

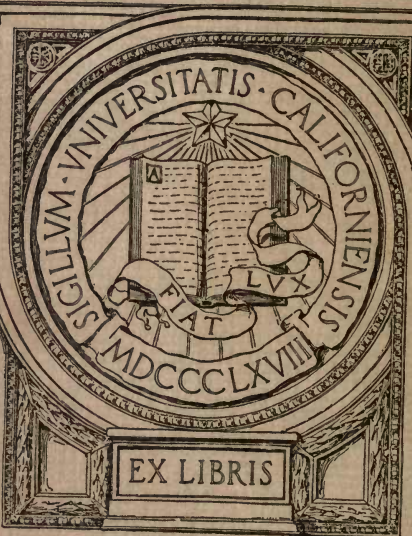
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EIGHTH EDITION.

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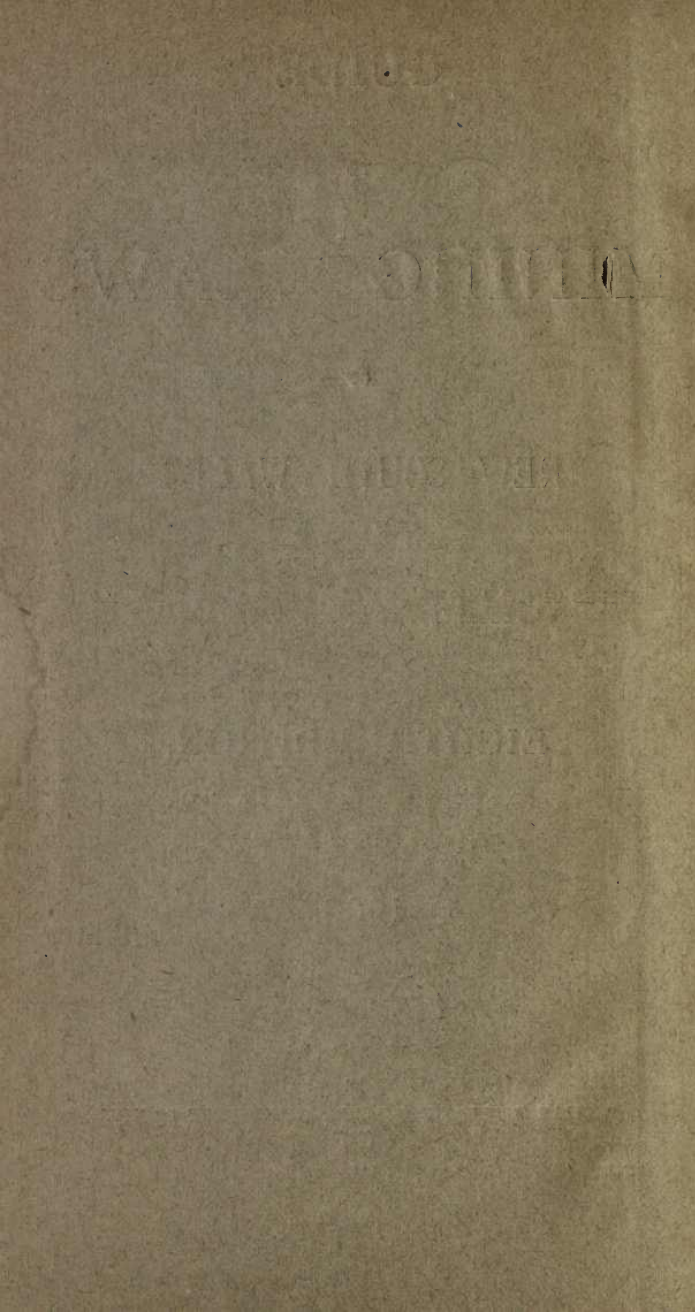
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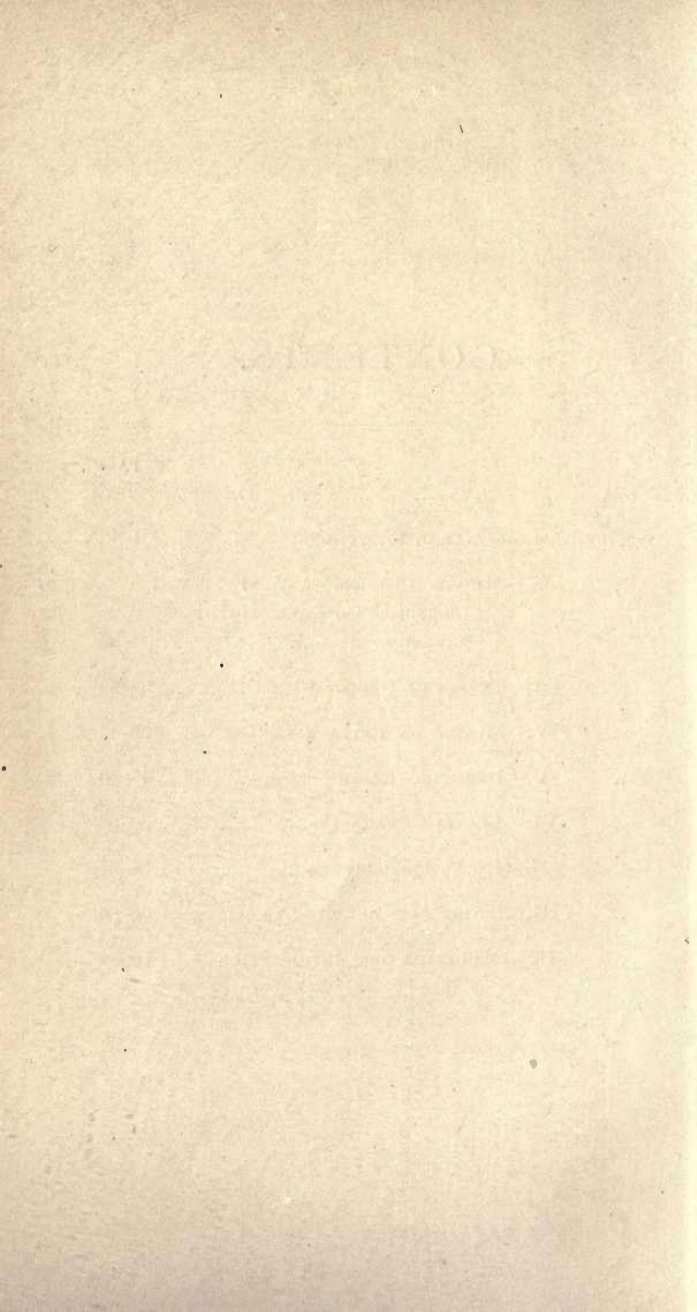
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GUIDE TO MINING LAWS.

(NOTE.—The Sections of the Mining Act, 1906, and the numbers of the Regulations made thereunder, are indicated in italics at the end of each paragraph.)

SECTION I.—GENERAL.

Interpretation of Terms.

- “ The Act ” means the Mining Act, 1906.
- “ Miner ” means the holder of a miner’s right in force.
- “ Schedule ” means the Schedule to the Regulations under the Mining Act, 1906.
- “ District ” means the Mining District within which the land referred to is situated. Every District is in charge of a Warden.
- “ Division ” means the Division of the Mining District within which the land referred to is situated. For every Division a Warden’s Clerk is appointed to receive applications, &c. (*R. 1.*)

Possession.

The mode of taking possession of land for any purpose authorised by the Mining Act or Regulations is as follows:—

The person taking possession must fix firmly in the ground at each angle thereof, a post not less than 3 inches in diameter, projecting above the surface not less than 3 feet, and set in an L trench, each arm of which must be not less than 3 feet in

length and 9 inches in depth, cut so as to indicate the general direction of the boundary lines; where, owing to the nature of the ground, it is impracticable to cut trenches, mounds of stones may be substituted; and one of the posts is called the datum post.

The person taking possession must forthwith affix to such datum post a board or metal plate having legibly written thereon or on a calico notice affixed thereto:—

“Possession taken this day of at o’clock
in the noon for the purpose of [here insert class of
holding to be applied for—e.g., “Prospecting area,” “Gold-
mining lease,” “Railway lease for mining purposes,” &c.]

Area } { acres
 } — x — { feet

(Name of intending applicant or applicants).*

Where, by reason of the land being under water, or from any other sufficient cause, possession cannot be taken in the manner hereinbefore indicated, the applicant should attach to his application a plan or sketch of the land applied for, and give such description as will lead to the ready identification thereof. (R. 6.)

Survey.

The applicant for any tenement required by the Regulations to be surveyed, and the applicant for any lease, must pay the fees for survey in accordance with scale (see pages 33 and 55); but if the area applied for has been surveyed and the survey fee paid under a previous application, the applicant need not deposit the survey fee in advance with his application, but (except as hereinafter provided) he must pay an inspection fee of 10s. If, upon inspection, re-survey is found to be necessary, the applicant must pay the survey fee within the time specified in any notice.

*Copies of calico notices may be obtained free from any Mining Registrar.

Inspection fee will not be required in the case of any application for a residence or business area, or for any portion measured for alienation purposes under the Crown Lands Acts. (*R. 7.*)

Employment.

The term "efficiently," used in conjunction with "worked," or "employed," shall mean the working by, or employment of, the required number of able and competent workmen on every lawful working day. "Working day" shall mean every weekday except the holidays referred to in the next paragraph. (*R. 2.*)

Computation of Time.

In all cases in which any particular number of days is prescribed by these Regulations, the computation of time shall be exclusive of the first and inclusive of the last day, unless the last day shall fall upon a Sunday, or on any day which is at the time a public or a bank holiday throughout the State of New South Wales, in which case it shall be exclusive of that also. (*R. 5.*)

Office Hours.

Except on public holidays, the time during which miners' rights and business licenses may be issued, applications received, and other business transacted at Mining Registrars' and Wardens' Clerks' Offices, is from 10 a.m. to 1 p.m., and from 1.45 p.m. to 4 p.m., from Monday to Friday inclusive, and on Saturday from 10 a.m. to 12 noon. Any application tendered after such hours will be noted as received at 10 a.m. on the following day.

Holidays.

The holder of any claim or lease may, without obtaining formal suspension of labour conditions from the Warden, and without incurring risk of forfeiture, cease work in respect of such claim or

lease on the following days:—From Good Friday to Easter Tuesday, both inclusive; from the 20th day of December to the 7th day of January, both days inclusive; on any day on which an election is held of a Member of the Commonwealth Senate, or House of Representatives, or the State Legislative Assembly for the electorate within which such claim or lease is situated; and on any public holiday. (*R. 3.*)

Water for Domestic Use.

The Warden may reserve for the domestic use of the holders of miners' rights, business licenses, or leases, or authorities under the Act, any water-hole, spring, well, or abandoned reservoir; and no person shall use for other than domestic purposes, or waste, or by any means defile the water so reserved. (*R. 12.*)

SECTION II.—MINERS' RIGHTS AND BUSINESS LICENSES.

Miners' Rights.

May be obtained from all Mining Registrars and other authorised persons, and are available for use in any part of New South Wales. (*S. 9.*)

Cost and Term.

Five shillings per annum, or two shillings and sixpence for six months, to be in force for any term not less than six months, and not exceeding twenty years from the date of issue. Any expired miner's right may be renewed if applied for within one month of the date of the expiry thereof on payment of half the prescribed fee in addition to the cost of the miner's right, or may be renewed within seven days of such expiry without any such additional sum being paid. In such cases the renewed miner's right is dated of the day of expiration of the former right. (*Ss. 9, 11.*)

Transfer and Duplicate.

A miner's right may be transferred by endorsement signed by the transferor; and a duplicate of any right may be obtained on satisfying the Warden that it has been accidentally lost or destroyed. Fee, 1s. (Ss. 12, 13.)

Privileges Conferred by Miners' Rights.

Except as against His Majesty, a holder of a miner's right may, subject to the Regulations and to the exemptions shown on page 6,

- (a) take possession of and exclusively occupy any Crown land* for mining purposes, and mine therein;
- (b) have and possess any gold or other minerals found in such land whilst so occupied;
- (c) erect any building, structure, or machinery upon land so occupied, and remove the same at any time during such occupation;
- (d) exercise any rights of the nature of easements in connection with land so occupied;
- (e) occupy Crown lands, and construct and use thereon races, dams, reservoirs, roads, and tramways for mining purposes;
- (f) take or divert water from any lake, pool, spring, or stream, situate in or flowing through Crown lands not exempted from occupation under a miner's right or business license, and use such water for mining or domestic purposes;
- (g) procure and remove for mining, smelting, building, or other purposes for his or their personal use only, any bark, or live or dead timber, or any stone or gravel from any Crown lands not
 - (i) exempted from occupation under a miner's right or business license; or

* Crown Land, see p. 33.

