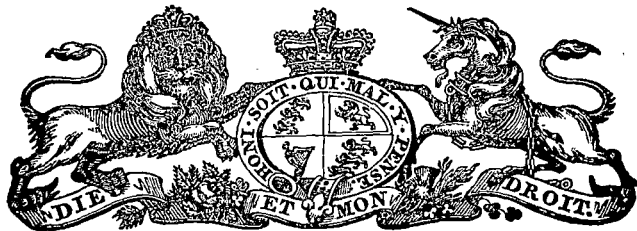


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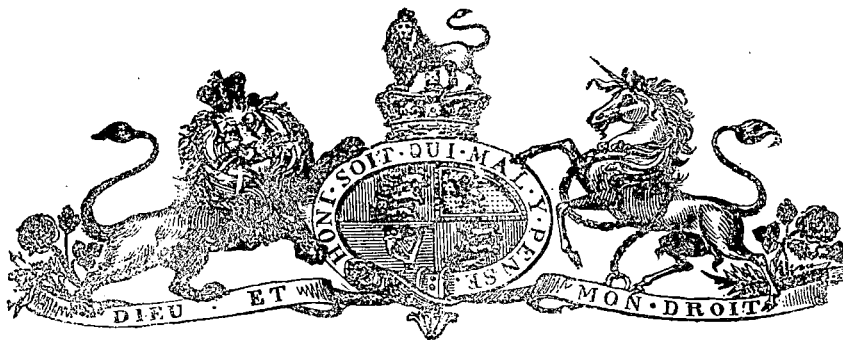
T A S M A N I A.

HOUSE OF ASSEMBLY.

**GOLD FIELDS REGULATION ACT, 1870.**

## REGULATIONS.

Laid upon the Table by the Minister of Lands, and ordered by the House to be printed, July 17, 1878.



## REGULATIONS UNDER THE "GOLD FIELDS REGULATION ACT, 1870," 34, VICTORIA, No. 6.

By virtue of *The Gold Fields Regulation Act, 1870*, His Excellency the Governor, by and with the advice of the Executive Council, doth make the Regulations following:—

**1** The term "Miner" used in these Regulations shall mean the holder of a miner's right. The term "Claim" shall mean the portion of land which each person or company is entitled to occupy, or to occupy and mine in, under any miner's right, licence, or lease issued under the provisions of *The Gold Fields Regulation Act, 1870*.

Mining Regulations.

Interpretation.

**2** The Governor in Council may appoint a Mining Registrar for the Colony or for any District or division of the Colony; and it shall be the duty of the Mining Registrar to receive applications for claims under miners' rights or under business licences; to enter in a proper book, to be by him kept for the purpose, such applications under the date and hour of the day on which such applications shall be made; to give the applicant or applicants a certificate of such applications; to make registration in a proper book or books, to be by him kept for the purpose, of such claims and transfers of such claims or interests therein; to keep a record of claims and water-rights held in reserve; to furnish, when required, copies under his hand of any documents, or of any entry in any book in his custody.

Duties of Mining Registrars.

**3** The fees which shall and may be demanded and received by the Mining Registrars for or in respect of duties performed under these regulations shall be such and such only as are prescribed in the Schedule No. 1. Each Registrar shall enter in a proper book, to be by him kept for the purpose, an account of all fees received by him, and shall apply or dispose of the fees so received by him in such manner as the Governor in Council shall from time to time direct. The fees hereby authorised shall be paid before or at any time of performing the duty in respect of which they shall be payable, and the Registrar to whom such fees shall be payable shall be responsible for the collection of such fees.

Fees and payment of.

**4** The miner's right shall be in the form in the Schedule No. 2, and may be obtained upon application to a Commissioner, or Mining Registrar, or other person appointed by the Minister of Lands and Works for this purpose, upon payment of a fee of Five Shillings; and no person shall be the holder of more than one miner's right except as hereinafter provided, and every miner shall produce his miner's right upon demand to any Commissioner or other person duly authorised by any Commissioner in that behalf.

Miners' Rights.

**5** Business licences shall be in the form contained in the Schedule No. 3, and may be obtained on application to a Commissioner or a Mining Registrar on payment of a fee of Five Pounds.

Business Licences.

### *Prospectors' Rights.*

**6** Any Miner or party of Miners prospecting for an auriferous quartz reef or alluvial deposit of gold at a place distant not less than 10 miles from any previously known auriferous quartz reef or alluvial deposit of gold, shall be entitled to such area of ground, not exceeding 50 acres, as the Commissioner deems requisite for the purposes of protection; and such protection shall hold good, provided ground is being actually prospected, for a period not exceeding Six months against all persons until a discovery has been made and reported to the Commissioner and a Claim laid off by the prospectors. And such protection may be renewed by the Commissioner at his discretion for a further period not exceeding Six months.

Prospecting for gold, protection area.

## Prospect claims.

**7** Any Miner or party of Miners prospecting for and discovering any auriferous quartz reef shall be allowed a prospector's Claim of 300 yards along the reef; and any Miner or party of Miners prospecting for and discovering an alluvial deposit of gold shall be allowed a prospector's Claim of five acres, provided that the discovery is made known to the Commissioner, without unnecessary delay, and that it is distant not less than ten miles from any claim previously marked upon any known reef or alluvial deposit as the case may be; and such claim shall be subject to the regulations applying to ordinary claims for mining purposes, except that it shall not be liable to forfeiture for non-performance of work until the Commissioner shall have received from the owner the report of his discovery, and a reasonable time in the opinion of the Commissioner shall have elapsed, taking into consideration the situation of the ground and the other circumstances connected therewith, to enable the owner to commence mining operations.

*Ordinary Claims under Miners' Rights for Mining purposes.*

## Definition of claims.

**8** A single claim shall be such a parcel of land as may by virtue of one Miner's right be held for mining purposes under these regulations, and a united claim be any number of such parcels of land, not exceeding ten, as shall have been taken possession of conjointly, or any number of such parcels of land, not exceeding ten, as shall have been amalgamated; and for the purpose of this regulation claims shall be divided into two classes, namely, alluvial and quartz.

## Extent of alluvial claims.

## Form of alluvial claims.

## Extent of quartz claims.

**9** The extent of alluvial ground which one miner's right shall entitle the holder thereof to take possession of and occupy as a claim for the purpose of mining for gold shall be one quarter of an acre, and such claim shall, where practicable, be in the form of a rectangular parallelogram, and the length not greater than three times the width. The extent of a quartz claim which may be held under one miner's right shall not exceed 20 yards in length on the supposed course of the reef, by a width not exceeding 100 yards on each side of such course. All quartz claims shall, where practicable, be in the form of a rectangular parallelogram.

## Claims how taken possession of.

**10** Possession may be taken by any miner or miners of a single or united claim, by fixing in the ground firmly at each corner of the Claim a post not less than three inches in diameter, and projecting above the surface not less than three feet; cutting at each corner of such Claim a trench not less than six inches deep, and six feet along each line, and in timbered or scrubby land marking the boundary lines so as to be clearly visible; and such holder shall, during his occupancy of such Claim, keep the posts so fixed, and such marks so visible as aforesaid: Provided that a space of not less than six feet shall be left between each Claim.

