gold.*

Any holder of a miner's right desiring to enter for the purpose of searching for gold upon any land held under certificate or Agricultural Lease shall apply to the Warden in the form of Schedule Three hereunto annexed and shall serve upon the occupant or lessee of the land a duplicate copy of such notice.

### 21.—*Application to be heard.*

On the receipt of any such application to enter to search for gold the Warden shall appoint a day and place for hearing the same and on the day appointed shall proceed to hear the application and any objection thereto that may be made by the lessee or occupier and shall report to the Superintendent who may thereupon grant or refuse such application.

### 22.—*Deposit.*

In every case in which permission shall be granted to any holder of a miner's right to enter upon any such land for the purpose of searching for gold he shall deposit with the Receiver such sum of money as the Warden may consider sufficient as security for the due performance of any conditions of such permission and it shall be lawful for the Warden in case of failure to comply with such conditions or any of them to order payment of the whole or any part of such money to the lessee or occupier of the land or to make such other order in relation to the same as to him shall seem just and the decision of the Warden shall be final and conclusive as regards all parties concerned.

### 23.—*Areas must be fenced by lessee or holder.*

Every certificate and lease granted under these Regulations shall be subject to a condition that the holder of the certificate or the lessee (as the case may be) shall at his own expense and charges erect and at all times maintain during the currency of the lease a good and substantial fence around the land held by virtue of such certificate or lease respectively sufficient to keep in both sheep and cattle and that no runholder upon whose run the area comprised in such certificate or lease is situate or which shall adjoin thereto shall be

liable to pay to the holder of such certificate or to the lessee (as the case may be) any portion of the cost of fencing such area any law or Ordinance to the contrary notwithstanding and a covenant to the effect of this Regulation may be inserted in any such certificate or lease and if not so inserted shall be implied therein.

**SCHEDULES.**

**FIRST SCHEDULE.**

*Notices.*

(Place and date.)

No.

To the Warden at

I hereby apply for a lease of land for agricultural purposes, situate at (here state the locality) and comprising acres or thereabouts, in accordance with the Agricultural Leases Regulations, of the day 18 made under "The Gold Fields Act 1866," and the Gold Fields Act Amendment Acts of 1867, 1868, and 1869.

Signature (name in full and address.)

The above application will be heard before me at on the day of 18

A. B.,  
Warden.

**SECOND SCHEDULE.**

*Province of Otago.*

District of

18

Whereas the application of for an Agricultural Lease of Crown Lands, situated at where heard before me on 18, and whereas I have decided that a lease of acres roads perches should be granted to the said applicant: This is to certify that the said is hereby authorised to take possession of the said Land and the same to hold, use, and enjoy, subject to the terms and conditions specified in the Agricultural Leases Regulations in force at the date of the issue hereof.

Warden.

N.B.—This certificate is to be exchanged for a lease when the said is notified that such lease is ready for his acceptance, and will become void if the said is notified that a lease will not be granted to him.

*Not Transferable.*

**THIRD SCHEDULE.**

*Application to enter upon Private Lands.*

To the Warden at

and to

I hereby apply for permission to enter upon the land held under (lease or certificate, as the case may be), by (here insert the name of the holder of the land here referred to), situated at for the purpose of searching for gold.

(Signature of the Applicant.)

This application will be heard before me at on the day of 18

All parties interested in the matter of the above application, are requested to give their attendance on the day and date and at the place last above mentioned.

Warden.

**FOURTH SCHEDULE.**

**NOTICE.**

*Under the Agricultural Leases Regulations.*

To Mr.....

Take notice that unless you attend personally or by attorney at my office at within thirty days from the service of this notice and execute Lease No. issued in your favor under the Agricultural Leases Regulations the said Lease will be returned to the Government for cancellation.

Warden.

Warden's Office,

18

James Macandrew,  
Superintendent of  
the Province of  
Otago.

ORDER IN COUNCIL.

At the Provincial Government Buildings, Dunedin, the

eleventh day of January, one thousand eight hundred and seventy.

Present:

HIS HONOR THE SUPERINTENDENT,  
DONALD REID,  
GEORGE DUNCAN, and  
JOHN LILLIE GILLIES, Esquires,

Members of the Executive Council of the Province of Otago, being also Members of the Provincial Council thereof.

