



SUPPLEMENT
TO THE
VICTORIA
GOVERNMENT GAZETTE

OF TUESDAY, JUNE 2, 1857.

Published by Authority.

No. 62.]

TUESDAY, JUNE 2.

[1857.]

LOCAL COURT REGULATIONS.

BUNINYONG.

REGULATIONS made by the Local Court of the District of Buninyong:—

1. *Classes not under the frontage system.*—Class A shall embrace all cases where slabbing is required and the depth of sinking is less than fifty feet, or where slabbing is not required under one hundred feet. The size and extent of claims shall be as follows:—

For 1 man 17 x 17 feet.
For 2 men 24 x 24 feet.
For 3 men 30 x 30 feet.
For 4 men 34 x 34 feet.
For 8 men 48 x 48 feet.

ii. Class B shall embrace cases where slabbing is required if the depth be more than fifty feet, or whether slabbing be required or not, if the depth of sinking be more than one hundred feet, but shall not embrace cases where in sinking there is rock requiring blasting, or where the depth is more than two hundred feet. The size of claims shall be—

For 8 men 58 x 58 feet.

iii. Class C shall embrace all cases where in sinking there is rock requiring blasting, and where the depth of sinking is above one hundred feet and under two hundred feet, and where without rock the sinking is more than two hundred feet deep. The size of the claims shall be—

For 8 men 78 x 78 feet.

iv. Class D shall embrace all cases where there is rock requiring blasting, if the depth of sinking be more than two hundred feet, and where without rock the depth of sinking is more than two hundred and fifty feet deep. The size of claims shall be—

For 8 men 95 x 95 feet.

v. Class E shall embrace all cases where there is rock requiring blasting, if the depth of sinking be more than two hundred and fifty feet, and where without rock the depth of sinking is more than three hundred feet. The size of claims shall be—

For 8 men 110 x 110 feet.

vi. Class F shall embrace all cases where there is rock requiring blasting, if the depth of sinking be more than three hundred feet, and where without rock the depth of sinking is more than three hundred and fifty feet deep. The size of claims shall be—

For 8 men 124 x 124 feet.

vii. *Under the frontage system, and according to the above classification.*—Claims upon all recognised leads or gutters shall be of an indefinite width until such leads or gutters are found in such claims, when the extent of such claims for eight men upon the ascertained lead or gutter shall be as follows,

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and the warden of the district shall determine when and where this rule is applicable:—

Under class A, to be 40 feet in length by 30 feet in width.
" B, to be 51 feet in length by 40 feet in width.
" C, to be 100 feet in length by 40 feet in width.
" D, to be 124 feet in length by 46 feet in width.
" E, to be 148 feet in length by 50 feet in width.
" F, to be 176 feet in length by 50 feet in width.

Such claims shall be subject to the following regulations:—

viii. *Surveyor.*—A competent practical mining surveyor shall be appointed, whose duty it shall be to measure and mark off claims, number them, and register the names of applicants for shares or claims, survey claims when the gutter or lead is discovered in such claims, and mark its position upon the surface by fixing a flag on the spot; survey in all cases of encroachments, and perform such other duties as legitimately come under his notice as surveyor; but no claims shall be registered until such claims are measured and marked off, and no surveyor shall act as surveyor for any lead or gutter unless such surveyor is authorised to do so by the local court.

ix. *Marking of claims.*—All claims shall be marked at right angles with the supposed course of the lead, and a wall of six (6) feet be left between each claim. Any party of miners, in the absence of an authorised surveyor, shall be allowed to mark out their claims subject to the regulations herein provided.

x. *Registration of claims or shares.*—All claims shall be numbered consecutively, and registered with the names in full of the members of each company, also the number and date of their miner's right, and a duplicate of such registration shall be given to the parties obtaining such claims.