Owner of alluvial claim entitled to quartz.  
Owner of quartz claim not entitled to all alluvial.

**11** The owner or owners of an alluvial claim shall be entitled to all quartz reefs, veins, and leaders, and other deposits of gold within the area of such claim. The owner or owners of a quartz claim in which alluvial deposits of gold are found to exist shall be entitled to select the prescribed area for an alluvial claim, and the Commissioner may permit the remaining portion to be taken possession of and mined: Provided the persons so permitted to mine shall not interfere with or obstruct the working of the reef.

## Claims to be worked.

## Forfeiture.

**12** Within forty-eight hours after taking possession of any claim, the owner or owners thereof shall proceed to work upon such claim by themselves, or their agents, or servants, according to the usual practice of efficient mining: Provided that if the working of the claim shall not be commenced, or having been commenced, shall not be continued as herein required for a period of forty-eight hours without good and sufficient excuse, such claim, not being a registered claim, shall thereupon be forfeited and may be taken possession of in the same manner as ground which had not previously been held or occupied under Miners' Rights; and if such claim is a registered claim the same shall be forfeitable and dealt with in manner hereinafter provided.

## Registration of claims.

**13** The owner or owners of a claim may apply to the Mining Registrar in the form in the Schedule No. 4, for registration thereof, and the Mining Registrar shall receive such application and shall register the same in a proper register book to be kept for the purpose; and shall instruct a Surveyor to survey and make a plan of the claim, and furnish a description thereof.

## Registrar to post notice of intention to register.

**14** Upon receipt of the plan and description from the Surveyor, the Mining Registrar shall post a notice outside his office in the form in the Schedule No. 5, stating that he intends on a certain day, to be named in such notice, not less than seven clear days from the date thereof, to make registration of such claim, unless any objection thereto shall be made.

## Registrar to make registration.

**15** If no objection shall be made during the period specified, the Mining Registrar shall make registration of the claim upon the register of the application, and shall insert therein a full description thereof.

## Objections.

**16** Any person objecting to the registration of a claim shall, during the period specified in the notice aforesaid, give notice in writing to the Mining Registrar, specifying

the grounds of his objection, and the Mining Registrar shall not make registration of such claim until the Commissioner shall have enquired into such objection and directed such registration to be made.

**17** As soon as the registration of any claim (single or united) shall have been completed, the Mining Registrar shall issue to the person, or to the whole of the persons in whose favour such claim shall have been registered, a certificate or certificates in the form in the Schedule No. 6, and every such certificate shall describe fully and accurately the claim to which it relates, and if there be in such claim more than one share or interest, the number of the share or interest to which such certificate relates. Certificate of registration.

**18** The holder or holders of any registered claim under miners' rights may admit any miner to a share in such claim, provided application be made to the Mining Registrar, who shall thereupon register such miner as the holder of such share. Every person who shall be registered as the holder under a miner's right of a single share in any united claim, shall be deemed to be the holder of a share in such united claim. Shareholder may be admitted.

**19** Any number of adjoining registered claims (single or united) not exceeding ten single claims in number may by the Mining Registrar, by amalgamation, be united as one claim, and may include the spaces previously allowed for walls. Claims may be amalgamated.

**20** Upon the application of the holders of such number of adjoining claims (single or united) made in the form in the Schedule No. 7, and signed by the persons interested therein, the Mining Registrar shall forthwith amalgamate such claims as one claim, and shall record such amalgamation upon the register relating to such claims, under the proper date, and shall issue to the holders of such claim a certificate in the form in the Schedule No. 8: Provided always, that in the event of the holders of an united claim agreeing amongst themselves to divide such claim, each such division shall be registered by the Mining Registrar upon application signed by the persons holding such claim, in the manner provided by these regulations for the registration of such claims. Mode of amalgamating claims.

**21** When any person or persons holding a registered claim (single or united) require to suspend operations thereon, such person or persons, or some person duly authorised in his or their behalf, may apply to the Commissioner for permission for such claim to be held in reserve and unworked for any period not exceeding one month, and the Commissioner is hereby authorised, if he think fit, to grant the same; and it shall be the duty of such person or persons to cause notice to be posted on some conspicuous part of the claim to which it relates during the term of the protection; and at the expiration of such term such protection may be renewed for a further term of one month, the proceedings to be had in the case of renewal being in every respect similar to the proceedings to be had as aforesaid in obtaining protection in the first instance; and such claim shall, during the time of such protection, be exempt from forfeiture for non-performance of work. Commissioner may grant protection.

**22** The events upon which a share in a registered claim shall be forfeitable shall be as follows:—The non-performance by any shareholder of his proper share of work according to the rules or practice of the company holding or of his copartners in the claim; the non-payment by any shareholder of all lawful calls made upon his share or shares; and the company or copartners, or some other person duly authorised by the company or copartners, may enforce forfeiture; and such company, copartners, or person, shall respectively have priority of right to be put into possession of such share or shares, and may hold the same under their existing miners' rights, anything to the contrary herein notwithstanding: Provided always, that the Commissioner may for the first offence inflict by way of fine, in lieu of forfeiture, a penalty not exceeding Twenty Pounds. Events in which shares shall be forfeitable.

**23** When any registered claim or any share therein shall be forfeitable, any miner or miners may take proceedings to obtain adjudication of forfeiture, and to obtain possession of such forfeited claim or share therein, and the person or persons who shall first take proceedings in that behalf shall (subject to any right of priority in any other person or persons in certain cases in the regulations hereinbefore mentioned) be first entitled to enforce such forfeiture: Provided always, that the Commissioner may for the first offence inflict, by way of fine instead of forfeiture, a penalty not exceeding Twenty Pounds. Possession of a forfeited claim or share therein.

**24** When an order shall be made by the Commissioner directing that any certain person or persons shall be put into possession of a forfeited claim, share, or interest, such person or persons shall deliver to the Mining Registrar a certified copy of such order, which shall be by such Registrar filed, and upon production of the miner's right or miners' rights of such person or persons the Registrar shall forthwith register him or them for the claim, share, or interest referred to in such order in lieu of the person or persons who shall have forfeited the said claim, share, or interest. Registration for forfeited claim or share.

**25** Ground which, having been occupied or held under miners' rights as a registered claim, shall have been unworked (except when held under protection) for a period of Deserted and abandoned ground.

three months, shall be deemed to be and shall be treated as ground absolutely deserted and abandoned, and may be taken possession of in the same manner as ground which had not previously been held or occupied.