WHEREAS Thomas Dick Esquire then Superintendent of the Province of Otago by virtue and in exercise of the powers delegated to and vested in him in that behalf did by proclamation in the Government Gazette of the said province bearing date the 29th day of January 1867 constitute and appoint all the the territory therein described to be a Gold Field under the provisions of the "Gold Fields Act 1866" to be called the "Otago Gold Field:" And whereas the limits of the said Gold Field so proclaimed as aforesaid have from time to time been altered And whereas by the forty-second section of the "Gold Fields Act 1866" it is provided that the Governor may by proclamation in the New Zealand Gazette or in the Gazette of the Province in which any Gold Field is situate Proclaim and declare the exceptions to be made from leases and licenses granted under the said Act and also the covenants clauses provisos conditions and agreements applicable to such leases and licenses respectively as he may in like manner from time to time rescind alter or vary the same And whereas by the "Gold Fields Act Amendment Act 1867" it is enacted that within any Province in which by any Act or Ordinance it is provided that the Superintendent shall in the administration of the government thereof act by and with the advice and consent of an Executive Council it shall be lawful for the Governor in Council under his hand and under the Public Seal of the Colony from time to time as occasion may require to delegate to the Executive Government for the time being of such Province subject or not to any restrictions or limitations as he shall think fit all or any of such powers vested in the Governor or the Governor in Council by the "Gold Fields Act 1866" as under or by virtue of the one hundred and ninth section of the said Act may be delegated by the Governor in Council and in like manner to revoke any such delegation And whereas by an Ordinance of the Superintendent and Provincial Council of the Province of Otago, intituled the "Executive Council Ordinance 1861" it is provided that the Superintendent of the said Province shall in the administration of the Government thereof act by and with the advice and consent of an Executive Council And whereas the Governor hath with the advice and consent of the Executive Council of New Zealand, and in pursuance of the power and authority for that purpose vested in him by the "Gold Fields Act 1866" and subject to its provisions delegated unto the Executive Government for the time being of the Province of Otago all such powers vested in the Governor or the Governor in Council by the said last-mentioned Act as under or by virtue of the one hundred and ninth section of the said last-mentioned Act, may be delegated by the Governor in Council to have hold and exercise the said powers within the said Province of Otago: And whereas it is expedient to declare the exceptions to be made from Agricultural Leases granted under the said Act and the covenants clauses provisos conditions and agreements applicable to such Leases: And also to declare the exceptions to be made from Gold Mining Leases granted under the said Act and the covenants clauses provisos conditions and agreements applicable to such leases: Now therefore His Honor James Macandrew Superintendent of the Province of Otago by

and with the advice and consent of the Executive Council of the said Province doth hereby by virtue and in exercise of the powers delegated to the Executive Government of the said Province in this behalf by His Excellency the Governor of New Zealand in Council under the authority of the "Gold Fields Act Amendment Act 1867" and of any and every other power in anywise enabling the said Executive Government in this behalf proclaim and declare that from and after the day of the date hereof the exceptions next hereinafter appearing shall be made from all Agricultural Leases granted under the said Act and the covenants clauses provisoes conditions and agreements next hereinafter appearing shall be applicable to all such leases (that is to say)

(a.) *Right of ingress and egress.*

Her Majesty the Queen reserves to the Governor of New Zealand and his delegate and to his and their officers and servants the right of ingress egress and regress to from and across the land hereby demised and the mines thereon or thereunder and of granting to any person or persons or to the public such right of ingress egress and regress and of granting to any holder of a miner's right the privilege of entering on such land for the purpose of cutting water races or tail races and of leading head water or tail water through the same Provided always that all such operations shall be sanctioned by the Warden and due compensation given to the said lessee or lessees his or their heirs executors administrators and assigns.

(b.) *Lessee to maintain fence, &c.*

The lessee for himself his executors administrators and assigns hereby covenant with the lessor that the lessee his executors administrators or assigns shall and will at his or their own expense and charges erect and at all times maintain during the currency of the lease a good and substantial fence around the demised premises sufficient to keep in both sheep and cattle And that no runholder upon whose run the said demised premises or any part thereof are situate or which adjoins thereto shall be liable or called upon to pay to the lessee his executors administrators or assigns any portion of the cost of fencing the said demised premises as aforesaid any Law or Ordinance for the then time being in force in the Province of Otago to the contrary notwithstanding.

(c.) *Rent in arrear, to distrain machinery, tools, &c.*

If the rents dues or duties reserved in this lease shall be in arrear and unpaid for the space of twenty-one days next after any of the days herein-before fixed for payment thereof it shall and may be lawful for the said lessor or any person duly authorised in that behalf to enter upon the premises hereby demised and to distrain the machinery tools buildings or other property of the said lessee or lessees for the time being in under or upon any part of the premises hereby demised for or in respect of any such rent dues or duties which ought to have been paid to the lessor or any person duly authorised to receive the same.