(ii) within the operation of any proclamation or notification prohibiting the cutting or removal of such timber, bark, stone, or gravel:

Provided that this right to procure and remove bark or timber may be exercised only by persons (not being corporations) actually holding miners' rights;

(h) while following the occupation of a miner or prospector, graze upon Crown lands not exempted as aforesaid such horses or other animals as may be necessary for his or their subsistence and for the carrying on of prospecting or mining. (*S. 15.*)

Crown Lands Exempted from Occupation.

(a) Lands reserved, dedicated, appropriated, or resumed for public purposes (except *temporary commons* or mining reserves).

(b) Lands held under lease from the Crown for any purpose except pastoral or grazing purposes.*

(c) Lands granted or vested in trust for a race-course, cricket ground, recreation reserve, park, *permanent common*, or for any other public purpose.

(d) Lands the subject of any application for a lease under the Mining Act.

(e) Crown lands lawfully occupied as a yard, garden, cultivated field, or orchard, or upon which any building actually used and occupied, or any artificial dam or reservoir is lawfully standing.

The lands described in (e) above may be occupied upon payment of compensation, to be assessed by the Warden. (*S. 14.*)

* NOTE.—Settlement Leases, Residential Leases, and Special Leases for any purpose not purely pastoral (such as Special Leases for Agriculture, &c.) are *not* open to occupation under Miner's Right.

Classes of Tenements.

Any area of land lawfully occupied under a miner's right is called a "tenement." (*S. 3.*)

Tenements are divided into the following classes:—

Class 1. Alluvial prospecting areas; quartz prospecting areas; mineral prospecting areas.

Class 2. Alluvial reward claims; block alluvial claims; extended alluvial claims; sluicing claims; river and creek claims; quartz reward claims; ordinary quartz claims; mineral claims.

Class 3. Water-rights.

- „ 4. Dams; reservoirs.
- „ 5. Races.
- „ 6. Machinery areas.
- „ 7. Roads.
- „ 8. Tramways.
- „ 9. Tunnel sites. (*R. 57.*)

Not more than one tenement of any class can be held under one miner's right, but additional tenements of the same class can be held if an additional miner's right is taken out for each additional tenement after the first of the same class. (*S. 15 (2).*)

Thus, the holder of one miner's right may take possession of a prospecting area, a reward claim, a water-right, a dam, a water-race, a machinery area, a road, a tramway, and a tunnel site; but if he desires to hold two or more claims, or two water-races, &c., he must take out another miner's right for each additional claim, water-race, &c.

Table showing the Measurements and Superficial Areas of Tenements.

Tenement.	Measurement in—		Superficial Area.
	Feet.	Links.	
			a. r. p.
Prospecting area, alluvial (R. 17).....	600 x 600	909 x 909	8 1 2
	800 x 800	1,212 x 1,212	14 2 30
	1,200 x 1,200	1,818 x 1,818	33 0 9
	1,400 x 1,400	2,121 x 2,121	41 3 39
Block alluvial claim (R. 25):—			
1 man	100 x 100	151·5 x 151·5	0 0 36
2 men	144 x 144	218·1 x 218·1	0 1 36
3 „	185 x 185	280·2 x 280·2	0 3 5
4 „	220 x 220	333·2 x 333·2	1 0 17
5 „	260 x 260	393·9 x 393·9	1 2 8
6 „	300 x 300	454·5 x 454·5	2 0 10
Extended alluvial claim (R. 27):—			
1 man	590 ³ x 147·6	894·4 x 223 6	*2 0 0
2 men	933·5 x 233·4	1,414·4 x 353·6	*5 0 0
Sluicing claim (R. 28):—			
2 men	722·8 x 180·8	1,095·2 x 273·8	*3 0 0
3 „	933·5 x 233·4	1,414·4 x 353·6	*5 0 0
Prospecting area quartz (R. 33).....			
{	480 x 400	727·2 x 601	4 1 25
	722 x 400	1,091 x 606	6 2 17
	960 x 400	1,454 x 606	8 3 10
	240 x 400	363·6 x 606	2 0 32
Reward quartz claim (R. 34){			
{	360 x 400	545·4 x 606	3 1 0
	480 x 400	727·2 x 606	4 1 25
	60 x 400	90·9 x 606	0 2 8
Ordinary quartz claim (R. 35)	60 x 400	90·9 x 606	0 2 8
Mineral prospecting area (R. 36).	1,320 x 1,320	2,000 x 2,000	†40 0 0
Opal prospecting area (R. 36)	400 x 400	606 x 606	†3 2 27
Mineral reward claim (R. 37)	660 x 660	1,000 x 1,000	†10 0 0
Opal reward claim (R. 37)	150 x 150	227·3 x 227·3	†0 2 2
Ordinary mineral claim (R. 37)	417·4 x 417·4	632·4 x 632·4	†4 0 0
Ordinary opal claim (R. 37) ..	100 x 100	151·5 x 151·5	†0 0 36
Dam site (R. 45)	808·4 x 269·5	1,224 6 x 408·2	†5 0 0

* Maximum area: Length must not exceed four times the breadth.

† „ „ „ three „

‡ „ Must be marked out in the form of a square where practicable.

PROSPECTING AREAS AND CLAIMS, GOLD.

Definitions.

“Prospecting” means searching for any new discovery of gold. “Prospecting area” means the defined area of ground which any prospector is entitled to mark off to search for gold therein.

“ Reward claim ” means the defined area of ground to which any prospector is entitled to within his prospecting area as a reward for the discovery and reporting of payable gold. (*S. 3, R. 1.*)

1. ALLUVIAL PROSPECTING AREAS.

Any miner shall be entitled to mark off an alluvial prospecting area of 600 feet in length, by 600 feet in width, if half a mile and under 1 mile from the nearest boundary of any other mining tenement producing gold; 800 by 800 feet, if 1 mile and under 3 miles distant; 1,200 by 1,200 feet, if 3 miles and under 5 miles distant; 1,400 by 1,400 feet, if 5 miles and upwards distant. (*R. 17.*)

Labour Conditions.

Every prospecting area must be worked from the time of taking possession until payable gold is discovered, and a white flag not less than 12 inches square must be kept hoisted at the shaft or place where mining operations are being carried on. As soon as *payable gold has been discovered a red flag must be kept hoisted instead, and within seven days of such discovery a report must be made to the Mining Registrar giving full particulars as to yield of gold, place of discovery, and other general information, under penalty of forfeiture of all right to a reward claim. (*Rs. 16, 19, 20, 22.*)

Reward Claim.

Twenty-eight days are allowed after reporting the discovery of gold to select and mark off a reward claim, which must be within the prospecting area. The size of such claim shall in every case be half the length and width of the prospecting area, and must be continuously and efficiently worked, from and after the day of marking off, by not less than four miners. (*R. 23.*)

* “ Payable ” gold or mineral means sufficient gold or mineral to pay current wages to the men employed on or in connection with a claim.

At the end of the time allowed for marking off a reward claim, the interest of the holder ceases in respect of the prospecting area, except as regards the reward claim; and if he fails to mark on his reward claim, any other miner may define the boundaries of such reward claim, and take possession of any part of the balance of the prospecting area, as a block alluvial claim. (*R. 24.*)

2. BLOCK ALLUVIAL CLAIMS.

Definition.

“Block alluvial claim” means any claim in alluvial ground (other than prospecting, extended, sluicing, river, and creek claims). “Amalgamated claims” mean two or more claims legally united and registered as one claim. (*R. 1.*)

Size of Claim.

The maximum area of ground which may be taken possession of and held as a block alluvial claim is as follows:—

For one miner	100 by 100 feet.
For two miners	144 by 144 ,,
For three miners	185 by 185 ,,
For four miners	220 by 220 ,,
For five miners	260 by 260 ,,
For six miners	300 by 300 ,,

And no such claim shall be of greater area than 300 by 300 feet.

Every such claim must be efficiently worked. (*R. 25.*)

The holders of every amalgamated claim must, on discovery of payable gold, hoist a red flag over where the gold has been discovered, to indicate the course of the lead. (*R. 26.*)

3. EXTENDED ALLUVIAL AND SLUICING CLAIMS.

Definitions.

“Old and abandoned ground” means alluvial ground, the greater part of which has been occupied “to mine” upon, worked for a period of not less than three months, and then abandoned. A “sluicing claim” means an area of new alluvial ground, the nature of which necessitates its being worked in open cuttings from the surface, and the gold in which is extracted by means of water conveyed in a race to the claim, and used for ground-slucing. (*R. 1.*)

Area of Extended Claims.

An extended claim in old and abandoned ground may be any area not exceeding 5 acres. No claim shall in length exceed four times its breadth. On every such extended claim the number of miners required to be efficiently employed is one miner for any area not exceeding 2 acres, and two miners for any area exceeding 2 acres. (*R. 27.*)

Extent of a Sluicing Claim.

A sluicing claim may not exceed 5 acres. No sluicing claim shall in length exceed four times its breadth. The number of miners required to be efficiently employed on a sluicing claim is two miners for any area not greater than 3 acres, and three for any area greater than 3 acres. (*R. 28.*)

4. RIVER AND CREEK CLAIMS.

Extent of Claims.

In new ground, 100 feet along the course of the stream for each miner; in old and abandoned ground, 200 feet along the course of the stream for each miner,—by the width of such river or creek.

Every such claim must be efficiently worked. (*R. 29.*)

Flood-race.

The holder of any claim in a river or creek shall form and maintain a sufficient flood-race through or past such claim; and no person shall mine within 10 feet of either side of any flood-race. (*R. 30.*)

Drainage-race.

The holder of any river or creek claim cutting a race for drainage purposes only, shall be entitled to occupy an area for the site of such race, the width of which shall not exceed 20 feet. No person shall be entitled to hold any greater length of drainage-race than is necessary for his actual requirements: Provided that if any other claimholder desires to use any such race for the purpose of working a claim, he may do so on paying the owner of the race a fair share of the cost of construction of the part proposed to be used, and also contributing a fair share of the cost of keeping such portion of the race in working order. Any dispute as to the amount to be so paid or contributed shall be determined by the Warden in Court. (*R. 31.*)

5. QUARTZ AREAS AND CLAIMS.

Definition.

The terms "vein" and "reef" mean any substance, other than alluvial, containing gold. Quartz areas and quartz claims mean all areas and claims occupied for the purpose of searching for and working any vein or reef. (*R. 1.*)

Width of Quartz Areas and Claims.

All quartz areas and claims may be and shall not exceed a width of 400 feet across the line of reef. (*R. 32.*)

(1) Prospecting Areas.

Any holder of a miner's right shall be entitled to take possession of a prospecting area for any new or unworked reef or vein of 480 feet along or

parallel to the line of reef, if less than 1 mile distant from the nearest boundary of any mining tenement or lease producing gold; of 720 feet, if 1 mile and under 3 miles distant as aforesaid; of 960 feet, if 3 miles and upwards distant, as aforesaid. During the period the said area is being worked the holder shall be protected in the occupation thereof. (*R. 33.*)

Labour Conditions.

Every prospecting area must be worked from the time of taking possession until payable gold is discovered, and a white flag not less than 12 inches square must be kept hoisted at the shaft or place where mining operations are being carried on. As soon as *payable gold has been discovered a red flag must be kept hoisted instead, and within seven days from such discovery a report must be made to the Mining Registrar, giving full particulars as to yield of gold, place of discovery, and other general information, under penalty of forfeiture of all right to a reward claim. (*Rs. 16, 19, 20, 22, 33.*)

(2) Reward Quartz Claim.

Twenty-eight days are allowed after reporting the discovery of gold to select and mark off a reward claim, which must be within the prospecting area. The size of such claim shall in every case be half the length of the prospecting area, but the width remains the same (400 feet).

Every such reward claim must be efficiently worked by not less than two miners. (*R. 34.*)

(3) Ordinary Quartz Claim.

Any miner may take possession of an ordinary quartz claim not exceeding 60 feet along or parallel to the line of reef. (*R. 35.*)

* See definition on page 9.

6. MINERAL PROSPECTING AREAS AND CLAIMS.

Minerals.