**Transfers.**

**26** The registered holder or holders of any claim, share, or interest may, in the form in the Schedule No. 9, assign or transfer such claim, share, or interest, or any portion thereof or interest therein, to any other person or persons being the holder of a miner's right or miners' rights sufficient to hold such claim, share, or interest; provided that every such transfer shall be signed by the parties thereto in the presence of some person or persons who shall attest the signatures to such transfer; and upon the completion of such transfer and delivery to the Registrar of the certificate or transfer under which such claim, share, or interest shall have been held, the Registrar shall record upon the register relating to the claim, share, or interest so transferred the date on which such transfer shall have been made, and the name of the transferee, together with such other particulars relating to such transfer as to such Registrar shall appear necessary, and shall issue to the transferee a duplicate of the transfer. The Registrar shall retain and file the certificate or transfer delivered to him as aforesaid; and in the event of the transferor having transferred only a portion of the interest held by him under such certificate or transfer, the Registrar shall issue to the transferor a certificate in the form in the Schedule No. 10, describing accurately the interest retained by the said transferor.

*Residence Areas and Business Areas.*

**Residence areas.**

**27** Claims occupied under and by virtue of a miner's right for the purposes of residence shall be called residence areas; and shall, where practicable, be in the form of a rectangular parallelogram, and shall not exceed one-fourth of an acre, and may have a frontage along any road or street of such extent as the Commissioner shall approve; and no person shall hold more than one such area.

**Extent of business area.**

**28** Claims occupied under a business licence shall be called business areas, and shall, where practicable, be in the form of a rectangular parallelogram, and shall not exceed one-fourth of an acre, and may have a frontage along any road or street of such extent as the Commissioner shall approve; and any person may hold one such area under each business licence held by him.

**Penalty for conducting business without licence.**

**29** Any person not being the holder of a business licence, who occupies waste lands of the Crown upon or at any gold-field, and carries on any business, shall incur a penalty not exceeding Ten Pounds for each day on which such person so carries on business.

**Possession, registration, &c. of residence and business areas.**

**30** The several provisions contained in these regulations regulating the taking possession, registration, and transfer of claims for mining purposes shall be held and taken to apply to residence and business areas so far as they can be so applied: Provided that the owner of a residence or business area shall, within fourteen days after the date of marking off, take possession of and occupy such area, for the purpose of residence or business, as the case may be.

**Forfeiture of residence or business area.**

**31** Any registered residence or business area which shall have been unoccupied for a period of three months shall be forfeited; and any person being the holder of a miner's right or business licence, as the case may be, who shall have obtained from the Commissioner an order giving him possession of such residence or business area, shall be entitled to be registered as the owner thereof, and upon production to the Mining Registrar of the miner's right or business licence, as the case may be, and the order, as aforesaid, the Registrar shall forthwith register such person accordingly: Provided always, that it shall be competent for the Commissioner before whom application for possession shall be made to inflict by way of fine, in lieu of forfeiture, a penalty not exceeding Twenty Pounds.

*Water-rights.*

**Taking possession of water-rights.**

**32** Any person intending to divert and use water for mining purposes, and to cut or construct a race, dam, or reservoir, shall give notice in writing to the Registrar of the district in which the source or sources from which the water is to be taken and in which the claim or claims to which the water is to be conveyed shall be severally situated; and every such notice shall be in the form contained in the Schedule No. 11, and shall set forth the name or names (if any) of the river, creek, or other source from which the water is to be obtained, particularising with sufficient accuracy the point in such river, creek, or other source from whence the water is to be diverted, the quantity of water in sluice-heads required, the number of dams (if any) in which such water is to be stored, and their situation, the length of the race and its intended course; and every such notice shall also contain the name or names of the applicant or applicants and the number and date of each miner's right; and the Registrar shall on receipt of such notice record it in a book to be kept for that purpose.

**33** The Registrar shall, upon receipt of such notice, instruct a Surveyor to make a survey of the water-right therein described, and to furnish a plan and report of the same, and upon receipt of such plan and report he shall post at his office a notice in the form in the Schedule No. 12, stating that he intends on a certain day to be named in such notice, not less than fourteen clear days from the date thereof, to make registration of such water-right, unless an objection shall be entered as hereinafter provided, and if no such objection shall be entered he shall make registration accordingly upon the face of the record of the notice specified in the preceding regulation. Survey and registration.

**34** Any person objecting to the registration of a water-right shall give notice within the period specified in the foregoing Regulation to the Mining Registrar, specifying the grounds thereof; and the Registrar shall not make registration of such water-right until the Commissioner shall have investigated such objection and ordered such registration to be made. Objections.

**35** Any person or persons finally registered for any water-right shall not be limited in the use thereof to the claim for which such right was originally registered, but may use the same for mining purposes upon any other claim: Provided always that when any such person or persons require to extend their race or watercourse beyond the point for which he or they were originally registered, they shall do so in accordance with the provisions of the regulations numbered respectively 32 and 33. Extension, &c. of races.

**36** Any person or persons diverting or using water for mining purposes shall use a gauge or measurement to be called a "sluice-head," which sluice-head shall hold or represent such a quantity of water as shall pass through an aperture sixteen inches wide and one inch deep, with a pressure not exceeding six inches, and every person diverting and using such water as aforesaid shall cause a gate or hatch to be placed at the head of the race or at the source from which the water used by him or them is taken, and shall pay to the Mining Registrar the sum of one pound per annum in advance for each sluice-head: Provided always, that in cases where water is obtained from several sources the Commissioner may direct gates or hatches to be placed in each race or stream as near as possible to the head, and also below the point of confluence from all the sources from which the water conveyed in the main race is obtained. Measurement of water.

**37** The quantity of water to which any person or persons holding a miner's right or miners' rights shall be entitled shall be as follows:—For sluicing purposes, for every three men employed, one sluice-head: for puddling with horse power, for every horsepower employed one-half of a sluice-head; for puddling with steam power, any quantity not exceeding two sluice-heads; for pumping or crushing with water-wheel, any quantity not exceeding two sluice-heads; for crushing purposes, for every stamp-head employed, one-eighth of a sluice-head; for steam-engine, in addition to the above quantities, such quantity as shall be *bonâ fide* required to supply such engine; for the motive power, any quantity of water may be used as motive power for crushing, puddling, or other machinery when such water is not required for general mining or washing purposes: Provided that any water-right shall be liable to forfeiture, and may by the Commissioner be declared forfeited, if after the expiration of six months from the registration thereof the holder or holders thereof shall not have the specified machinery in connection therewith erected and at work. Quantity of water allowed.

**38** Any person or persons occupying a race for the conveyance of water for mining purposes shall be entitled to a width not exceeding ten feet on each side of the race, measuring from the centre: Provided always, that where the depth of a cutting exceeds eight feet, or where a tunnel is used, the width shall not exceed twenty feet on each side of the race, measuring from the centre; and in the event of any objection being made by any person holding any claim through which such water-race passes, the Commissioner shall decide what width shall be allowed. Width of ground for protection of race.

**39** No person or persons shall shift the head or heads of his or their race, or do any other act or thing so as to interfere with the rights of any other person or persons, or to diminish the supply of water to which such last-mentioned person or persons shall be entitled. Heads of races not to be shifted.

