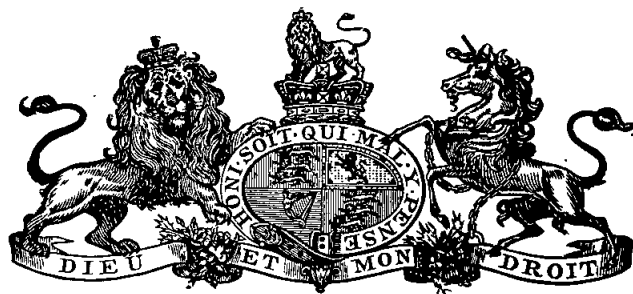


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MINING BY-LAWS

OF AND FOR

THE STATE OF VICTORIA.

MINING BY-LAWS OF AND FOR THE STATE OF VICTORIA.

BY-LAW No. 1.—REPEAL OF EXISTING BY-LAWS.

Repeal.—From and after the date at which these By-laws shall come into operation, all and singular, the By-laws hitherto framed by the Mining Boards of and for the Sandhurst, Ararat, Gippsland, Beechworth, Maryborough, Ballarat, and Castlemaine Mining Districts respectively, and now in force for the said mining districts, or any part thereof, shall be, and the same are hereby revoked, annulled, and repealed; nevertheless, no existing right, interest, privilege, liability, or obligation shall be affected by the repeal of the By-law under which such right, interest,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 CLAUSES.

In the construction and for the purposes of these By-laws, and any others that may subsequently be made, the following terms shall, if not inconsistent with the context or subject-matter thereof, have the respective meanings hereby assigned to them, that is to say:—

Agent.—Where any act is required to be done by any person under these By-laws, such act shall be held to have been properly done if performed by his or her agent.

Bottom, Bottomed.—The word “bottom” shall mean the bed-rock immediately under a lead or auriferous deposit; the word “bottomed” shall mean the depth necessary to have a shaft sunk for the purpose of working or mining a lead.

Claim.—A “claim” shall be such a parcel of land as may, in accordance with the provisions hereof, or of the Mines Acts, be taken possession of for mining purposes by or for any holder of a miner's right, or by or for any number of persons, each being the 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 the claim-holders to other persons; and 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 three classes, namely: alluvial claims, quartz claims, and mineral claims.

Computation of Time.—When the time limited for doing any act under these By-laws is less than eight days, such time shall be reckoned exclusive of Sundays, Christmas Day, Good Friday, and any gazetted public holiday.

When any day or the last of any number of days allowed for doing any act under these By-laws falls upon a Sunday, Christmas Day, Good Friday, or any gazetted public holiday, such act shall be deemed to have been properly done if performed on the next following day, which is not a Sunday, Christmas Day, Good Friday, or gazetted public holiday.

Constantly Employed.—The words “constantly employed” shall mean employment during ordinary working hours.

Crown Land.—The words “Crown land” shall include all lands of the Crown, and 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 1897* (No. 1514).

Depth of Sinking.—The words “depth of sinking” shall mean 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.—The word “division” in these By-laws shall mean any division or sub-division into which the mining district shall have been or may hereafter be divided.

Earth.—The word “earth” shall include any rock, stone, quartz, clay, sand, soil, and mineral.

Easement.—The word “easement” shall be taken to mean and include a means of ingress, egress and regress through, over, and above, the land the subject thereof.

Gold.—The word “gold” shall signify as well any gold as any earth containing gold or having gold mixed in the substance thereof, or set apart for the purpose of extracting gold therefrom.

Lead.—The word “lead” shall mean any auriferous deposit or alluvial deposit, earth drift, or gutter containing or supposed to contain gold.

Mine.—The word “mine” shall mean and include any 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 or shall be carried on upon Crown land.

Miner or Party.—The words “miner” or “party” shall also be taken to mean and include any person holding a miner's right, or any party of miners or a mining company, or co-partnership for mining purposes.

Miner's Right.—The words “miner's right” shall include a consolidated miner's right.

Mining Purposes.—The words “Mining purposes” shall mean the purpose of obtaining gold, silver, or other metal, or mineral other than gold by any mode or method, and of stacking or otherwise storing any earth.

Mining Registrar.—The word “Registrar,” or the words “Mining Registrar,” shall mean the Mining Registrar or Deputy Mining Registrar appointed by the Governor in Council to act in and for the division of the mining district for which he shall have been appointed.

Mining Surveyor. shall mean any qualified Mining Surveyor.

Mining Tenement.—The words “mining tenement” shall mean and be interpreted to mean and include any parcel or parcels of Crown land held or occupied for the purpose of mining for gold, silver, or any other metals or minerals, or any share or interest therein, or any water taken, diverted, stored, conserved, or used for the purpose, or for or in connexion with the pursuit, of mining for gold, silver, or any other metals or minerals, or any share or interest therein; or any race, tail race, drain, dam, channel, or reservoir held, occupied, or used for the purpose of diverting, conducting, storing, or conserving water for the purpose of, or in connexion with, the pursuit of mining for gold, silver, or any other metal or mineral, or any share or interest therein; or any Crown land held, occupied, used,

or enjoyed as a site for residence or business under a miner's right or business licence, or for a dam, reservoir, or machinery, or for a road, tramway, channel, drain, water-course or easement, or a water-right, or any share or interest therein.

Month.—The word "month" shall mean a calendar month.