The term "minerals" means silver, copper, tin, iron, antimony, cinnabar, galena, nickel, cobalt, platinum, bismuth, manganese, marble, kaolin, mineral pigments, mercury, lead, wolfram, coal, shale, scheelite, chromite, opal, turquoise, diamond, ruby, sapphire, emerald, zircon, apatite, and other phosphates, serpentine, molybdenite, alunite, and alum, barytes, asbestos, gypsum, mineral oils, monazite, diatomaceous earth, magnesite, limestone, slate, mica, pitchblende, fire-clay, talc, including steatite (soapstone), and any other substance which the Governor may declare a "mineral" by proclamation published in the *Gazette*.

Mineral Prospecting Area.

Any miner shall be entitled to mark off a mineral prospecting area for any mineral other than gold or opal not exceeding 40 acres, and for opal such area shall not exceed 400 x 400 feet.

Within seven days after discovery of *payable mineral in any mineral prospecting area, the holder of such area shall report such discovery to the Registrar.

Within twenty-eight days from reporting such discovery, the holder must apply for a lease of the whole or part of such area, or mark off a reward mineral claim within such area. In the latter case, upon completion of such marking off, the interest of the holder in the balance of the mineral prospecting area shall immediately cease and determine. (R. 36.)

Mineral Claims.

The holder of a mineral prospecting area shall be entitled to choose and mark off a reward mineral claim as follows:—

For opal, not exceeding 150 x 150 feet.

For any mineral, other than gold or opal, not exceeding 10 acres.

* See definition on page 9.

An ordinary mineral claim, for any mineral other than gold or opal, shall not exceed 4 acres, and for opal such claim shall not exceed 100 x 100 feet.

Every such claim must be efficiently worked by at least one able and competent miner. (*R. 37.*)

Form of Area or Claim.

Every mineral prospecting area and mineral claim must, where practicable, be marked out in the form of a square. (*R. 38.*)

AMALGAMATION OF CLAIMS.

The holders of two or more adjoining claims may, with the consent of the Warden, and subject to such conditions as he may impose, amalgamate the same before or after registration. (See page 28.) (*S. 20.*)

AREAS MAY BE MINED UPON AND UNDER.

The Warden may grant permission to any miner to enter upon any tenement (other than a prospecting area, mineral prospecting area, or claim) and to mine thereon, upon payment to the registered holder of such tenement, such amount by way of compensation for surface damage as the Warden may determine; but no miner may undermine any substantial building, dam, steam-engine, quartz-crushing, or other machinery without the consent of the holder or his registered agent.

Application for permit in the form of Schedule 8A may be lodged with the Registrar. The Warden will fix the number of miners to be employed in respect of every such permit, as nearly as possible to coincide with that required for ordinary claims of the same class of ground—alluvial, quartz, or mineral—and of the same area as that included in the permit. The Warden may also fix the term and impose such other stipulations or conditions as he may think fit. (*R. 55.*)

REGISTRATION AND SURVEY OF CLAIMS.

The following claims must be registered within twenty-eight days after possession is taken:—

- Reward alluvial claim.
- Extended alluvial claim.
- Sluicing claim.
- River and creek claims.
- Reward quartz claim.
- Ordinary quartz claim.
- Mineral reward claim.
- Mineral claim (ordinary).
- Amalgamated claims.

Prospecting areas (alluvial or quartz), block alluvial claims, and mineral prospecting areas may be registered or not at the option of the holder. (*S. 19, R. 59.*)

Application for survey of the following claims must be made at the time of applying for registration:—

- Reward alluvial claim.
- Extended, or sluicing alluvial claim.
- Reward quartz claim.
- Ordinary quartz claim.
- Mineral reward claim.
- Mineral claim (ordinary).

Prospecting areas and other claims may be surveyed at the option of the holder, and application for survey may be made at any time. (*R. 58.*)

7. AUTHORITY TO PROSPECT ON LARGE AREAS, OR ON EXEMPTED CROWN LANDS.

Any miner desirous of prospecting on an area of greater extent than he is authorised to hold under the Regulations, or on any Crown lands exempted from occupation under miner's right, may apply to the Minister for authority to prospect on such area. The application must be lodged

with the Warden's Clerk of the division in which the area is situated, and a deposit of £1 paid. The applicant must also produce his miner's right. The Minister may fix the area to be held under such authority, the term, rent, and labour conditions. A survey fee must be paid, if required, and on the discovery of gold or other minerals the holder of the authority must, within fourteen days, report the nature of the discovery to the Warden. The authority holder may then be required to apply for a lease, or to continue prospecting operations. He will have a right-of-way to the nearest public road. (*S. 17, R. 82.*)

8. WATER-RIGHTS.

Definition.

A "water-right" means the right to divert and use for mining purposes water from any natural water-course, stream, lake, lagoon, or swamp, in the manner hereinafter provided. (*R. 1.*)

Water-rights are of four kinds, namely—

1. Stream water-rights, for water to be used in the bed of a stream, or diverted therefrom for use elsewhere.
2. Spring, lagoon, or swamp water-rights.
3. Watershed or stormwater-rights.
4. Motive-power water-rights. (*R. 39.*)

Sluice-heads.

Any miner diverting or using water shall use a gauge or measurement, to be called a sluice-head, of the following dimensions:—A box sluice-head shall be a volume of water 1 inch by 12 inches; a ground sluice-head shall be a volume of water 3 inches by 12 inches, and shall be gauged in the following manner:—An open box 6 feet in length, and 12 inches in width, with a scale of inches marked on the inner side at the lower end, shall

be placed as nearly as practicable at the head of the race, having a fall or inclination not exceeding 6 inches in the entire length of it; and the gauge of water as above specified shall be taken at the mouth of the box where the water is discharged. When the length of the race shall exceed 1 mile the width of the box may be increased half an inch for each mile. (*R. 40.*)

Limitation of Water-right.

The quantity of water to which any miner shall be entitled under one water-right shall not exceed four ground sluice-heads, except under watershed or stormwater-rights, when he shall be entitled to all water collected by him. But no watershed or storm-water race shall be constructed above any similar existing race nearer than one-quarter of a mile thereto. (*R. 41.*)

Priority of Rights.

The priority of water-rights derived from the same source is determined by the date of registration. (*R. 42.*)

Water for Motive Power.

Any miner is entitled to divert water from any stream or natural source to be used as a motive power, provided that such water shall not be required for gold-washing purposes. (*R. 43.*)

Union of Water-rights.

Where it is found that increased facility in working claims and a prevention of waste water would be consequent to the running of two or more water-rights through one race, the same shall be allowed, provided that all such rights shall follow in rotation and have precedence according to priority of registration. This should result in much economy of labour in race-cutting, and in preventing waste of water by the use of two or more ditches instead

of one. The union is a matter for mutual arrangement, and may be either temporary or permanent. It would be wise and business-like to make any such union the subject of an agreement, which should be filed in the Mining Registrar's office. (*R. 45.*)

9. DAMS AND RESERVOIRS, &c.

Any person desirous of constructing a dam or reservoir may take possession of an area not exceeding 5 acres. The length of such area must not exceed three times the width. Such area must not be used for any purpose other than mining purposes, and within fourteen days of taking possession the holder must commence the construction of the necessary embankments or the repair of any embankments already constructed, and maintain the same in an efficient state during the continuance of his occupancy. (*R. 46.*)

Protection to Races.

The holder of any race is entitled, for the protection of such race, to a width of 10 feet on each side thereof; and where the cutting exceeds 10 feet in depth, or a tunnel is constructed, the width for such protection shall be 20 feet on each side thereof: provided that the ground so protected may be worked on payment of compensation to such raceholder, or by providing an equally good and convenient race in lieu thereof. (*R. 47.*)

Races, Dams, &c., to be kept in Repair.

The holder of a water-right must not allow the water to run to waste; and in the event of any race, dam, or reservoir being out of repair, or being in an insecure condition, or the water being allowed to run to waste, the Warden, on complaint being made to him, may make such order as may be necessary to prevent waste of water or public injury. (*R. 48.*)

Extension of Races.

Any holder of a water-right may extend or alter the direction of the race in connection therewith, or convey through such race water from any source, provided that no prior right be injured thereby. (*R. 49.*)

Registration and Survey.

Every water-right, race, dam, and reservoir must be registered. Survey is not compulsory, but application for survey of any race, dam, or reservoir may be made at any time. (*Rs. 58, 59.*)

10. MACHINERY AREAS, ROADS, AND TRAMWAYS.

Any miner desiring to erect quartz-crushing or other machinery for mining purposes may take possession of an area not exceeding 2 acres.

The area marked out for a road or tramway must not exceed 15 feet in width. (*R. 53.*)

Registration and Survey.

Every machinery area, road, and tramway must be registered, and application for survey of machinery area and tramway must be made at time of registering. (*Rs. 58, 59.*)

11. RESIDENCE AREAS.

Extent of Residence Area.

Any holder of a miner's right may occupy an area within the boundaries of a town or village having a frontage to any line of street of 66 feet by a depth of 165 feet. Corner allotments may have their full depth fronting any cross street where practicable. Outside the town or village a quarter of an acre may be occupied in any position on available Crown lands, while an area not exceeding 2 acres can be occupied subject to the Warden's

approval. Any miner desiring to occupy a residence area outside the boundaries of a town or village exceeding one quarter of an acre, may make application to the Warden, in the form of Schedule 8A, for approval. The applicant must specify the area required, and describe the situation of such area as accurately as possible. Within seven days after receipt of application the Warden will notify the applicant whether it has been granted or refused. If granted, the Warden will issue a permit in the form of Schedule 9A. (*S. 16, Rs. 51 and 52.*)

Improvements.

Within twenty-eight clear days after possession of an area fronting on any street has been taken, improvements in buildings to the value of £10 must be personal, and *not* by tenant. (*R. 78.*)

Occupation.

The holder of any area must continuously reside thereon, unless he has obtained suspension of the residence conditions from the Warden. Occupation must be personal, and *not* by tenant. (*R. 78.*)

Registration and Survey.

Every residence area on a street within the boundaries of a town or village must be registered, and application for survey must be made at time of registering. Any other residence area may be registered or surveyed at the option of the holder. (*Rs. 58, 59.*)

12. BUSINESS LICENSES.

Cost and Term.

Business licenses may be obtained from any Mining Registrar at the rate of 20s. per annum, or 10s. for six months, to be in force for any term not less than six months, and not exceeding twenty years from the date of issue. Any expired business license may be renewed if applied for within one

month of the date of expiry of such license, on payment of half the prescribed fee in addition to the cost thereof; but if renewal be applied for within seven days no such additional sum is payable. (*Ss. 10, 11.*)

Transfer and Duplicate.

A business license may be transferred by endorsement signed by the transferor; and a duplicate of any license may be obtained on satisfying the Warden that it has been accidentally lost or destroyed. Fee, 1s. (*Ss. 12, 13.*)

Extent of Holding.

A business license operates on any Crown land not included in the exemptions shown on page 6, and entitles the holder thereof to hold for purpose of residence and carrying on business one-quarter of an acre within the boundaries of a town or village, and 1 acre on other Crown lands. (*S. 18.*)

Any holder of a business license taking possession of an area having a frontage to any line of street shall be entitled to 66 feet frontage to such street by a depth of 165 feet. Corner allotments may have their full depth fronting any cross street, where practicable. (*R. 51.*)

Improvements.

Within twenty-eight clear days after possession of an area fronting on any street has been taken, improvements in buildings to the value of £10 must be erected on such area. (*R. 52.*)

Occupation.

The holder must continuously carry on a business or reside on the area unless he has obtained suspension of such conditions from the Warden. Occupation must be personal, and *not* by tenant. (*R. 78.*)

Registration and Survey.

Every business area must be registered, and application for survey must be made at the time of registering. (*Rs. 58, 59.*)

GENERAL PROVISIONS: MINER'S RIGHT AND BUSINESS LICENSE.

Mode of Taking Possession. (See page 1.)

Forcible Possession Prohibited.

No person shall take forcible possession of any land occupied by any other person. Any person who may desire to take possession of any land unlawfully occupied, shall, if his right to take possession is disputed, apply to the Warden to inquire into such dispute. (*R. 15.*)

Notice of Taking Possession, and Objections.

Within three days after taking possession of any tenement required to be registered, a notice (Schedule 8) shall be posted by the applicant upon the datum post and outside the office of the Registrar, and kept so posted until registration has been effected. Within seven days of the posting of such notice any person may lodge with the Registrar an objection against the registration of such tenement. With every such objection the objector shall deposit the sum of 5s. (*Rs. 61, 62.*)

Priority of Possession.

In case of dispute as to priority of possession of any tenement, the person first erecting a datum post shall be deemed to have first taken possession, provided that the mode of taking possession prescribed is forthwith complied with. (*R. 63.*)

Application to Register Tenement.