xi. *Marking of miner's right.*—Upon any miner presenting his miner's right to the surveyor of a lead for the purpose of registration, the surveyor of such lead shall mark on the face of the miner's right the date of registration, the number of the claim, and name of the lead for which the applicant may desire to be registered, so that the same miner's right may not be again used until the claim or share for which it may be registered shall have been worked out or abandoned, transferred or otherwise disposed of. In all cases of transfer of shares or any portion thereof in frontage claims, the surveyor must register the same before such transfer shall be legal, and give a duplicate of such registration to the transferee, with the conditions under which such transfer is made.

xii. *Plurality of claims and shares.*—No miner can work or represent more than one share at one and the same time, except for wages, or as provided in Prospecting Rule viii. Any person being registered for more than one share, or who is the owner of more than one share at one and the same time (except such additional share has been transferred by the original owner of such share), shall forfeit all such shares in such claim or claims, and shall not be entitled to any compensation for work done or money expended on such share or claims. All shares shall be the bona fide property of the men registered for such shares, who shall be at liberty to transfer such shares, or any part thereof, and the persons to whom such transfers are made shall

to all intents and purposes be partners in the claim or claims in which shares have been so transferred, and shall be entitled to receive their share of all gold derived from such claim or claims on presentation of their transfer tickets.

xiii. *Proceeding to work.*—Within forty-eight (48) hours after the date of registration of claims, the parties so registered shall proceed to work; the word "work" shall mean anything which requires to be done for the working of the claim, such as providing timber or other materials, and when two or more claims are amalgamated, a sufficient number of men shall proceed to sink the shaft. Boring for the deep ground shall be considered sinking. Any party not so proceeding to work within forty-eight (48) hours shall forfeit such claim and all interest therein, their registration for the same being null and void; and the surveyor shall forthwith conditionally register in the place of such party the first applicants for vacant or forfeited shares as provided in Rules Nos. xvi. and xviii.

xiv. *Names of claim-owners shall be posted.*—As soon as any party or company have legal possession of their claim, such party or company shall post the names in full of each shareholder on the most conspicuous part of their claim, and the names of the shareholders of such party or company must continue to be posted and kept legible until the claim is abandoned.

xv. *Absence.*—If any miner is absent from his work for more than four watches consecutively (unless through sickness or some other unavoidable circumstance) in which it is the duty of such absentee to work, the share or interest belonging to such absentee shall be forfeited, unless he shall have sent a proper representative to work his shift in his absence; and in all cases of absence or neglect, from whatever cause, the working party shall have power to hire a man in the place of such absentee for such consecutive watches; such hired man to work and hold possession of such share until his wages (which shall be at the current rate) are paid.

xvi. *Forfeited shares.*—The surveyors of leads or gutters shall keep a book in which they shall enter the names of applicants for vacant or forfeited shares; such applicants shall take precedence according to priority of date of application, and such entry (until withdrawn by the applicant) shall deprive the person so entered from taking up any other share. The surveyor, upon receiving notice of the forfeiture of any shares, shall post a notice of the same on the registration office; and if within forty-eight hours after the posting of such notice, the parties whose names are first on the surveyor's book for vacant or forfeited shares do not appear to receive the conditional transfer of such shares, the surveyor shall transfer such shares to the parties who are next registered, after the expiration of such forty-eight hours.

xvii. *Portions of shares subject to forfeiture.*—In case the interest held by any shareholder shall be forfeited (as before provided in Rules xii, xiii., or xv.), such forfeiture shall only include the portions then the legal property of the person incurring such forfeiture, and not relate to any portions previously disposed of by transfer. In such cases the persons to whom portions of such shares have been transferred shall be allowed to take precedence of all other parties for the remaining or untransferred portion of such shares; but if the other shareholders in the claim have been at any loss in consequence of the neglect of such shareholder whose interest has become forfeited, such loss must be made good to such shareholders by the person to whom such forfeited share is transferred.

