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*Mines Act 1928 (No. 3737).*

BY-LAWS RESCINDED AND BY-LAWS  
SUBSTITUTED.

*Mines Act 1928 (No. 3737).*

## BY-LAWS RESCINDED AND BY-LAWS SUBSTITUTED.

*At the Executive Council Chamber, Melbourne, the fourth day of February, 1931.*

### PRESENT:

His Excellency the Governor of Victoria.

Mr. Tunnecliffe

Mr. Lemmon

Mr. Webber.

**H**IS Excellency the Governor of Victoria, by and with the advice of the Executive Council thereof, and pursuant to the provisions of the *Mines Act 1928* (No. 3737), doth hereby rescind the By-laws heretofore in force published in the *Government Gazette* of the thirteenth day of November, 1916, pages 4333 to 4356, and doth make the By-laws following in lieu thereof (that is to say):—

### BY-LAW No. 1.—REVOCATION.

From and after the date at which these By-laws shall come into operation, the By-laws published in the *Government Gazette* of the 13th day of November, 1916, shall be, and the same, are hereby revoked. No existing right, interest, privilege, liability, or obligation shall be affected by the revocation of the By-law under which such right, interest, privilege, liability, or obligation is occupied or enjoyed, or shall have been incurred.

### BY-LAW No. 2.—INTERPRETATION.

*Agent.*—Any act required to be done under these By-laws shall be held to have been properly done if performed by any person or his agent.

*"Bottom"* means the bedrock immediately under a lead or auriferous deposit.

*"Bottomed"* means the depth necessary to have a shaft sunk for the purpose of working or mining a lead.

*"Claim"* means a parcel of Crown land as may, in accordance with the provisions hereof, or of the *Mines Act 1928*, be taken possession of for mining purposes by or for a holder of a miner's right;

or by or for any number of persons, each being a holder of a miner's right, acting in conjunction;

or any number of such parcels, as shall be lawfully amalgamated;

or any divided portion or subdivision of a claim which shall have been transferred from a holder to another person.

For the purposes of fixing and defining the dimensions thereof and fixing the position of the boundaries with respect to any reef or lead, claims shall be divided into 3 classes, namely, quartz claims, alluvial claims, and mineral claims.

*Computation of Time.*—When the time for doing any act hereunder is less than eight days, Sunday, Christmas Day, Good Friday, and any gazetted public holiday shall be excluded.

When the day for doing any act hereunder falls upon any of the last-mentioned days, such act may be performed on the next following day.

1624.

*"Constantly Employed"* means employment during ordinary working hours.

*"Court"* means a Court of competent jurisdiction.

*"Crown Land"* includes all lands of the Crown, also all lands entered upon, marked out, or taken possession of, held, occupied, worked, or used under and by virtue of a miner's right, and the provisions of Part 2 of the *Mines Act 1928*.

*"Depth of sinking"* means the depth to which it shall be necessary to sink a shaft for the purpose of working or mining a lead or of reaching the bedrock immediately under the lead.

*"Division"* means a division or sub-division into which a mining district shall have been or may hereafter be divided.

*"Earth"* includes any rock, stone quartz, clay, sand, soil, and mineral.

*"Easement"* includes a means of ingress, egress, and regress through, over, and above the land the subject thereof.

*"Forms."*—The forms prescribed hereunder shall be used with such modifications as may be required.

*"Gold"* signifies as well as gold any earth containing gold or having gold mixed in the substance thereof, or set apart for the purpose of extracting gold therefrom.

*"Lead"* means an auriferous deposit or alluvial deposit, earth, drift, or gutter containing, or supposed to contain, gold or mineral.

*"Machinery."* See *"Plant."*

*"Measurement"* of distance shall be in a straight line on the horizontal plane.

*"Mine"* includes a place, pit, shaft, drive, level, or other excavation, drift, gutter, lead, vein, lode, or reef wherein or whereby any operation for or in connexion with mining purposes is carried on upon Crown land.

*"Miner"* or *"Party"* includes a person holding a miner's right or a party of miners or a mining company, or co-partnership for mining purposes.

*"Mineral"* or *"Minerals"* means all metals other than gold and all minerals and mineral ores.

*"Miner's Right"* includes a consolidated miner's right.

*"Mining Purposes"* means the purpose of obtaining gold or mineral by any mode or method, or of stacking or otherwise storing any earth.

*"Mining Surveyor"* means a qualified Mining Surveyor.

*"Mining Tenement"* styled "tenement" in these By-laws, means a parcel of Crown land held or occupied for mining purposes; or a share, or interest therein; or any

water taken, diverted, stored, conserved, or used for or in connexion with mining purposes, or a share or interest therein; or a race, tail-race, drain, dam, channel, or reservoir held, occupied, or used for the purpose of diverting, conducting, storing or conserving water for or in connexion with mining purposes, or a share or interest therein; or a dam, reservoir, machinery site, road, tramway, channel, drain, water-course easement, privilege, or water-right held for mining purposes, or a share or interest therein; or Crown land held as a residence area or business site under a miner's right or business licence.

"*Month*" means calendar month.

"*Number and Gender*."—The singular number includes the plural, and the plural the singular; the masculine includes the feminine.

"*Old or Abandoned Ground*" means all alluvial ground the greater part of which has been mined upon or partially worked by a previous holder, and abandoned for at least 12 months.

"*Payable Gold*" means quartz, stone, earth, or other auriferous substance raised by a miner which shall pay the expense of treating the same, and also pay the miner while actually employed in raising any such substance the rate of wages in the district, and the cost of mining requisites required in such raising.

"*Plant*" or "*Machinery*" means any appliance, gear, implement, machinery, or materials used, employed, or fixed in or for raising, extracting, or treating any earth; or in or for raising, leading, conducting, or storing any water; or in or for sinking or boring in or through any earth; or in or for supporting any shaft, tunnel, gallery, adit, drive, or other underground work or excavation.

"*Prospecting*" means searching for or discovering any new vein of quartz or a lost or abandoned lead, or deposit of gold, or mineral.

"*Race*" means a channel made for the purpose of conveying water for mining or domestic purposes.

"*Registrar*" in these By-laws, or any amendment thereof, and in the forms hereby or hereafter to be prescribed, means the Mining Registrar or Deputy Mining Registrar appointed by the Governor in Council to act in and for a division of a mining district for which he shall have been appointed.

"*Sluice Head*."—A sluice head of water means one cubit foot of water per second.

"*Tail Race*" means a race cut or constructed for the purpose of diverting water for mining purposes or for running off debris or tailings, and for collecting the gold from such debris or tailings; or for the purpose of draining a claim or claims; or for carrying off water or water and tailings from a sluice or other gold washing apparatus used on or in connexion with a claim; and so much of the land on either side necessary to protect such race.

"*To Mine*" means to disturb, remove, cart, carry, wash, sift, smelt, refine, crush, or otherwise to deal with any earth by any mode or method whatsoever for the purpose of obtaining therefrom gold or mineral.

"*Warden*" means a warden of the gold-fields in and for Victoria or any portion thereof.

## BY-LAW No. 3.—CLAIMS. —GENERAL RULES.

Unless otherwise prescribed, a claim shall be taken possession of by erecting at each angle of its boundaries a post at least 3 inches in diameter and not less than 3 feet above the ground. A V-trench shall be cut 6 inches in depth and shall extend at least 3 feet from each post along each boundary line of the claim.

Where it is not practicable to comply with the above provisions, it shall be sufficient to drive an iron peg firmly in the ground at each angle of the claim.

A claim shall be registered as prescribed herein.

A claim shall be worked in accordance with these By-laws.

1. *Mode of Registration*.—An ordinary quartz claim, a quartz prospecting claim, a quartz prospecting area, a quartz tunnelling claim, an alluvial claim, a mineral claim, and a mineral prospecting claim, shall be registered in the manner following:—Within 7 days after the claim has been taken possession of in accordance with these By-laws, the applicant shall sign and lodge with the Registrar for the division in which such claim is situated an application in Form 1.

2. *Notice of Application*.—The Registrar shall, on receipt of such application, deliver to the applicant a notice in Form 2.

3. *Posting Notice*.—The applicant shall, within 7 days, post, or cause such notice to be posted on some conspicuous part of the claim applied for, and keep the same there posted for 7 consecutive days, and shall, at the time of posting such notice, indorse thereon the date and time of posting the same.

4. *Certificate of Registration*.—At the expiration of such last-mentioned 7 days, if no objection against registration has been lodged with the registrar, he shall, at the request of the applicant, register the said claim in Form 3, and shall deliver to the applicant a copy of the certificate of registration.

5. *Survey*.—Survey of a claim shall not be necessary. If, however a survey is desired, and application made to a mining surveyor, he shall, at applicant's expense, make a survey and fix the positions of the posts and trenches prescribed above.

## BY-LAW No. 4.—ORDINARY QUARTZ CLAIM.

A holder of a miner's right, or a number of persons (not exceeding 8) each being the holder of a miner's right, and acting in conjunction, may take possession of a claim on a quartz reef not exceeding 100 feet along the line, or supposed line, of reef for every such holder. Width of claim, 600 feet.

## BY-LAW No. 5.—QUARTZ PROSPECTING CLAIM.

A holder of a miner's right desiring to prospect on or for a quartz reef may take possession of a claim of 400 feet along the line or supposed line of reef. Two persons, each the holder of a miner's right, may take possession of a claim of 600 feet along the line or supposed line of reef; such claim shall not be within 1,500 feet of any other occupied quartz claim on the same line of reef. Width of claim, 600 feet.

# BY-LAW No. 6.—QUARTZ PROSPECTING AREA.

A holder of a miner's right desiring to prospect or search for auriferous quartz reefs at not less than 2 miles from the nearest occupied quartz claim may take possession of a parcel of Crown lands not more than 1,500 feet square, and provisionally occupy the same as a quartz prospecting area for a period of not more than 12 calendar months;

or until the discovery of an auriferous lode or quartz reef therein if the latter event sooner occur.

One or more men to be kept constantly employed thereon.

Such prospecting area shall not contain within its boundaries any ground in which payable alluvial gold is known to exist.

Upon the discovery of gold in payable quantities, provisional occupation shall cease.

In lieu thereof the said holder may take possession of a claim on the course of the reef 800 feet in length by 600 feet in width.

A person provisionally taking possession of a quartz prospecting area shall keep posted on some conspicuous place near to the prospecting bore, trench, shaft, drive, or cutting, a copy of the certificate of registration of such area.

No suspension of labour will be permitted during provisional occupation.

# BY-LAW No. 7.—QUARTZ, ETC., TUNNELLING CLAIM.

1. A holder of a quartz claim, quartz prospecting claim, or mineral claim, may take possession of an area of ground out and beyond the limits of his claim, for the purpose of making or using a tunnel, level or adit. Such area shall not exceed 3,000 feet in length by a width of 12 feet on each side from the centre of such tunnel, level, or adit, as also an area of 300 feet in length by a width of 120 feet at the entrance of such tunnel, level, or adit. Such area shall be held as an easement to the claim with which it is connected, and shall be taken possession of by erecting at each end of the said tunnel, level, or adit a post as prescribed under By-law 3. Such area shall not obstruct a water-course, road or thoroughfare, in general use, nor interfere with an existing right held hereunder. Such easement shall be open to quartz and alluvial mining, if such mining does not interfere with the operations in the said tunnel, level, or adit.

2. A holder of a quartz claim shall be entitled to all alluvial and other gold therein.

# BY-LAW No. 8.—ALLUVIAL CLAIM.

A holder of a miner's right, or a number of persons each the holder of a miner's right, may take possession of an alluvial claim.

There shall be—

- (a) An ordinary alluvial claim in new ground.
- (b) A claim in old or abandoned ground.
- (c) A claim in banks and bed of a river or creek.
- (d) A bank sluicing claim.

(e) An ordinary puddling and sluicing claim.

(f) An extended claim for puddling, sluicing, or cement crushing.

(g) An alluvial claim in tunnelling ground.

(h) An extended claim in old and abandoned tunnelling ground.

(i) An extended claim in deep sinking.

(j) An alluvial prospecting claim.

An alluvial claim shall, where practicable, be in a square or rectangular block. Length shall not be more than three times the width, except as otherwise provided in these By-laws.

1. *Ordinary Alluvial Claim in New Ground.*—Mining in new ground shall be divided into shallow and deep sinking.

Shallow sinking shall mean all shafts less than 40 feet in depth. The extent of ground in shallow sinking for each holder of a miner's right shall not exceed 75 feet in length by 100 feet in width.

Deep sinking shall mean all shafts exceeding 40 feet, and not exceeding 150 feet in depth.

The extent of ground in deep sinking for each holder of a miner's right shall be—

(a) Where the depth of sinking exceeds 40 feet, but does not exceed 75 feet—100 feet in length by 150 feet in width.

(b) Where the depth of sinking exceeds 75 feet, but does not exceed 100 feet, 125 feet in length by 200 feet in width.

(c) Where the depth of sinking exceeds 100 feet, but does not exceed 150 feet—200 feet in length by 250 feet in width.

2. *Claim in Old or Abandoned Ground.*—A claim may be taken possession of in old or abandoned ground not exceeding 150 feet by 150 feet for each holder of a miner's right.

3. *Claim on Bank or in Bed of River.*—A claim may be taken possession of on the bank or in the bed of a river or creek, not exceeding 150 feet in length by 300 feet in width for each holder of a miner's right.

4. *Bank Sluicing Claim.*—Possession may be taken of a bank sluicing claim—that is an alluvial claim which does not include the bed of a river or creek—not exceeding 75 feet in width by 300 feet in length for each holder of miner's right.

5. *Puddling Claim.*—A puddling claim of not more than one acre may be taken possession of in old or partially worked ground, or in new ground where the average depth from the surface does not exceed 10 feet, and where steam, horse, or water power shall be used in puddling.

6. *Extended Claim for Puddling, &c.*—A holder of a miner's right desiring to re-work auriferous alluvial ground which has been previously worked and abandoned, and where a preliminary expense of not less than £100 is necessary for timbering or machinery or for making or cutting a race may take possession of not more than 5 acres. A claim shall be liable to forfeiture unless the conditions herein be complied with within three months from the date of taking possession of such claim.

7. *Alluvial Claim in Tunnelling Ground.*—Ground where the sinking exceeds 40 feet

in depth, and principally through rock or cement, and alluvial sinking which exceeds 80 feet in depth, shall be considered tunnelling ground, and may be taken possession of and worked either by sinking or tunnelling.

Extent of claim not more than 100 feet frontage for each holder of a miner's right.