Old or Abandoned Ground.—The words "old or abandoned ground" shall mean all alluvial ground the greater part of which has been mined upon or partially worked by the previous holder, and which has been abandoned for a period of at least twelve months.

Payable Gold.—The words "payable gold" shall mean any quantity of quartz, stone, earth, or other auriferous substance obtained by any miner or miners which shall pay the expenses of crushing or washing the same, as the case may be, and which shall also pay the miner or miners while actually employed in raising such substance the current rate of wages in that particular district, in addition to the cost of mining requisites required in such raising.

Plant or Machinery.—The words "plant or machinery" shall mean and be interpreted to mean and shall include any machine or machinery, appliance or appliances, material, gear, or implements used, employed, or fixed in or for raising, extracting, or treating any earth, stone, rock, cement, gravel, metal or mineral; or in or for raising, leading, conducting, or storing any water; or in or for sinking or boring in or through any earth, rock, cement, drift, or gravel, or in or for supporting any shaft, tunnel, gallery, adit, drive, or other underground works or excavations.

Prospecting shall mean being engaged in searching for or discovering any new vein of quartz, lost or abandoned lead, or deposit of gold, silver, or other metals or minerals.

Race.—The word "race" shall mean a channel made for the purpose of conveying water for mining or domestic purposes.

Singular includes Plural.—Words importing the singular number shall include the plural number; words importing the plural number shall include the singular number; and words importing the masculine gender shall include the feminine gender.

Tail Race.—The words "tail race" shall mean 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 any claim or claims or for carrying off water or water and tailings from any sluice or other gold-washing apparatus used on or in connexion with any claim, and shall include as well as the race so much of the land on either side thereof as shall be necessary to protect such race.

To Mine.—The words "to mine" shall mean to disturb, remove, cart away, wash, sift, smelt, crush, or otherwise to deal with any earth by any mode or method whatsoever for the purpose of extracting or obtaining gold, silver, or any other metal or mineral therefrom.

Warden.—The word "Warden" shall mean one of His Majesty's wardens of the gold-fields in and for Victoria or in and for any district thereof.

BY-LAW No. 3.—ORDINARY QUARTZ CLAIMS.

1. *Size of Claims.*—Any person being the holder of a miner's right, or any 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. Such claims shall be worked in

accordance with the provisions of these By-laws; but it shall be sufficient if half the number of men work the ground during the time it does not yield payable gold.

2. *Width of Claims.*—The width of an ordinary quartz claim shall be 600 feet.

It shall not be necessary for any person marking off an ordinary quartz claim to obtain a survey thereof, but if such person desires to have a survey, then, on application being made to the Mining Surveyor for the survey of such claim, the said surveyor shall make such survey subject to the provisions of this By-law so far as they limit the area allowed for such claim, and he shall fix or cause to be fixed at each corner of the said claim a substantial post at least 3 inches in diameter, standing at least 3 feet out of the ground, and securely fixed therein.

3. *Taking Possession of Claims.*—Every claim under this By-law shall be taken possession of by placing at each corner of the claim a substantial post, not less than 3 inches in diameter, which shall stand at least 3 feet out of the ground, and be securely fixed therein. The person taking possession shall also cut a V-trench 6 inches in depth, which shall extend at least 3 feet from each post along each boundary line of the said claim. Provided always that in any case where it is impracticable by reason of traffic or other difficulty to comply with the provisions of this clause, it shall be sufficient to drive an iron peg firmly in the ground at each corner of the claim, and that shall be due compliance by the person taking possession or by the Mining Surveyor.

4. *Measurement.*—The measurement of all ordinary quartz claims shall be horizontal.

5. *Registration.*—All claims under this By-law must be registered with the Mining Registrar for the Division in which such claims are situate, in the manner prescribed under By-law No. 11.

BY-LAW No. 4.—QUARTZ PROSPECTING CLAIMS.

1. *Size of Claims.*—Any person desirous of prospecting on or for quartz reefs, and being the holder of a miner's right, shall be entitled to take possession of, and hold a claim of four hundred (400) feet along the line or supposed line of reef, and any two persons, each being the holder of a miner's right, shall be entitled to take possession of, and hold a claim of 600 feet along the line or supposed line of reef; provided such holder or holders prospect and work the same efficiently, and that such claim be not within 500 yards of any other occupied quartz claim on the same line of reef, and be worked by not less than one man for 400 feet along the line or supposed line of reef, and by not less than two men for 600 feet along the line or supposed line of reef.

2. *Width of Claims.*—The width of a quartz prospecting claim shall be 600 feet.

It shall not be necessary for any person marking off a quartz prospecting claim to obtain a survey thereof; but if such person desires to have a survey, then, on application being made to the Mining Surveyor for the survey of such claim, the said surveyor shall make such survey, subject to the provisions of this By-law, so far as they limit the area of such claim, and he shall fix or cause to be fixed at each corner of the said claim a substantial post, at least 3 inches in diameter, standing at least 3 feet out of the ground, and securely fixed therein.

3. *Taking Possession of Claims.*—Every claim under this By-law shall be taken possession of by placing at each corner of the claim a substantial post, not less than 3 inches in diameter, which shall stand at least 3 feet out of the ground, and be

securely fixed therein; the person taking possession shall also cut a V-trench 6 inches in depth which shall extend at least 3 feet from each post along each boundary line of the said claim.