**40** Holders of water-rights who shall take or divert water from a common source shall take precedence in respect thereof in the order in which they shall have been registered for the same; and if at any time the water becomes insufficient to supply all the persons registered in respect of the same, the person or persons lastly registered shall forego their right during such deficiency of water, as against persons previously registered; but in the event of there being at any time any surplus water, any person or persons may construct a dam or dams for the purpose of conserving such surplus water, and such last-mentioned person or persons shall be entitled to use the water so conserved. Order of priority of rights.

Water shall not run to waste.

**41** No person or persons holding water-rights under these regulations shall allow any water to run to waste, but such water shall be appropriated to the use of the next holder or holders of any right in respect of such water according to the date of their respective registration.

Water-rights may be held in reserve or forfeited.

**42** When any person or persons holding a water-right or water-rights shall not have a sufficient supply of water to enable him or them to carry on mining operations efficiently, or when from any other good cause the person or persons is or are compelled to suspend operations, the Commissioner may at his discretion permit such water-right or water-rights to be held in reserve and unworked for any period not exceeding three months; and if the work be not resumed in connection with the water-right or water-rights immediately after the expiration of the period of such protection, or if at any time operations shall be suspended upon or in connection with any water-right for a period of one month, such right shall be forfeitable, and may be taken possession of by any other person or persons who shall have applied to and obtained from the Commissioner an order in that behalf, and such last-mentioned person or persons shall, on production of such order to the Mining Registrar, be registered as the owner or owners of the water-right so forfeited.

#### *Machinery Areas.*

Sites for machinery.

**43** Any miner may, with the permission of the Commissioner, take possession of and occupy as a site upon which to erect machinery for mining purposes any extent of crown land not exceeding three acres, and such claim shall be called a machinery area and shall be registered, and the several provisions in these Regulations contained relating to registered claims for mining purposes shall in all particulars apply to machinery areas. Provided always, that the Commissioner shall be empowered to grant protection in writing for any period he thinks fit. Provided also, that no person shall mine in or upon any machinery area held by him without the consent in writing of the Commissioner.

Provisions in Regulations to apply.  
Protection.

#### *Leases.*

Rent.

**44** The rent of all lands leased shall, subject to Regulation 59, be at the rate of One Pound per acre per annum.

Extent of Lease.

**45** The extent of the area in any lease, except in special cases by the permission of the Minister of Lands and Works, shall not exceed five acres if containing gold in alluvial deposit, and in the case of a quartz reef shall not exceed ten acres; and the claim shall, where practicable, be in the form of a rectangular parallelogram, and the length not greater than twice the width.

Commissioner may refuse to lease alluvial.

**46** The Commissioner may refuse to receive any application for a lease of land which he has reason to believe contains gold in alluvial deposit, and thereupon such land shall be dealt with as if such application had not been made. Provided that if it shall subsequently be decided to lease such land, the person who made such application shall have a preferential right to renew his application.

Application for lease.

**47** Any person desirous of holding a claim under lease shall proceed as follows:—

1. Mark off the land by erecting a post not less than three inches in diameter and three feet above the ground at each angle, with a notice with the words "Applied for Lease," his name, the area, and the date legibly written or printed thereon, and a similar notice at some conspicuous place on the land: such posts and notice to be kept in their places until the termination of proceedings under these regulations.
2. Address to the Minister of Lands and Works, and leave with the Commissioner the application in the form in the Schedule No. 13.
3. Insert in the *Gazette* an advertisement in the form in the Schedule No. 14.
4. Post similar notices at the office of the Commissioner, and at the Post Office nearest to the land, if there shall be one within ten miles.

And these several provisions shall be complied with within fourteen days from the date of marking off the land, or as soon thereafter as practicable.

Deposit.

**48** Every applicant shall deposit with his application a sum equal to one year's rent of the land applied for, and such sum, or any part thereof, may be appropriated by the Commissioner in payment of the expenses incurred by any person in establishing an objection; and in the event of no objection being established, such sum shall pass to the credit of the applicant in payment of the first year's rent: Provided that if the application shall be refused, such sum, or any available portion thereof, shall be returned to the applicant; or if the applicant abandons his application, or fails to comply with Regulation 55, the sum shall be forfeited.

49 On the receipt by the Commissioner of the application, he shall direct a surveyor to survey and make a plan of the land, and to report, in writing, on all matters on which the Commissioner shall require him to report, among which shall be included an inquiry as to whether the posts have been erected and the notice placed on the land in compliance with Regulation 47, or in any and what respect not complied with, and under what circumstances: Provided that if the survey shall not be made after the expiration of three months from the lodging of the application, the applicant, or any person objecting to the application as hereinafter provided, may employ any authorised surveyor to effect the same. The surveyor shall give not less than seven clear days' notice to the applicant of his intention to proceed to the survey.

Official survey.

50 Immediately after the expiration of one month after survey, if no objection has been made, the Commissioner shall transmit to the Minister of Lands and Works the application and all writings relating thereto, and his report and observations thereon.

Commissioner to transmit applications and report.

51 Any person objecting to the issue of a lease shall, at any time after the receipt by the Commissioner of the application, and before the expiration of one month after the survey has been made, lodge with the Commissioner his objection in writing, stating the grounds thereof, and pay at the same time the fee of Five Pounds, which amount or any part thereof the Commissioner may appropriate to the payment of the costs and expenses incurred by the applicant; and any portion of such sum unappropriated shall be returned to the person objecting.

Objections.

52 Upon receipt of any notice of objection the Commissioner shall proceed to hear and determine the same; and if such objection shall be established he shall reject the application, or make such order in reference thereto as the circumstances of the case shall require. If the objection shall not be established, he shall forthwith transmit the application to the Minister, with his report and observations thereon.

Commissioner to hear objections.

53 The Minister of Lands and Works will submit the application with all the particulars and materials aforesaid to the Governor in Council, who will refuse such application or grant the same as he shall see fit: Provided that in granting such application it shall be lawful for the Governor in Council to determine whether the whole or what part of the land shall be included in such lease and to define the same accordingly, and also to alter as he sees fit any of the other terms proposed in the application.

Minister to submit application to Governor.

54 If the Governor in Council shall refuse to grant a lease the Minister shall publish a notice of such refusal in the *Gazette*, and shall, one week before the publication of such notice, intimate such fact to the applicant.

Lease refused to be gazetted.

55 If the Governor in Council shall determine to grant a lease of the land or any part thereof, the Commissioner shall, upon notice appearing in the *Gazette*, as required by the 18th Section of the Act, call upon the applicant to pay the year's rent if the sum deposited with the application shall not be available for that purpose, together with the sum of One Pound and Ten Shillings as a fee for the preparation of the lease and the stamp duty thereon; and if the applicant shall not pay such sums within sixty days after the same shall have been demanded, the lease shall not be prepared and the application shall be cancelled.

If lease granted Commissioner to demand fees.

56 The lease to be issued by the Governor in Council to the applicant shall be in the form and to the effect, and shall contain the reservations, covenants, and provisos set out in Schedule No. 13, or with such modifications and additions as the circumstances of the case may require or as the Governor in Council may think proper.

Form of lease.