xviii. *Information.*—It shall be competent for the surveyor of the lead, on information being made to him by two qualified miners, that any share or number of shares are neglected or abandoned, to make a conditional transfer of such share or shares to applicants for vacant, neglected, or abandoned shares; such transfer shall be entered in a book by the surveyor of the lead, and a duplicate of such entry shall be given to the person or persons who are thus entered; the holder or holders of such conditional transfer shall hold and be the legal owners of such share or shares, unless within the space of eight days the original holder or holders of such share or shares establish his or their right to such share or shares, in accordance with the 10th and 11th sections of the present Gold Fields Amendment Act.

xix. *Posting a notice.*—When the surveyor has made a conditional transfer of any share he shall forthwith post or cause to be posted a notice of the same, which shall continue to be posted and kept legible on some conspicuous part of the claim in which such share is said to be forfeited, and also on the surveyor's office or place of business for the space of eight days.

xx. *Registering.*—In all cases, should the original owner fail to establish his claim, as provided in Rule xvii., within eight days from the date of such conditional transfer, the holder of such transfer shall to all intents and purposes be the *bona fide* owner of the share so conditionally transferred, and the surveyor of the lead shall forthwith register him as such.

xxi. *Responsibility of working a forfeited share.*—In the event of any share being forfeited by a working shareholder, and several portions of such share having been transferred from such working shareholder to other persons, the responsibility of working such share shall fall upon the forfeited portion of

such share; but if such portion be not sufficient, the responsibility for the remaining expenses shall fall upon the last portion of such share which shall have been transferred, and so on in like manner until the expenses of working the share are paid.

xxii. *Discovery of the gutter or lead.*—All parties when they have bottomed their shafts, shall, within a reasonable time, put one main drive into the gutter or lead, and also along the course of the gutter or lead to the boundaries of their claims; such drives not to exceed eight feet in width from prop to prop exclusive, and as soon as the gutter or lead is found in any claim, the shareholders of such claim must report the same forthwith to the surveyor.

xxiii. *Position of claims in case of discovered change of course of leads.*—In cases where the gutter or lead changes its course from the supposed one, the position of the original claims shall be changed accordingly, taking precedence as before, according to their numbers.

xxiv. *Cross leads.*—In cases of cross leads, viz., where one lead crosses and intersects another lead, claims shall be allowed upon such leads, subject to the conditions herein mentioned for frontage claims.

xxv. *Junction leads.*—When two or more leads converge, so that a junction may be reasonably anticipated at a particular point, the surveyor of the lead shall intimate the same to the local court, and furnish the data upon which the opinion was formed, with such other information on that subject as may be required by the court.

xxvi. *Junctions.*—When it shall so appear that two leads shall shortly join, the surveyor, upon the recommendation of the local court, shall cease to register claims upon one of the leads (the name of which shall be intimated to him) so appearing to join, but shall receive and retain the names of applicants for shares or claims on the lead, the further registration of which he has so caused to cease; and whenever the anticipated junction has been found, should there be sufficient space left between the point at which the registration of shares has been made to cease on such lead, and the point at which such junction has been found to have taken place for allowing claims, the surveyor shall forthwith post a notice on the registration office, intimating that there is space left for a certain number of claims upon the lead, the registration of which had been so stopped, and also intimating to all parties who had made application for shares on such lead, after the stopping of such registration, that unless they renewed their application for such shares within six days, the shares to be disposed of on such lead would thereafter be given to the first applicants.

xxvii. *Name of lead.*—After the junction of two leads, the lead formed by such junction shall be called by the name of that lead the registration of which has not been stopped.

xxviii. *Registration too far.*—When the registration of shareholders for shares or claims shall have been registered too far before the stoppage of such registration as before provided, the number of shareholders so registered beyond the real junction shall be entitled to an equal interest with the same number of claims and shareholders on the main lead, beginning at the point at which such junction has been formed; and after the amalgamation of such parties, only the usual number of men provided for such claims shall be required to work the same, and the additional number of men added to the parties by such amalgamation shall be entitled to employ themselves as the party may deem fit.