Any person taking possession of any tenement required to be registered must apply to the Registrar to be registered as the holder of such tenement. If the tenement applied for to be registered is one which is compulsory by these Regulations to be surveyed, the applicant must lodge the prescribed survey fee with his application for registration. (*R. 64.*)

Registration of Tenements.

Where survey is required, upon receipt of the plan and description, if by such plan it does not appear that the tenement applied for comprises any land claimed by any person other than the applicant, or any land exempted from occupation under the Act, the applicant (if no objection has been duly lodged or after disposal of any objection duly lodged), upon payment of the fee for registration, shall forthwith be registered as the holder of such tenement, and such registration shall be subject to prior rights. The Registrar shall issue to the applicant a certificate of title. (*Rs. 65, 66.*)

If Division be doubtful.

Every mining tenement required by these Regulations to be registered must be registered at the office of the Registrar for the Division of which such tenement is a portion: Provided that if such tenement is situated partly in one Division and partly in another Division, or if it is so near the boundaries of two or more Divisions that the Mining Surveyor cannot, within a reasonable time, decide in which Division such tenement is situated—then in either case such tenement may be registered with the Registrar of either of such Divisions.

When a tenement has been registered with the Registrar of any Division, all transfers and other transactions relating to such tenement, and any share, or interest therein, must be effected through the same office. (*R. 70.*)

Transfers and Liens.

The holder of any tenement, or share or interest therein, may assign or transfer such tenement, share, or interest, or any part thereof, to any person. Every such transfer must be signed by the parties thereto or their authorised agent, and lodged with the Registrar, who shall duly register the same and issue to the transferee a duplicate of the transfer ticket. The Registrar shall refuse to register the transfer of any tenement, share, or

interest, the title to which is then in issue in any Court, and legal notice of which shall have been served on the Registrar.

Previous to the registration of any lien, a copy of the instrument or agreement creating the same shall be lodged with the Registrar.

A miner's right or business license may be transferred by endorsement.

The transferor shall sign the transfer in the presence of a Warden or officer appointed to issue miners' rights, and the transferee shall forthwith forward the transferred right or license to the Registrar at the office from which it was originally issued, to be noted and returned. (*R. 67.*)

Tribute.

A copy of every tribute agreement must be registered with the Local Mining Registrar. The title to a claim shall not be invalidated by reason of its being worked by hired labour or on tribute. (*R. 73.*)

Shares may be Created and Increased.

The registered holders of any tenement other than a residence area or a business area, may create such and so many shares therein as they may think fit; and the shares so created may be registered in the respective names of the holders, and, if demanded, share certificates shall be issued to such holders; and such shares may, from time to time, be increased in the same manner as herein created: Provided that no new share certificate shall be issued until the original shall have been returned to the Registrar and cancelled. (*R. 68.*)

Authorised Agent.

The holder of a tenement, or share in a tenement, may appoint an agent. Such appointment shall be registered by the Registrar of the Division within which the tenement is situated. (*R. 14.*)

Suspension of Labour Conditions.

The Warden may grant authority to suspend labour conditions on any registered claim for any period not exceeding six months on being satisfied by evidence on oath in open Court—

- (a) that the claim is unworkable by reason of accident to machinery, subsidence, scarcity of water, sudden excess of water, or any other cause whatsoever; or
- (b) that the owners of such claim are unable, by reason of sickness, accident, unavoidable absence, or other sufficient cause, to work the same; or
- (c) that substantial expenditure has been incurred in mining operations on the claim, and that the owner is temporarily unable to continue such operations, and requires reasonable time within which to make necessary arrangements;
- (d) that the claim cannot be profitably worked under then existing circumstances, owing to the low price of the product thereof, or other adverse conditions. (*S. 113.*)

Application for Suspension of Labour Conditions.

Application for suspension of labour conditions must be made in writing, and lodged with the Warden of the district or the Warden's Clerk of the Division in which the claim is situated. The application must contain the grounds thereof, and a copy must be posted on the claim, and also outside the Warden's office or the Mining Registrar's office nearest to the claim, and served upon the owners of or posted on adjoining claims. The Warden shall deliver to the applicant a notice under his hand, appointing a time and place for hearing such application, and the applicant shall serve, where practicable, upon the holders of adjoining claims, a copy of such notice. Such copy notice shall be posted and served at least seven days prior to the date fixed for the hearing of the application.

In the event of suspension being granted, the Warden shall forthwith issue to the applicant a certificate of such suspension.

Any person may, before the hearing of the application, lodge an objection. (*Rs. 9, 10.*)

Suspension of Residence and other Conditions.

The holder of any tenement (other than a prospecting area or claim) may apply to the Warden for suspension of the residence or other conditions required to be performed in respect of such tenement, and the Warden may grant such suspension for any period not exceeding six months on being satisfied by evidence on oath in open Court that reasonable cause exists for granting such suspension. (*R. 76.*)

Protection of Tailings, &c., on Abandoned Claim.

Any miner having abandoned his claim, or held any claim declared to be forfeited, may retain possession of any tailings, ore, stone, or other substance supposed to contain gold or mineral that may have been raised at the time of the abandonment or forfeiture, provided that such substance is stacked on the claim and registered with the Mining Registrar within fourteen days of such abandonment or declaration of forfeiture, and a board with the owner's name, address, and date of registration, legibly written or painted thereon, is kept posted on or close to the stack. Such registration may be for a period not exceeding twelve months, and may be renewed for a like period on sufficient cause being shown to the satisfaction of the Warden. (*R. 75.*)

Timbering Claims and Removal of Slabs, &c.

It shall be imperative on the holder of any claim to secure by timber or other supports all boundary workings thereof; and no person shall remove any timber or other supports, the removal of which would endanger the working of any other claim,

No person, other than the owner, may remove slabs from any abandoned or disused shaft without the written permission of the Minister, and all abandoned shafts shall be filled as the slabs therein are removed. (*Mines Inspection Act, 1901, S. 45.*)

Disposal of Waste.

The holder of any tenement shall not allow the detritus, dirt, sludge, or water therefrom to become a public inconvenience or nuisance, or in any way injure any thoroughfare or tenement: Provided that any person taking possession of a claim below any tail or drainage race shall occupy such claim with the responsibility of providing—if necessary for the working of such claim—a clear passage of the water and detritus from such tail or drainage race through such claim. (*R. 13.*)

Loss of Miner's Right, Certificate of Title, &c.

When any person loses his miner's right, business license, or a certificate of transfer, or other document by virtue of which he holds any tenement, claim, share, or portion of a share, or a lien, he may make a statutory declaration of such loss, and such declaration may be received in lieu of the said miner's right, business license, certificate of transfer, or other document. (*R. 74.*)

Amalgamation, how Obtained.

Application for amalgamation of tenements must be made to the Warden, and upon consent to such amalgamation being given by the Warden, the applicant shall lodge such consent with the Registrar, together with the prescribed fee, and the Registrar shall forthwith issue a certificate of amalgamation. When two or more claims are amalgamated, fresh certificates of title may, at the option of the holder, be issued, and the original certificates shall then be returned to the Registrar and cancelled. (*R. 72.*)

Notice of Abandonment to be given.

The holder of any tenement or any share or interest in any tenement, may abandon the same. But he must previously pay his proportion of all liabilities then incurred in respect of such tenement, share, or interest, and give to his partner a notice in writing of his intention to abandon such share or interest, and in the case of a registered claim lodge a copy of such notice with the Registrar. (*R. 79.*)

Abandoned Shares, how applied for.

A miner may take possession of an abandoned share in any registered tenement, and must make application to the Registrar for the said share. A copy of the application must be posted for seven days on the tenement in which such share is abandoned. If, at the expiration of such seven days, no objection shall have been lodged with the Registrar, the applicant shall be registered as the holder of the share applied for, and shall receive a share certificate. Provided that if such possession be disputed, the miner so applying to be registered shall not be entitled to such share or registration until he shall have obtained an order from some competent Court authorising the same. (*R. 80.*)

Reasons for Declaration of Forfeiture of Tenements.

In any proceedings in the Warden's Court for declaration of forfeiture, any of the tenements hereinafter mentioned may be declared forfeited for any of the reasons set opposite such tenements, respectively:—

A. Prospecting Areas, Mineral Prospecting Areas, and Claims—

1. Failure to comply with the labour conditions.
2. Failure to report discovery of payable gold or mineral.
3. Failure to mark out a claim within the prescribed time after reporting discovery of payable gold or mineral, or (in the case of a mineral prospecting area) to apply for a lease.

B. *Dams, Reservoirs, and Races—*

1. Using the land for purposes other than mining purposes, or the water for other than mining and domestic purposes.
2. Failure to construct embankments, &c., or, if already constructed, to maintain the same in proper repair.
3. Failure for a continuous period of one month to use *bonâ-fide* for mining purposes.

C. *Machinery Areas, Tunnel Sites, Roads, and Tramways—*

1. Using the land for other than mining purposes.
2. Failure for a continuous period of one month to use *bonâ-fide* for mining purposes.

D. *Residence Areas—*

1. Failure to erect improvements as prescribed.
2. Absence from the area for a continuous period of three months.

E. *Business Areas—*

1. Failure to erect improvements as prescribed.
2. Failure to carry on a business or to reside on the area for a continuous period of three months.

All Tenements—

1. Failure to keep a miner's right or business license in force, or to renew the same within the time prescribed.
2. Failure to maintain boundary marks.

Provided that—

(a) No forfeiture shall be incurred in respect of any tenement by reason of failure to perform labour, residence, or other conditions in respect of which an order of suspension has been obtained.

(b) A tenement shall not be declared forfeited if the holder can show to the satisfaction of the Warden that forfeiture was incurred through sickness, accident, or other reasonable cause.

- (c) No race, dam, reservoir, water-right, or machinery area shall be declared forfeited for failure to use, when such failure is caused by an insufficient supply of water.
- (d) The title to any tenement shall not be vitiated by reason of the non-performance of any act, matter, or thing required to be done by or for the applicant for or holder of such tenement, if the non-performance as aforesaid was caused by the fault, neglect, or absence of any Warden or Registrar.
- (e) Any miner employed in a tunnel, race, dam, or reservoir, which is being constructed or repaired by agreement for the common benefit or use of any number of claims, including his own, shall, while so engaged, be considered as working his claim.
- (f) When a shareholder in any claim absents himself from his work through sickness or accident, his share shall not be liable to be declared forfeited through such absence, but in all cases of absence, his partner in such claim may, if he think fit, hire in his place any competent miner in the event of the absentee failing to provide an efficient substitute; and such absent shareholder shall be responsible to his partner in the claim for any reasonable wages due to the person so employed, and for his share of the working expenses of such claim.
- (g) Any miner or his representative performing any work necessary for carrying on mining operations on or in connection with his claim, or attending any Court of law in any suit connected therewith, shall be deemed to be working such claim.
(R. 78.)

SCHEDULE OF MINING REGISTRAR'S FEES.

(All necessary blank forms and Schedules, except certificate forms may be obtained free from any Mining Registrar.)

For supplying, filling in, and registering, or filing any of the undermentioned Schedules:—

	£	s.	d.
Schedule 2—Application for suspension of labour conditions	}	0	1 0
„ 4—Certificate of suspension of labour conditions			
„ 5—Objection to suspension of labour conditions		0	1 0
„ 6—Authority to act as agent		0	1 0
„ 8—Application for tenement, permit, &c.		0	1 0
„ 9—Certificate of title or permit		0	1 0
„ 9—Certificate of title with plan (additional)		0	2 6
„ 10—Transfer of tenement or share...		0	1 0
„ 11—Creation and registration of shares		0	1 0
„ 12—Share certificate		0	0 6
„ 13—Registration of tenement		0	2 6
„ 14—Registration of each name in share register		0	0 3
„ 15—Registration of lien		0	2 6
„ —Cancellation of lien		0	1 0
„ 16—Application for amalgamation of claims	}	0	1 0
„ 17—Certificate of amalgamation of claims			
„ 18—Application for suspension of residence and other conditions		0	1 0
„ 19—Application for abandoned share		0	1 0
For filling in copy of any Schedule		0	0 6
„ registration of tailings, tribute agreement, &c.		0	1 0
„ inspection of any record		0	1 0
„ copy of or extract from any entry, record, report, or other document, per folio of 72 words		0	0 4

NOTE.—All transfers, assignments, and other documents liable to stamp duty must be stamped, or the required amount of stamp duty paid to the Registrar, before the instrument can be registered. (*Schedule 46.*)

SCHEDULE OF SURVEY FEES.