(d.) *On breach of covenants Lessor to re-enter and determine lease.*

Provided lastly and it is hereby declared and agreed by and between the said parties hereto that in case the said lessee or lessees his or their executors administrators or assigns shall fail or neglect to perform and keep all and every of the covenants conditions or provisions and agreements hereinbefore contained and implied

by virtue of the "Gold Fields Act 1866" or of any regulations made under the authority of the said Act referring to leases for gold mining within the Province of Otago and which are in force at the time of the execution hereof it shall and may be lawful for the said lessor or any person duly appointed in that behalf forthwith or at any time or times thereafter to enter into and upon the land and premises hereby demised and thereby determine this lease.

And His Honor the said James Macandrew as such Superintendent as aforesaid and by and with the advice and consent aforesaid and by virtue and in exercise of the powers aforesaid doth hereby also proclaim and declare that from and after the day of the date hereof the exceptions next hereinafter appearing shall be made from all Gold Mining Leases granted under the said Act And the covenants clauses provisoes conditions and agreements next hereinafter appearing shall be applicable to all such leases (that is to say)

(a.) *Right of ingress and egress.*

Her Majesty the Queen reserves to her Government of New Zealand and all officers and servants thereof the right of ingress egress and regress to from and across the land hereby demised and the mines thereon or thereunder and of granting to any person or persons or to the public such right of ingress egress and regress and of granting to any holder of a miner's right the privilege of entering on such land for the purpose of cutting water races or tail races and of leading head water or tail water through the same Provided always that all such operations shall be sanctioned by the Warden and due compensation given to the said lessee or lessees his or their heirs executors administrators and assigns.

(b.) *To determine lease if mining be discontinued for four months.*

And it is hereby declared and agreed by and between the said parties hereto that if the said lessee or lessees his or their executors administrators or assigns shall for four months discontinue the *bona fide* mining on the said land hereby demised to him or them it shall and may be lawful for the said lessor or any person duly appointed by him in that behalf to enter into and upon the land and premises hereby demised and thereby determine the estate of the lessee or lessees therein.

(c.) *Rent in arrear to distrain machinery tools &c.*

Provided also that if the rents dues or duties reserved in this lease shall be in arrear and unpaid for the space of twenty-one days next after any of the days hereinbefore fixed for payment thereof it shall and may be lawful for the said lessor or any person duly authorised in that behalf to enter upon the premises hereby demised and to distrain the machinery tools buildings or other property of the said lessee or lessees for the time being in under or upon any part of the premises hereby demised for or in respect of any such rent dues or duties which ought to have been paid to the lessor or any person duly authorised to receive the same.

(d.) *Plan of section of mines.*

Provided also that they the said lessee or lessees his or their executors administrators or assigns will and shall at all times during the continuance of this demise if required so to do by the said lessor or any person duly authorised in that behalf prepare and keep a proper plan or section of all the workings and actual condition of the mines and premises hereby demised.

*(e.) Number of men to be employed.*

Provided also that he or they the said lessee or lessees his or their executors administrators or assigns will and shall at all times during the continuance of this demise after the first six months employ in or about the mines and premises hereby demised a number of men being in the proportion of not less than one man to every full area of two acres of the lands hereby demised.

*(f.) To furnish Returns, &c.*

Provided also that he or they the said lessee or lessees his or their executors administrators or assigns shall and will at all times during the continuance of this demise furnish true and accurate half-yearly returns in the form of the schedule marked G in the Gold Mining Leases Regulations of Otago and certify to the same on oath to the Warden or other officer duly authorised in that behalf of the average number of men on or about the mines and premises hereby demised and shall from time to time whenever so required by the Warden surveyor or such other duly authorised officer up to the period when the full sum hereby agreed to be expended in or about the said mines and premises shall have been so expended furnish a true and accurate account certified as aforesaid of the amount at such date expended as aforesaid.

*(g.) Not to work out of limits.*

Provided also that the said lessee or lessees his or their executors administrators or assigns shall not nor will during the continuance of this demise work the said mines out of or beyond the limits and boundaries hereinbefore mentioned.

*(h.) On Breach of covenants Lessor to re-enter and determine lease.*

Provided lastly and it is hereby declared and agreed by and between the said parties hereto that in case the said lessee or lessees his or their executors administrators or assigns shall fail or neglect to perform and keep all and every of the covenants conditions or provisions and agreements hereinbefore contained and implied by virtue of the "Gold Fields Act 1866" or of any regulations made under the authority of the said Act or any other Act referring to leases for gold mining within the Province of Otago and which are in force at the time of the execution hereof it shall and may be lawful for the said lessor or any person duly appointed in that behalf forthwith or at any time or times thereafter to enter into and upon the land and premises hereby demised and thereby determine this lease.

ALEX. WILLIS,  
Clerk to the Executive Council.