A holder of a miner's right taking possession of a claim hereunder shall mark off the extent of frontage by erecting at each end of such frontage a post as prescribed under By-law 3. He shall then properly mark the claim by erecting two rows of posts as so prescribed parallel to each other and at right angles with the supposed lead or frontage of the hill, such rows of posts to be carried to any distance not exceeding three-quarters of a mile. The posts in the said parallel lines shall be within 60 feet of each other. Each party shall run his tunnel within his own parallels. Where considerable time and expense can be saved by driving at any distance outside the parallels, a holder shall be permitted to do so, and shall mark off the ground necessary for the purpose. Such marking off shall not interfere with an existing right.

Twelve feet shall be allowed on each side from the centre of the tunnel as a protection to the same, as also an area of 300 feet in length by a width of 120 feet at the entrance of such tunnel. Such area shall be held as an easement to the claim with which it is connected, and shall be taken possession of by erecting at each end of the said tunnel a post as so prescribed. When gold has been found a holder shall mark off his claim in breadth by erecting two cross lines of posts as so prescribed, not exceeding 300 feet apart, except where the tunnel exceeds 1,000 feet in length, or where the shaft exceeds 150 feet in depth, then the cross lines shall not be more than 500 feet apart, and in each case shall be marked off at right angles with the side parallel lines.

A party may take up a claim between the same parallels after such last-mentioned marking off. The easement shall be open to quartz or alluvial mining if such mining does not interfere with the operations in the said tunnel or shaft.

8. *Extended Claim in Old and Abandoned Tunnelling Ground.*—In tunnelling ground partially worked and abandoned a claim may be taken possession of not exceeding 150 feet in frontage by a depth of 300 feet. The provisions of the preceding clause with regard to marking off shall apply.

9. *Extended Claim in Deep Sinking.*—In alluvial ground, where the depth of sinking exceeds 150 feet, a holder of a miner's right or holders of miner's rights may take possession of a claim or claims as follows:—

Where the depth of sinking		Extent of claim for each person taking possession.
Is more than—	And is not more than—	
150 feet	200 feet	2 acres
200 feet	300 feet	3 acres
300 feet	400 feet	6 acres
400 feet	..	12 acres

10. *Alluvial Prospecting Claim.*—A holder of a miner's right, prospecting for

alluvial gold deposits, may take possession of and occupy provisionally as an alluvial prospecting claim until the discovery of payable gold or until such claim has been forfeited or abandoned, as follows:—

If at a distance of 1 mile and under 3 miles from the nearest occupied alluvial claim, or from any prospecting claim at the time occupied, 600 feet by 600 feet; if 3 miles and under 10 miles, 800 feet by 800 feet, if 10 miles and upwards, 1,000 feet by 1,000 feet. A person provisionally occupying such prospecting claim shall keep posted on some conspicuous place near to the prospecting bore, shaft, drive, trench, or cutting, a copy of the certificate of registration of such prospecting claim.

Upon the discovery of payable gold within such prospecting claim, the title to provisional occupation shall cease, and in lieu thereof the holder may take possession of as an alluvial prospecting claim double the area he might hold under the ordinary provisions of these By-laws. He shall at the time of application for registration of claim leave with the Registrar a notice in writing in duplicate, containing a full description of the locality in which the discovery has been made, the nature of the workings, and the distance of such workings from the nearest occupied alluvial claim. The Registrar shall forthwith post one of such duplicate notices in a conspicuous place at his office. A prospector failing to comply with the provisions as to registration and notice shall forfeit all benefit arising from this By-law.

11. *Priority of Claims in Tunnelling Ground.*—In tunnelling under a hill on the frontage of which angles may occur, or which may be of an oblong or elliptical form, a party shall not tunnel from any of the said angles, nor from either end of such hill, so as to interfere with a party tunnelling from the main frontage of such hill. In case two or more parties tunnel from the opposite sides of the same hill, and their side or boundary lines meet or intersect, or their claims meet, the party which first takes possession of his claim by marking out shall be entitled to priority of occupation thereof. In cases of tunnelling under hills or fronts of hills, such as occur at the junction of creeks in which there may be two leads or gutters, a party shall, if required by a prior holder, take his claim on the lead or gutter nearest the side of the hill at which his tunnel commences.

12. A holder of an alluvial claim may work all quartz reefs, veins, leaders, and other deposits of gold within such claim.

#### BY-LAW No. 9.—MINERAL CLAIM.

1. *Ordinary Claim.*—A holder of a miner's right, or a number of persons each being the holder of a miner's right, and acting in conjunction, may, for the purpose of mining for any mineral, take possession of an ordinary mineral claim, of not more than 3 acres for each holder of a miner's right. Such claim shall not exceed 30 acres.

2. *Prospecting Claim.*—A holder of a miner's right may take possession of a mineral prospecting claim of not more than 5 acres, provided such claim to be at least 1 mile from the nearest occupied mineral claim.

Such claim may be provisionally occupied for not more than twelve months, or until the discovery of a payable lode or deposit within that period. Upon such discovery such occupation shall cease, and in lieu thereof the holder may take possession of an ordinary mineral claim under this By-law.

#### BY-LAW No. 10.—WATER-RIGHT, ETC.

*Definition.*—For the purposes following, a water-right means the right to cut, construct, and use a race, drain, dam, and reservoir, and to take, divert, collect, and store water.

A holder of a miner's right may, for mining purposes, cut, construct, and use a race, drain, and reservoir through and upon Crown land, and may take or divert water from a stream, lake, pool, spring, creek, or natural water-course situated on or flowing through or adjoining Crown land.

He may collect and store water falling upon and running through or over Crown land, and may use such water for mining purposes, and for his domestic purposes.

1. *Taking Possession.*—A holder of a miner's right may take possession of a water-right by placing at each end of a proposed race, and at intervals of not more than 300 feet along, or as nearly as practicable along the proposed course of the race, or at each angle of the dam or reservoir, a post as prescribed under By-law 3, and shall, within 7 days after taking possession, make application in writing to the Registrar for registration of such water-right.

2. *Application for Registration.*—Application shall be in Form 4, and shall be signed by the applicant.

A holder of a miner's right may extend his race or water-course or tail-race beyond the point for which he was originally registered, or make any alteration or deviation therein, provided that no such extension or alteration shall interfere with any registered right obtained by any other miner or miners prior to such alteration or extension. An applicant for such alteration or extension shall comply with this By-law.

3. *Notice of Application.*—The Registrar to whom application is made shall thereupon deliver to the applicant a notice in Form 5.

4. *Posting Notice and Registration.*—The applicant shall, within 7 days, post, or cause such notice to be posted on some conspicuous place on the race, drain, or reservoir applied for, and shall keep the same there posted for 7 consecutive days, and shall, at the time of posting such notice, indorse thereon the date and hour of posting the same.

At the expiration of such last-mentioned 7 days, if there be no objection lodged, the Registrar shall register the water-right, and deliver to the applicant a certificate in Form 6.

5. *Quantity of Water.*—A holder of a miner's right may use a quantity of water in any one race not exceeding—

for ordinary claims, one half sluice-head;  
for box-slucing, one sluice-head;  
for ground sluicing, two sluice-heads; and  
for hydraulic sluicing, three sluice-heads.

Where there is an excess of water at the head of a race, such holder may divert the

same, or portion thereof, if it does not interfere with the right of any other party then existing, or subsequently obtained.

6. *Water-wheel.*—A holder of a miner's right may, for mining purposes, cut a race and use one half sluice-head of water to propel a water-wheel or other machinery. Should there be an excess of water after others who may be interested therein are fully supplied, such holder may then for his mining purposes apply so much of the surplus as may be necessary.

7. *Side Stream not Claimable.*—If requested to do so in writing by a party requiring the water, the holder of a race which crosses a creek, stream, or gully shall conduct all water therein respectively either under or over the said race, so that such water shall flow in its usual course.

8. *Priority of Right.*—The superiority of water-rights shall be determined by priority of registration. If the water flowing in any river, creek, or water-course, is insufficient to supply all the water-rights derived from such river, creek or water-course, the holder of a water-right shall, immediately on the receipt of a written notice from the holder of any superior water-right in Form 7, cease to divert from, and shall make available to, the holder of the superior water-right his supply of water, or such portion thereof as shall be necessary to make up the supply of the superior water-right, and shall not resume such diversion until a supply in excess of the quantity allowed to the holder of such superior right shall be available. A holder of a water-right may not demand a supply of water at a higher level than is sufficient for his purposes.

9. *Water Left Running in Creek, &c.*—If required for mining purposes, one sluice-head of water shall at all times be allowed to flow in the natural course of a river, creek, or water-course.

10. *Wasting Water.*—No person holding a water-right hereunder shall allow any water to run to waste. Such water shall be appropriated to the use of the next holder of a right in respect of such water, according to the date of his registration.

11. *Protection During Construction of Race, &c.*—A person having registered a water-right shall be deemed to be in the use and occupation of such water-right during the time necessary to cut or construct a race or drain through which the water is to flow, or a dam or reservoir which is to contain the water.

12. *Width of Ground for Protection of Race.*—A holder of a race or tail-race for the conveyance of water for mining purposes shall be entitled to a width of 6 feet on each side of the race, measuring from the centre thereof. Where the depth of a cutting exceeds 8 feet, or where a tunnel is used, the width shall be 12 feet on each side of the race, measuring from the centre thereof.

13. *Protection to Race or Tail-race.*—A person taking up a claim shall not approach, either by sinking or driving, within 6 feet of a race or tail-race where the depth of sinking is 6 feet or under, and if over 6 feet, shall not approach nearer than 12 feet to such race or tail-race.

14. *Distance Between Races.*—A person cutting a race so close to an existing race or to the properly-defined line of an intended race in actual and bona fide course of forma-

tion as to cause drainage or any other damage, shall be responsible to the holder for such damage, which may be recovered before a Court or a Warden.

15. *Damage to Race.*—A person shall not cut or damage a race, tail-race, dam, or reservoir, or obstruct the flow of water therein, or sink or approach within 6 feet thereof where the depth of sinking is 6 feet or under, and if over 6 feet shall not sink or approach within 12 feet thereof, without having first secured the same to the satisfaction of the holder.

16. *Construction of Race across Road.*—A person constructing or using a race, tail-race, water-drain, catch-drain, or sludge-drain across any road or thoroughfare shall construct and keep in repair substantial bridges (with approaches where necessary) over such race, tail-race, water-drain, catch-drain, or sludge-drain.

17. *Race through Claim.*—A holder of a miner's right may cut and construct for mining purposes a race, tail-race, or drain through a claim of any other holder, or under, over, or across any other race, tail-race, or drain. Such first-mentioned race, tail-race, or drain shall be cut, constructed, timbered, framed and formed in such a manner as not to injure the claim, race, tail-race, or drain through, upon, under, over, or across which it may be cut, constructed, or used.

Unless with the consent of the holder a person shall not—

- (a) permit any water used on or in connexion with a claim or race to flow upon or into any other claim, race, or tail-race; or
- (b) run any tailings or sludge from a claim upon or into any other claim, race, or tail-race.

18. *Claim Flooding.*—A person shall not construct an embankment of earth or other material, the effect of which would be to flood a claim or tenement, nor wilfully or negligently back the water of a river, creek, race, or water-course into or upon a claim, or otherwise cause a claim to be flooded.

19. *Road across Race.*—A person making a new road or thoroughfare across a race, tail-race, or drain shall construct and keep in repair suitable crossings over said race, tail-race, or drain and suitable approaches thereto. Such road, thoroughfare, and crossings shall not interfere with the security of the race, tail-race, or drain.

20. *Head of Race may be Shifted.*—A race shall have a given point specified for its head. The head may be shifted, provided such shift shall not be to the injury or prejudice of any other existing water-right. If such shift be above or below the head of any other existing water-right, the consent of the holder of such other existing water-right shall be first obtained. The holder of the said race shall comply with this By-law.

21. *Extension, &c., of Race.*—A holder of a water-right shall not be limited in the use thereof to the claim for which such right was originally registered. He may for his mining purposes use the same upon any other claim. When any such holder requires to extend his race, tail-race, or drain beyond the point for which he was originally registered, he shall do so in accordance with this By-law.

22. *Catch Drain.*—A holder of a catch-drain cut and constructed for collecting and conveying water to a water-dam shall be protected in the possession thereof for a distance of not more than 1,050 feet from any such water-dam, provided such catch-drain is on the higher side of the water-dam tank.

23. *Dam not to be made near Reef.*—A race, dam, or water-hole shall not be made within 60 feet from the line of any quartz workings. The removal or alteration of a race, dam, or water-hole respectively which is proved to discharge water into underground workings may be directed by a Warden, and on payment of such sum of money as may be deemed equitable by the person benefited to the holder of the said race, dam, or water-hole. In the event of a dispute arising, the amount of such payment shall be determined by a Warden.

24. *Depriving Miner of Water.*—Unless the consent of the holder or a Warden be first obtained, a person shall not pump, take away, or damage any water which may be in an unregistered waterhole or excavation of any kind if any other miner is at work at such waterhole or excavation, and requires the water for puddling purposes.

25. *Protection of Water-right during Drought.*—A race or a water-right shall not be liable to forfeiture when, owing to drought, the supply of water is insufficient.

26. *Taking Possession of Dam Site or Reservoir.*—A holder of a miner's right intending, for mining purposes, to construct or use a dam or reservoir for conserving or storing water, may take possession of 6 acres. (A miner may work any auriferous ground therein, or prospect any portion thereof, so long as the same does not interfere with, or damage such intended dam or reservoir.)

He shall for the purpose of taking possession, fix firmly in the ground at each angle of the dam site or reservoir site a post as prescribed under By-law 3, and shall, within 7 days after taking possession, make application to the Registrar in Form 8. Each application shall be signed by the applicant.

27. *Notice of Application.*—The Registrar shall thereupon deliver to the applicant a notice in Form 9.

28. *Posting Notice and Registration.*—The applicant shall, within 7 days from the date of such last-mentioned notice, post, or cause to be posted, the said notice in some conspicuous place on such site, and shall keep the said notice there posted for 7 consecutive days, and shall at the time of posting endorse thereon the date and hour at which the same were posted. At the expiration of the said last-mentioned 7 days, if there are no objections lodged, the Registrar shall register the same, and shall deliver to the applicant a certificate in Form 10.

29. *Dam across River or Creek.*—The holder of a miner's right may, for mining purposes, but not for the storing of any water, construct a dam or reservoir across the course of a river or creek. Such dam or reservoir shall be taken possession of and registered in the manner provided under clauses 26, 27, and 28 of this By-law.

30. *Dam, &c., must be held in connexion with Mining.*—A person shall not be deemed to be in legal occupation of a dam or reservoir unless the same is held as an easement

in connexion with a claim or tenement. All legal title to such dam or reservoir shall cease when it is not so held.