(a) *Tenements, other than those specified in (b).*

	£	s.	d.
Less than 1 acre.....	1	0	0
1 acre and less than 3 acres	1	10	0
3 acres " " 6 acres	1	15	0
6 acres " " 8 acres	2	0	0
8 acres " " 10 acres	2	5	0
10 acres " " 12 acres	2	10	0
12 acres " " 16 acres	2	15	0
16 acres " " 20 acres	3	0	0
20 acres " " 25 acres	3	10	0
25 acres " " 30 acres	3	15	0
30 acres " " 40 acres	4	0	0
40 acres " " 60 acres	4	10	0

(b) *Water-race, road, or tramway.*

Linear rates—£3 for first mile, or part thereof, and £2 10s. per mile for lengths in excess of 1 mile; minimum charge, £1. (*Schedule 1.*)

For areas exceeding 60 acres, see p. 55.

SECTION III.—LEASES OF CROWN LANDS.

Crown Lands.

Crown lands open to application for lease include:—

- (a) All lands vested in His Majesty (including roads, streets, &c.)
- (b) Lands under lease from the Crown, *except* conditional lease, conditional purchase lease, mining lease, or lease for mining purposes.*
- (c) Lands reserved, dedicated, appropriated or resumed for public purposes, whether vested in His Majesty or in any trustee.

But lands alienated, or in process of alienation, or lawfully contracted to be granted by the Crown, including conditional purchases and homestead selections are *not* Crown lands. (*S. 3.*)

* Settlement Leases, Residential Leases, and Special Leases are now open to application for lease under the Mining Act, subject to payment or compensation in respect of any part of the surface occupied.

An intending applicant for a lease may take possession of an area on any such lease in the manner shown on page 1, but he may not prospect or otherwise occupy the surface until compensation has been assessed and paid.

Mining Leases—Area, Term, and Dimensions.

Leases may be either gold-mining leases or mineral leases. (*S. 23.*) Ordinary leases may be for any area not exceeding the following:—

Gold	25 acres.
*Minerals (other than coal or shale)	80 acres.
Coal or shale	640 acres.

(*S. 35.*)

Such areas shall, where practicable, be measured in the form of a parallelogram, the length of which should not exceed three times the width, except where application is made for areas underlying roads, &c. (*R. 84.*)

The term may be for any period not exceeding twenty years, renewable for a further twenty years. (*S. 38.*)

Rent and Royalty.

The rent of gold-mining or mineral leases (other than coal or shale leases) is 5s. per acre per annum, and for coal or shale leases 1s. per acre per annum. All rents are payable in advance, and the first year's rent must be deposited with the application for lease. A royalty of 6d. per ton on all shale and large coal, and 3d. per ton on small coal won is payable to the Crown, and the amount paid as rent in any one year may be deducted from the amount payable for royalty for that year. (*S. 36.*)

Labour Conditions.

	First 12 months.	Rest of term.
Gold-mining leases	not less	1 man to 5 ac.
Mineral leases.....	than	1 do 20 ac.
Coal or shale leases,	not less than	2 men to 320 ac.

(*R. 111.*)

Special Leases.

If the Minister is satisfied that by reason of the difficulties and cost of constructing mine works, or of mining the land, a greater area than that

* For definition of "Minerals," see p. 14.

beforementioned is necessary, special leases may be granted to mine for gold or minerals other than coal or shale.

The area, rent, royalty, labour and other conditions, may be fixed by the Minister according to the circumstances of each case, upon the report of the Warden or the Prospecting Board. (*S. 40.*)

Leases for Mining Purposes.

Leases may be granted of the surface and the land to a limited depth below the surface for the following "Mining Purposes":—

Cutting and constructing any tunnel, water-race, drain, dam, or reservoir, or constructing any railway or tramway, or laying any pipes, for the purpose of mining.

Erecting buildings and machinery to be used for any process whatsoever, in connection with the extracting of gold or minerals.

Pumping or raising water to or from land mined or worked, or intended to be worked, for the extraction of gold or minerals therefrom.

Treatment of tailings on abandoned land.

Generation of electricity for use in or in connection with any mine or any works where gold or other minerals are treated.

Erection of standards, posts, wires, and appliances for the conveyance or transmission of electricity as a motive power, or for lighting, to any mine, or to any works where gold or other minerals are treated; and

Any other work which the Governor may, by proclamation, declare to be a mining purpose.

The area, dimensions, rent, and other conditions of leases for mining purposes are fixed by the Minister. (*S. 3, 23, 36.*)

Conversion of Authority or Claim.

The holder of an authority under section 28, Mining Act, 1874, or the holder of a registered claim, may convert such authority or claim into a lease under the Act, by making application in the form of Schedule 21D. (*S. 24, R. 90.*)

Mode of Taking Possession.

Possession of any Crown land to be applied for either as a mining lease or a lease for mining purposes must be taken in the manner shown on page 1. But where possession is taken for a railway, tramway, water-race, pipe-line, road, or other purpose requiring a similar form of measurement, the posts shall be fixed at the terminal angles, and also along the proposed route at distances not exceeding 440 yards. (*R. 6.*)

Posting and Service of Notices.

Forthwith after taking possession, the intending applicant or his agent must serve upon every person in occupation, under the authority of any Act relating to mining, of any part of the land to be applied for, or who, within his knowledge, has or claims to have any right to or interest in such land, a notice in the form of Schedule 22, and may, as soon as practicable thereafter, endeavour to obtain from every such person a consent in writing, and witnessed, to the granting of a lease of such land to the intending applicant. He must also post a notice in the form of Schedule 22 outside the post office or postal receiving office nearest by a practicable route to such land. (*R. 85.*)

Mode of Making Application.

Forthwith after service and posting of notices, application must be made by lodging the same in the proper form with the Warden's Clerk of the division in which the land applied for is situated. Every such application must contain as full and accurate a description as can be given of the extent

and position of the land applied for, and of the position of the datum post in relation to some measured portion, fixed point, or well-defined marked tree. The name of the parish, and, if the land applied for is a measured portion, the number of the portion should, if possible, be given. The area of surface required should be stated, and the position indicated on a sketch attached to the application, or the area marked out on the land. Every application must bear date of the day on which it is lodged, and immediately upon receipt thereof, the Warden's Clerk will post in some conspicuous place on the outside of his office a notice in the form of Schedule 22A, stating that objections to the granting of such application will be received up to a day named in such notice, not being less than seven days from the date of such application.

It is the duty of the Warden's Clerk, if required to do so, to fill in the necessary forms in connection with any application for a lease, for which he is entitled to charge a fee of 2s. 6d. for each application.

At the time of lodging application, the following deposits must be made:—

Ordinary mining leases.—One year's rent, and survey fee according to scale shown on pages 33 and 55.

Special leases.—Ten pounds, as evidence of *bona fides*, and survey fee.

Lease for mining purposes.—Survey fee.

The applicant must forthwith fill in form (Schedule 23), and forward it to the Under Secretary for Mines, giving notice of his application and deposit. (*Rs. 86, 87.*)

Priority of Application.

If more than one application is made for a lease of the same land, the application of the person who has first *taken possession* shall be first dealt with.

“Possession” means the act of erecting a datum-post: *provided that the mode of taking possession prescribed by the Regulations is forthwith complied with.* If upon inquiry the Warden considers that possession has been taken simultaneously by two or more applicants for the same area, he may take a ballot. (S. 26, R. 88.)

Occupation by, and rights of Applicant.

An applicant for a mining lease may occupy the land applied for, mine thereon, sue for trespass and claim damages, or proceed in the Warden’s Court against any person claiming to hold an interest under miner’s right or business license for the purpose of having such claim declared invalid. (Ss. 28, 29.)

Pendency of Application.

An application for a lease is pending from the date of taking possession, and the land is exempt from sale or lease by the Crown, or occupation as a tenement, during the pendency of the application.

Upon the death or bankruptcy of an applicant, his application remains good for the benefit of his legal representatives. (S. 30.)

Objections.

Any person may object to the issue of a lease, by lodging with the Warden, and serving upon the applicant, a written notice of his objection. Such notice must be served within the time mentioned in the posted notice of application. No particular form is required, but the application objected to, the grounds of objection, and the name in full and address of the objector must be clearly set out in the notice. A deposit of £5 must be paid at the time of lodging any notice of objection. If more than one application is objected to, a separate notice and deposit must be lodged in each instance. Notice may be served on the applicant by registered post, or, if his address cannot be ascertained, by posting it on the datum-post of the land applied for. (S. 32, R. 89.)

Tailings on abandoned Crown Land Leases.

Any lessee whose lease is determined by any means, may, within thirty days after such determination, apply for leave to enter the land and treat or remove tailings, ore, or stone left thereon by him. The Minister may fix time for treatment and amount to be paid for leave. If leave is not applied for, or if treatment is not completed within the time fixed, the tailings, &c., become the absolute property of the Crown. (S. 44.)

SECTION IV.—MINING ON PRIVATE LANDS.

Definition.

“Private Lands” means lands other than Crown lands, but does not include lands within the boundaries of a town or village, unless the Governor declares them to be private lands by Proclamation. (S. 45.)

Private Lands open to Mining.

All private lands are open to mining for *gold*, and for any ore of which gold is the chief or most profitable metallic product.

If the Crown grant of any private land contains, or if not issued will when issued contain, a reservation to the Crown of all minerals; the land is also open to mining for *all minerals*.* (S. 46.)

Exempted Lands.

The following private lands are exempted from the operation of the Act, either wholly or subject to conditions:—

1. Land upon which any person, at the time of application for authority to enter, is entitled to prospect for gold or minerals, or is lawfully carrying on mining operations.

* Coal and shale are not minerals for the purpose of Part IV of the Act.

2. Except with the consent of the owner:—

- (a) Within 50 yards on the surface of any land *bonâ fide* in use as a garden or orchard.
- (b) Within 200 yards on the surface of the principal residence of the owner or occupier.
- (c) Any land whereon is any substantial building, bridge, dam, reservoir, well, or other valuable improvement. (The Minister decides whether any such improvement is substantial or valuable, and may define an area adjoining such improvement within which no mining operations shall be carried on.)
- (d) The surface of land enclosed and under cultivation when the application for authority to enter is made. (*Ss. 47 and 48.*)

NOTE.—Except as regards the area defined under (c), leases of land below the surface of the exempted lands mentioned in 2 may be granted at such depth as may be considered sufficient to prevent damage to the surface.

A lease may be granted of such portion of the surface of cultivated land as the Minister may deem necessary for giving access to the gold or minerals therein, subject to payment of compensation for any damage to the crop or improvements. (*S. 48.*)

Authority to Enter.

The holder of a miner's right may apply to the Warden for an authority to enter on any private lands. If the applicant so desires he may at the same time apply for an interim permit, authorising him to enter the land to be applied for and mark out the boundaries,* but such permit will not entitle the holder to carry on any prospecting operations. If he contravenes this provision he becomes liable to a penalty not exceeding £10. Application for autho-

* Boundaries must be marked by erecting posts and cutting trenches. (See "Mode of taking possession," p. 1.)

urity to enter must be lodged with the Warden's Clerk of the division in which the land applied for is situated. A deposit of 5s. must be lodged with the application, and this amount is applied towards payment of rent or compensation if the application is proceeded with; if not, the Warden may order forfeiture of the deposit to the Crown. (*Ss. 49, 50, Rs. 92, 93.*)

Warden may Refuse to Grant Authority.

The Warden may refuse to grant authority to enter—

- (a) If the land is the subject of an application or holding under the Act, or is exempted from lease.
- (b) If, after notice to measure the land has been given to the applicant, he fails to attend for the purpose of pointing out the area applied for. (*S. 50.*)

Where two or more applications for authority to enter the same portion of land are lodged at the same time and the Warden is of opinion that such applications are conflicting, he may decide the question of priority by ballot. (*R. 93.*)

Inquiry : Rent and Compensation.

Before issuing an authority to enter, the Warden holds an inquiry, of which due notice is given to the owner and occupier, and fixes the rent and compensation to be paid by the applicant. The rent must be paid quarterly, in advance, from the date of the authority, and the first payment (together with the compensation assessed) must be made within fourteen days of the issue of the authority. (*S. 51, R. 94.*)

One per cent. royalty is payable to the Crown on all gold and minerals won from land held under authority to enter. (See p. 50.) (*S. 82.*)

Duration and Extension of Authority.

An authority to enter may be granted for any period not exceeding twelve months; but may be extended by the Warden while it is in force for any further period if it appears to him that further time is requisite to enable the holder to complete his prospecting operations. The whole period, original and extended, cannot exceed twenty-four months. (*S. 52.*)

Duplicate of Authority to be Served on Owner.