57 Any person being the holder of a lease under *The Gold Fields Regulation Act, 1870*, may at any time before the expiration of such lease apply for a renewal thereof, and such application shall be made and dealt with in the manner herein provided for making and dealing with applications for leases. Provided that such additional rent shall be paid in respect of such renewed lease as the Governor in Council shall in any case determine.

Renewal of lease and rent.

58 Any person may apply for a lease for the purpose of mining under any reserve for a road, tramroad, or for residence, or business areas, or for public or other purposes; and such applications shall be made and dealt with in the manner herein provided for making and dealing with applications for leases: provided that the lease when granted shall contain a provision restraining the lessee from mining within fifty feet of the surface, or such greater depth as shall be approved by the Governor in Council: and provided that this regulation shall not apply to any street, road, or highway mentioned in Section 24 of *The Gold Fields Regulation Act, 1870*.

Mining under reserves.

59 The minimum number of men to be employed by lessees shall be as follows:— For the first six months of the lease, if quartz, one man for every two acres; if alluvial,

Number of men to be employed.



one man for every acre; and for the remainder of the term one man for every acre, if quartz, and one man for every quarter of an acre if alluvial. Provided that where steam or water power is employed each horse-power of machinery and each horse employed in draught or in driving machinery shall be computed as equal to one man.

Amalgamation of claims.

**60** Commissioner may from time to time grant permission to work as one claim two or more adjoining areas of land held under lease; provided it be established to his satisfaction that it is necessary for the more efficient working of such claims, and that the same number of men are employed as would be required under the conditions of each separate lease.

Applicant may withdraw his application.

**61** Any applicant may at any time withdraw his application by giving notice to the Commissioner that he so withdraws, and thereupon the application shall be cancelled.

Substitution of other names in application.

Insertion of names of joint applicants.

**62** Any applicant may at any time before the preparation of the lease upon application to the Commissioner, and upon payment of a fee of One Pound, transfer his interest in his application to any other person or persons, or may at any time as aforesaid upon application to the Commissioner, but without payment of any fee, insert in the application the name of any other person as a joint applicant, and the Commissioner shall thereupon make such transfer or insertion upon the face of the application.

Lessee may transfer lease.

**63** Any lessee under *The Gold Fields Regulation Act, 1870*, may, upon payment of a fee of One Pound, transfer or assign his interest in the lease to any other person, provided notice thereof in writing signed by both parties be given to the Minister of Lands and Works.

Person moving cancelling of lease to have preferential right to ground.

**64** Whenever any lease held under *The Gold Fields Regulation Act, 1870*, shall be declared void, or the lessee shall be lawfully expelled or removed from the claim held thereunder, at the instance or upon the application of any person, such person shall have a preferential right to take up the land comprised within the area of such lease, or such part thereof as the Regulations shall permit.

#### *Miscellaneous Regulations.*

Commissioner may authorise water-races, roads, &c.

**65** The Commissioner may by writing under his hand authorise any person being the holder of a claim to enter on any other claim and to make or cause to be made through, over, along, or across any part or parts thereof all such water-races, tail-races, drains, dams, sluice-heads, reservoirs, tramways, roads and other works as shall be necessary to enable such person to mine the claim held by him, and also to keep the same in proper repair and condition, and also to deposit all soil, stones, and substances which may be dug up or removed in executing any such works.

Compensation how assessed.

**66** Any person duly authorised to make through, over, along, or across any claim any water-race, tail-race, drain, dam, sluice-head, reservoir, tramway, road or other work, shall compensate the holder of such claim for any injury thereto. And for the purpose of determining the amount of such compensation the person authorised to make such work shall, before entering upon such work, give notice in writing to the holder of the claim, requiring him to nominate and appoint some person as his arbitrator to act in conjunction with an arbitrator in such notice named by him. If after the expiration of Fourteen days from the date of the receipt of such notice the holder of such claim shall fail to appoint some person who will act on his behalf, then the arbitrator who may have been nominated and appointed by the person authorised to make such work shall act alone on behalf of both parties. When both parties appoint an arbitrator and such arbitrators are unable to agree as to the amount of compensation to be paid, they shall appoint a third person as umpire. The decision of any arbitrator acting alone or the decision of any two shall be final and conclusive, and shall be given in writing to the Commissioner under his or their hand or hands as the case may be.

Commissioner to reserve roads, footpaths, &c.

Penalty for obstructing.

**67** The Commissioner shall have the power of reserving any roadway or footpath not exceeding 20 feet in width required for the general convenience of miners, through, over, or across any claim held under miners' rights, and of causing the same to be marked; and any person who obstructs or injures such roadway or footpath shall forfeit and pay a penalty not exceeding Ten Pounds.

Entry of Surveyor, &c. upon claims, &c.

**68** The Commissioner shall have power to authorise in writing the entry of any Surveyor or other person into and upon any claim for the purpose of measuring the depth of any shaft, or the dip, direction, inclination, or length of any tunnel or drive, or obtaining other necessary information in connection with such claim.

Claims in excess may be taken by another person.

**69** If any person or persons shall mark off a claim larger than the regulations allow the excess may be taken possession of by any person. Provided, that if any shaft or works come within the area so taken the person taking it shall pay compensation to the

original holder or holders, to be assessed by the Commissioner or any person or persons deputed by him, in writing, for that purpose.

**70** No registered claim shall be forfeited through the neglect or by the act of any hired miner or contractor, if, after seven days' notice in writing of such neglect or act to the owner or his agent, such claim be worked or otherwise dealt with in accordance with these Regulations.

Claims not forfeited through neglect of servant, &c.

**71** Any person or persons shall be at liberty to hold possession of any quartz, stone, or other substance containing gold that may have been raised, stacked, or stored by him or them, or of which he or they may be the owner or owners: Provided that the same shall not have been stored on any ground occupied by any other person, and unless such quartz, stone, or other substance as aforesaid shall be stacked or stored upon a claim in the occupation of such person or persons, owner or owners, he or they shall give notice to the Registrar of the District in which the same shall be stacked or stored of his or their having stacked or stored such quartz, stone, or other substance, and the Registrar shall thereupon register the title of the person or persons to such quartz, stone, or other substance; and such registration shall be made for any period not exceeding twelve calendar months, and the owner or owners shall cause a notice of such registration to be legibly written or painted on a board or metal plate which shall be posted and kept posted upon the stack or store; and no person or persons shall remove any quartz, stone, or other substance stacked or stored, and registered in accordance with this section of this regulation, without the consent of the registered owner or owners of the same; but should such owner neglect or fail to give notice and obtain registration as aforesaid, or otherwise fail to comply with the provisions of this section, or neglect or fail to remove the same within the period of twelve months as aforesaid, such quartz, stone, or other substance, unless stacked or stored upon a claim or claims in the possession of the owner or owners thereof, shall be deemed to be forfeited and abandoned, and may be taken possession of by any other person or persons who shall have lawfully taken possession of the ground upon which such quartz, stone, or other substance may have been stacked or stored.

Auriferous earth or quartz may be stacked, &c.