31. *Water-hole or Spring for Domestic Purposes.*—A holder of a miner's right desiring to reserve a water-hole or spring for domestic purposes shall apply to the Registrar, who shall deliver to such applicant an authority in Form 11, to set apart the same, when the applicant shall erect an upright pile near the hole, crossed by two bars of wood, thus  $\perp$ . Any person defiling or polluting such water-hole or spring shall be subject to the penalty incurred for the breach of these By-laws. Any surplus water that may overflow from such reserved water-hole or spring, or any water that may be in excess of the requirements of those for whose use such water is reserved, may be registered, diverted and used for mining or other purposes.

32. *Tail-race.*—A holder of a miner's right may, in connexion with a claim held by him, take possession of a site for a tail-race necessary for his requirements, not more than 2 miles in length, by a width of 27 feet for a distance of 60 feet from the upper end of such tail-race, and a width of 12 feet for the remaining portion thereof.

33. *Taking Possession of a Tail-race.*—A tail-race shall be taken possession of in the same manner as a race under clause 1 of this By-law. The applicant for such tail-race shall, within 7 days after taking possession, make application to the Registrar in Form 12.

34. *Notice of Application.*—The Registrar to whom such application is made shall thereupon deliver to the applicant a notice in Form 13.

35. *Posting Notice and Registration.*—The said applicant shall, within 7 days from the date of such last-mentioned notice, post or cause to be posted, the said notice in some conspicuous place on the course of the tail-race, and shall keep the said notice there posted for 7 consecutive days, and shall, at the time of such posting, endorse thereon the date and hour at which the same was posted. At the expiration of the said last-mentioned 7 days, if there be no objection lodged; the Registrar shall register the same, and shall deliver to the applicant a certificate in Form 14.

36. *Tailings Dam.*—A holder of a miner's right may take possession of not more than 1 acre for a tailings dam or sludge dam, into which the tailings or sludge from his claim shall run.

37. *Registration of Tailings Dam.*—A tailings dam or sludge dam shall be taken possession of and registered in the manner provided by clauses 26, 27, and 28 of this By-law.

38. *Drain for Sludge.*—Subject to the provisions of the *Mines Act 1928*, or any Act amending the same, a holder of a sluicing claim or race shall cut a drain to carry off his tailings, sludge, or water, into some main channel. If, by neglecting to observe this provision, he injures a claim or gold workings, or does injury to the public, such holder shall be liable to the penalty incurred for breach of these By-laws.

39. *Nature of Embankment, &c.*—An embankment, dam or reservoir, shall be well and substantially built of solid earth-

work, with a by-wash to prevent the breaking of such embankment, dam, or reservoir through floods or excessive rain.

40. *Disposing of Sludge.*—A person shall not cause or permit sludge, tailings, or water to accumulate, or to flow from his claim, dam, or machine, so as to cause injury to a public or private road, footpath, or thoroughfare;

or to a claim, drive, water-race, water-dam, water-hole for domestic purposes, or old or new workings;

or to a puddling machine or other machinery;

or to a garden or place of residence held by any other person under miner's right or business licence.

#### BY-LAW No. 11.—SITE FOR MACHINERY.

1. *Area.*—As a site upon which to erect machinery, or on which machinery is already erected, for the purpose or crushing or extracting gold or mineral from any earth, or for purposes in connexion therewith, a holder of a miner's right may take possession of Crown land not more than—

(a) for steam machinery, 3 acres;

(b) for puddling machines,  $\frac{1}{2}$  acre;

(c) for horse pumps,  $\frac{1}{4}$  acre.

The length of such area shall not be more than twice its width.

2. *Taking Possession.*—An applicant shall take possession by erecting at each angle of the land a post as prescribed under By-law 3, and shall, within 7 days after taking possession, make application to the Registrar in Form 15.

3. *Notice of Application.*—The Registrar shall thereupon deliver to the applicant a notice in Form 16.

4. *Posting Notice and Registration.*—The applicant shall, within 7 days from the date of such last-mentioned notice, post, or cause to be posted, the said notice in some conspicuous place on the area marked out, and shall keep the said notice there posted for 7 consecutive days, and shall at the time of posting such notice endorse thereon the date and hour at which the same was posted. At the expiration of the said last-mentioned 7 days, if there be no objection lodged, the Registrar shall register the same, and shall deliver to the applicant a certificate in Form 17.

5. *Undermining.*—Except with the consent of the owner of the machinery, a person shall not undermine a site upon which a steam-engine or quartz-crushing or other machinery is erected. This provision shall not apply to a quartz reef below 200 feet from the surface.

6. *Location.*—A person shall not be entitled to occupy a machinery site on the supposed course of or within 225 feet of a known quartz reef or known payable auriferous land. A puddling or crushing machine shall not be placed within 25 feet from the edge of a road or crossing place in use.

#### BY-LAW No. 12.—RESIDENCE AREA AND BUSINESS SITE.

"Residence Area" means Crown land not applied to a public use or purpose on a gold-field occupied by a holder of a miner's right



for the purpose of residence, or by a holder of a business licence for the purpose of residence and carrying on business. A person shall not be entitled to occupy any such land as a "residence area"—

unless such area is for the time being registered by the Registrar or other proper officer of the mining district in which such land is situate, and unless such person is registered as the holder of such area, and the number of the miner's right or business licence, by virtue of which he is entitled to occupy such area, is also registered.

A business licence during its continuance shall entitle a holder thereof to occupy Crown land on a gold-field for the purpose of residence and carrying on his business, and for either purpose to put up a building or other erection, and at any time to remove the same.

1. *Extent of Residence Area or Business Site.*—A holder of a miner's right or business licence may take possession of a residence area on Crown land as aforesaid, and a holder of a business licence may take possession of Crown land on a gold-field for the purpose of residence and carrying on his business (styled a business site)—

- (a) In a city or town, not more than  $\frac{1}{2}$  acre, with a maximum frontage of 66 feet to any street.
- (b) In a borough, not more than  $\frac{1}{2}$  acre, with a maximum frontage of 66 feet to any street.
- (c) Outside a city, town, or borough, and within 150 feet of any road, street, or thoroughfare, existing at the time of taking possession, not more than 1 acre, with a maximum frontage of 132 feet to any such road, street, or thoroughfare.

A residence area or business site shall not be within 20 feet of a race, water-course, or tenement (other than a residence area or business site) previously occupied, unless with the written consent of the holder of the said race, water-course, or tenement.

2. *Application for and Registration.*—A person having taken possession of a residence area or business site as aforesaid, shall, within 7 days thereafter, lodge with the Registrar an application for registration in Form 18. The application shall be accompanied by a plan of the area or site of which possession is taken. The Registrar shall upon receipt of such application, deliver to the applicant a notice in Form 19. The applicant shall thereupon post, and keep posted, such notice on the ground for a period of 7 days, and shall at the time of such posting endorse upon such notice the date and hour at which the same was posted.

If no objection to such application be lodged before the expiry of the last-mentioned 7 days, the Registrar shall register the said area or site and shall issue to the applicant a certificate in Form 20. Thereafter the endorsement by the Registrar of the fact of such registration on a subsequent miner's right or business licence of the applicant shall be deemed to be a certificate of registration, and no other certificate shall be required.

3. *Building not allowed on Auriferous Ground.*—No person or party shall build a store, house, or residence, or a building of any description, on a known lead of gold or auriferous quartz reef.

#### BY-LAW No. 13.—SHARE OR INTEREST IN CLAIM.

1. *Creation.*—After a claim or tenement has been registered, the holder or holders thereof may create any number of shares or interests in such claim or tenement, and may appropriate such shares or interests, or any portion thereof.

2. *Registration.*—For the purpose of registering the share or interest so created, the registered holder of any such claim or tenement may, in Form 21, notify the Registrar of the creation and appropriation of shares or interests therein. The persons to whom the shares or interests so created have been appropriated may, in Form 22, require the Registrar to register such shares or interests in accordance with the terms of the notice of the creation and appropriation thereof. A person in whose favour such share or interest has been registered may demand from the registrar a certificate in respect of each share or interest. Every such certificate shall be in Form 23, and shall describe fully the claim or tenement, and the share or interest therein to which the said certificate relates. The Registrar shall register (under the date of the original registration) the share or interest in the claim or tenement retained by the persons who were, at the date of the creation of such shares or interest therein, the registered holders of the entire claim or tenement, and shall make a separate registration of the share or interest which has been appropriated, and upon the face of the original registration of the claim or tenement shall make a minute of such creation and appropriation.

3. *Share may be Increased.*—After the creation and appropriation of a share or interest as aforesaid, the holder of a claim or tenement may, by a vote of the majority, increase the number of such shares or interests. The Registrar, on receipt of an application in Form 24, signed by a majority of such holders, and on the production of the miners' rights and certificates under which such claim or tenement is held, shall register the holders thereof for such increased shares, and shall furnish a new certificate in Form 23 to each holder in lieu of his previous certificate, and shall thereupon cancel the original certificate relating to such share or interest. A registration under this clause shall not interfere with, set aside, or curtail any right, title, or interest held by any such holder at the date of such registration, nor shall it affect the date of the first registration. Unless the increased number of shares be allotted *pro rata* amongst all the said holders, the consent of every holder in the claim or tenement shall be obtained, and the Registrar shall before making registration of such increased number of shares or interests require the signature of every said holder to the application.

#### BY-LAW No. 14.—TRANSFER OF CLAIM, ETC.

1. *Transfer.*—The registered holder of a claim or tenement held under these By-laws,

or the registered holder of a lien upon any such claim or tenement, may, in Form 25, and the registered holder of a share in such claim or tenement, or any interest therein, may, in Form 26, transfer such claim or tenement, share interest or lien, or any portion thereof, or interest therein, to any other person being the holder of a miner's right.

2. *Execution.*—A transfer shall be signed by the parties thereto in duplicate in the presence of some person who shall attest the signatures to such transfer, and shall be delivered to the Registrar, together with a written consent to such transfer from the holder of any lien registered in respect of such claim, tenement, share, or interest. The certificate or certificates of registration, or the lien ticket, as the case may be, and the miner's right of the transferor and transferee shall at the same time be produced to the Registrar. A transfer of a claim or tenement, or of a share or interest therein, shall not prejudice a lien registered prior to and existing at the time of such transfer.

3. *Registration.*—The Registrar, upon receipt of a transfer, shall sign a certificate of registration at the foot thereof, and shall record upon the original certificate or certificates, or the lien ticket (as the case may be) produced to him, and upon the register relating to the claim or tenement, share, interest or lien, as transferred, the date of such transfer and the name of the transferee, together with any such other particulars relating to such transfer as to the Registrar shall appear necessary, and shall issue to the transferee a duplicate of the transfer. The Registrar shall retain and file the transfer delivered to him as aforesaid, and shall issue and deliver to the transferee a new certificate of registration. In the event of the transferor having transferred only a portion of the interest held by him under such certificate, transfer or lien ticket, the Registrar shall also issue to the transferor a new certificate describing accurately the interest retained by the said transferor.

4. *Transfer on Subdivision.*—If a claim or tenement be subdivided, and a divided portion or subdivision be transferred from the registered holder of such claim or tenement to any other person, a plan shall be produced to the Registrar showing, by measurement respectively, the divided portion or subdivision of the claim or tenement to be transferred, and the divided portion or subdivision of such claim or tenement to be retained and the said plan shall be referred to in the transfer. When the transfer has been completed, the Registrar shall register (under the date of the original registration) the divided portion or subdivision of the claim or tenement retained by the person who was at the date of the subdivision the registered holder of the claim or tenement, and shall register separately the divided portion or subdivision of such claim or tenement which has been transferred, and upon the face of the register of the claim or tenement the Registrar shall minute such subdivision or transfer.

So far as applicable, clauses 1, 2, and 3 of this By-law shall apply to transfers hereunder.

5. *Executor, &c., may be Registered.*—The executor or administrator, or the assignee or trustee in insolvency, or the

guardian in infancy or the committee or guardian in lunacy, of any person possessed of a claim or tenement, or share or interest therein, or the purchaser under the decree, judgment, or order of a Court, or the decision of a Warden of a claim or tenement, or share or interest therein, may be registered for such claim or tenement, or share or interest therein, and the Registrar, on production of an order or authority under which such executor, administrator, assignee, or trustee, committee, guardian, or purchaser as aforesaid, claims to be registered, and on the production of a miner's right or miners' rights sufficient to hold such claim or tenement, or share or interest therein, shall register the person named in such order or authority for such claim or tenement, or share or interest therein so possessed or purchased as aforesaid. The Registrar, upon receipt of such order or authority, shall file the same, and shall minute such order or authority on the register of such claim or tenement in his office. The Registrar shall thereupon deliver to the person entitled under such order or authority a new certificate of registration of such claim or tenement, or share or interest therein, and shall register the same in the books of his office.

#### BY-LAW No. 15.—LIEN.

1. *Registration.* The holder of a registered claim or tenement may, in Form 27, and the holder of a share or interest created in a claim or tenement may, in Form 28, grant a lien upon the same to any other person as security for the due payment of a debt or liability. Upon production to the Registrar of a certificate or transfer under which the intending lienor holds the claim or tenement, or share or interest therein, intended to be made the subject of a lien, and of the miner's right of the lienor and licensee, and upon the execution of a lien by the lienor and licensee in duplicate in the form aforesaid, duly attested, the Registrar shall register a lien upon the aforesaid claim or tenement, or share or interest. After having made such registration, the Registrar shall issue to the licensee a duplicate of the lien ticket as aforesaid, and shall endorse on the registration in his books and on the transfer ticket, the date and amount of the lien, the name of the licensee, and the date when such lien is payable. Every lien granted and duly registered as aforesaid shall be a specific charge upon the claim or tenement, or share or interest therein, which shall have been so made the subject of a lien, until the debt or liability shall have been paid or discharged in full, and shall take precedence according to the dates of the respective registrations by the Registrar; and every transfer of a claim or tenement, or share or interest therein, held under lien shall be made subject to every registered lien thereon. In the event of the sum of money named in the lien ticket not being paid within the time named in the lien ticket for the payment thereof, the licensee after making a demand (by giving 7 clear days' notice in writing, in accordance with Form 42) for payment of the sum of money aforesaid, and after advertising in Form 43, in some newspaper published or circulating in the locality in which the subject of the lien is situated may, after the

expiration of 7 clear days from the date of such advertisement, sell by public auction the claim or tenement, or share or interest, the subject of the lien, and may, as agent for the lienor, transfer and assign such claim or tenement, or share or interest, and may, for the purpose of affecting such transfer or assignment, sign the name of the lienor to any form or document required by the Registrar, and the provisions of these By-laws relating to transfers shall thereupon apply.