Provided always that in any case where it is impracticable by reason of traffic or other difficulty to comply with the provisions of this clause, it shall be sufficient to drive an iron peg firmly in the ground at each corner of the claim, and that shall be due compliance by the person taking possession, or by the Mining Surveyor.

4. *Measurement.*—The measurement of all quartz prospecting claims shall be horizontal.

5. *Registration.*—All claims under this By-law must be registered with the Mining Registrar for the Division in which such claim is situated, in the manner prescribed under By-law No. 11.

BY-LAW No. 5.—QUARTZ PROSPECTING AREAS.

Any holder of a miner's right or holders of miners' rights desiring to prospect or search for auriferous quartz reefs at a distance of not less than two miles from the nearest occupied quartz claim shall be entitled to take possession of a parcel of Crown lands not exceeding 500 yards square, and provisionally occupy the same as a quartz prospecting area for a period not exceeding twelve calendar months, or until the discovery of an auriferous lode or quartz reef therein if the latter event sooner occur, provided that one or more men are kept constantly employed thereon, and that such prospecting area does not contain within its boundaries any ground in which payable alluvial gold is known to exist. Upon the discovery of gold in payable quantities, the title to provisional occupation shall be forfeited, and in lieu thereof the said holder or holders shall be entitled to mark off and occupy a claim on the course of the reef 800 feet in length by 600 feet in width. Persons provisionally taking possession of a quartz prospecting area shall register the same with the Mining Registrar of the division in which such prospecting area is situated within fourteen days of the time of taking possession thereof in the form prescribed under By-law No. 11, and shall keep posted on some conspicuous place near to their prospecting bore, trench, shaft, drive, or cutting, a copy of the certificate of such registration in the form of Schedule No. 3 hereto. No suspension of labour will be permitted during the term of the provisional occupation as aforesaid.

BY-LAW No. 6.—QUARTZ, ETC., TUNNELLING CLAIMS.

Size of Claim.—Any person holding a quartz claim or a quartz prospecting claim, or a mineral claim, by virtue of his miner's right, shall be entitled to 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 1,000 yards 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 100 yards in length by a width of 40 yards 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 placing two pegs not less than three inches each in diameter, standing at least three feet out of the ground, and to be securely fixed therein, one peg at each end of the said tunnel, level, or adit. The holder of any such tunnel, level, or adit site shall register the same with the Mining Registrar in the manner provided by By-law No. 11. Provided always, that such area shall not obstruct

any water-course, road, or thoroughfare, in general use, not interfere with any existing right held under these By-laws. Provided also that such easement be open to quartz and alluvial mining, if such mining does not interfere with the operations in the said tunnel.

BY-LAW No. 7.—ALLUVIAL GOLD IN QUARTZ CLAIMS.

1. *Owner of Quartz Claim entitled to Alluvial Gold.*—The owner, or owners of any quartz claim shall be entitled to work all alluvial and other deposits of gold within the area of such claim.

BY-LAW No. 8.—ALLUVIAL CLAIMS.

1. *Definition.*—Any person being the holder of a miner's right, or any number of persons each being the holder of a miner's right, and acting in conjunction, may take possession of a parcel of Crown lands, as, and for an alluvial claim.

2. *Description of Claims.*—Alluvial claims shall be divided into the following classes:—

- (a) Ordinary alluvial claims in new ground.
- (b) Claims in old or abandoned ground.
- (c) Claims in banks and beds of rivers.
- (d) Bank sluicing claims.
- (e) Ordinary puddling and sluicing claims.
- (f) Extended claims for puddling, sluicing, or cement crushing.
- (g) Alluvial claims in tunnelling ground.
- (h) Extended claims in old and abandoned tunnelling ground.
- (i) Extended claims in deep sinking.
- (k) Alluvial prospecting claims.

3. *Ordinary Alluvial Claims 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 wide. 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.

In deep sinking, one-half the number of men shall be sufficient to work the claim, until the expiration of two months after the same shall have been bottomed, when the full number shall be employed.

4. *Claims in Old or Abandoned Ground.*—Claims may be taken up in old or abandoned ground not exceeding in area 150 feet by 150 feet for each holder of a miner's right.

5. *Claims in Banks and Beds of Rivers.*—Any person being the holder of a miner's right, or any number of persons each being the holder of a miner's right, and acting in conjunction, may take up and hold a claim on the bank or in the bed of any river or creek, not exceeding in area 150 feet in length by 300 feet in width for each of such holders.

6. *Bank Sluicing Claims.*—Any person being the holder of a miner's right may take up and hold a bank sluicing claim—that is, an alluvial claim which

does not include the bed of a creek or river. Such claim shall not exceed 25 yards in width by 130 yards in length for each holder of a miner's right.

7. *Ordinary Puddling and Sluicing Claims.*—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 employed in connexion with puddling, any holder of a miner's right may take up and hold an area not exceeding one acre.

8. *Extended Claims for Puddling, Sluicing, or Cement-crushing.*—Any holder of a miner's right who desires to re-work auriferous alluvial ground which has been previously worked and abandoned, and where the proposed mode of working is such that a preliminary expense of not less than One hundred pounds is necessary in making a race or cutting, or timbering or machinery, may take up and hold a claim not exceeding in area 5 acres, provided such holder employs one man for every acre so held. Any such claim shall be forfeitable unless the conditions imposed by this clause be complied with within three months from the date of such claim being taken possession of.