The holder of an authority to enter must, within the time directed by the Warden, serve the duplicate thereof, and of every extension, upon the owner or occupier of the land defined therein. If there are more than one owner, the duplicate may be served upon any one of them. (*S. 52.*)

Extent of Area.

Every authority to enter must contain a definition of the area and boundaries of the land in respect of which it is granted. The area may be such as appears to the Warden suitable, having regard to the class of deposit to be searched for, but shall not exceed 25 acres for gold, or 80 acres for other minerals. (*Ss. 53, 63.*)

Rights of Authority Holder.

When he has paid rent and compensation, and served duplicate authority upon the owner or occupier, the holder of an authority to enter may construct such works, and conduct such operations on or under the area held by him as may be required for *prospecting* the same, and he may employ as many men as he may think fit in such prospecting operations; but without the Warden's consent he cannot employ less than the minimum number prescribed. (See p. 51 for labour conditions.) Upon obtaining

permission of the Warden, he may also erect temporary residences for the use of the persons employed in the prospecting operations, in such positions as the Warden may consider proper. (*Ss. 54, 55.*)

Cancellation of Authority to Enter.

The Warden may cancel an authority to enter—

1. If entry is made before payment of the compensation and the first instalment of rent. (*S. 51.*)
2. If the rent due, or additional compensation afterwards assessed, is left unpaid for one month. (*S. 51.*)
3. If the holder does not commence prospecting operations within fourteen days from the date of his authority to enter.
4. If, after commencing prospecting operations, the holder suspends the same without the written permission of the Warden.
5. If the holder fails to observe any of the stipulations or conditions imposed by the Warden.
6. If the holder employs less than the minimum number of men prescribed, without first obtaining the Warden's permission in writing.
7. If the holder requests the Warden to cancel the authority. (*S. 54.*)

If the holder of an authority to enter continues in occupation of the defined area after being served with a notice of cancellation, he will be deemed a trespasser. (*S. 56.*)

Mining Leases of Private Land.

Any holder of an authority to enter may apply for a mining lease of the area defined therein, or any part thereof, if he has first served the duplicate of the authority upon the owner or occupier, and paid rent and compensation. (*S. 57.*)

The applicant must mark out the boundaries of the area to be applied for, if less than that held

under the authority, and if the whole of the surface is not required he must also mark out the surface area. Boundaries must be marked by erecting posts and cutting trenches in the manner described on p. 1. ("Mode of taking possession.")

The application must be lodged with the Warden's Clerk of the division in which the land is situated, and on the day of lodging his application the applicant must serve upon, or forward by registered post to the owner and occupier (if any), a notice of his having made the application, and affix a copy of such notice to the datum-post of the area applied for. (*R. 96.*)

Deposits with Application for Lease.

At the time of making the application for a mining lease, the applicant must deposit with the Warden's Clerk a half-year's rent of the surface area required, and the fee for survey. (See pp. 33 and 55.) (*R. 97.*)

Rent, Royalty, Term, and Area.

The rent for mining leases is £1 per acre or part of an acre of the surface required only, payable half-yearly in advance, the first half-year's rent to be lodged with the lease application, and all subsequent rent to be paid to the owner. Thus, if the applicant holds an authority to enter upon 25 acres, and he desires to obtain a lease of the whole area, but only requires 5 acres of the surface, he must deposit £2 10s. with his application as the first half-year's rent. (*S. 64, R. 97.*)

One per centum royalty on all gold and minerals won under lease is payable to the Crown. (See p. 50.) (*S. 82, R. 115.*)

The term of a mining lease must not exceed twenty years, but, subject to conditions, the lease may be renewed for a similar period. (*S. 62.*)

The area of a lease to mine for gold may not, under ordinary circumstances, exceed 25 acres, and 80 acres for any other mineral. (*S. 63.*)

Under special conditions, a greater area may be granted if the difficulties and cost attending the construction of mine works, or of mining the land, render it necessary. (*S. 63.*)

For labour conditions, see p. 51.

Rights and Disabilities of Applicant and Lessee.

The applicant for a lease, having made all the prescribed payments, may carry on *mining* operations on the land applied for. Upon issue of a lease, the lessee may—

1. Cut and construct races, drains, dams, reservoirs, or tramways, and erect buildings and machinery in connection with mining.
2. Fence the land, and erect temporary residences for the use of persons employed in connection with the mining operations.
3. Generally do such acts as are necessary for efficiently mining the land.

But the lessee may *not*—

1. Use water artificially conserved by the owner or occupier of the land.
2. Fell trees, strip bark, or cut timber on the land, *except* with the approval of the Warden, and subject to payment of compensation.
3. Depasture horses, *unless* the land is fenced.
4. Keep, or permit to be kept, any dog, *unless* chained up.
5. Remove earth or rock without the consent of the owner and occupier, *except* in connection with mining operations.
6. Impound, disturb, molest, or prevent from depasturing any sheep, cattle, horses, or other animals belonging to or in the custody of the owner or occupier of the land, *unless* the land is securely fenced, at the expense of the lessee.

If owner or occupier of the land requests the lessee in writing to fence his shafts, machinery, or other mining works, he must do so. (*Ss. 57, 65, 66.*)

Lease to Applicant's Nominee.

A lease may be granted to any person named by the applicant in writing. (*S. 58.*)

Mining Lease to Owner or Occupier.

The owner, or the occupier with the consent of the owner, may obtain an authority to enter or a lease of any private land not otherwise applied for or occupied under the Act. No rent or compensation is payable, but otherwise application must be made in the ordinary course. Such owner or occupier may obtain a lease to mine for coal or shale, not exceeding 640 acres. The area should be marked out in the manner prescribed by Reg. 6 (p. 1). (*S. 68.*)

Mining under Agreement with Owner.

The owner of any private land not applied for or occupied under the Act may, with the concurrence of the Minister, enter into a lease or agreement in writing with the holder of a miner's right, giving such holder power to mine on such land for gold or any mineral. The area and term may not exceed those prescribed for ordinary leases of private land. A draft of every such lease or agreement in duplicate must be forwarded to the Minister for his approval, and within twenty-eight days from the date of the Minister's concurrence the agreement must be registered with the Registrar, Department of Mines, Sydney, and a fee paid for survey in accordance with the scale shown on pp. 33 and 55.

No stipulation for the payment of royalty to the owner is allowed in any such agreement, but a royalty of 1 per cent. of the value of all gold and minerals won is payable to the Crown. (See p. 50.) A short form of agreement may be obtained from any Mining Registrar. (*S. 69, R. 101.*)

The owner of land containing minerals not reserved to the Crown may mine therein for such minerals, or enter into an agreement with any other

person to mine for the same, notwithstanding that gold or other reserved minerals, not exceeding 50 per cent. of the value of the unreserved minerals, are associated therewith. Every such agreement must be registered with the Registrar, Department of Mines, Sydney, within twenty-eight days from the date thereof. (*S. 70, R. 101.*)

Leases of Private Lands for Mining Purposes.

Any holder of a lease under the Act, or any person carrying on mining operations, may apply for a lease of an area of private land for the purpose of cutting mining races, for a tramway, or machine site, for smelting works, or water conservation, or for any other purpose in connection with mining. (*S. 60, R. 98.*)

A permit should first be obtained from the Warden, entitling the holder to enter and mark out the land to be included in the application for lease.

Every such lease is subject to the payment of compensation for surface damage, and rent, both of which are assessed by the Warden. The term is not exceeding twenty years, with power to renew for a similar period, and the area is such as the Minister may determine in each case. A fee for survey, in accordance with the scale shown on pp. 33 and 55, must accompany each application. (*S. 60, R. 98.*)

Right-of-Way.

Every authority to enter, and every lease of private lands, confers full right of ingress, egress, and regress for the exercise of the rights thereby conferred by a right-of-way to the *nearest practicable point of a public road*. Such right-of-way must be marked by the Warden or the applicant, under the Warden's direction, by blazed trees, or by pegs projecting not less than 9 inches above the surface of the ground on either side of the right-of-way. The trees or pegs must be not less than 10 chains apart, and a tree must be blazed or a peg placed at each angle of the right-of-way. (*S. 83, R. 119.*)

SECTION V.—DREDGING LEASES.

Grant of Leases.

The Governor may grant leases for the purpose of mining for gold or any other mineral by dredging, pumping, sluicing, or other method, and of erecting the buildings and machinery required in connection with such mining. Either, or both, Crown and private land may be included in any such lease, provided that the land—

- (a) Forms the bed of any river or lake;
- (b) is under any tidal water;
- (c) is under the ocean contiguous to the coast-line;
- (d) is contiguous to any such place;
- (e) is such as may be suitable for such mining.

(S. 86.)

Area, Labour Conditions, Expenditure, and Term.

The area of any dredging lease must not exceed 100 acres. The number of men to be employed is in the proportion of not less than seven men to 100 acres, and the amount to be expended on machinery and appliances for the purpose of working the area must be not less than £10 per acre; but the Minister may increase the labour or expenditure, or both, if the circumstances warrant such increase.

The term must not exceed twenty years, renewable for a similar period. (S. 86.)

Marking the Land, and Authority to Enter.

An intending applicant for a dredging lease must mark out the land in the manner shown on p. 1. ("Mode of taking possession."). If any part of the area is private land, he must obtain from the Warden of the district an authority to enter such private land. This authority entitles the holder or his agent, accompanied by not more than three other persons, to enter the land during not more than fourteen days, for the purpose of marking out, but does not entitle him to commence any mining operations. (Ss. 87, 88, Rs. 6, 104.)

Application for Dredging Lease.

Application must be lodged at the Warden's office nearest to the datum-post of the area applied for, within *three days* after possession has been taken. A deposit of £10 must be lodged with every application for authority to enter, and with the application for lease, the applicant must deposit the first year's rent of the Crown land included in the area applied for, and a fee for survey of £10 where the area does not exceed 50 acres, and £20 where the area exceeds 50 acres. (*Rs. 105, 107, Schedule 1.*)

Inquiry : Rent, Compensation, and Royalty.

The Warden holds an inquiry, the time and place of which is advertised in the *Gazette* and a local newspaper, at which he determines what roads of access and sites for fuel and machinery are necessary, what rent and compensation is to be paid to the owner and occupier of the area of private land applied for, and the adjoining areas likely to be affected. The applicant and the parties entitled to any rent or compensation may agree as to these amounts, and upon production of an agreement, duly signed by all parties and witnessed, the Warden may adopt the same without further inquiry. Form of agreement may be obtained from any Mining Registrar.

The rent of the private land must be paid to the Warden, or Warden's Clerk, within fourteen days of the date of the Warden's order, and the compensation must be paid as and when ordered by the Warden.

The rent of the Crown land is at the rate of 2s. 6d. per acre, and a royalty of 1 per cent. of the value of all gold and minerals won, from both Crown and private land, is payable to the Crown. (See Royalty, p. 50.) (*Ss. 91, 97, 98, R. 106, 107.*)

Grant of Lease.

On receipt of the Warden's report and order, the Minister may determine whether the application will be granted or refused. Notice of such determination

and the conditions attached is published in the *Government Gazette*, and if it is to be granted the applicant must notify the Minister of his acceptance of the lease, on the terms mentioned, within *thirty* days after publication, otherwise the application lapses. Where notice of acceptance has been given, a lease may be granted to the applicant, or to any other person named by him. (*S. 94, R. 107.*)

SECTION VI.—LEASES GENERALLY.

Royalty.

Every authority to enter, mining lease, and agreement to mine for gold or minerals reserved to the Crown, in private land, and every dredging lease, is subject to the payment to the Crown of a royalty of 1 per centum of the value of all gold and minerals obtained thereunder. Coal or shale leases (Crown or private land) are subject to payment of a royalty of 6d. per ton on shale or large coal, and 3d. per ton on small coal. A book must be kept, and the gross quantity and value of the gold and minerals obtained entered therein. Not later than the 7th of January in each year a return must be furnished to the Under Secretary for Mines, Sydney, showing the gross quantity and value of all gold and minerals won from the land worked up to the 31st day of December in the preceding year. The amount of royalty must be paid to the Colonial Treasurer, Sydney, on demand.

The lessee of a lease to mine for coal or shale on Crown lands, the holder of an authority to enter, lease or agreement in respect of *private land*, and the lessee of a dredging lease, are entitled to deduct the amount of rent paid during any year from the amount of royalty payable for that year. (*Ss. 36, 69, 70, 82, 98, R. 115.*)

Applicant to Execute Lease.