2. *Release*.—Where the sum secured under a lien has been paid or discharged in full, with all lawful costs and charges, the licensee shall sign, in the presence of a witness, a release in Form 29. Upon receipt by the Registrar of the lien ticket, together with the release, he shall record such release in the register and on the lienor's transfer ticket or certificate, and shall forthwith cancel such lien.

#### BY-LAW No. 16.—FORFEITURE.

1. A claim or tenement, or a share or interest therein (except a residence area or business site) shall be liable to forfeiture, and may be declared forfeited by a Court or a Warden if—

- (a) work be not bona fide commenced thereon or in connexion therewith within 14 days after the registration thereof, or
- (b) work is commenced thereon and suspended for 14 days, or
- (c) it is unworked under protection registration, and the ground stated in an application on which protection registration was obtained is insufficient or untrue, or
- (d) it has not been worked or used in a bona fide manner during the time of occupancy, or
- (e) less than the minimum number of men required by the By-laws shall have been employed thereon or in connexion therewith, or
- (f) no registration has been made.

2. *Valuation of Mining Plant*.—When a claim is declared forfeited in accordance with these By-laws, and adjudged to any other person, should there be mining plant, slabs, or other material on or in such claim (except timber and ladders in position) which the incoming occupant shall consider beneficial to him, the value of the same shall be agreed upon or shall be assessed by arbitrators mutually appointed, or by a Judge of the Court of Mines, or a Warden, as the case may be. The amount agreed upon or of such assessment shall be paid to the former holder within 1 month from the day on which such agreement or assessment has been made, or in default the said mining plant, slabs or other material (except timber and ladders in position) shall revert to the former holder, and after 1 month's notice in writing has been given to him must be removed by him within 2 months.

3. *Of Dam and Reservoir*.—A dam or reservoir not commenced within 14 days from the date of registration of the site thereof, and a dam or reservoir remaining unused for 3 consecutive months (except in the case of insufficient water) shall be liable to forfeiture, and may, by a Court or a Warden, be declared forfeited.

4. *Of Site for Puddling Machine, &c.*.—When a holder of a miner's right in possession of a site for a puddling machine, tailing-dam, or a sludge-dam, shall not erect a puddling machine on such site for a period of 2 months after registration, or

having erected a puddling machine shall leave the same unworked for a period of 2 months, or

shall not use such tailing-dam, or sludge-dam for a period of 2 months after registration (except in the case of insufficient water for the working thereof)

then such site for a puddling machine, or tailing-dam, or sludge-dam, shall be liable to forfeiture, and

may, by a Court or a Warden, be declared forfeited, and a holder of a miner's right who shall first make application to have such forfeiture enforced may be put in possession of such forfeited site for a puddling machine, tailing-dam, or sludge-dam.

5. *Of Machinery Site*.—If a holder of a machinery site fail to erect thereon the machinery for which the site was obtained within 6 months after registration, then, on the application of a holder of a miner's right, the said site may by a Warden be declared forfeited, and the said holder of a miner's right may be put in possession of the same.

When a holder of a machinery site does not use the machinery thereon for a period of 2 months without having the same protected, or

Where protection has been obtained, does not resume such use within 7 days after such protection has expired, such site shall be liable to forfeiture, and may, by a Court or a Warden, be declared forfeited.

A machinery site shall not be declared forfeited if the machinery be in working order, and cannot be used owing to insufficient water or want of material to treat, or other good and sufficient cause proved before such Court or Warden.

6. *Removal of Machinery*.—When a machinery site has been declared forfeited by a Court or a Warden the former holder shall be allowed 3 months from the date of such declaration to remove any machinery erected by him on the said site. If such machinery is not removed by the former holder within the said 3 months, and the person put in possession of the said site desires to purchase the said machinery, he may, within 1 month after the expiration of the time for removal of such machinery as aforesaid, give notice to the former holder, specifying the portions of the machinery he desires to purchase, and the price he is willing to pay therefor. If within 14 days after the service of such last-mentioned notice the parties do not agree upon the amount of purchase money to be paid for such machinery, then upon the complaint of either party a Warden may hear such complaint and determine the amount of purchase money to be paid for the said machinery by the person put in possession of the said site.

7. *Sale of Machinery*.—When a machinery site has been declared forfeited by a Court or a Warden, and the former holder fails to remove the same within the time allowed by the preceding clause, a Warden may upon the complaint of the person put in possession of the said machinery site, order that the machinery be sold by public auction,

and, if necessary, be removed. The proceeds of sale of such machinery, after deducting the costs and expenses of selling or selling and removing the same (which shall be fixed by the Warden), shall be paid to the said former holder.

8. *Of Race and Tail-race.*—A holder of an area of ground for a race or tail-race shall be liable to forfeit his title, and a holder of a miner's right may be put in possession of the said area of ground by a Court or a Warden, if—

- (a) within 14 days from the date of registration the holder of the said area of ground has not begun to form such race or tail-race, or
- (b) having begun shall cease work thereon for more than 6 consecutive days, or
- (c) he fails to use such race or tail-race, when completed, for more than 1 month at a time when sufficient water is available, or during the occupation of the claim or tenement taken up for mining purposes in connexion with such race or tail-race.

9. *Of Unoccupied Area.*—A residence area or business site which has been unoccupied for more than 6 months, unless protected, may, on the application of a holder of a miner's right or business licence, respectively, be reclaimed forfeited by a Court or a Warden, and an order made that the registration of such residence area or business site shall be cancelled by the proper officer.

10. *Applicant to be Registered.*—A holder of a miner's right who has obtained from a Court or a Warden an order that the registration of a residence area or business site shall be cancelled, shall, subject to the *Mines Act 1928*, be entitled to be registered as the holder thereof. The Registrar, upon production to him of a miner's right or business licence, and a certified copy of the order as aforesaid, shall forthwith register such person accordingly.

11. *Possession and Registration of New Holder.*—A person on whose application a claim or tenement, or a share or interest therein (except a residence area, or business site), is by a Court or a Warden declared forfeited, may be put in possession thereof; and the Court or a Warden may, at the same time, direct the registration of the former holder shall be cancelled by the Registrar.

Fourteen days after the date of such order, and upon receipt by the Registrar of a certified copy thereof, the Registrar shall (unless notice of appeal has been lodged), note such order on the face of the register of such claim or tenement, and such note shall have the effect of cancelling such registration.

The Registrar shall then forthwith register, as the holder of the said claim or tenement, the person who has been put in possession thereof by the Court or the Warden.

12. *Shareholder to Perform Work and Pay Calls.*—A person holding a share or interest in a claim or tenement shall be deemed to be a working shareholder, and shall be liable to perform his share of the work (either by himself or by an efficient representative), and to pay his proportion of calls made in connexion with the said claim or

tenement in accordance with the terms of agreement existing between the shareholders in such claim or tenement, or if no agreement exists, then, in the manner appointed by the decision of a majority of such shareholders.

13. *Shareholder on Absence to Provide Substitute.*—If a working shareholder fails to perform his proper share of the work on such claim or tenement which shall, in case of dispute, be decided by a Warden, or absents himself from the claim or tenement for a period of 6 consecutive days, and does not provide an efficient substitute as his representative, the majority of the remaining shareholders may hire labour to work his interest therein, and he shall be liable for all money due and expense incurred in so working his share.

14. *Forfeiture for Shareholder not Working.*—If a working shareholder in such claim or tenement—

- (a) fails to perform his proper share of the work; or
- (b) Absents himself therefrom for a period of 6 consecutive days, and does not provide an efficient substitute as his representative; or
- (c) fails to pay all money due and expense incurred in the working of his share within 14 days after receiving written notice thereof, signed by a majority of the other shareholders and sent by prepaid registered letter posted to his last known address or place of abode; or
- (d) fails to pay all calls duly made by a majority of the shareholders in respect of his share within 14 days after receiving written notice thereof signed by a majority of the shareholders and sent by prepaid registered letter posted to his last known address or place of abode; or
- (e) fails to pay any money secured upon his share under lien as such money became due,

then and in any of the above events such share shall be liable to forfeiture. Upon the application of the other shareholders or of a shareholder duly authorized by a majority, or of the licensee (as the case may be) such shares may, by a Court or a Warden, be declared forfeited.

15. *Forfeiture only to include Share or Interest Forfeited.*—In a case where the share or interest of a shareholder in a claim or tenement shall by any means become forfeited such forfeiture shall be deemed and held to extend and to include the share or interest only of the shareholder incurring such forfeiture at the time such forfeiture is incurred.

#### BY-LAW No. 17.—ABANDONMENT.

1. *Abandoned Claim.*—When a claim or tenement on which mining operations have not been lawfully suspended or

which is not otherwise exempted and protected from forfeiture under these By-laws, has been left unoccupied by reason of the holder thereof having discontinued mining operations thereon or in connexion therewith

for a period of 6 consecutive weeks, such claim and all lawful title thereto shall be deemed to have been abandoned.

A holder of a miner's right may take possession thereof for mining purposes under these By-laws without notice to the previous holder of such claim or tenement, or being liable to pay any compensation to such holder and without having to obtain an adjudication by a Warden that such claim or tenement has been abandoned. Should a dispute arise between the person so taking possession of such abandoned claim or tenement and the previous holder thereof in consequence of such previous holder claiming to have a lawful prior title thereto, such previous holder shall in no way interfere with the mining operations of the person who shall have taken possession of the said claim or tenement, but shall summon him before a Warden, who shall ascertain and determine whether the events constituting the abandonment of such claim or tenement, and all lawful title thereto, did occur; and the onus of proving that such events did not occur shall lie upon the previous holder of such claim or tenement.

2. *Claim may be Abandoned.*—A holder of a claim or tenement may at any time, provided such claim or tenement be not the subject of a lien registered in the books of the Registrar, abandon such claim or tenement, or any portion thereof, by lodging with the Registrar a notice signed by the registered holder of the claim or tenement stating that he has abandoned such claim or tenement, or such portion of the claim or tenement as shall be described and delineated upon a plan attached to such notice, together with the certificate of registration relating to such claim or tenement, and thenceforth the claim, or the land comprised in the portion of the claim delineated upon such plan, or the tenement shall be deemed abandoned, and may be taken possession of for mining purposes by a holder of a miner's right, under these By-laws. The abandonment of a portion of a claim or tenement shall not in any way prejudicially affect the title to the remaining portion of such claim or tenement.

Upon receipt of the above-mentioned notice, plan and certificate, the Registrar shall forthwith endorse upon the registration relating to such claim or tenement, and also upon the certificate of registration of such claim or tenement, a minute setting forth the particulars of such abandonment.

3. *Abandonment of Race.*—If for a period of 3 months a race in connexion with a claim or tenement has been unused or unworked when a sufficient supply of water is available, it shall be deemed to be abandoned, and may be taken possession of by a holder of a miner's right without adjudication of abandonment by a Court or Warden.

4. *Abandonment of Tenements Generally.*—When a tenement held under these By-laws, not otherwise provided for, has been left unused or unworked (unless protected under these By-laws) for a period of 3 consecutive months, such tenement (other than a residence area site on which a habitable dwelling is erected) shall be deemed to be abandoned. A holder of a miner's right may take possession of such tenement in

accordance with these By-laws, without adjudication of abandonment by a Court or a Warden. When a tenement has been taken possession of under the provisions of this clause, the person so taking possession shall not be liable to give notice or to pay compensation to the previous holder of such tenement. Should a dispute arise between the person so taking possession and the previous holder in consequence of such previous holder claiming to have a lawful prior title thereto, such previous holder shall in no way interfere with the occupation by the person who shall have taken possession of the land; but shall summon him before a Warden, who shall ascertain and determine whether the events constituting the abandonment of such tenement, and all lawful title thereto, did occur; and the onus of proving that such events did not occur shall lie with the person claiming to have a prior title to such tenement.

5. *Abandonment of Share or Interest in Claim or Tenement.*—A holder of a share or interest in a registered claim or tenement may abandon the same provided that previous to such abandonment the said shareholder shall pay all liabilities due in respect of such share or interest, give to his partner or partners, and to the Registrar, a notice in writing of his abandonment of such share or interest, and lodge with the Registrar the certificate of registration of such share or interest. The Registrar, after being satisfied by statutory declaration that notice has been given and all liabilities paid as aforesaid, and on receipt of the said certificate, shall forthwith cancel the registration by which such share or interest has been held, and the certificate of such registration; and the said shareholder shall thereupon be released from all future liability in respect of such share or interest. Such abandonment shall not be deemed or taken to interfere with, set aside, or cancel any debt, agreement, engagement, or contract which may at the date of such abandonment exist between the said shareholder and his partner or partners, or any debt or liability the subject of a lien upon such share or interest.

6. *Abandonment of Residence Area or Business Site.*—A holder of a residence area or business site may abandon his holding on giving to the Registrar notice, in writing, of such abandonment, and surrendering his certificate of registration to the said Registrar, who shall thereupon cancel the registration and certificate of registration of such residence area or business site.

#### BY-LAW No. 18.—PROTECTION. EXEMPTION, AND SUSPENSION.

1. *Of Claim.*—After 3 months' work has been performed by the requisite number of men on or in connexion with a claim or tenement, the holder thereof may have the said claim or tenement protected for a period of not more than 3 months, subject to this By-law, for any of the following grounds:—(a) Insufficient funds; (b) Insufficient water; (c) Influx or overflow of water; (d) Breakage of machinery; or (e) Preparation of machinery.

2. *Neglect of Employee or Tributer.*—A person holding a claim or tenement, or portion thereof, or share or interest therein, who employs hired labour, and

a person holding a claim or tenement, or interest therein, where the claim or tenement, or a portion thereof, is let on tribute under the *Mines Act* 1928.

shall not be deemed to have forfeited his right, title, or interest in the same through neglect, absence, or omission on the part of a workman therein or thereon employed by him, nor by the neglect, absence, or omission of a tributer to whom the claim or tenement, or portion thereof, is let on tribute. The holder of a claim or tenement let on tribute as aforesaid shall be deemed to be working the same in a bona fide manner, as much as if he employed hired workmen for that purpose, and shall enjoy all the rights, privileges, and exemptions contained in these By-laws. Any such neglect, absence, or omission shall not extend over 28 days. In the event of the neglect, absence, or omission extending over that period, then any such claim or tenement, or share or interest therein, shall be liable to forfeiture, whether the holder of such claim or tenement be acquainted with such neglect or not.

3. *During Work not on Claim.*—A miner performing work outside or away from his claim or tenement necessary for carrying on mining operations thereon, shall be deemed to be working the same.

A claim or tenement shall not be liable to forfeiture

- during the time the holder thereof may be engaged in the work of obtaining timber for the use of the claim or tenement; or
- during the erection of machinery; or
- while the holder is engaged in any necessary work connected with such claim or tenement; or
- for the non-working of the same in obedience to any injunction issued by a Court or a Warden.