9. *Alluvial Claims 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 up and worked either by sinking or tunnelling. The extent of claim shall not exceed 100 feet in frontage for each holder of a miner's right, and one man shall be employed for each 100 feet of such frontage. Any holder of a miner's right taking up a claim under this clause shall peg off the extent of frontage by placing two pegs each at least three inches in diameter, and standing at least 3 feet out of the ground, and to be securely fixed therein, one peg at each end of such frontage. He shall then properly mark the claim by two rows of pegs (each at least 3 inches in diameter, standing at least 3 feet out of the ground, and securely fixed therein) parallel to each other and at right angles with the supposed lead or frontage of the hill, said rows of pegs to be carried to any distance not exceeding three-quarters of a mile. The pegs in said parallel lines shall be within 20 yards of each other. All parties shall run their tunnels within their own parallels; nevertheless, where considerable time and expense can be saved by driving at any distance outside the parallels, they shall be permitted to do so, and shall mark off the ground necessary for the purpose, provided that such marking off shall not interfere with any existing rights.

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 100 yards in length by a width of 40 yards 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 placing two pegs not less than 3 inches in diameter, standing at least 3 feet out of the ground, and securely fixed therein, one peg at each end of the said tunnel. Parties may work their claim with one-half the number of men during the time it does not yield payable gold, after which the full number shall be employed. When gold has been found, the owners shall mark off their claim in breadth by two cross lines of pegs at least 3 feet out of the ground, 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. Within seven days after such claim has been marked off, the

holder thereof shall make application to the Mining Registrar to register the same, and shall complete such registration in the manner provided by By-law No. 11 of these By-laws. Any party may take up a claim between the same parallels after such last-mentioned marking off. Provided always that the said easement shall be open to quartz or alluvial mining if such mining does not interfere with the operations in the said tunnel.

10. *Extended Claims in Old and Abandoned Tunnelling Ground.*—In tunnelling ground partially worked and abandoned, the holder of a miner's right may mark off and hold a claim not exceeding 150 feet in frontage by a depth of 300 feet, and shall employ thereon one man for every 150 feet of such frontage. The provisions of section 9 of this By-law with regard to the marking off and registration shall apply to claims taken possession of under this section.

11. *Extended Claims in Deep Sinking.*—In alluvial ground, where the depth of sinking exceeds 150 feet, the holder of a miner's right or the holders of miners' rights, shall be entitled to mark off and take possession of a claim or claims not exceeding in extent the areas following, respectively:—

Where the depth of sinking exceeds 150 feet and does not exceed 200 feet:—

A claim for one person shall be any area not exceeding two acres.

A claim for two persons shall be any area not exceeding 4 acres.

A claim for three persons shall be any area not exceeding 6 acres.

And so on in like proportion, according to the number of persons, that is to say:—

A claim for a number of persons who take possession conjointly may be any size, provided the dimensions thereof do not exceed such an area as would be equal to 2 acres of land for each and every of the persons taking possession of such claim.

Where the depth of sinking exceeds 200 feet and does not exceed 300 feet:—

A claim for one person shall be any area not exceeding 3 acres.

A claim for two persons shall be any area not exceeding 6 acres.

A claim for three persons shall be any area not exceeding 9 acres.

And so on in like proportion, according to the number of persons, that is to say:—

A claim for a number of persons who take possession conjointly may be any size, provided the dimensions thereof do not exceed such an area as would be equal to 3 acres of land for each and every of the persons taking possession of such claim.

Where the depth of sinking exceeds 300 feet and does not exceed 400 feet:—

A claim for one person shall be any area not exceeding 6 acres.

A claim for two persons shall be any area not exceeding 12 acres.

A claim for three persons shall be any area not exceeding 18 acres.

And so on in like proportion, according to the number of persons, that is to say:—

A claim for a number of persons who take possession conjointly may be any size, provided the dimensions thereof do not exceed such an area as would be equal to 6 acres of land for each and every of the persons taking possession of such claim.

Where the depth of sinking exceeds 400 feet:—

A claim for one person shall be any area not exceeding 12 acres.

A claim for two persons shall be any area not exceeding 24 acres.

A claim for three persons shall be any area not exceeding 36 acres.

And so on in like proportion, according to the number of persons, that is to say:—

A claim for any number of persons who take possession conjointly may be any size, provided the dimensions thereof do not exceed such an area as would be equal to 12 acres of land for each and every of the persons taking possession of such land.

12. Alluvial Prospecting Claims.—Any person, being the holder of a miner's right, prospecting for alluvial gold deposits, shall be entitled to take up and occupy provisionally as an alluvial prospecting claim until the discovery of payable gold or until such claim has been forfeited or abandoned, the following areas:—

If at a distance of one mile and under three miles from the nearest occupied alluvial claim, or from any prospecting claim at the time occupied, 600 feet by 600 feet; if three miles and under ten miles, 800 feet by 800 feet; if ten miles and upwards, 1,000 feet by 1,000 feet. Provided that there shall be constantly employed on or in connexion therewith at least two men. Any person provisionally occupying such prospecting claim shall register the same with the Registrar, and shall keep posted on some conspicuous place near to the prospecting bore, shaft, drive, trench, or cutting, a copy of the certificate of the registration of such prospecting claim. Upon the discovery of payable gold within such prospecting claim, the title to provisional occupation shall lapse, and the prospector shall be entitled to select and mark off and occupy as and for an alluvial prospecting claim double the area he would be entitled to hold under the ordinary provisions of these By-laws. The prospector shall, within fourteen days after the discovery of payable gold, make application to the Mining Registrar of the Division to register the said last-mentioned claim, and shall complete such registration in accordance with the provisions of By-law No. 11 of these By-laws. He shall at the same time 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. Any prospector failing to comply with the above provisions as to notice and registration shall forfeit all benefit arising from this By-law. Upon receipt of the above-mentioned notice, the Registrar of the Division shall post one of such duplicate notices in a conspicuous place at his office.