When any application for a lease has been granted, the applicant, or the person named by him (in the case of private land or dredging leases), or his legal

representatives on death or bankruptcy, must execute such lease within *thirty days* of receipt of notice from the Warden or Warden's Clerk calling upon him to do so. A lease may be executed by a duly constituted attorney. The person executing must pay a deed fee of £1, and the stamp duty required. If he fails to execute, the lease may be voided by the Governor. Where the application is made by two or more persons, and one or more fail to execute, the Minister may cause the lease to be issued to the person or persons executing, and it will be valid in his or their favour. (*S. 107, Rs. 112, 113.*)

Transfer of Lease.

No transfer of a lease or interest therein is valid unless made with the sanction of the Minister.

Application for sanction must be made on the proper form (obtainable from any Mining Registrar), and accompanied by a registration fee of 10s. (*S. 109, R. 117.*)

Labour Conditions.

Subject to the provisions as to suspension of and exemption from labour conditions, the number of men to be employed in respect of every mining lease on Crown lands, and authority to enter, mining lease, or agreement to mine on private lands (except special leases), is as follows:—

Mining lease on Crown Lands.—Lease or Agreement to Mine on Private Lands.

For gold—Not less than 1 man to 5 acres for the first 12 months, and 1 man to 2 acres after first 12 months.

For minerals (other than gold, coal, or shale)—Not less than 1 man to 20 acres for the first 12 months, and 1 man to 10 acres after first 12 months.

For coal or shale—Not less than 2 men to each area of 320 acres.

Authority to Enter.

For gold—Not less than 1 man to 5 acres.

For minerals—Not less than 1 man to 20 acres.
(*R. 111.*)

Suspension of Labour Conditions.

The Warden may grant authority to suspend mining operations for any period not exceeding six months, in respect of any lease issued under any Mining Act, upon being satisfied by evidence on oath in open Court—

- (a) That the lease is unworkable by reason of accident to machinery, subsidence, scarcity of water, sudden excess of water, or any other cause whatsoever;
- (b) that the owners of the lease are unable, by reason of sickness, accident, unavoidable absence, or other sufficient cause, to work the same; or
- (c) that substantial expenditure has been incurred in mining operations on the lease, and that the lessee is temporarily unable to continue such operations, and requires reasonable time within which to make necessary arrangements.

Upon being similarly satisfied that the lease cannot be profitably worked under then existing circumstances, owing to the low price of the product thereof or other adverse conditions, the Warden may recommend to the Minister, and the Minister may grant authority to suspend mining operations for any period not exceeding six months. In this case, the authority will be published in the *Gazette*, and registered by the Registrar, Department of Mines, Sydney.

Application for suspension must be made in writing, and lodged with the Warden of the district or the Warden's Clerk of the division in which the lease is situated; it must contain the grounds thereof, and a copy must be posted on the lease, and also outside

the Warden's office or the Mining Registrar's office nearest to the lease, and served upon the owners of, or posted on, adjoining leases.

The Warden will deliver to the applicant a notice, under his hand, appointing a time and place for hearing the application, and the applicant must serve, where practicable, upon the holders of adjoining leases, a copy of such notice. Such copy notice must be posted and served at least seven days prior to the date fixed for the hearing of the application.

In the event of suspension being granted, the Warden shall forthwith issue to the applicant a certificate of such suspension.

Any person may lodge an objection before the hearing of the application.

The Warden, or the Minister (as the case may be), may impose such conditions as he thinks fit for the protection of adjoining mines from injury by water or otherwise, by reason of the suspension being granted. (*S. 113, R. 9.*)

Exemption from Labour Conditions.

If the holder of a lease issued under any Mining Act employs on such lease double the prescribed labour for any period not less than six months after the 14th July, 1907, he becomes entitled to exemption from labour conditions for one month, but such exemption may not be for any longer cumulative term than six months at any one time.

For example: If the holder of a gold-mining lease is required to employ three men, and he employs six men continuously on the lease for the six months ending 31st January, 1908, he becomes entitled to one month's exemption from labour conditions. If he employed six men continuously for three years, he would be entitled to six months' exemption; but after obtaining and taking advantage of such exemption, he would have to employ double labour for six months before being entitled to any further exemption.

Application for exemption must be lodged at the office of the Warden of the district in which the lease is situated. Upon receipt of the application, the Warden will fix a day for holding an inquiry in open Court, and will give the applicant due notice thereof.

The applicant must satisfy the Warden that he is entitled to the exemption, and thereupon a certificate will be issued to the applicant, who must register the same in the Department of Mines, Sydney. (*S. 114, R. 122.*)

Amalgamation.

The owners of two or more adjoining gold-mining leases, mineral leases, or dredging leases (whether granted under the same Act or not), may apply to the Minister for amalgamation. Upon being satisfied that the lands comprised in such leases can be more effectively worked as one mine, the Minister may authorise amalgamation, and the labour required to be performed in connection therewith shall be the aggregate of the labour required for the respective leases before amalgamation. A fee of £1 for each lease to be amalgamated must be lodged with the application. (*S. 118, R. 121.*)

Surrender and Cancellation.

The holder of any lease may at any time, with the consent of the Governor, surrender the whole or any part of his lease. Upon acceptance of the surrender, the Governor may grant the holder a new lease of the whole or any part upon such conditions as he may deem advisable. The surrenderer will not be entitled to any refund of rent paid.

If the holder of a lease fails to fulfil the conditions contained therein, or fails to use the land *bona fide* for the purposes for which it has been demised, or uses it for any other purpose, the lease may be cancelled by the Governor, and the cancellation will take effect on the date proclaimed in the *Gazette*. (*Ss. 123, 124.*)

SCHEDULE OF SURVEY FEES.

(For areas less than 20 acres, see page 33.)

(a) For leases other than those specified in (b).

		Separate.			Conterminous.		
		£	s.	d.	£	s.	d.
20 acres and less than 25 acres ...		3	10	0	2	12	6
25 acres	,, ,, 30 acres ...	3	15	0	2	16	6
30 acres	,, ,, 40 acres ...	4	0	0	3	0	0
40 acres	,, ,, 60 acres ...	4	10	0	3	7	6
60 acres	,, ,, 80 acres ...	5	0	0	3	15	0
80 acres	,, ,, 160 acres ...	6	0	0	4	10	0
160 acres	,, ,, 240 acres ...	7	0	0	5	5	0
240 acres	,, ,, 320 acres ...	8	0	0	6	0	0
320 acres	,, ,, 480 acres ..	9	0	0	6	15	0
480 acres to 640 acres, inclusive ...		10	0	0	7	10	0

(b) *Water-race, pipe-line, road, railway, tramway, creek, or river-bed.*

Linear rates—£3 for first mile, and £2 10s. per mile for lengths in excess of 1 mile, minimum charge, £1.

Dredging Leases—		£	s.	d.
Not exceeding 50 acres	10	0	0
Exceeding 50 acres, and not exceeding 100 acres	20	0	0

* Further fees may be required if linear rates exceed these amounts.

Portions will be considered conterminous if, at date of survey, not less than one-sixth of the perimeter forms part of an adjoining survey made within three months.

SCHEDULE OF REGISTRAR'S FEES.

Leases.

	£	s.	d.
For registering transfer, each lease, or interest in a lease	0	10	0
For registering assignment, sub-lease, agreement, mortgage, or any encumbrance	0	10	0
For registering amalgamation (each lease)	1	0	0
For registering caveat	0	10	0
For filling in application form and other schedules required in connection with application for a lease (if required by the applicant)	0	2	6

	£	s.	d.
For filling in application for suspension of labour conditions	0	1	0
For inspection of any record	0	1	0
For copy of or extract from any entry, record, report, or other document, per folio of 72 words	0	0	4
For copy of plan of lease	0	5	0
For inquiry involving search in any other Department, such fee as the circumstances may require.			

NOTE.—All transfers, assignments, and other documents liable to stamp duty must be stamped, or the required amount of stamp duty paid to the Registrar before the instrument can be registered.

SECTION VII.—LEGAL PROCEEDINGS.

Jurisdiction of Warden's Court.

Every Warden's Court has jurisdiction to hear and determine suits relating to the right to possession or occupation of Crown land or private land by virtue of a miner's right, registered share in a claim, lease, application for a lease, license, or authority under any Mining Act.

The Warden's Court may also hear and determine suits relating to encroachment, claim for debt, partnership claim, demand for contribution towards cost of working, adjustment of boundaries, and all other questions and disputes which may arise between miners in relation to mining on Crown lands or private lands. (*S. 133.*)

Persons Entitled to Sue.

No person is entitled to sue in a Warden's Court in respect of any matter affecting the *title to any land* or interest held under the Mining Acts unless he is the holder of a miner's right, business license, authority, application for lease, lease, or registered share in a claim. (*S. 136.*)

How Proceedings are Commenced.

If both parties consent, in writing, the Warden may determine any complaint summarily; but where consent has not been given the proceedings

must be commenced by summons, to be issued by the Warden or Warden's Clerk. The summons must contain a clear statement of the facts constituting the complaint, and the amount of money claimed, or the value of the property in dispute. The summons must be served by or at the cost of the complainant on the defendant, either personally or by leaving it at his last-known place of residence with any person apparently of or above the age of 16 years.* The fee for summons is 2s. 6d. where the amount claimed does not exceed £30, and 5s. in all other cases.

Appeals.

Where the amount claimed or the value of the property in dispute is £50 or over, either party may appeal from the Warden's decision to the District Court sitting as a Mining Appeal Court. The person appealing must, within seven days from the day of making the decision, deposit with the Registrar of the District Court at the place where the sitting is to be held, the sum of £10, or such less sum as the Warden may order, to abide the costs of the appeal.

If either party to an appeal to the Mining Appeal Court, where the amount claimed or value of the property in dispute exceeded £50, is dissatisfied with the direction of the Court on a point of law, or upon the admission or rejection of any evidence, he may appeal to the Supreme Court. If the amount claimed or involved is not less than £500, either party may appeal on any grounds.

The person appealing must give notice to the other party, or his attorney, and give security for costs or deposit with the Registrar of the Mining Appeal Court the amount of the judgment, together with £30 to answer the costs of the appeal.

* If the defendant cannot, after diligent inquiry, be found, application should be made to the Warden, when the summons is returnable, for an order for substituted service.

SECTION VIII.—OTHER ACTS RELATING TO MINING.

Crown Lands Act of 1884.

Mining by Owner of Freehold.

If it is found that land alienated under the Crown Lands Act of 1884, or any Act repealed thereby, contains any mineral, and such land has been alienated subject to the minerals being reserved to the Crown, the Governor may permit the owner of such land to remove such mineral upon payment of such royalty and upon such conditions as may be prescribed. (S. 7.)

Application for a permit to remove minerals must be made to the Secretary for Mines. The royalty payable on coal is 6d. per ton for large coal and 3d. per ton for small coal. (R. 327.)

Improvement Purchases on Gold or Mineral Fields.

The owner of improvements, in authorised occupation by residence under any Mining Act in force, of land within a proclaimed gold or mineral field may apply to the Secretary for Lands for purchase of such land. The price will be fixed by the Local Land Board at a sum not being less than £2 10s. for any area, or at the rate of £8 per acre for town lands and £2 10s. per acre for suburban and other lands. Such price will be exclusive of improvements. The area which may be so purchased is limited to a quarter of an acre within the boundaries of a town or village, or 2 acres outside such boundaries. (S. 46, as amended by s. 16, Mining Act, 1906.)

Crown Lands Act of 1889.

Residential Leases.

The Governor, on the recommendation of the Warden, may grant a lease for a period not exceeding fifteen years of an area not exceeding 20 acres of Crown land within a gold or mineral field, to the holder of a miner's right for the purpose of *bona fide* residence. (S. 48, as amended.)

Application for residential lease should be made to the Land Agent of the Land District in which the lands applied for are situated. Provisional rent at the rate of 1s. per acre must be lodged with the application, together with a deposit of £1, and a survey fee of £3 10s. for any area not exceeding 10 acres, and 2s. per acre for every additional acre or fraction of an acre. (*R. 227.*)

Mines Inspection Act, 1901.

This Act makes provision for the regulation and inspection of mines other than coal and shale mines, and for regulating the treatment of the products of such mines. It deals with the examination and certification of mine managers and engine-drivers, wages, employment, inspection and management of mines, drainage, accidents, lead-poisoning, and general and special rules to be observed at mines.

Mines Inspection Amendment Act of 1904.