4. *To Claim Dependent on Machinery.*—Should the machinery on a claim by which any adjoining claim is drained be disabled or stopped from working, the holder of such adjoining claim shall be entitled to suspension from work until the machinery is repaired or the working of it renewed. A holder of an adjoining claim who has worked out the level from which machinery is drawing water may suspend work until the owner of the machinery has completed the sinking of his shaft to a lower level.

5. *To Lienor or Mortgagee of Interest in Claim.*—A share or interest by way of lien or mortgage in a claim or tenement shall not be liable to forfeiture by reason of non-compliance with these By-laws on the part of the lienor or mortgagor, or his agent or representative, provided the lienor or mortgagee has the said share of interest represented within 30 days after receiving notice from the holder of the claim or tenement, or from a person desiring to take possession of the interest so lienor or mortgaged.

6. *To Claim during Absence for Justifiable Cause.*—A holder of a claim or tenement shall not be liable to forfeit his interest therein by reason of his being absent from the same.

from the 20th day of December in any one year to the 5th day of January in the following year, or

on any gazetted public holiday, or through sickness of himself, or through attending a Court of Justice, or being a member of the Defence Force, and absent in obedience to an order received from his commanding officer.

Should a dispute arise as to a claim or tenement not being represented in accordance with these By-laws, the onus of proof of the cause of absence shall rest with the holder.

7. *For Urgent Cause.*—A claim or tenement, or share or interest therein, may from time to time, on application to the Registrar, subject to this By-law, be protected for not more than 14 days for urgent cause shown by a statutory declaration lodged with the Registrar.

8. *To Claim under Injunction.*—When an injunction issued by a Court or Judge, or a Warden, shall prohibit a holder from working a claim or tenement, and such party, in obedience to such injunction, shall be absent from such claim, no person, by virtue of a miner's right or business licence, shall trespass upon, occupy, or interfere with such claim or tenement, or any portion thereof, until such injunction shall be dissolved or expire by effluxion of time.

9. *To Company or Association.*—Subject to this By-law, and notwithstanding anything contained in these By-laws,

a company or association being a holder of a claim or tenement and having a capital of £200 at least, or

a holder of a claim or tenement desiring to form a company or association with a proposed capital of £200 at least:

may have such claim or tenement protected for 3 months while making preliminary arrangements in connexion with such company or association. Further protection shall not be granted unless a statutory declaration is lodged with the Registrar that £100 at least has been expended by such company or association upon or in connexion with such claim or tenement.

10. *In Case of Death, Lunacy, &c.*—In case of the death, lunacy, or insolvency of a holder of a claim or tenement the property or interest in such claim or tenement shall not be liable to forfeiture provided his heir, executor, administrator, or assign, guardian in lunacy, or assignee in insolvency, registers his possession of the same within 60 days from the date of such holder's death, lawfully certified lunacy, or assignment or insolvency, and pays all the expenses which shall have accrued thereon from the aforesaid date.

11. *Of Puddling or Sluicing Claim.*—The holder of a puddling or sluicing claim may obtain protection under this By-law during the time there is insufficient water for the working of such claim.

12. *Preparatory Work in Claim.*—A miner employed in making necessary preparation for the working of a claim or tenement or employed in the erection of machinery in connexion with the same, shall be deemed to be working the claim or tenement.

13. *Of Water-right during Drought.*—The holder of a race or water-right may obtain protection of the same under this By-law, when the supply of water is insufficient owing to drought.

14. *Exemption from Forfeiture when Work Re-commenced.*—Whenever a holder of a claim or tenement under these By-laws has incurred forfeiture of such claim or tenement, or any portion thereof, by reason of suspending work upon or in connexion with such claim or tenement, or portion thereof, without availing himself of the privileges of this By-law regarding protection, and shall have, within 7 days after incurring such forfeiture again proceeded to work and have bona fide continued to work such claim, tenement, or portion, in accordance with these By-laws (no other person or persons having within such 7 days as aforesaid commenced proceedings to enforce such forfeiture), then in such case on any person afterwards proceeding to have forfeiture of such claim, tenement, or portion declared by a Court or a Warden, such Court or Warden may, in lieu of declaring such claim forfeited impose a fine of not more than £10, by way of penalty on the holder of such claim, tenement, or portion, and such fine shall be paid to the person seeking to have such forfeiture declared.

15. *Of Machinery Site.*—A holder of a machinery site, having machinery erected thereon, may obtain protection for the same for not more than 3 months on application to the Registrar in Form 30, signed by the holder, and accompanied by a statutory declaration stating the grounds of such application.

16. *Application for Protection.*—A holder of a claim or tenement (except a residence area, business site, or auriferous or other earth) desiring to obtain protection therefor shall apply for the same under this By-law to the Registrar in Form 30, which shall be signed by the holder and accompanied by a statutory declaration stating the grounds of such application.

17. *Notice of Application.*—The Registrar, upon receipt of such application, shall forthwith deliver to the applicant, a notice in Form 31. The applicant shall, within 7 days from the date of such notice, post, or cause the same to be posted, on some conspicuous place on or adjacent to the claim or tenement sought to be protected, and keep the same there posted for 7 consecutive days and shall, at the time of posting such notice, endorse thereon the date and hour at which the same was posted.

18. *Registration.*—At the expiration of the last-mentioned 7 days, the Registrar, provided no objection has been lodged, shall register such protection in Form 32, deliver to the applicant a certificate in such form.

19. *Of Residence Area or Business Site.*—A holder of a residence area or business site, who has bona fide occupied the same, and is not in occupation of any other residence area or business site, may cease to occupy the same for any period not exceeding 6 months without obtaining protection registration thereof.

Under this By-law such holder, after the expiration of the said 6 months, may obtain protection for not more than 6 months—

And a holder of two residence areas or business sites may obtain protection for either of the same for not more than 6 months—on application to the Registrar in Form 33, signed by the holder and accom-

panied by a statutory declaration stating the grounds of such application.

20. *Notice of Application.*—The Registrar, upon receipt of such application, shall forthwith deliver to the applicant a notice in Form 34. The said applicant shall, within 7 days from the date of such notice, post, or cause the same to be posted on some conspicuous place on the residence area or business site sought to be protected, and keep the same there posted for 7 consecutive days, and shall, at the time of posting, endorse thereon the date and hour at which the same was posted.

21. *Certificate.*—At the expiration of the last-mentioned 7 days, the Registrar, provided no objection has been lodged, shall register such protection in Form 35, and deliver to the applicant a certificate in such form.

22. *Of Auriferous or other Earth.*—If auriferous or other earth be upon or be placed upon Crown land not known or supposed to be auriferous, a holder of a miner's right desiring to extract gold or mineral from any such earth may take possession thereof by erecting posts as prescribed under By-law 3.

He may, within 7 days after so taking possession, apply for protection by giving notice to the Registrar in Form 36.

On receipt thereof, the Registrar shall, in Form 37, forthwith register such protection for not more than 12 months, and deliver to the applicant a certificate in such form.

A holder failing within the period of protection to bona fide commence operations for the extraction of gold or mineral from such earth, shall be deemed to have abandoned the same.

23. *Copy of Certificate to be Posted, &c.*—When a holder has obtained protection under this By-law, he shall post a copy of the certificate of protection registration in a conspicuous place on the claim or tenement for which such protection has been granted, and keep the same there posted during the whole term of such protection.

Such protection shall extend to and include all the rights and privileges held and enjoyed under these By-laws in connexion with such claim or tenement.

24. *To Springs.*—Unless with the consent of the holder of the race, drain, or tunnel, a person shall not cut, construct, or open a drain or tunnel into a spring (unless at a distance of not less than 300 feet from a drain or tunnel which shall have been previously opened, and from which an occupied race derives a supply of water).

25. *Of Road, Tramway, &c.*—Unless with the consent of the holder thereof, a person shall not mine upon or under or otherwise interfere with any tunnel, road or tramway.

A person taking possession of ground for the purpose of making or using a tunnel, road, or tramway, shall be entitled to occupy, subject to the provisions of this By-law, for the protection of such tunnel, road, or tramway respectively, a width of ground not exceeding 20 feet on each side of the centre of such tunnel, road, or tramway.

26. *Of Private Road.*—A person shall not mine within a distance of 5 feet from the nearest wheel track of a private road used for mining purposes, or drive underneath the

same, unless the drive shall be more than 10 feet beneath the surface of the road; or in any way interfere with such road.

27. *From Accident on Road, Shaft, &c.*—A miner working a claim or tenement within 20 feet of a public road or ordinary crossing-place shall enclose a shaft or excavation which he shall make upon such claim or tenement by an embankment or fence at least 4 feet in height, so as to afford reasonable security against accident to a passenger. Without previously filling up such shaft or excavation, a person shall not destroy or remove any such fence or embankment, or portion thereof. A person shall not remove logs or any other substance from the top of a shaft to a level less than 4 feet above the surface, nor cut a drain into a claim or tenement whereby a shaft or working may be damaged.

28. *To Purchased Land.*—Without obtaining the consent in writing of the owner thereof, a person shall not mine within a distance of 20 feet of a building or brick or stone wall, or within 5 feet of a fence on private property.

29. *For Neglect of Registrar.*—Where a Registrar neglects or refuses to perform the duties attached to his office by these By-laws, and thereby prevents the fulfilment of the conditions imposed by any By-law on a holder of a claim or tenement, such non-fulfilment shall not be deemed a breach of the By-law, and shall not invalidate the title to any interest or privilege held or enjoyed by such holder.

30. *To Pegs, Posts, Mining Plant, &c.*—Without permission from the holder of a claim or tenement on which it is situated, or in connexion with which it is used, a person shall not remove, injure, destroy, deface, or interfere with any peg, post, log, fence, notice, or any mining plant. Without the consent of a majority of the shareholders of a claim or tenement, it shall not be lawful for a shareholder to remove a peg, or to alter a boundary of such claim.

31. *Of Race, Dam, &c.*—A person shall not wilfully or negligently injure, destroy, or obstruct a race, dam, reservoir, or the water therein, or a channel, drain, creek, or river used for mining purposes nor wilfully cut a channel so as to cause an escape of water from a water-dam, race, or tail-race used for mining purposes. Without the written authority of the holder thereof, a person shall not in any way interfere with a sludge or water channel.

32. *Of Water Dam.*—A holder of a dam or reservoir shall be protected against a miner or person using any water therefrom (domestic purpose excepted). Without the authority in writing of the holder thereof, a person shall not be allowed to take water from such dam or reservoir for any other than domestic purposes. A person shall not drive cattle into a reservoir or dam held under these By-laws, or in any way defile, destroy, or damage the same. Unless a dam or reservoir be protected under these By-laws it shall be lawful for a person to take water therefrom when such dam or reservoir shall not have been used for the purposes intended for a period of 3 months.

#### BY-LAW No. 19.—OBJECTION.

1. *To Registration.*—A person objecting to the registration, protection, or suspension of a claim or tenement shall, within 7 days from the date of the posting of the notice of application for registration, protection, or suspension, as provided under these By-laws, lodge with the Registrar a notice in Form 38. The Registrar shall, on receipt of such notice, defer the registration, protection, or suspension of such claim or tenement until a Warden has heard and adjudged the matter of the objection, or until default has taken place, as provided in this By-law.

2. *Prosecution.*—A person so objecting shall, within 7 days after lodging such notice, cause to be issued, by a Warden, a summons to the person applying for registration, protection, or suspension requiring him to appear before a Warden to have the matter of such objection heard and determined.

3. *Failure to Prosecute.*—Should a person so objecting fail to cause a summons to be issued, as provided in this By-law, such objection shall be null and void, and the Registrar shall complete such registration, protection, or suspension as if no objection had been made.

4. *Warden's Order on Hearing.*—The Warden may, on the hearing of a summons, either dismiss the same, or may make an order restraining the said Registrar from proceeding further with such registration, protection, or suspension.

#### BY-LAW No. 20.—WORK IN CLAIMS.

1. *Mode of Working.*—A holder of a claim under these By-laws, either personally or by substitute, within 14 days after registration of such claim, shall bona fide proceed to work, and shall, unless such claim be held under protection, continue to work regularly upon or in connexion with such claim, according to the usual course of efficient mining.

2. *Men to be Employed.*—There shall be employed upon or in connexion with—

(a) An ordinary quartz claim, 1 man for every 100 feet held along the line, or supposed line of reef. Half the number of men may be employed during the time it does not yield payable gold.

(b) A quartz prospecting claim, not less than 1 man for 400 feet along the line, or supposed line of reef, and not less than 2 men for 600 feet along the line, or supposed line, of reef.

(c) An ordinary alluvial claim in new ground, not less than 1 man for each 75 feet by 100 feet in shallow sinking, and not less than 1 man for the respective area allowed to each holder of a miner's right in deep sinking. Half the number of men may be employed until the expiration of 2 months after the claim has been bottomed.

(d) An alluvial claim in old or abandoned ground, 1 man for every 150 feet by 150 feet.

(e) An alluvial claim in banks and bed of a river or creek, 1 man for every 150 feet in length held.



- (f) A bank-sluicing claim, 1 man for every 75 feet in width by 390 feet in length.
- (g) An ordinary puddling and sluicing claim, 1 man for each half-acre held.
- (h) An extended claim for puddling, sluicing, or cement crushing, 1 man for every acre held.
- (i) An alluvial claim in tunnelling ground, 1 man for every 100 feet of frontage held.
- (j) An extended claim in old and abandoned tunnelling ground, 1 man for each 150 feet of frontage held.
- (k) An extended claim in deep sinking, where the depth of sinking—
  - (1) Exceeds 150 feet, and does not exceed 200 feet, 1 man for each 2 acres or portion thereof held.
  - (2) Exceeds 200 feet, and does not exceed 300 feet, 1 man for every 3 acres or portion thereof held.
  - (3) Exceeds 300 feet, and does not exceed 400 feet, 1 man for every 6 acres or portion thereof held.
  - (4) Exceeds 400 feet, 1 man for every 12 acres, or portion thereof held.
  - (5) In an extended claim in deep sinking, one-fourth the number of men may be employed until payable gold is obtained.
- (l) An alluvial prospecting claim, not less than 2 men.
- (m) An ordinary mineral claim, 1 man for every 3 acres.

#### BY-LAW No. 21.—AMALGAMATION OF CLAIMS.

Any number of adjacent claims may be amalgamated, and for the purpose of working the claims which are amalgamated shall be deemed to be one claim. Work done on or in connexion with any one of the claims so amalgamated shall be deemed to be done on or in connexion with each and every one of such claims.