xxix. *Amalgamation.*—Claims may be permitted to be amalgamated, the area of which shall be in proportion to the number of men holding miner's rights in such companies, and it shall be necessary in all cases of amalgamation that the register tickets should accompany the application.

xxx. *Special permissions to amalgamate.*—In no case will two or three claims be allowed to be amalgamated without a written permission from the warden of the district, and where more than three (3) claims are amalgamated, it must be by the permission of the local court, and in all such cases application must be made to the local court through the clerk or chairman, at least eight (8) days previous to the permission being given for amalgamation. Such applications to state:—

1. Date of application.
2. Situation and plan of the ground.
3. The class of mining.
4. If claims are to be worked by machinery; if so, state its description, more particularly as regards its efficiency with respect to the drainage of the ground.
5. Whether worked or unworked ground.
6. The name or title of such firm or company.
7. Name in full, also date and number of miner's right of every shareholder.

xxxi. *Main way or boundary drive.*—In all cases of extended or amalgamated claims (under the frontage system) all parties shall first, before driving out such claims, put one main drive along the course of the gutter or lead to the extent of their boundary, and it shall be compulsory that they shall allow some duly authorised person to survey such main drive in order to mark the position of the gutter upon the surface, for the guidance of parties sinking.

xxxii. *Walls.*—In all cases a wall shall be left between each claim as neutral ground, as follows:—
 Claims for 8 men 6 feet walls.
 Claims for less than 8 men 3 feet walls.

And in all cases where walls exceed the width as herein provided they shall cease to be neutral ground, and may be mined upon by other parties. And in no case will parties be allowed to drive under walls or spare ground, without leaving such ground properly timbered.

xxxiii. *Slabbing.*—The words "where slabbing is required," shall only apply where it is necessary to slab the entire shaft from top to bottom.

xxxiv. *Shafts must be central.*—In all cases except where specially provided for, shafts must be in the centre of claims.

xxxv. *Water baling.*—Where there is such a quantity of water as to require night and day baling, or where one party willfully injures another party's shaft or drive by damming back water, or by any other cause, it shall be competent for the warden of the district to compel all parties who are thus injuring adjoining claims or shafts to cease from so doing, and also, if necessary, to make compensation for such injuries.

xxxvi. *Drawing slabs from abandoned claims.*—In no case will parties be allowed to draw slabs from any shaft without filling up such shaft as they draw the slabs. Where a claim is abandoned or left unworked, the warden of the district shall be empowered to make such an order as to him may seem best for protecting parties holding adjoining claims from suffering injury from the flow or escape of water from such claims left abandoned or unworked.

xxxvii. *Old workings.*—On old workings or abandoned ground the size of claims shall be regulated according to the classification herein named, and shall be four times the size of claims on new or unworked ground, but in no cases will claims be allowed to exceed in length twice the width.

xxxviii. *Permission for claims on old ground.*—In no case will claims be allowed on old workings or abandoned ground without a written permission from the warden of the district.

xxxix. *Old or worked ground.*—Old or worked ground shall mean and embrace all cases where the ground has been worked, or partially worked and abandoned without reference to the time of such abandonment.

xl. *Quartz mining.*—In quartz mining the extent of claim to which each miner shall be entitled shall be:—

- For 1 man 20 feet along the reef, with the dips and angles.
- For 2 men 40 feet do. do.
- For 3 men 60 feet do. do.
- For 4 men 80 feet do. do.