**72** When the term of a miner's right, under which a person holds any registered claim, shall have expired, and such person shall have obtained a new miner's right, he may, upon production of both the old and new miners' rights, require the Registrar of the District in which such claim may be situated to substitute in the register of the claim aforesaid the number and date of the new miner's right for the number and date of the old one, and such registration shall be effected free of charge: Provided that no claim, share, or interest held under a miner's right under these Regulations shall be liable to forfeiture for the reason that the holder thereof has not, between the first and thirty-first days of January inclusive, in any year, obtained a new miner's right.

Registration of new miner's right.

Claims not forfeitable in January in absence of new miner's right.

**73** No person or persons shall cause or permit sludge or tailings to flow from his or their claims, or to accumulate so as to cause injury to any public road, or to any claim, drive, water-race, dam, puddling-machine, or other machinery belonging to any other person, or displace, deface, injure, or destroy, or in any way interfere with any notice, notice-board, post, peg, trench, or reference mark, made or used by any person or persons making any survey, or doing any act proper to be done, or holding any privilege under these regulations.

Accumulation of sludge, &c. not allowed.

Defacing notices, &c.

**74** If any person shall, in carrying on mining, sink any shaft or excavate any kind of hole within a distance of ten feet of any road, footpath, or track, in ordinary use, such person shall cause the same to be sufficiently barricaded or fenced in, or otherwise secured to prevent accident.

Shafts, &c. near roads to be secured to prevent accidents.

**75** Every person occupying or holding a claim or residing upon any gold-field shall make such arrangements for the prevention of nuisance and for the observance of decency, and adopt such sanitary measures generally as the Commissioner may from time to time approve of and order.

Nuisances, &c.

**76** Every claim holder or person in charge of the workings of any claim shall, when called upon by the Mining Registrar for the District in which such claim is situate, furnish full and accurate information as to the working of such claim, the number of men employed, &c., to enable the Commissioner to ascertain if the provisions of these Regulations are being complied with, and shall also when called upon by the Mining Registrar furnish such returns of operations on the claim and the results thereof as shall be authorised by the Commissioner.

Claim-holders to furnish information.

**77** Any person who wilfully permits any stake, post, notice or other thing indicating occupation by him of a claim, or of ground held under application for lease, to remain on any land on any gold-field, when in fact he has not taken the further steps prescribed by these regulations to secure such claim, shall forfeit and pay a fine not exceeding Five Pounds.

Persons to remove stakes, notices, &c. not authorised on ground.

Penalty for non-compliance with Regulations.

78 Any person who infringes by any act of omission or commission any provision in these regulations, or any person who shall neglect or refuse to comply with any notice or order of the Commissioner lawfully made under *The Gold Fields Regulation Act, 1870*, or these or any Regulations made thereunder, shall for every such offence forfeit and pay a fine not exceeding (except as otherwise specially provided) Twenty Pounds.

Calculation of "days."

79 The calculation of "days" for doing any act shall be exclusive of Sundays, Good Friday, Christmas Day, and any general or public holiday.

Title not to be injured by neglect of officer.

80 The title to any claim holder shall not be damaged or vitiated by reason of the non-performance within the prescribed time of any act, matter, or thing required by these regulations to be done by the holder of such claim, if such holder can prove that the non-performance as aforesaid was caused by the neglect or default of any mining officer.

Questions and disputes.

81 All questions and disputes arising under these Regulations shall be heard and determined by the Commissioner, who shall make such order as he sees fit in reference thereto.

Repeal of existing Regulations.

82 All previously existing Regulations made by the Governor in Council are hereby revoked, saving that all claims acquired under such Regulations and now subsisting shall be deemed to be held under such Regulations; and these Regulations shall commence and take effect on the Tenth day of April, 1878.

SCHEDULES.

(1.)

SCALE of Fees payable to Mining Registrars.

	£	s.	d.
Registration of application for claim under miners' rights (single) .....	0	2	6
Ditto (united) .....	0	5	0
Registration of claim under miners' rights (single) .....	0	2	6
Ditto (united) .....	0	5	0
Registration of admission of a shareholder .....	0	1	0
Registration of division of a claim, per division .....	0	1	0
Registration of amalgamation .....	0	5	0
Registration of forfeited claim (single) .....	0	2	6
Ditto (united) .....	0	5	0
Registration of transfer (single claim) .....	0	2	6
Ditto (united) .....	0	5	0
Registration of quartz stacked .....	0	5	0
Registration of application for water right .....	0	2	6
Registration of water right .....	0	5	0
For certified copy of registration, per 100 words or figures .....	0	1	6
For copies of documents, &c., per 100 words or figures .....	0	1	6
All certificates not above mentioned .....	0	1	0
For inspection of records (each) .....	0	1	0

Ordinary Lands.      Thickly wooded.

	£	s.	d.	£	s.	d.
For survey fees,—						
Under 2 acres .....	1	5	0	1	12	0
2 acres and under 10 .....	2	0	0	2	10	0
10 acres and under 20 .....	2	17	0	3	12	0
20 acres and under 30 .....	3	10	0	4	8	0
30 acres and under 40 .....	4	0	0	5	0	0
40 acres and under 50 .....	4	10	0	5	13	0
Water races, &c. per chain .....	0	1	0	0	1	3
Plan and report, &c. by surveyor where actual survey is unnecessary .....	1	1	0			

(2.)

Tasmania.

No. \_\_\_\_\_



FEE 5s.

(Place) \_\_\_\_\_

(Date) \_\_\_\_\_

## MINER'S RIGHT.

ISSUED to \_\_\_\_\_

under the provisions of The Gold Fields Regulation Act, 1870. (34 Vict. No. 6.)

To be in force until 31st December, 18 \_\_\_\_\_

NOT TRANSFERABLE.

Commissioner.

The person holding this Miner's Right shall produce it to the Commissioner, or other person duly authorised by him, if required to do so.

(3.)

Tasmania.

No. \_\_\_\_\_



FEE £5.

(Place) \_\_\_\_\_

(Date) \_\_\_\_\_

## BUSINESS LICENCE.

ISSUED to \_\_\_\_\_

under the provisions of The Gold Fields Regulation Act, 1870, (34 Vict. No. 6.)

To be in force until \_\_\_\_\_

NOT TRANSFERABLE.

Commissioner.

(4.)

## FORM OF APPLICATION TO REGISTER CLAIM.

the undersigned, hereby apply to the Mining Registrar for registration  
of a claim held by \_\_\_\_\_ and situate \_\_\_\_\_  
Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_

Names.	Address of Applicant.	No. of Miners' Rights.	Date of Miners' Rights.

(5.)

## NOTICE OF INTENTION TO REGISTER.

Notice is hereby given, that application having been made to me to register a claim containing \_\_\_\_\_ and situate \_\_\_\_\_  
that I shall on the \_\_\_\_\_ make such registration unless on or before  
that day a notice of objection is given to me.

Dated this \_\_\_\_\_

day of \_\_\_\_\_

18 \_\_\_\_\_

Mining Registrar.

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(6.)

CERTIFICATE OF REGISTRATION.