The number of men necessary to be employed on or in connexion with the claims, if occupied singly, shall be employed on or in connexion with the amalgamated claims.

1. *Mode of Amalgamation.*—Upon the application of the holders of any number of adjoining claims made in Form 39, the Registrar shall forthwith amalgamate such claims, and shall record such amalgamation upon the register relating to such claims under the proper date, and shall issue to the holders of such amalgamated claim a certificate in Form 40.

2. *May be Re-registered as One Claim.*—At the time of, or at any time subsequent to, the amalgamation of any two or more claims, the holders of such claims may apply to the Registrar to re-register such claims as one claim, and to re-register the holders of the several claims as the holders of the one amalgamated claim.

3. *Temporary Union.*—Where it is considered advantageous to work two or more

adjoining claims by bailing water or carrying on mining operations at one or more place or places in one or other of the said claims, the holders may, by an agreement in writing (a copy of which shall be filed with the Registrar, unite their claims and privileges connected therewith for such purposes. The full number of men required to be employed when the claims were separate shall be employed in the united claim.

#### BY-LAW No. 22.—DRAINAGE.

1. *Contribution.*—A holder of a claim who raises water from a shaft or opening, and thereby drains an adjoining claim, shall be entitled to receive from the holder of the claim so drained reasonable contribution for such drainage.

2. *Hearing by Warden.*—If a holder draining as aforesaid and a holder of a claim so drained are unable to agree as to such contribution, or if a holder of a claim drained fail to make payment of a contribution as in this By-law provided, then the holder so draining as aforesaid may summon the holder of a claim so drained before a Warden, who may make an order that such holder pay such sum or sums periodically or otherwise to the said holder so draining as aforesaid as the Warden shall think just and reasonable.

3. *Drain to be made for Machine, &c.*—A holder or occupier of a claim, race, or machine which discharges water shall make a good and sufficient drain for the proper conveyance of such water to the main drain, channel, or water-course, or the gully or flat in which such claim, race, or machine is situated. When there is no main drain into which any such private drain can fall, then such private drain shall be made to unite with the private drain (if any) of any other claim, race, or machine situate in the same gully or flat, and the holders of such private drains shall maintain the same in good order and free from obstruction. A holder of any such claim, race, or machine shall not allow any sludge or water from his works to run upon or spread over any road or crossing-place in use. When two or more private drains unite they shall be considered a main drain, which, in all cases, shall be carried to a main channel, creek, or water-course, and shall be kept free from obstruction at the joint expense of all parties using the same. If either party fails to pay his proportion of such joint expense, a Warden may, on the complaint of either of the parties interested, make an order assessing the amount to be paid by the person making default.

4. *Making Drain across Road, &c.*—Upon obtaining permission from an owner of a road or footpath, or from a competent authority, a person—

- may use a drain crossing the said road or footpath; or
- may make a drain across a road or footpath.

Such drain, and any bridge in connexion therewith, shall be constructed and maintained by the holder of such drain.

#### BY-LAW No. 23.—MINING ON EXEMPTED LAND.

1. A person desiring to take possession for mining purposes of Crown land lawfully and

bona fide used as a yard, garden, cultivated field or orchard, or upon which a house, outhouse, shed, or building is in actual use and occupation, or an artificial dam, or a reservoir shall be standing (*vide* section 4 of the *Mines Act* 1928), shall do so by erecting posts, and registering such land as prescribed under By-law 3.

2. The amount of compensation to be paid (if any) shall be determined by a Warden in the manner provided by the *Mines Act* 1928.

#### BY-LAW No. 24.—PLURALITY OF CLAIMS, ETC.

1. *Number of Claims*.—A holder of a miner's right may take possession of separate claims (for one person) not exceeding 10 in one mining district. A claim so held shall not be within a distance of half-a-mile from any other claim held by the same holder.

2. *Shares in Claims, &c.*—A holder of a miner's right may hold any number of shares in a claim or claims, or any number of privileges granted under these By-laws.

#### BY-LAW No. 25.—RULES AND REGULATIONS FOR A MINING PARTNERSHIP.

In a mining partnership or company under these By-laws formed for mining purposes, where the rules and regulations of the said partnership or company shall not otherwise provide, or where the said partnership or company shall not have any rules or regulations in writing, the rights and privileges of the several members shall be held and enjoyed, subject to the following rules and regulations:—

A decision of a majority in number and value of shareholders in a claim or tenement duly convened by notice in writing to each shareholder shall be final on all questions relating to the working of the claim or tenement, or the amount of money to be paid by each member into the funds of the company for the purpose of carrying on the work, or for the erection of machinery, or for drainage purposes. Each member shall be liable to pay a share of the expenses, and shall be entitled to receive a share of the profits of the company in proportion to the interest held by him. When a call of money has been made by a majority, as aforesaid, of the shareholders for any of the purposes aforesaid, every shareholder shall forthwith pay unto the person appointed to receive the same his part or proportion thereof. Each call shall become due 24 hours after the same has been made. When a member makes default in payment of a call for the space of 14 days next after such call shall have become due, a meeting of the shareholders shall be called in Form 41, and notice of such meeting in the said form shall be delivered to the defaulting shareholder, or, if his address be not known, shall be advertised 3 clear days in one or more newspapers circulating or published in the division in which the claim or tenement is situated, before the time of holding such meeting, and such notice shall be signed by the person empowered to receive calls, as aforesaid. When the said meeting is held, if the said defaulting shareholder has not in the meantime paid all arrears due by him, and is not present, or, being present, does not then pay the amount

due, a majority of the shareholders then present having paid up all arrears, may declare the share or shares of the said defaulting shareholder to be forfeited without any further notice to the defaulter, and the said share or shares, with all right, title, or interest to or in any capital, machinery, or other property of the company shall be forfeited.

When a share or shares have been declared by the said shareholders forfeited such share or shares shall be put up for sale by public auction of which previous notice shall be given of at least 3 clear days in some newspaper published or circulating in the division where the claim or tenement is situated. At such sale the said share or shares shall be sold to the highest bidder. The proceeds of such sale, after payment of the expenses thereof, shall, so far as they will extend, be appropriated in liquidation of the debt due to the shareholders in respect of such share or shares. The surplus (if any) shall be delivered to the former holder of the said share or shares on his executing to the said shareholders a release of all claims in respect of such share or shares.

#### BY-LAW No. 26.—GENERAL PROVISIONS.

1. *Hole near Road to be Fenced*.—If a person shall, in carrying on mining, sink a shaft or excavate a hole of whatever depth within a distance of 20 feet from a road, foot-path, or crossing-place in use, unless such shaft or hole be sufficiently barricaded by a mound of earth thrown up 4 feet above the surface of the adjoining ground, or logged up to a like height for a windlass, such person shall erect around each shaft or hole a substantial two-railed fence, the upper rail whereof shall be at least 3½ feet above the surface of the adjoining ground. Should a person leave a claim unworked for a short period, such person shall properly fill up the shaft or hole, or completely cover the same with logs not less than 6 inches in diameter, or erect around it a fence as aforesaid. A person shall not remove, cast down, damage, or destroy any portion of such barricade, logs, railing, timbers, or fence, nor cut a drain which shall conduct any water into abandoned shafts which may be injurious to adjoining workings.

2. *Felling Tree across Road*.—A person who may fell or cause to be felled a tree across or upon a road, footpath, or crossing-place, claim, tenement, water-race, or channel in use shall remove or cause the same to be removed within 12 hours after the felling of such tree or notice of obstruction given.

3. *Maintenance of Posts, &c.*—A claimholder shall maintain in good order the boundary-posts, trenches, and land-marks of his claim or tenement, and all notices required to be posted on any part of such claim or tenement by any of these By-laws.

4. *Subsequent By-law*.—A claimholder, by re-registering his claim, shall be entitled to all the advantages resulting from a By-law passed subsequently to that under which he originally held his claim.

5. *Warning before Blasting*.—A holder of a claim or tenement shall give 10 minutes' notice of intention to discharge a blast of an

explosive substance on the surface of said claim or tenement, or within 50 feet thereof, to all persons within 300 feet of the place of discharge.

6. *Forms.*—For the purposes of these By-laws, all forms or documents appertaining to them shall be in duplicate, one of which shall be filed in the office of the Registrar, and one retained by the person making application.

7. *Redemption of Title.*—When a holder of a claim or tenement renders his title to such claim or tenement or any portion thereof liable to forfeiture through the non-fulfilment of any of the provisions of these By-laws, his subsequent fulfilment of the aforesaid provisions shall redeem his title to any portion of such claim or tenement which may have been liable to forfeiture as aforesaid, provided no legal process has been commenced to obtain possession of such forfeitable claim or tenement, or portion thereof during the existence of the cause of such liability to forfeiture.

8. *Removal of Timber.*—A person shall not remove slabs out of an abandoned shaft nor remove from a drive or underground works any props or supports, the removal of which may endanger an adjacent mine or mine works, without the authority of the Minister of Mines. A person intending to apply for such authority shall post a notice to this effect at the mouth of the said shaft for 7 days before he so applies.

9. *Ventilation.*—Where the underground works of two or more claims communicate with each other so as to afford the means of ventilation, such ventilation shall not be wilfully obstructed by the holder of any one of such claims without the written consent of the holders of all claims affected.

10. *Extension of Claim.*—When a holder of a claim has been unable to take possession of the full area of ground allowed under these By-laws by reason of the adjoining ground being in the occupation of some other holder, he may, on such ground being abandoned, or on having forfeiture of such adjoining ground declared in his favour, re-mark his claim and extend it to an area not exceeding that allowed under these By-laws. After such re-marking, the said holder shall re-register the extended claim in the manner provided under these By-laws.

11. *Information to Officer.*—A holder of a claim or amalgamated claim shall permit a Mining Surveyor, Registrar, or other duly authorized officer to inspect the workings and operations of such claim, and to take measurements thereof at least once in every 3 months, if required, and shall render all the assistance in his power to such Surveyor, Registrar, or officer when making such inspection and measurements, and shall also furnish to such Registrar as aforesaid, if required, at least once in every 3 months, a full, true, and correct statement as to the working operations which may have been carried on in such claim, the quantity of quartz or other substance which has been treated from such claim, the yield of gold or mineral therefrom, the number of miners and other persons employed in such claim, and such other general information, not inconsistent with this clause, and likewise for

any previous period, as such Registrar may require.

12. *Miner's Right.*—A person making application for the registration of a claim, or other privilege, under these By-laws, shall, at the time of making such application, produce to the Registrar the miner's right or miners' rights under which such application is made.

13. *Registrar, &c.*—The Registrar shall have power to sign all documents necessary to effect registration of mining interests in the division for which he is appointed, in addition to the powers conferred on him under these By-laws. He shall also be entitled to demand and receive for the performance of his duties the fees prescribed hereunder.

It shall be the duty of the Registrar appointed for a Division of a Mining District—

- (a) To effect all registrations in his division required by these By-laws.
- (b) To transfer a registered claim or tenement, or a share or interest therein.
- (c) To keep a register-book in which shall be entered all transactions that he shall be required to register or enter.
- (d) To afford any information from such register-book to a person desiring the same on payment of the prescribed fee.
- (e) And to perform such duties as may be prescribed for him by these By-laws.

No neglect or default of a Registrar, or his Deputy or his Assistant, shall prejudice the right or title of a person to any interest, matter, or thing in respect of which such Registrar shall have a duty to perform under these By-laws.

#### FEES FOR REGISTRATION, ETC.

	s.	d.
Registration of application for claim, &c. . .	1	0
For any number of persons, including form of application . . .	0	6
Registration of single claim or share . . .	3	0
Registration of lien, or transfer of lien . . .	2	0
Transfers, each share or interest . . .	0	6
Certificate, each . . .	1	0
Cancelling registration, per share or interest . . .	1	0
Registration of protection, suspension, or exemption, per claim . . .	2	0
Amalgamation of two or more claims . . .	1	0
Registration of stacked auriferous, &c., substances . . .	1	0
Application for registration of residence area or business site . . .	1	0
Registration of residence area or business site, including endorsement on miner's right . . .	1	0
Re-registration, per single claim or share . . .	1	0
Re-endorsing notification of registration on miner's right . . .	2	0
Registration of machinery area . . .	1	0
Certified copy of registration, &c., per folio of 60 words . . .	1	0
Inspecting records, each inspection . . .	1	0
Release of lien . . .	1	0
Registration of water-right, race, tail-race, drain, dam, or reservoir, each . . .	1	0
Attending at Court, for each day at Court, or necessarily absent from home travelling (with fares and cost of conveyance) . . .	15	0

## FORMS.

*Mines Act 1928.*

1.

## APPLICATION FOR REGISTRATION OF CLAIM.

I, the undersigned, hereby give notice to the Registrar of the Division of the Mining District of that I did on the day of 19, at the hour of o'clock .m., take possession in accordance with the provisions of the Mining By-laws of and for the State of Victoria of a claim situated at containing or thereabouts, and styled and I hereby make application for and request the said Registrar to register the said claim.

Dated at this day of 19 .  
Miner's right. No. Date. Signature.

*Mines Act 1928.*

2.

## NOTICE OF APPLICATION FOR REGISTRATION OF CLAIM.

of did this day, at the hour of o'clock .m., make application for such quantity of land at as may under the provisions of the Mining By-laws of and for the State of Victoria be held under miner's right as a claim, and did at the time of making such application produce to me the miner's right hereunder set forth.

If no objection be lodged with me within seven days from the posting of this notice I shall register the above claim.

Dated at this day of 19 .  
Miner's right. No. Date. Registrar.

Name.

N.B.—This notice was posted up at the hour of on the day of 19 .

*Mines Act 1928.*

3.

## CERTIFICATE OF REGISTRATION OF CLAIM.

I have this day, at the hour of o'clock .m., registered of claim, numbered as the holder of a situated at in the Division of the Mining District, and styled

Dated at this day of 19 .  
Miner's right. No. Date. Registrar.

*Mines Act 1928.*

4.

## APPLICATION FOR REGISTRATION OF WATER-RIGHT, ETC.

I, the undersigned, hereby give notice to the Registrar of the Division of the Mining District of that it is my intention to take and divert from creek sluice-heads of water, and to cut and use a race for the purpose of leading such water to at and to construct and use a dam (or reservoir) at for the purpose of storing such water. The length of the race aforesaid will be or thereabouts, and the course of the race will be or thereabouts. The ground required for such race was marked out and taken possession of by me on the day of 19, at the hour of o'clock .m., and I hereby apply for registration of the right to take and divert water and for the race and dam (or reservoir) as aforesaid.

Dated at this day of 19 .  
Miner's right. No. Date. Signature.

*Mines Act 1928.*

5.