13. Priority of Claims in Tunnelling Ground.—In tunnelling under hills on the frontage of which angles may occur, or which may be of an oblong or elliptical form, no party shall be allowed to tunnel from any of the said angles, nor from either end of such hills, so as to interfere with any party tunnelling from the main frontage of such hills. In cases of two or more parties tunnelling from the opposite sides of the same hill, and their side or boundary lines meeting or intersecting, or their claims meeting, the party that first marks off his claim 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, all parties shall, if required, take their claim or claims on the lead or gutter nearest the side of the hill at which their tunnel commences.

14. Owners of Alluvial Claims entitled to all Reefs and Other Deposits.—The owner or owners of any alluvial claims shall be entitled to work all quartz reefs, veins, leaders, and other deposits of gold within the area of such claims.

BY-LAW No. 9.—MARKING ALLUVIAL CLAIMS.

1. Marking Claims.—All alluvial claims, with the exception of alluvial claims in tunnelling ground, and extended claims in old and abandoned tunnelling ground, shall be marked out by placing at each corner of the claim, a substantial post not less than 3 inches in diameter, which shall stand at least 3 feet out of the ground, and be securely fixed therein; the person marking shall also cut a "V" trench 6 inches in depth, which shall extend at least 3 feet from each post along each boundary line of said claim. Claims in alluvial workings shall be taken and measured where practicable in square or rectangular blocks, and not exceeding in length thrice the breadth thereof, except as otherwise provided for in these By-laws.

2. Registration of Alluvial Claims.—All alluvial claims shall be registered with the Mining Registrar for the division in which such claims are situate in the manner prescribed under By-law No. 11.

BY-LAW No. 10.

1. MINERAL CLAIMS.

Ordinary Claims.—Any holder of a miner's right, or any number of persons each being the holder of a miner's right, and acting in conjunction, may, for the purpose of mining for any metal or mineral other than gold, take possession of, and occupy as and for an ordinary mineral claim, a parcel or parcels of Crown lands, not exceeding in area three acres for each holder of a miner's right. Provided that no such claim shall in any case exceed 30 acres in area, and provided further, that one man shall be employed for every 3 acres held.

2. MINERAL PROSPECTING CLAIMS.

Any person desiring to prospect for any metal or mineral other than gold, and being the holder of a miner's right, shall be entitled to take possession of and hold as a mineral prospecting claim an area not exceeding 5 acres in extent, provided such claim be not less than one mile from the nearest occupied mineral claim.

Such claim shall be provisionally occupied for a period not exceeding twelve months, or until the discovery of a payable lode or deposit within that period. Upon the discovery of a payable lode or deposit such provisional occupation shall cease, and in lieu thereof, the occupier shall be entitled to mark off, and hold the area allowed as and for an ordinary mineral claim under this By-law.

3. MARKING OUT.

Every claim under this By-law shall be taken possession of by placing at each corner of the claim a substantial peg, not less than 3 inches in diameter, which shall stand at least 3 feet out of the ground, and be securely fixed therein. The person marking shall also cut a "V" trench 6 inches in depth, which shall extend at least 3 feet from each post along each boundary line of the said claim.

4. REGISTRATION.

Every claim under this By-law shall be registered with the Mining Registrar for the division in which such claim is situated in the manner prescribed under By-law No. 11.

BY-LAW No. 11.—REGISTRATION OF CLAIMS.

1. Mode of Obtaining Registration.—All ordinary quartz claims, quartz prospecting claims, quartz prospecting areas, quartz tunnelling claims,

alluvial claims, mineral claims, and mineral prospecting claims taken up respectively under By-laws numbered 3, 4, 5, 6, 8, and 10, shall be registered with the Mining Registrar for the division in which such claims are situate in the manner following:—Within seven (7) days after any such claim has been taken possession of by marking, in accordance with these By-laws, the holder or holders thereof shall lodge with the Mining Registrar for the division in which such claim is situated, an application duly signed by such holder or holders, in the form of Schedule I. hereto.

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

3. *Posting Notice.*—The said applicant shall, thereupon, within a further period of seven (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 seven (7) consecutive days. At the time of posting such notice, the applicant shall indorse thereon the date and time of posting the same.

4. *Certificate of Registration.*—At the expiration of such last-mentioned period, if no objections against such registration have been lodged with the Registrar, he shall, at the request of the applicant, complete such registration by inserting the names of all persons by or on whose behalf such application has been made, in the certificate of registration in the form of Schedule 3 hereto. The said Registrar shall thereupon deliver to the applicant a copy of such certificate of registration.

BY-LAW No. 12.—WATER-RIGHTS, DAMS, RESERVOIRS, ETC.