This is to certify that I have this day registered  
of as the holder of a numbered in a  
claim situated at  
Given under my hand at this day of  
Mining Registrar.

(7.)

APPLICATION FOR AMALGAMATION OF CLAIMS.

We, the undersigned, being the registered holders of , the day of and situated  
hereby request the Mining Registrar of the District of  
to amalgamate the claims aforesaid as one claim.  
Signatures. Miners' Rights.  
Number. Date.

(8.)

CERTIFICATE OF AMALGAMATION.

This is to certify that I have this day of  
amalgamated as one claim the under-mentioned claims, that is to say  
Given under my hand at this day of  
Mining Registrar.

(9.)

FORM OF TRANSFER.

I, of for valuable consideration, do hereby  
transfer to of my numbered in  
situated subject to all and singular the terms and conditions under which the said  
has been held by me; and I, of do hereby accept of  
the said subject to the terms and conditions aforesaid.  
Dated at this day of  
Transferror  
Transferee  
Witness--

(10.)

FORM OF CERTIFICATE.

This is to certify that of is the holder of a  
numbered in a situated  
Given under my hand this day of  
Mining Registrar.

(11.)

NOTICE AND APPLICATION FOR WATER RIGHT.

The undersigned hereby give notice that it is intention to take and divert from  
such water to sluice-heads of water, and to cut a race for the purpose of leading  
purpose of storing such water. and to construct at for the  
or thereabouts, and the course of the race will be or thereabouts.  
Dated at this day of

Names.	Address of Applicant.	No. of Miner's Right.	Date of Miner's Right.

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(12.)

NOTICE OF INTENTION TO REGISTER WATER-RIGHT.

Notice is hereby given that application has been made for a Water-right, a plan and description of which may be seen in this Office; and unless an objection to the registration of such Water-right shall have been previously served upon me, I shall, on the day of , make registration of such Water-right.

Dated at this day of

Mining Registrar.

(13.)

To the Honorable  
[Name of the Minister.]

[Place and date.]

Sir,  
I [or we], hereby apply for a Lease under *The Gold Fields Regulation Act*, the particulars of which are hereunder set forth; and I [or we] agree that I [or we] will execute such Lease upon the basis therein stated, as the Governor shall think fit to grant.

I [or we] have the honor to be,  
Sir,

Your obedient Servant,  
[Signature.]

Name in full of Applicant or Applicants.	Full Address of each Applicant.	Extent of Ground applied for.	Term (not to exceed Ten Years.)	Name of each Person who, if any, is occupying the Land applied for.	Precise Locality.	Whether the Boundaries of the Land applied for will include any River, Creek, deposit of permanent Water, Spring, or artificial Reservoir, Public Road, or subject to any and what Rights (not of Occupiers).	General Remarks.

(14.)

NOTICE OF APPLICATION FOR GOLD-MINING LEASE.

I [or we], the undersigned, hereby give notice that on the day of application 187 , I [or we] did leave with the Commissioner of the District of for a Gold Mining Lease, the particulars whereof are hereunder set forth:—  
(Sign here.)

Name in full of each applicant, with the full address of each.

Extent of ground applied for, and whether alluvial or quartz reef.

Precise locality of the ground.

Term required.

Whether the boundaries of the land applied for will include any river, creek, deposit of permanent water, spring, artificial reservoir, public roads, or subject to any public rights.

General remarks.

Date and place.

(15.)

## FORM OF LEASE.

THIS DEED OF LEASE, made the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, by the authority of His Excellency the Governor in Council, between the Commissioner of Crown Lands of the one part and \_\_\_\_\_ (hereinafter called the lessee) of the other part, WITNESSETH, that, in consideration of the rents, reservations, covenants, provisoes, and agreements hereinafter contained on the part of the said lessee to be paid, observed, and performed, the Commissioner of Crown Lands DOETH by these presents DEMISE and LEASE unto the said lessee ALL that piece or parcel of land particularly described in the first Schedule hereto and as the same is delineated in the map or plan hereon endorsed and surrounded by a red boundary line; TOGETHER with full and free liberty for the said lessee to do all things and erect all machinery, buildings, and works which may be necessary for winning, working, and obtaining the gold therein contained: EXCEPT and always reserved unto the said Commissioner, or any person by him in that behalf appointed by writing under his hand, full and free liberty at all proper and seasonable times during the continuance of this demise, with or without assistants, to enter into and upon the land hereby demised and all mines, works, and buildings thereon, in order to view and examine the condition thereof, and for that purpose to make use of any of the roads, ways, machinery, and works belonging to the said land, mines, and premises; AND ALSO to use or make and use any drifts, levels, shafts, watercourses, adits, or passages being in or upon any part of the premises hereby demised or the surface thereof, for the purpose of freeing any other land or mines whatsoever from water, or for conducting water for the use of any such last-mentioned land or mines, or the machinery or works connected therewith, or for supplying the same with good fresh air; AND ALSO full and free liberty at all times during the continuance of the demise to make any level, drift, shaft, adit, watercourses, railroads, and other roads or ways in, through, or upon any parts of the premises hereby demised or the surface thereof, for effectually winning or working any other adjoining or neighbouring mines or for any public purpose whatsoever, causing thereby nevertheless as little as possible obstruction or injury to any of the levels, drifts, shafts, adits, watercourses, roads, or ways and works belonging to the said land, mines, and premises hereby demised and in actual use: AND EXCEPT and always reserved unto Her Majesty all such parts and so much of the land hereby demised as may be required for making public ways in, over, and through the same, to be set out by the Governor or some person by him authorised in that respect; AND ALSO all stone, gravel, indigenous timber, and other materials the natural produce of the said land, which may be required at any time or times hereafter for the construction or repair of any public ways, bridges, fences, embankments, dams, sewers, or drains necessary for the same, together with the right of taking and removing all such materials, and of full and free ingress, egress, and regress into, out of, and upon the said land for the several purposes aforesaid: TO HAVE AND TO HOLD the said land, mines, gold, and all and singular other the premises hereinbefore mentioned or referred to and hereby demised, with their appurtenances (except as aforesaid) unto the said lessee from the day of the date hereof, for and during the full term of \_\_\_\_\_ years next ensuing, and fully to be complete and ended to the intent that the same shall be used for gold-mining operations: YIELDING AND PAYING therefor yearly and every year during the term hereby demised the yearly rental of \_\_\_\_\_ pounds, by equal yearly payments of \_\_\_\_\_