## NOTICE OF APPLICATION FOR THE REGISTRATION OF WATER-RIGHT, ETC.

This is to certify that, of did this day, at the hour of o'clock .m., apply for the right to take and divert from creek sluice-heads of water, and to cut and use a race for the purpose of leading such water to and to construct and use a dam (or reservoir) at for the purpose of storing such water. The length of the race aforesaid will be or thereabouts, and the course of the race will be or thereabouts.

If no objection be lodged with me within seven days from the posting of this notice I shall register the above water-right and race.

Dated at this day of 19 .  
Miner's right. No. Date. Registrar.

Name.

N.B.—This notice was posted up at the hour of on the day of 19 .

*Mines Act 1928.*

6.

## CERTIFICATE OF REGISTRATION OF WATER-RIGHT, ETC.

I have this day, at the hour of o'clock .m., registered of as the holder of a water-right to take and divert sluice-heads of water from creek, and to lead such water to and also for the construction and use of a race and dam (or reservoir) at in the Division of the Mining District in connexion therewith.

Dated at this day of 19 .  
Miner's right. No. Date. Registrar.

*Mines Act 1928.*

7.

## NOTICE OF SUPERIOR WATER-RIGHT.

To, of You are hereby required, in accordance with the Mining By-laws of and for the State of Victoria, to make the water now being diverted by you from creek available for the supply of my superior water-right registered on the day of 19 .

Dated at this day of 19 .  
Signature.

*Mines Act 1928.*

8.

## APPLICATION FOR REGISTRATION OF DAM SITE, ETC.

I, the undersigned, hereby give notice to the Registrar of the Division of the Mining District that I did, on the day of 19, at the hour of o'clock .m., take possession in accordance with the provisions of the Mining By-laws of and for the State of Victoria of a site for a dam (or reservoir) situate at The area marked out for such dam (or reservoir) is acres, and the approximate capacity of the proposed dam (or reservoir) will be . And I hereby make application for registration of the said site.

Dated at this day of 19 .  
Miner's right. No. Date. Signature.

*Mines Act 1928.*

9.

## NOTICE OF APPLICATION FOR REGISTRATION OF DAM SITE, ETC.

This is to certify that, of did this day, at the hour of o'clock .m., make application for a dam (or reservoir) site situate at and containing acres, and did at the time of making such application produce to me the miner's right hereunder set forth.

Dated at this day of 19 .  
Miner's right. No. Date. Registrar.

Name.

N.B.—This notice was posted up at the hour of on the day of 19 .

*Mines Act 1928.*

10.

## CERTIFICATE OF REGISTRATION OF DAM SITE, ETC.

I have this day, at the hour of \_\_\_\_\_ o'clock  
 .m., registered \_\_\_\_\_ of \_\_\_\_\_  
 a site for a \_\_\_\_\_ situate at \_\_\_\_\_  
 in the \_\_\_\_\_ Division of the \_\_\_\_\_ Mining  
 District containing \_\_\_\_\_ acres under  
 the provisions of the Mining By-laws of and for  
 the State of Victoria.  
 Dated at this \_\_\_\_\_ day of \_\_\_\_\_, 19  
 Miner's right.  
 No. \_\_\_\_\_ Date. \_\_\_\_\_ Registrar.

*Mines Act 1928.*

11.

CERTIFICATE OF REGISTRATION OF WATER HOLE OR  
SPRING FOR DOMESTIC PURPOSES.

I have this day, at the hour of \_\_\_\_\_ o'clock  
 .m., registered \_\_\_\_\_ of \_\_\_\_\_  
 as the holder of a water hole or spring situate  
 at \_\_\_\_\_ in the \_\_\_\_\_ Division  
 of the \_\_\_\_\_ Mining District for domestic  
 purposes.  
 Dated at this \_\_\_\_\_ day of \_\_\_\_\_, 19  
 Miner's right.  
 No. \_\_\_\_\_ Date. \_\_\_\_\_ Registrar.

*Mines Act 1928.*

12.

## APPLICATION FOR REGISTRATION OF TAIL-RACE.

I, the undersigned, hereby give notice to the  
 Registrar of the \_\_\_\_\_ Division of the  
 Mining District, that it is my intention to cut  
 and use a tail-race at \_\_\_\_\_ for the  
 purpose of leading water from \_\_\_\_\_. The  
 length of the said tail-race will be \_\_\_\_\_  
 or thereabouts, and the course of the said tail-  
 race will be \_\_\_\_\_ or thereabouts. The  
 ground for the said tail-race was marked out and  
 taken possession of by me on the \_\_\_\_\_ day of  
 \_\_\_\_\_, 19 \_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock  
 .m. The said tail-race will be used in connexion  
 with \_\_\_\_\_. And I hereby apply  
 to the said Registrar for registration thereof.  
 Dated at this \_\_\_\_\_ day of \_\_\_\_\_, 19  
 Miner's right  
 No. \_\_\_\_\_ Date. \_\_\_\_\_ Signature.

*Mines Act 1928.*

13.

NOTICE OF APPLICATION FOR REGISTRATION OF  
TAIL-RACE.

\_\_\_\_\_ of \_\_\_\_\_  
 did this day, at the hour of \_\_\_\_\_ o'clock .m.,  
 apply for the right to cut and use a tail-race  
 at \_\_\_\_\_ for the purpose of leading  
 water from \_\_\_\_\_. The length of the said  
 tail-race will be \_\_\_\_\_ or thereabouts,  
 and the course of the said tail-race will be  
 \_\_\_\_\_ or thereabouts. The said tail-race will  
 be used in connexion with \_\_\_\_\_.  
 If no objection be lodged with me within seven  
 days from the posting of this notice, I shall  
 register such tail-race.

Dated at this \_\_\_\_\_ day of \_\_\_\_\_, 19  
 Miner's right.  
 No. \_\_\_\_\_ Date. \_\_\_\_\_ Registrar.

Name. \_\_\_\_\_  
 N.B.—This notice was posted up at the hour  
 of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

*Mines Act 1928.*

14.

## CERTIFICATE OF REGISTRATION OF TAIL-RACE.

I have this day, at the hour of \_\_\_\_\_ o'clock  
 .m., registered \_\_\_\_\_ of \_\_\_\_\_  
 as the holder of a tail-race for the purpose of  
 leading water from \_\_\_\_\_ at \_\_\_\_\_ in  
 the \_\_\_\_\_ Division of the \_\_\_\_\_ Mining  
 District, and to be used in connexion  
 with \_\_\_\_\_.  
 Dated at this \_\_\_\_\_ day of \_\_\_\_\_, 19  
 Miner's right.  
 No. \_\_\_\_\_ Date. \_\_\_\_\_ Registrar.

*Mines Act 1928.*

15.

APPLICATION FOR REGISTRATION OF MACHINERY  
SITE.

I, the undersigned, hereby give notice to the  
 Registrar of the \_\_\_\_\_ Division of the  
 Mining District that I did, on the \_\_\_\_\_ day  
 of \_\_\_\_\_, 19 \_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock  
 .m., take possession in accordance with the pro-  
 visions of the Mining By-laws of and for the  
 State of Victoria of a machinery site, situate at  
 \_\_\_\_\_, containing \_\_\_\_\_ acres,  
 or thereabouts, to be used for the purpose of \_\_\_\_\_.  
 And I hereby apply for the  
 said machinery site, and for registration thereof.

Dated at this \_\_\_\_\_ day of \_\_\_\_\_, 19  
 Miner's right.  
 No. \_\_\_\_\_ Date. \_\_\_\_\_ Signature.

*Mines Act 1928.*

16.

NOTICE OF APPLICATION FOR REGISTRATION OF  
MACHINERY SITE.

\_\_\_\_\_ of \_\_\_\_\_  
 did this day, at the hour of \_\_\_\_\_ o'clock .m.,  
 apply for a machinery site situate at \_\_\_\_\_  
 containing \_\_\_\_\_ acres, to be used for the  
 purpose of \_\_\_\_\_.  
 If no objection be lodged with me within seven  
 days from the posting of this notice I shall register  
 such machinery site.

Dated at this \_\_\_\_\_ day of \_\_\_\_\_, 19  
 Miner's right.  
 No. \_\_\_\_\_ Date. \_\_\_\_\_ Registrar.

Name. \_\_\_\_\_  
 N.B.—This notice was posted up at the hour  
 of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

*Mines Act 1928.*

17.

## CERTIFICATE OF REGISTRATION OF MACHINERY SITE.

I have this day, at the hour of \_\_\_\_\_ o'clock  
 .m., registered \_\_\_\_\_ of \_\_\_\_\_  
 for a machinery site, situated at \_\_\_\_\_, in the  
 \_\_\_\_\_ Division of the \_\_\_\_\_ Mining  
 District, and containing \_\_\_\_\_ acres, to be  
 used for the purpose of \_\_\_\_\_.  
 Dated at this \_\_\_\_\_ day of \_\_\_\_\_, 19  
 Miner's right.  
 No. \_\_\_\_\_ Date. \_\_\_\_\_ Registrar.

*Mines Act 1928.*

18.

APPLICATION FOR REGISTRATION OF RESIDENCE  
AREA OR BUSINESS SITE.

I, the undersigned, have this day, at the hour  
 of \_\_\_\_\_ o'clock .m., taken possession of  
 a residence area (or business site), situate at  
 \_\_\_\_\_, and being allotment \_\_\_\_\_, of  
 \_\_\_\_\_ section \_\_\_\_\_, in the Parish of \_\_\_\_\_,  
 having a frontage of \_\_\_\_\_ feet to  
 street (or road), by a depth of \_\_\_\_\_ feet. And  
 I hereby apply to the Registrar of the  
 Division of the \_\_\_\_\_ Mining District for  
 registration of the area (or site) aforesaid.

Dated at this \_\_\_\_\_ day of \_\_\_\_\_, 19  
 Miner's right.  
 No. \_\_\_\_\_ Date. \_\_\_\_\_  
 Business licence.  
 No. \_\_\_\_\_ Date. \_\_\_\_\_ Signature.

*Mines Act 1928.*

19.

NOTICE OF APPLICATION FOR REGISTRATION OF  
RESIDENCE AREA OR BUSINESS SITE.

\_\_\_\_\_ of \_\_\_\_\_  
 did this day, at the hour of \_\_\_\_\_ o'clock .m.,  
 apply for a residence area (or business site),  
 situated at \_\_\_\_\_ in the  
 \_\_\_\_\_ Division of the \_\_\_\_\_ Mining District, and being  
 allotment \_\_\_\_\_ of section \_\_\_\_\_, in the  
 Parish of \_\_\_\_\_, having a frontage of \_\_\_\_\_  
 feet to \_\_\_\_\_ street or road, by a depth  
 of \_\_\_\_\_ feet.

If no objection be lodged with me within seven days from the posting of this notice, I shall register the area or site.

Dated at this day of , 19 .  
 Miner's right. Date.  
 No. Business licence. Date.  
 No. Registrar.

N.B.—This notice was posted at the hour of \_\_\_\_\_ day of \_\_\_\_\_, 19 .

#### Mines Act 1928.

20.

#### CERTIFICATE OF REGISTRATION OF RESIDENCE AREA OR BUSINESS SITE.

I have this day, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_, registered \_\_\_\_\_ of \_\_\_\_\_, as the holder of a residence area (or business site), situate at \_\_\_\_\_ in the \_\_\_\_\_ Division of the \_\_\_\_\_ Mining District, and being allotment \_\_\_\_\_ of section \_\_\_\_\_ in the Parish of \_\_\_\_\_ having a frontage of \_\_\_\_\_ feet to \_\_\_\_\_ street or road, by a depth of \_\_\_\_\_ feet. And the said \_\_\_\_\_ is subject to the prior right (if any) of any other person the registered holder of the said area (or site).

Dated at this day of \_\_\_\_\_, 19 .  
 Miner's right. Date.  
 No. Business licence. Date.  
 No. Registrar.

#### Mines Act 1928.

21.

#### NOTICE OF CREATION OF SHARES.

Notice is hereby given that the undersigned, being the registered holder of the \_\_\_\_\_ claim, numbered \_\_\_\_\_, and known as \_\_\_\_\_, situated at \_\_\_\_\_ in the \_\_\_\_\_ Division of the \_\_\_\_\_ Mining District, has created \_\_\_\_\_ shares therein, and has appropriated such shares in accordance with the list hereto annexed.

Dated at this day of \_\_\_\_\_, 19 .  
 Miner's right. Date.  
 No. Signature.

#### Mines Act 1928.

22.

#### APPLICATION FOR REGISTRATION OF SHARES CREATED.

We, the undersigned, being the holders of the shares created in the \_\_\_\_\_ claim numbered \_\_\_\_\_, and known as \_\_\_\_\_, situated at \_\_\_\_\_ hereby apply to the Registrar of the \_\_\_\_\_ Mining District, to register our respective shares in such claim.

Dated at this day of \_\_\_\_\_, 19 .

Signatures.	No. of Shares.	Miners' Rights.	
		No.	Date.

#### Mines Act 1928.

23.

#### CERTIFICATE OF REGISTRATION OF SHARE OR INTEREST.

I have this day, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_, registered \_\_\_\_\_ of \_\_\_\_\_, as the holder of a share numbered \_\_\_\_\_ in a \_\_\_\_\_, and known as \_\_\_\_\_, situated at \_\_\_\_\_ in the \_\_\_\_\_ Division of the \_\_\_\_\_ Mining District.

Dated at this day of \_\_\_\_\_, 19 .  
 Miner's right. Date.  
 No. Registrar.

#### Mines Act 1928.

24.

#### APPLICATION FOR INCREASE OF SHARES.

We, the undersigned, being a majority of the holders of the \_\_\_\_\_ claim numbered \_\_\_\_\_, and known as \_\_\_\_\_, hereby apply for an increase of the shares in the said claim from \_\_\_\_\_ to \_\_\_\_\_, and we apply to the Registrar of

the \_\_\_\_\_ Division of the \_\_\_\_\_ Mining District, to register such increase of shares in accordance with the resolution of the said holders, a copy of which is hereto annexed.

Dated at this day of \_\_\_\_\_, 19 .  
 Signatures  
 Witness to signatures

#### Mines Act 1928.

25.

#### TRANSFER OF CLAIM, ETC.

I, \_\_\_\_\_ of \_\_\_\_\_, for valuable consideration, do hereby transfer to \_\_\_\_\_ of \_\_\_\_\_, all my right, title, and interest in \_\_\_\_\_, numbered \_\_\_\_\_, and known as \_\_\_\_\_, situated at \_\_\_\_\_ in the \_\_\_\_\_ Division of the \_\_\_\_\_ Mining District, subject to the terms and conditions under which the said \_\_\_\_\_ has been held by me; and

I, \_\_\_\_\_ of \_\_\_\_\_, do hereby accept the said transfer subject to the terms and conditions aforesaid.