1. *Definition.*—Any holder of a miner's right may cut, construct, and use, races, dams, and reservoirs, for mining purposes, through, and upon any Crown lands, and may take or divert water from any stream, lake, pool, spring, creek, or natural water-course, situated on or flowing through or adjoining Crown lands, and may collect and store any water falling upon, and running through or over any Crown land, and may use such water for mining purposes, and for his or their domestic purposes, and the right to cut, construct, and use races, dams, and reservoirs, and to take, divert, collect, and store water as aforesaid shall be termed or styled a water-right.

2. *Taking Possession of Water-rights.*—Any holder of a miner's right intending to divert and use or collect, store, and use, water as aforesaid, and for that purpose to cut, construct, or use, a race for leading or conveying such water, or to construct or use a dam or reservoir for conserving or storing such water, in connexion with such race, shall, for the purpose of taking possession thereof, fix firmly in the ground at each end of the race, and at intervals of not more than 100 yards along, or as nearly as practicable along the intended course of the race or (as the case may be), at each angle of the dam or reservoir, a substantial post not less than 3 inches in diameter, projecting above the surface of the ground not less than 3 feet, and fixed firmly therein, and shall, within seven days (Sundays and gazetted public holidays excepted), after taking possession, make application in writing to the Registrar of the division in which the water-right is wholly situated, or in which the claim or claims, or any portion of the claim or claims to which the water is to be conveyed, shall be situated, for registration of such water-right.

3. *Form of Application for Registration of Water-right and Race.*—Every such application shall be in the form contained in the Schedule hereto numbered 4, and shall set forth:—

- (a) The name or names of the river, creek, or other source from which the water is to be obtained, particularizing with sufficient accuracy, the point in such river, creek, or other source from whence the water is to be diverted.
- (b) The quantity of water in sluice heads required.
- (c) The number of dams (if any) in which such water is to be stored and their situation.
- (d) The length of the race, and its intended course.
- (e) The date and hour of taking possession as aforesaid.

Every such application shall be signed by the applicant or applicants, and shall contain the number and date of each miner's right, or consolidated miner's right, under which such application is made.

4. *Form of Notice of Application.*—The Registrar to whom such application is made shall thereupon deliver to the applicant or applicants a notice in the form contained in Schedule 5 annexed to these By-laws.

5. *Posting Notice.*—The said applicant shall, within seven days from the date of such last-mentioned notice, post, or cause to be posted, the said notice on some conspicuous place on the course of the race, and shall keep the said notice there posted for seven consecutive days, and shall, at the time of posting, indorse thereon the date and hour at which the same was posted. At the expiration of such last-mentioned seven days, if there be no objection lodged, the Registrar shall register the same in a book to be kept for that purpose, and deliver to the applicant a certificate in the form of Schedule 6 annexed to these By-laws.

6. *Quantity of Water allowed.*—Any holder of a miner's right shall be entitled to a quantity of water not exceeding for ordinary claims, one sluice head; for box-slucing, two sluice heads; for ground sluicing, four sluice heads; and for hydraulic sluicing, six sluice heads, in any one race; provided, however, that where there is an excess of water at the head of any race, such holder may divert the same, or any portion thereof, if it does not interfere with the right of any other party then existing, or subsequently obtained.

7. *Measurement of Water.*—Every sluice-head of water shall be measured by means of a box placed at the head of the race, to be 6 feet in length by 12 inches in width and 4 inches in depth, inside measurement, to be placed on a level and above the water-mark in the race; the said box to be kept full by means of a wing dam and an opening of 2 inches across the bottom at the end next the race shall be considered a sluice-head. When the race shall exceed a mile in length, the width of the box may be increased half-an-inch for each mile. Provided always that the preceding provisions of this clause seven (7) shall not apply to the Beechworth Division of the Beechworth Mining District; and provided further that in the said Beechworth Division every sluice-head of water shall be measured by means of a box placed level at the head of the race, to be 12 feet long, 12 inches wide, and 6 inches deep in the inner measurement, with an opening of a uniform depth of 1 inch and one-eighth of an inch across the bottom of the said box.

8. *Water-wheels.*—Any holder of a miner's right shall be allowed to cut a race and use one sluice-head of water to propel any water-wheel or other machinery for mining purposes; but should there be an excess of water after others who may be interested therein are fully supplied, such holder may then apply to his use so much of the surplus as may be deemed necessary.

9. *Extension or Alteration of Race, &c.*—Any 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; such holder shall, before making such alteration or extension, comply with the requirements of sections 2, 3, 4, and 5 of this By-law.

10. *Side Streams not Claimable.*—When any race shall cross a gully, creek, or stream, the owner of such race shall conduct all water in such gully, creek, or stream, either under or over said race, so as to flow in its usual course, if such owner be requested to do so in writing by any party requiring the same.

11. *Priority of Right.*—The superiority of water-rights shall be determined by priority of registration. If the water flowing in any water-course, creek, or river is insufficient to supply all the water-rights derived from such water-course, creek, or river, the owner of any water-right shall, immediately on the receipt of a written notice from the owner of any superior water-right in form of Schedule 7 hereto, cease to divert from, and shall make available to, the owner 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. The holder of any water-right shall not be entitled to demand a supply of water at a higher level than is sufficient for his purposes.

12. *Water Left Running in Creeks, &c.*—One sluice-head of water shall at all times be allowed to flow in the natural course of any river, creek, or water-course, if required for mining purposes.