And so on in like proportion for any number of men.

xli. *Prospecting for new reefs.*—Any person or persons prospecting for and discovering any auriferous quartz reef shall be entitled to fifty yards along such reef, provided such discovery be made known to the warden of the district immediately after such discovery.

xlii. *Taking advantage of the foregoing regulations.*—All parties who now occupy claims under any regulation published in the *Government Gazette* previous to the present date shall be allowed (should they be desirous of doing so) to hold and work their claims (proportioning the number of men to the size of the claims, in the present regulations) according to the following classification:—Under Classes A, B, C, and D (not under the frontage system) parties shall be permitted to hold and work their claims, with one-half the number of working shareholders required by any regulation under which their claims may have been occupied.

Under the frontage system.

- Class A—Claims may be held with 5 men instead of 8 men.
- " B—Claims may be held with 5 men instead of 8 men.
- " C—Claims may be held with 4 men instead of 8 men.
- " D—Claims may be held with 4 men instead of 8 men.

xliii. *Certificate from surveyor.*—In cases where parties reduce the number as provided in Rules xxviii. and xlii., they must before doing so, obtain a certificate from the surveyor of the lead to the effect that the parties so drafted out cease to work in the claim, the shareholders of which are so entitled to reduce their number; such certificate must be obtained before the party so drafted out can register for any other share.

PROSPECTING SERIES.

i. *Prospecting.*—For the encouragement of prospecting parties discovering new leads or other gold workings, portions of such leads or workings may be allowed proportionate to the difficulties attending the discovery, and according to the classification before named.

For the discovery of new leads.

- Class A—50 feet to 4 men ... 100 feet to 8 men.
 - " B—127 feet to 8 men.
- | | | | | | |
|-----------------------|--------------------|---------------------|--|-------------|--|
| <i>Men.</i> | | <i>Men.</i> | | <i>Men.</i> | |
| Class C—200 feet to 8 | ... 320 feet to 16 | ... 430 feet to 24. | | | |
| " D—240 feet to 8 | ... 386 feet to 16 | ... 522 feet to 24. | | | |
| " E—300 feet to 8 | ... 495 feet to 16 | ... 665 feet to 24. | | | |
| " F—350 feet to 8 | ... 550 feet to 16 | ... 720 feet to 24. | | | |

ii. *How boundaries are to be defined.*—Prospecting claims can in all cases where boundaries are disputed be determined and

defined by measuring along the course of the gutter or lead from that point where the gutter or lead is first discovered, and such point shall be the centre of the claim.

iii. *Extent of claims.*—The extent of all claims granted for prospecting may be two hundred yards by fifty-eight yards until the gutter or lead is discovered, after which it shall be in width forty-eight feet by the length allowed along the gutter or lead, according to the classification under which it may come.

iv. *For the discovery of gold workings not recognised as leads or gutters.*—Where the difficulties are similar to those described under the head, "For the discovery of new leads," the proportions shall be as follows:—

- Class A, to 2 men, 38 x 38 feet.
- " A, to 4 men, 54 x 54 feet.
- " A, to 8 men, 76 x 76 feet.
- " B, to 8 men, 92 x 92 feet.
- " C, to 8 men, 108 x 108 feet.
- " D, to 8 men, 130 x 130 feet.
- " E, to 8 men, 149 x 149 feet.

And in all cases except specially provided for, shafts are to be in the centre of the claims.

v. *Prospecting a-head of an established lead.*—Parties prospecting half a mile a-head of an established lead may be allowed an extent of two claims upon such lead (and such claims are to be under the head of "Frontage claims"), provided the discovery may have been made public before the last bottomed hole on the lead can have got within the distance of one quarter of a mile of such prospecting shaft.

vi. *Enlarged claims may be allowed prior to discovery for purposes of protection.*—Parties, on application to the warden, or some other duly authorised person, may have allowed to them areas of ground before the gutter or lead, or other gold workings, may have been discovered, on satisfying such warden or other duly authorised person that they are engaged prospecting in a locality which they shall point out and describe, and such special allowance shall remain good and be sufficient protection against the encroachment of any party, company, or number of persons.