This Act provides for the appointment and payment of a check-weighman and check clerk, and for weighing mineral gotten in certain cases.

Coal Mines Regulation Act, 1902.

This Act provides for the regulation and inspection of mines of coal and mines of shale, the examination and certification of mine managers and under managers, employment, wages, accidents, and general and special rules to be observed at such mines.

Coal Mines Regulation (Amending) Act, 1905.

This Act provides for the examination and certification of engine-drivers employed on winding-engines at coal or shale mines.

NOTE.—Applications from persons desiring to present themselves for examination under the Mines Inspection and Coal Mines Regulation Acts should be addressed to "The Under Secretary for Mines, Sydney."

Companies Act, 1899.

Mining companies may be registered as either "Limited" or "No-liability" companies under the Companies Act, 1899. All applications for registration and correspondence should be addressed to "The Registrar of Joint-Stock Companies, Registrar-General's Department, Sydney."

SECTION IX.—MISCELLANEOUS INFORMATION.

Financial Aid to Prospectors.

Prospectors desirous of obtaining assistance for the work of sinking, driving, &c., to prove and open up the mineral resources of this State should write to "The Under Secretary for Mines, Sydney," setting out the locality of their site, and the work they propose to enter on. They will then be required to furnish certain particulars on a form which will be forwarded to them. The Inspector of Mines will be instructed to visit the site, when his duties next take him to the district, and after inspection he will supply a report for the guidance of the Prospecting Board. Should the Board, after considering the Inspector's report, recommend the granting of assistance, it will, if approved by the Minister, be allotted at specified rates per foot. Such rates will in no case exceed more than half the cost of the work, and may be fixed at such less sum as the Board regard as representing a reasonable contribution towards the cost of the work.

Assistance *cannot* be allowed—

- (a) In a lump sum, whether for machinery, plant, tools, wages, travelling expenses, or fares.
- (b) For the purpose of developing or exploiting any known *payable* deposit, or for ventilating or unwatering mines.
- (c) For work at a higher level than that already attained on the site, or, in the immediate vicinity of the site, on the line of reef or lead proposed to be tested.

- (d) For a site adjoining a payable mine, or within half a mile of a payable mine if on the same line of reef, lode, or lead.
- (e) For a site adjoining a claim, to prospect which advances have already been made from the Prospecting Vote, or for a site situated on the same line of reef or lead and distant less than half a mile from a subsidised claim then at work.
- (f) For work which would benefit the applicant only, and would not be in the interests of the public generally.

When assistance is allotted for sinking, the stipulation is invariably made that the shaft must follow the reef, and be 6 ft. x 3 ft. clear of the timber. The Board do not favour the granting of assistance for sinking from surface, and applicants are generally required to prove their *bona fides* by carrying out a certain amount of work unassisted. Recipients of assistance from the Prospecting Vote have first to execute an agreement, which provides that should they succeed in obtaining mineral in payable quantity, or so improve their monetary position by sales or other transactions in connection with their mine, the amount of aid received shall be refunded by them.

Reward for the Discovery of New Mineral Fields.

The sum of £500 will be paid to any person or persons who shall first discover a new reefing or alluvial gold or tin field, or a new deposit of silver, copper, diamonds, or precious opal, provided—

1. That the site of the discovery be distant not less than 10 miles from the nearest mine in which similar payable mineral has been or is being obtained.
2. That such discovery be made known to the Minister for Mines within what he shall deem to be a reasonable time after such discovery.

3. That it be proved to the satisfaction of the Minister that, within six (6) months after he has been notified of such discovery, not fewer than three hundred (300) miners have been profitably employed in mining upon such field or deposit.

In the event of the Minister being satisfied that at the expiration of twelve (12) months after he has been notified of such discovery not less than five hundred (500) miners have been profitably employed in mining upon such new field or deposit, the discoverer or discoverers shall be entitled to claim a further sum of £500.

The Minister shall be the sole judge as to any matter in dispute in regard to an application for reward.

Any prospector to whom assistance has been allotted from the Prospecting Vote shall not be entitled to claim under this notice of reward if, in the opinion of the Prospecting Board, such discovery has been made as the result of the aid granted.

List of Maps on Sale at the Department of Mines.

Geological Maps.

Title.	Price.
Large Geological Map of New South Wales (two sheets)	s. d. 5 0
Geological Map of the Kiama District	1 6
,, Sydney District	1 0
,, Hartley-Bowenfels District, and Wallerawang and Rydal District	2 0
,, Forest Reefs	1 0
,, Vegetable Creek (by Pro- fessor David)	5 0

Mining Maps (Lithographs).

Title.	Price.
Map of New South Wales, showing the Mining Divisions	s. d. 1 0
„ Bathurst Mining District	1 0
„ New England District	1 0
„ Peel and Uralla District (Sheet 1)... .. .	1 0
„ Mining Districts of New South Wales (Sheets 1 to 8)1s. each sheet
„ Lake Macquarie	1 0
Sketch Map of the Country East of Wyalong	1 0
„ „ North of Wyalong	1 0
Map of the Newcastle District, showing the Colliery Holdings (in four Sheets)	5s. per sheet
Map of the Newcastle District, mounted together as one map	25 0
Map of the Newcastle District, mounted together as one map, on rollers and varnished	£2
Map of the Newcastle District, with the Colliery Holdings tinted in distinctive colours, extra... .. .	12 0

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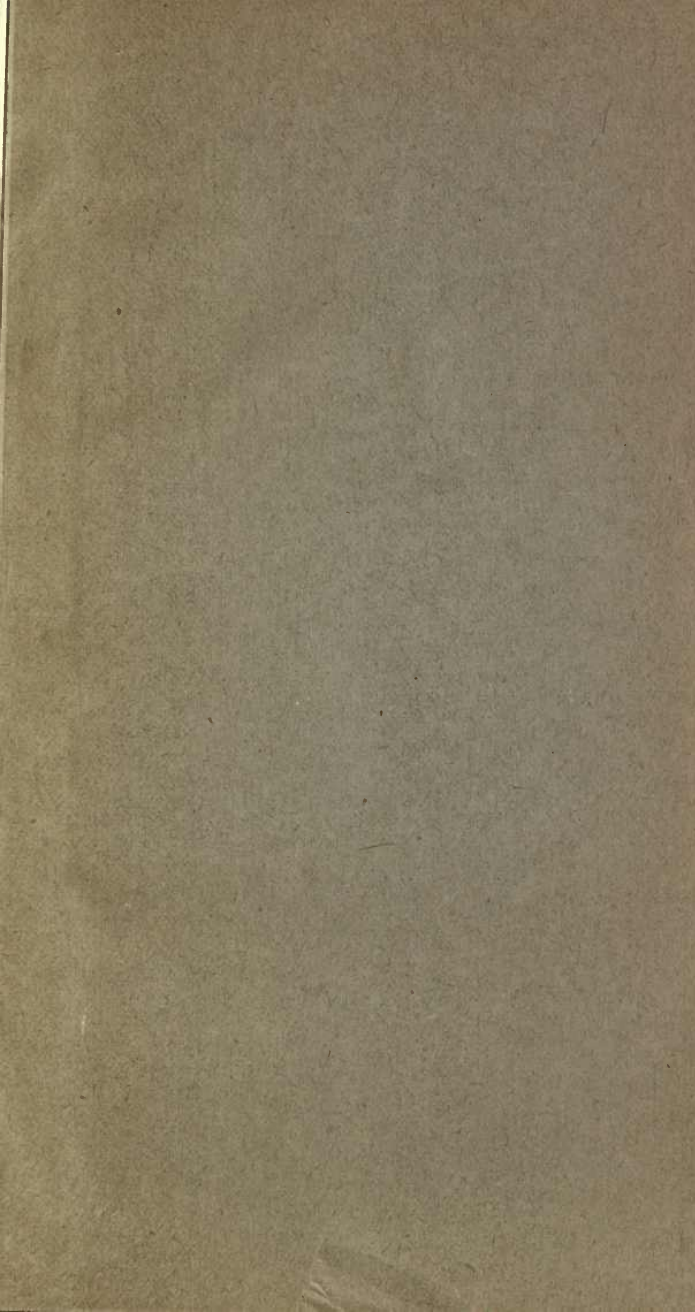
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The Mineral Resources of New South Wales (E. F. Pittman)	7 6	0 10
The Copper Mining Industry, and the Distribution of Copper Ores in New South Wales (J. E. Carne)	2 6	0 7.
Geology of the Hunter River Coal-field (T. W. E. David)	21 0	—
The Kerosene Shale Deposits of New South Wales (J. E. Carne)... .. .	12 6	1 6
The Geology of the Broken Hill Lode and Barrier Ranges Mineral Field (J. B. Jaquet)	10 6	0 10
The Iron Ore Deposits of New South Wales (J. B. Jaquet)	10 6	1 0
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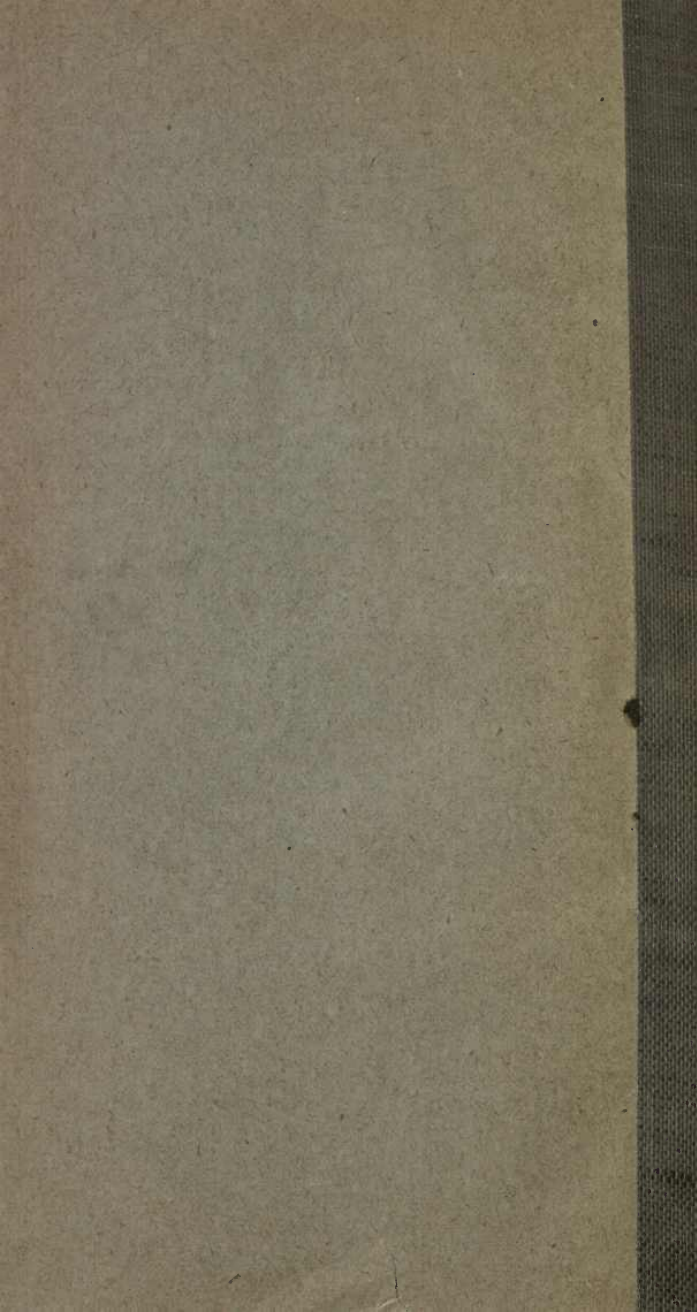
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Report on the Yalwal Goldfield (E. C. Andrews)	2 0	0 2
Report on the Kiandra Lead (E. C. Andrews)	2 0	0 2
The Mining Act, 1906	2 6	0 2
Regulations under the Mining Act, 1906	1 0	0 1
The Mines Inspection Act, 1901 ...	1 0	0 2
The Coal Mines Regulation Act, 1902...	1 0	0 2
Miners' Accident Relief Act, with Regulations	1 0	0 1

Parish maps may be inspected at the Office of the Mining Registrar for the district, and at the Inquiry Office, Department of Mines, Sydney.

Particulars respecting holdings under miner's right or business license should be obtained from the local Mining Registrar.

Information respecting mining leases, areas available for mining, and mining matters generally, may be obtained on application by letter to "The Under Secretary for Mines, Sydney," or personally at the Inquiry Office, Department of Mines, Lands Office building, Gresham-street, Sydney.





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