13. *Water Shall Not Run to Waste.*—No person or persons holding water-rights under this By-law shall allow any water to run to waste, but such water shall be appropriated to the use of the next holder or holders of any right in respect of such water, according to the date of their respective registrations.

14. *Protection of Water-right during Construction of Race, &c.*—Any person having registered a water-right shall be deemed to be in the use and occupation of such water-right during the time he may be cutting or constructing the race through which the water is to flow, or the dam or reservoir which is to contain the water.

15. *Width of Ground for Protection of Race.*—Any holder of a miner's right occupying 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. Provided always that 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.

16. *Protection to Races or Tail-races.*—No person taking up a claim shall approach, either by sinking or driving, within six (6) feet of any race or tail-race, where the depth of sinking is 6 feet or under, and if above that depth, shall not approach nearer than 12 feet to such race or tail-race.

17. *Distance between Races.*—Any person cutting a race so close to an existing race or to the properly-defined line of an intended race in actual and *bond fide* course of formation, and thereby causing drainage or any other damage, shall be responsible to the proprietors for such damage, which may be recovered before any Warden or Court of competent jurisdiction.

18. *Damage to Races.*—No person shall cut or damage any tail-race, dam, or reservoir, or obstruct the flow of water in them, or sink or approach within six (6) feet thereof where the depth of sinking is 6 feet or under, and if above that depth shall not sink or approach within 12 feet thereof, without first securing the same to the satisfaction of the proprietors.

19. *Construction of Races across Roads.*—Any person constructing or using a race, tail-race, water-drain, catch-drain, or sludge-drain across any road or thoroughfare shall construct substantial bridges (with approaches where necessary) over such race, tail-race, water-drain, catch-drain, or sludge-drain, and shall keep the same in repair.

20. *Races may be Constructed through Claims.*—Any holder of a miner's right shall be entitled to cut and construct any race, tail-race, or drain for mining purposes through any claim or claims held by any other miner or miners, or under, over, or across any other race, tail-race, or drain. Provided always that such first-mentioned race, tail-race, or drain 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. No person shall permit any water used on or in connexion with any claim or race to flow upon or into any other claim, race, or tail-race, unless with the consent of the owner thereof. All claim-holders shall keep all tailings or sludge from their claim clear of any other-claim, race, or tail-race, unless with the consent of the owner thereof.

21. *Flooding Claims.*—No person or persons shall be permitted to construct any embankment of earth or other material, the effect of which would be to flood any claim or mining tenement, and no person shall back the water of any creek, race, or water-course into or upon any claim, or otherwise cause any claim to be flooded, either wilfully or by neglect.

22. *Roads across Races.*—Any person or persons opening up new roads or thoroughfares across any race shall construct and keep in repair suitable crossings over said race, and suitable approaches thereto. Provided that such last-mentioned roads, thoroughfares, and crossings shall not interfere with the security of the race.

23. *Heads of Races may be Shifted.*—Every race shall have a given point specified for its head, as provided in sub-clause (a) of Clause 3 of this By-law. The head, however, may be shifted, provided such shift shall not be to the injury or prejudice of any other existing water-right, and 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, and provided that the holder of the said race comply with the requirements of Clauses 2, 3, 4, and 5 of this By-law.

24. *Extension, &c., of Races.*—Any holder of a miner's right registered for any water-right shall not be limited in the use thereof to the claim for which such right was originally registered, but may use the same for mining purposes upon any other claim. Provided always that when any such holder requires to extend his race or water-course beyond the point for which he was originally registered, he shall do so in accordance with the provisions of these By-laws.

25. *Catch-drains*.—The owner or owners of any catch-drain cut and constructed for collecting and conveyance of water to any water-dam shall be protected in the possession thereof for a distance not exceeding three hundred and fifty (350) yards from any such water-dam, provided such catch-drains are on the higher side of the water-dam bank.

26. *Dams not to be Made near Reefs*.—No water-hole, race, or dam shall be made by any miner within the distance of twenty (20) yards from the line of any quartz workings; and the removal or alteration of any race, water-hole, or dam, respectively, which is proved to discharge water into any underground workings may be made, on payment of such sum of money as may be deemed equitable to be paid by the person benefited to the owner of the said race, water-hole, or dam. The removal or alteration of any such race, water-hole, or dam shall be effected in such manner as may be directed by the Warden; and the amount of compensation to be paid under this clause shall, in the event of a dispute arising, be determined by the Warden.

27. *Puddlers or Others not to Pump Water from Other Miners*.—No person shall pump, take away, or damage any water which may be in an unregistered water-hole or excavation of any kind if any other miner is at work at such water-hole or excavation, and requires the water for puddling purposes unless such person shall have previously obtained the consent of such miner or the warden.

28. *Protection of Water-rights during Drought*.—Any race or the right to any water shall not be liable to forfeiture when the supply of water is insufficient.

29. *Taking Possession of Dam Sites and Reservoirs*.—Any holder of a miner's right intending to collect, store, and use water as aforesaid, and to construct, or use a dam, or reservoir for conserving or storing such water, shall be entitled to take possession of, and occupy for such purpose, an area not exceeding 6 acres in extent. (Provided always that any miner shall be allowed to work any auriferous ground therein, or prospect any portion thereof, so long as the same does not interfere with, or damage such 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 substantial post not less than 3 inches in diameter, projecting above the surface of the ground not less than 3 feet, and firmly fixed therein, and shall, within seven days (Sundays and gazetted public holidays excepted) after taking possession, make application in writing to the Registrar of the Division in which such dam site or reservoir site is situated, for registration of such site.