each to be made in advance, the first payment to be on the day of the date hereof, and all such payments to be free and clear of and from all rates, taxes, and assessments now or which may hereafter be imposed upon and in respect of the land and premises hereby demised, and from all other charges and deductions whatsoever, subject nevertheless to the restrictions, conditions, covenants, and provisoes herein and hereby made, expressed, and referred to: AND THE SAID LESSEE HEREBY COVENANTS with and to the Commissioner of Crown Lands in manner following, that is to say, that the said Lessee shall and will pay the rent hereby reserved upon the days and times hereinbefore appointed for the payment thereof free and clear as aforesaid, according to the true intent and meaning of these presents: AND ALSO shall and will at all times during the continuance of this demise prepare and keep correct and proper plans or sections of all the workings and of the actual condition of the mines and premises hereby demised, such plans to be upon such scale and in accordance with such directions as the Commissioner of the District or other Officer authorised or appointed by the Governor in that behalf shall from time to time direct, and shall deliver annually during the said term a true copy of such plans or sections to the Commissioner of the District or other Officer for the use of the Government of this Colony: AND ALSO shall and will supply annually during the said term to the proper Officer who may be authorised or appointed by the Governor in that behalf such returns, particulars, and statistics of the operations to be carried on upon the said land and the results thereof as he may from time to time in that behalf require accompanied with a Statutory Declaration of the truth and correctness thereof: AND ALSO that he the said Lessee his agents, workmen, and servants shall and will during the continuance of this demise work and carry on mining operations on the said land, mines, and premises in a fair, orderly, skilful, and workmanlike manner: AND ALSO shall and will employ in the construction of the works or in mining operations on or under the said land during the first \_\_\_\_\_ months of the said term and during the usual hours of labour, \_\_\_\_\_ able and competent workmen and miners at the least, and during the remainder of the said term not less than \_\_\_\_\_ such miners and workmen, unless prevented by inevitable accident or during the execution of repairs: AND ALSO that it shall be lawful for the Commissioner of the District or any Officer appointed by the Governor in that behalf at all proper and seasonable times during the continuance of this demise, and whether the said mining operations shall be in progress or not, without any interruption or disturbance from the said lessee, or his agents, workmen, or servants, to enter into and upon the said mines, works, and premises hereby demised, or any part thereof, to view and examine the state and condition thereof, and whether the said mines be worked in a proper, skilful, and workmanlike manner, and for such purposes to make use of the roads, ways, machinery or works belonging to the said mines and premises: AND ALSO that the said lessee or his miners, workmen, or

servants, shall not, nor will, carry on mining operations on the said land, mines, and premises hereby demised out of, or beyond, the limits and boundaries mentioned in the first Schedule hereto: AND shall and will pump out the water from h mines on the said land at all reasonable times, or contribute, or pay rateably with adjoining occupiers or lessees of Crown Land for the time being, a fair proportion of water charges for keeping their works free from water, or shall and will pay to meet the loss or expense incurred by the Government, or by such lessees as aforesaid, or the adjacent or neighbouring miners, if any, such proportionate rate to be determined or assessed by the Commissioner of the District or other authorised Officer on his own view, or upon such evidence as may appear to him sufficient, and to be recoverable by distress of the goods, chattels, gold and ore of the lessee being upon the said land to be levied upon warrant under the hand of the Commissioner of the District, or other authorised Officer: AND ALSO shall and will make adequate provision for the deposit of the refuse or rubbish from the mining operations so as not to injure any watercourses, nor to obstruct roads or thoroughfares used, or which may be used, by the public, or by adjoining or adjacent miners, nor to occasion public inconvenience thereby, and also shall and will make such arrangements for the prevention of nuisance, and for the observance of decency, and adopt such sanitary measures generally, as the Governor shall from time to time approve of or require: AND ALSO shall and will erect and keep erected posts not less than Three feet in height above the ground at the north and south midway points and angles of the land hereby demised, and cut angular and midway trenches: AND ALSO shall and will build and keep in good repair a sufficient and substantial wall or fence around all the shafts which may at any time during the said term be open in any part of the said demised premises or elsewhere for the purposes of this demise so to lessen the liability to accident, and further effectually to prevent all access thereto by cattle: AND shall and will fill up with earth or waste heaps, or effectually and substantially shut up and enclose all shafts which shall be closed or allowed to go out of repair with the consent in writing of the Commissioner of the District, or other Officer authorised in that behalf: AND ALSO shall and will at all times during the continuance of the said demise keep and preserve the said mines and premises from all unnecessary injury and damage, and also the levels, drifts, shafts, water-courses, erections, and other conveniences, roads and ways constructed for mining purposes, in good order, repair, and condition except such of the said works as shall from time to time be certified by the Commissioner of the District or other proper Officer to be unnecessary for the further working of the said mine or for any purposes connected with the working of any other mines; AND in such state and condition shall and will at the end or other sooner determination of the said term DELIVER PEACEABLE POSSESSION thereof, and of all and singular the premises hereby demised, to the Commissioner of Crown Lands, or to the Commissioner of the District, or other Officer authorised to receive possession thereof: AND FURTHER shall and will likewise observe, perform, fulfil, and keep the further conditions, covenants and provisoes, if any, set forth and contained in the second Schedule hereto: AND ALSO shall not, nor will, cut or use any timber growing upon the said land, except for the purposes of the mining operations hereby contemplated, or for the domestic purposes of those engaged or employed thereon, and shall not nor will use the land hereby demised for any other than the said mining purposes, or the depasturage of cattle used in connection therewith, or the formation and cultivation of gardens and garden produce for the use of those so engaged or employed as aforesaid, but not for the purposes of sale or barter: PROVIDED ALSO, and it is hereby expressly declared and agreed, that if mining operations upon the said demised premises shall, without the permission in writing of the Commissioner of the District, cease to be carried on in a *bona fide* manner for the space of Six months, or if the said lessee shall at any time during the continuance of this demise refuse or neglect to observe or perform all or any of the conditions, covenants, and provisoes hereinbefore on h part contained or referred to, then and in such case the said term hereby granted shall cease, determine, and be void, anything herein contained to the contrary thereof in any wise notwithstanding; and a notice under the hand of the Commissioner of Crown Lands published in the *Gazette* to the effect that such lease has been forfeited shall be conclusive evidence of such forfeiture: AND it shall be lawful for the Commissioner of Crown Lands by himself, or any person or persons authorised by him in writing in that behalf, to enter forthwith into and upon the said demised premises, without any demand whatsoever, and the said lessee and all persons claiming under h for ever to expel and remove therefrom without any legal process whatsoever and as effectually as any Sheriff might do in case judgment in ejectment had been obtained for recovery of possession thereof, and a writ of *habere facias possessionem* or other process had issued on such judgment directed to such Sheriff in due form of law, and that in case of such entry and any action being brought or other proceedings taken for the same by any person whomsoever the defendants action may plead leave and licence in bar thereof; and these presents shall be conclusive evidence of the leave and licence of the said lessee, and all persons claiming under h, to the Commissioner of Crown Lands and all persons acting therein by his authority for the entry or trespasses or other matters to be complained of in such action or other proceeding: AND it is lastly hereby agreed and declared that all and singular the conditions, covenants, provisoes, and agreements contained in these presents shall be taken to be made with, and shall apply and extend to, the lessee and h executors, administrators, and assigns.

In witness whereof the Commissioner of Crown Lands and the said Lessee have hereunto set their hands and seals the day and year first herein written.

(L.S.)

(L.S.)



FIRST SCHEDULE ABOVE REFERRED TO.

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*[Here insert description of land demised.]*

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SECOND SCHEDULE ABOVE REFERRED TO.

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*[Here introduce any special provisions.]*

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