Dated at this day of \_\_\_\_\_, 19 .

Signatures.	Miners' Rights.	
	No.	Date.
Transferor.		
Transferee.		
Witness :		

The within transfer was registered by me at this day of \_\_\_\_\_, 19 .  
 at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_, m. Registrar.

#### Mines Act 1928.

26.

#### TRANSFER OF SHARE OR INTEREST IN CLAIM, ETC.

I, \_\_\_\_\_ of \_\_\_\_\_, for valuable consideration, do hereby transfer to \_\_\_\_\_ of \_\_\_\_\_, all my right, title, and interest in share numbered \_\_\_\_\_ in \_\_\_\_\_, numbered \_\_\_\_\_, and known as \_\_\_\_\_, situated at \_\_\_\_\_ in the \_\_\_\_\_ Division of the \_\_\_\_\_ Mining District, subject to the terms and conditions under which the said share has been held by me; and

I, \_\_\_\_\_ of \_\_\_\_\_, do hereby accept the said transfer subject to the terms and conditions aforesaid.

Dated at this day of \_\_\_\_\_, 19 .

Signatures.	Miners' Rights.	
	No.	Date.
Transferor.		
Transferee.		
Witness :		

The within transfer was registered by me at this day of \_\_\_\_\_, 19 .  
 at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_, m. Registrar.

#### Mines Act 1928.

27.

#### LIEN.

I, the undersigned \_\_\_\_\_, being the registered holder of the \_\_\_\_\_ situated at \_\_\_\_\_, known as \_\_\_\_\_, and numbered \_\_\_\_\_ in the books of the Registrar at \_\_\_\_\_ for the \_\_\_\_\_ Division of the \_\_\_\_\_ Mining District, do hereby, for valuable consideration, grant to \_\_\_\_\_ a lien upon the aforesaid \_\_\_\_\_ as security for the payment on or before the \_\_\_\_\_ day of \_\_\_\_\_, 19 , of the sum of £ \_\_\_\_\_, being the amount owing by me to the said \_\_\_\_\_, and I, the said \_\_\_\_\_, hereby agree that until the said sum of £ \_\_\_\_\_, together with all lawful costs and charges thereon, shall have been paid or discharged in full, this lien shall remain in force; and I, the said \_\_\_\_\_ hereby engage until such payment not to transfer or assign the said \_\_\_\_\_ or any portion thereof without the written consent of the said \_\_\_\_\_.

and at any time after the expiration of the time hereinbefore specified for payment, if upon demand, in writing, by the said payment of the said sum of £ , together with the said costs and charges, be not made, I hereby authorize the said to be sold by auction, and I hereby appoint of , my agent for me and on my behalf, and as my act to transfer, set over, and assign to the purchaser, the whole of my right, title, and interest in and to the said , and for that purpose to sign my name to any transfer or other document; and I, the undersigned, hereby accept this lien as security for the payment within the above specified time of the aforesaid sum of £ , together with all lawful costs and charges thereon, and I agree and engage that upon such payment being made I will forthwith release the said

Dated at this day of , 19 .

Signatures—

{ Lienor.  
{ Lienee.

Witness—

The within lien was registered by me at this day of , 19 , at the hour of o'clock .m.

Registrar.

Mines Act 1928.

28.

LIEN ON SHARE.

I, of , do hereby grant to , of , a lien upon my share, numbered , in a numbered , and known as , situated at , as security for the payment on or before the day of , 19 , of the sum of £ , being the amount owing by me to the said , and until the said sum of £ , together with all lawful costs and charges shall have been paid or discharged in full, I hereby engage not to transfer or assign the said share, or any portion thereof, without the written consent of the said , and at any time after the expiration of the time hereinbefore specified for payment, if upon demand, in writing, by the said payment of the said sum of £ , together with the aforesaid costs and charges be not made, I hereby authorize the said to cause the said to be sold by public auction, and I hereby appoint of , my agent for me and on my behalf, and as my act to transfer, set over, and assign to the purchaser the whole of my right, title, and interest in and to the said , and for that purpose to sign my name to any transfer or other document, and I, of , hereby accept this lien as security for the payment within the above specified time of the aforesaid sum of £ , together with all lawful costs and charges thereon, and I agree and engage that upon such payment being made I will forthwith release the said

Dated at this day of , 19 .

Signatures—

{ Lienor.  
{ Lienee.

Witness—

The within lien was registered by me at this day of , 19 , at the hour of o'clock .m.

Registrar.

Mines Act 1928.

29.

RELEASE OF LIEN.

I, being the lienee under and named in the within lien, having received payment or consideration in full of all demands in respect of £ , secured to me by the within lien, hereby release the within-mentioned

Dated at this day of , 19 .

Signature—

Lienee.

Witness—

Mines Act 1928.

30.

APPLICATION FOR PROTECTIVE REGISTRATION OF CLAIM, ETC.

I, the holder of a registered , numbered , situated at , and styled , hereby apply to the Registrar of the Division of the Mining District for protection for the said for a term of months.

The grounds upon which this application is made are—

Dated at this day of , 19 .

Miner's right.

No.

Date.

Signature.

Mines Act 1928.

31.

NOTICE OF APPLICATION FOR PROTECTIVE REGISTRATION OF CLAIM, ETC.

This is to certify that did this day apply for protection for a claim, numbered , situated at , and styled , on the following grounds:—

If no objection be made within seven days from the posting of this notice, I shall register the protection of such claim.

Dated at this day of , 19 .

Miner's right.

No.

Date.

Registrar.

N.B.—This notice was posted up at the hour of on the day of , 19 .

Mines Act 1928.

32.

CERTIFICATE OF PROTECTIVE REGISTRATION OF CLAIM, ETC.

I have this day, at the hour of o'clock .m., registered the held by , numbered , situated at , in the Division of the Mining District, and styled , under Mining By-law of and for the State of Victoria, number , clause , and provided the grounds assigned for holding the said in reserve and unworked are good and sufficient, the holder of the said is hereby protected for a period of months from the date hereof from fine or forfeiture for non-performance of work.

Dated at this day of , 19 .

Miner's right.

No.

Date.

Registrar.

Mines Act 1928.

33.

APPLICATION FOR PROTECTIVE REGISTRATION FOR RESIDENCE AREA OR BUSINESS SITE.

I, the undersigned, being the registered holder of a residence area (or business site), numbered , and situated at , hereby apply to the Registrar of the Division of the Mining District for protection for the said residence area (or business site) for a term of months.

The grounds on which this application is made are—

Dated at this day of , 19 .

Miner's right.

No.

Date.

Signature.

Mines Act 1928.

34.

NOTICE OF APPLICATION FOR PROTECTIVE REGISTRATION FOR RESIDENCE AREA OR BUSINESS SITE.

I, of , did this day apply for protection for a residence area (or business site), numbered , and situated at , on the following grounds:—

If no objection be made within seven days from the date of posting of this notice, I shall register the protection of such area (or site).

Dated at this day of , 19 .

Miner's right.

No.

Date.

Registrar.

N.B.—This notice was posted up at the hour of on the day of , 19 .

*Mines Act 1928.*

35.

CERTIFICATE OF PROTECTIVE REGISTRATION FOR  
RESIDENCE AREA OR BUSINESS SITE.

I have this day, at the hour of \_\_\_\_\_ o'clock  
 .m., registered the residence area (or business  
 site), numbered \_\_\_\_\_, situated at \_\_\_\_\_  
 in the \_\_\_\_\_ Division of the \_\_\_\_\_ Mining  
 District, under the provisions of Mining By-law  
 of and for the State of Victoria, number \_\_\_\_\_,  
 clause \_\_\_\_\_, and provided the grounds  
 assigned for holding the said area (or site) in  
 reserve are good and sufficient, the holder of the  
 said area (or site) is hereby protected for a period  
 of \_\_\_\_\_ months from the date hereof.  
 Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.  
 Miner's right.  
 No. \_\_\_\_\_ Date. \_\_\_\_\_ Registrar. \_\_\_\_\_

Name. \_\_\_\_\_

*Mines Act 1928.*

36.

APPLICATION FOR PROTECTIVE REGISTRATION OF  
AURIFEROUS OR OTHER EARTH.

I, the undersigned, hereby give notice to the  
 Registrar of the \_\_\_\_\_ Division of the \_\_\_\_\_  
 Mining District that I did, on the \_\_\_\_\_ day  
 of \_\_\_\_\_, 19 \_\_\_\_, at the hour of \_\_\_\_\_  
 o'clock .m., take possession, in accordance with  
 the provisions of the Mining By-laws of and for  
 the State of Victoria, of a quantity of \_\_\_\_\_  
 containing about \_\_\_\_\_ tons, on Crown land at  
 \_\_\_\_\_, and I hereby apply for protection  
 of the said \_\_\_\_\_ for a term of \_\_\_\_\_ months  
 for the extraction of gold or mineral therefrom.  
 Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.  
 Miner's right.  
 No. \_\_\_\_\_ Date. \_\_\_\_\_ Signature. \_\_\_\_\_

*Mines Act 1928.*

37.

CERTIFICATE OF PROTECTIVE REGISTRATION OF  
AURIFEROUS OR OTHER EARTH.

On the application of \_\_\_\_\_ of \_\_\_\_\_  
 I have this day registered for protection for a  
 term of \_\_\_\_\_ months from the date hereof  
 the \_\_\_\_\_ at \_\_\_\_\_, in the \_\_\_\_\_  
 \_\_\_\_\_ Division of the \_\_\_\_\_ Mining  
 District, under the provisions of clause \_\_\_\_\_ of  
 By-law No. \_\_\_\_\_.  
 Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.  
 Miner's right.  
 No. \_\_\_\_\_ Date. \_\_\_\_\_ Registrar. \_\_\_\_\_

*Note.*—A holder failing within the period of  
 protection to bona fide commence operations for  
 the extraction of gold or mineral from such earth  
 shall be deemed to have abandoned the same.

*Mines Act 1928.*

38.

NOTICE OF OBJECTION TO REGISTRATION, PROTEC-  
TION, OR SUSPENSION OF CLAIM, ETC.

I, \_\_\_\_\_ the holder of a miner's  
 right, hereby give notice to the Registrar of the  
 \_\_\_\_\_ Division of the \_\_\_\_\_ Mining  
 District that I object to the registration (protec-  
 tion or suspension) of \_\_\_\_\_ for a  
 \_\_\_\_\_ The grounds of my objections are—  
 Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.  
 Miner's right.  
 No. \_\_\_\_\_ Date. \_\_\_\_\_ Registrar. \_\_\_\_\_

*Mines Act 1928.*

39.

APPLICATION FOR REGISTRATION OF AMALGAMATION  
OF CLAIMS.

We, the undersigned, being the registered  
 holders of \_\_\_\_\_ claims, numbered respectively  
 \_\_\_\_\_ and \_\_\_\_\_, situated at \_\_\_\_\_, hereby  
 apply to the Registrar of the \_\_\_\_\_ Division  
 of the \_\_\_\_\_ Mining District to register the  
 amalgamation of the claims aforesaid under the  
 style of \_\_\_\_\_.  
 Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.  
 Miner's right.  
 No. \_\_\_\_\_ Date. \_\_\_\_\_ Signature. \_\_\_\_\_

*Mines Act 1928.*

40.

## CERTIFICATE OF AMALGAMATION OF CLAIMS.

No. in Register

I have this day, at the hour of \_\_\_\_\_ o'clock  
 .m. registered the amalgamation of  
 claims, numbered \_\_\_\_\_ respectively \_\_\_\_\_ and \_\_\_\_\_  
 \_\_\_\_\_, and situated at \_\_\_\_\_, in  
 the \_\_\_\_\_ Division of the \_\_\_\_\_ Mining  
 District, under the style of \_\_\_\_\_.  
 Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.  
 Registrar. \_\_\_\_\_

*Mines Act 1928.*

41.

## NOTICE TO A DEFAULTING SHAREHOLDER.

To A.B., of \_\_\_\_\_

Sir,—You are required to take notice that a  
 meeting of the \_\_\_\_\_ Company, of which  
 you are a shareholder, will be held at \_\_\_\_\_ on  
 the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, at the  
 hour of \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, at which you  
 are requested to attend.

You are indebted to the company for calls now  
 due over fourteen days in the sum of \_\_\_\_\_  
 and unless that sum be paid at or before the  
 meeting your share (or shares) shall be liable to  
 forfeiture.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.  
 C.D.,  
 Manager (or) Secretary.

*Mines Act 1928.*

42.

## DEMAND ON LIENOR.

To A.B., of \_\_\_\_\_

Take notice that you, the holder of  
 \_\_\_\_\_ have made default in the payment of the sum of  
 £ \_\_\_\_\_, secured to me by registered lien  
 No. \_\_\_\_\_, dated \_\_\_\_\_, in the books  
 of the Registrar at \_\_\_\_\_, I hereby demand  
 payment of such sum of £ \_\_\_\_\_ together  
 with £ \_\_\_\_\_ (being interest at the rate of  
 \_\_\_\_\_ per centum per annum), as provided in the  
 said lien, on or before the \_\_\_\_\_ day of \_\_\_\_\_,  
 19 \_\_\_\_.

If payment is not made on or before such  
 date I will, in accordance with the provisions of  
 Mining By-law No. 15. of and for the State of  
 Victoria, and in accordance with the powers con-  
 ferred by such By-law, cause to be sold by public  
 auction such \_\_\_\_\_, notice of which will be  
 advertised in the \_\_\_\_\_, at the expiration  
 of the time mentioned in this notice.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.  
 C.D., Lienee.

Witness—

*Mines Act 1928.*

43.

## NOTICE RE SALE OF INTEREST HELD UNDER LIEN.

In accordance with Mining By-law No. 15 of  
 and for the State of Victoria, and in satisfaction  
 of the liability of £ \_\_\_\_\_, due and owing to  
 me by A.B., the holder of a residence area (or as  
 the case may be), situated at \_\_\_\_\_, I shall  
 cause to be sold by \_\_\_\_\_, by public  
 auction at \_\_\_\_\_, on \_\_\_\_\_,  
 all the right, title, and interest of the said A.B.  
 in and to the said residence area (or as the case  
 may be).

And in accordance with such By-law I will, as  
 agent for the said A.B., transfer such residence  
 area (or as the case may be) to the purchaser  
 thereof at public auction as aforesaid.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.  
 E.P., Lienee

And the Honorable J. P. Jones, His Majesty's Minister of Mines for the State  
 of Victoria, shall give the necessary directions herein accordingly.

C. W. KINSMAN,  
 Acting Clerk of the Executive Council.