vii. *Enlarged claims prior to discovery.*—After a new lead or other new workings are discovered, all enlarged claims for prospecting for or on such lead or workings prior to its discovery, shall be annulled, except that made to the *bonâ fide* discoverers.

viii. *Parties discovering new leads or workings shall report the same.*—Any party working in a claim discovering a paying reef, shall be entitled to an area of ground measuring 75 feet by 75 feet, provided such paying reef be not within 40 feet of the edge of the gutter. Parties discovering new leads or other workings under these regulations shall report and make an affidavit of the same to the warden of the district in which such discovery shall have been made with as little delay as possible, when the warden can make a correct allowance of ground for such parties, the depth of sinking and all difficulties attending the same being ascertained by him.

ix. *Extended claims to unsuccessful prospectors.*—When it shall be ascertained that parties have been prospecting for a lead or other gold workings, and that they have spent considerable time and labor in the same, although such parties may not have been successful in discovering the lead or other gold workings, it shall be in the power of the warden acting in the district to give such parties double claims on such lead or gold working.

x. *Publicity to be given of discovery.*—It shall be necessary for the warden to make public any new diggings that may be discovered, immediately after the same shall have come to his knowledge, by all means available to him, as well as all parties receiving an extra area of ground on account of any discovery of this nature.

SURFACING SERIES.

i. *Areas of claims.*—The areas of all claims for surface working shall not exceed the following, viz.:—

Where the average depth of surface working does not exceed three (3) feet—

- For 1 man 100 x 100 feet.
- For 2 men 142 x 142 feet.
- For 3 men 173 x 173 feet.
- For 4 men 200 x 200 feet.
- For 5 men 223 x 223 feet.
- For 6 men 245 x 245 feet.
- For 7 men 265 x 265 feet.
- For 8 men 283 x 283 feet.

And in like proportion for any greater number of men.

Where the average depth of surface taken exceeds three (3) and does not exceed six (6) feet—

- For 4 men 142 x 142 feet.
- For 6 men 173 x 173 feet.
- For 8 men 200 x 200 feet.

And in like proportion for any greater number of men.

ii. *Permission and application.*—In no case will these areas for surface working be allowed except by permission of the local court, and in all such cases application must be made to the local court at least eight (8) days previous to the entertainment of such application.

iii. *Surface claims not to prevent the working of leads.*—Claims allowed for surfacing shall not in any case prevent working of leads or other general sinking. The warden of the district shall have power, upon the recommendation of the local court, to enforce such regulations as may be deemed necessary to enable such lead, or other general sinking, to be worked.

iv. *Applications to be accompanied by names of applicants, &c.* All applications for claims under these regulations must be accompanied by the names of the applicants, together with the number and date of their miner's rights.

v. *Water privilege.*—The water privilege to which parties receiving permission under these regulations shall be entitled, will be defined in the conditions imposed by the local court.

vi. *Posting of names of claimholders.*—As soon as any party or company have legal possession of their claim, such party or company shall post their names, together with the number and date of the miner's right of every shareholder, on some conspicuous part of their claim, and such must continue to be posted and kept legible until the claim be abandoned.

vii. *Power of the warden.*—When application has been made as hereinbefore provided, the warden of the district shall have the power to issue to the applicants a written authority to hold possession of the ground applied for until the local court has decided whether it will give the permission or not.

Extent of ground to be occupied under business license.—Each business license shall entitle the holder to occupy an allotment of ground having a frontage of thirty-five feet, irrespective of depth, provided such ground be not required for mining purposes.

Drains, &c., kept clear.—Parties occupying road sites as storekeepers, or otherwise, will be required to keep their frontages, as well as the rears of such sites, clear in every respect, more particularly as regards the drains.

The foregoing Regulations have been assented to by His Excellency the Governor, with the advice of the Executive Council. Gazetted on the 2nd day of June, 1857, pursuant to 18 Victoria No. 37, sec. 17.

B.3832.

By His Excellency's Command,
WILLIAM C. HAINES.