30. *Form of Application for Registration of Dam Site, &c.*—Every such application shall be in the form contained in the Schedule hereto, No. 8, and shall set forth:—

- (a) The area marked out for such site.
- (b) The approximate capacity of the dam or reservoir, or proposed dam or reservoir.
- (c) The situation, or proposed situation of the dam site or reservoir site.
- (d) The date and hour of taking possession as aforesaid.
- (e) The number and date of each miner's right, or consolidated miner's right, under which such application is made.

Every such application shall be signed by the applicant or applicants.

31. *Form of Notice of Application*.—The Registrar to whom such application shall be made, shall thereupon deliver to the applicant or applicants, a notice in the form contained in Schedule 9, hereto.

32. *Posting Notice*.—The said applicant or applicants shall, within seven 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 seven consecutive days, and shall, at the time of posting, indorse thereon the date and hour at which the same was posted. At the expiration of the said last mentioned seven days, if there are no objections lodged, the Registrar shall register the same in a book to be kept for that purpose, and shall deliver to the applicant a certificate in the form of Schedule 10 annexed to these By-laws.

33. *Dams across Creeks or Rivers*.—Any person intending to construct a dam or reservoir across the course of any creek or river, for the purpose of diverting water, may do so. Such dam or reservoir shall be taken possession of, and registered, in the manner provided under sections 29, 30, 31, and 32, of this By-law; but no person shall construct a dam or reservoir across the bed of any creek or stream for the purpose of storing any water.

34. *Dams, &c., must be held in connexion with Mining*.—No person shall be held to be in legal occupation of any dam or reservoir (not used for domestic purposes), unless the same is held as an easement in connexion with a claim or mining tenement; and all legal title to such dam or reservoir shall cease when it is not held in connexion therewith.

35. *Water-holes and Springs for Domestic Purposes*.—Any holder of a miner's right desiring to preserve a water-hole or spring for domestic purposes, must make application to the Registrar, who shall deliver to such applicant an authority in the form of Schedule 11 hereto annexed, to set apart the same, when the applicant must erect an upright pole near the hole, crossed by two bars of wood thus †; and any person defiling or polluting the same shall be subject to the penalty incurred for breach of these By-laws. Nevertheless, any surplus water that may overflow from such reserved spring, water-hole, or other depository of water, 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.

36. *Tail-races*.—Any holder of a miner's right shall be entitled to take possession of, and occupy a tail-race in connexion with any claim held by him, and for such purpose he may occupy an area for the site of such tail-race not exceeding two miles in length, by a width of 27 feet for a distance of 20 yards from the upper end of such tail-race, and a width of 12 feet for the remaining portion thereof. Nevertheless, no person shall be entitled to occupy any greater length of tail-race than is necessary for his requirements.

37. *Mode of Taking Possession of Tail-race*.—Every tail-race shall be taken possession of in the same manner as a race under Section 2 of this By-law. The applicant for such tail-race shall, within seven days (Sundays and gazetted public holidays excepted), after taking possession, make application in writing to the Registrar of the Division in which such tail-race is situated, for registration thereof.

38. *Form of Application for Registration of Tail-race.*—Every such application shall be in the form contained in the Schedule numbered 12, hereto, and shall set forth:—

- (a) The approximate length of such tail-race.
- (b) The situation and course thereof.
- (c) The purpose for which such tail-race is required
- (d) The date and hour of taking possession as aforesaid.
- (e) The number and date of miner's right held by the applicant.

Every such application shall be signed by the applicant or applicants.

39. *Form of Notice of Application.*—The Registrar to whom such application shall be made, shall thereupon deliver to the applicant or applicants a notice in the form contained in Schedule numbered 13, annexed to these By-laws.

40. *Posting Notice.*—The said applicant shall, within seven 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 seven consecutive days, and shall, at the time of such posting, indorse thereon the date and hour at which the same was posted. At the expiration of the said last mentioned seven days, if there be no objections lodged, the Registrar shall register the same in a book to be kept for that purpose, and shall deliver to the applicant a certificate in the form of Schedule numbered 14, annexed to these By-laws.

41. *Tailing Dams.*—Each holder of a miner's right shall be entitled to occupy for the purposes of a tailing-dam or sludge dam, an area of ground not exceeding one acre into which the tailings or sludge from his claim shall be run.

42. *Possession and Registration of Tailing-dams.*—Every tailing-dam or sludge-dam shall be taken possession of, and registered, in the manner provided by sections 29, 30, 31, and 32, of this By-law.

43. *Drains to be cut for carrying off Sludge.*—The owners of any sluicing claim or race must cut a drain to carry off their tailings, sludge, or water, into some main channel subject always to the provisions of the Mines Acts or any Act amending the same. Should they, by neglecting to observe this provision, injure any claim or gold workings, or do other injury to the public, such owners, or any of them, shall be liable to the penalty provided for an infringement of these By-laws.

44. *Construction of Embankments, &c.*—All embankments, dams, and reservoirs, shall be well and substantially built of solid earthwork, with by-washes to prevent the breaking of such embankments or earthwork through floods or excessive rain.

45. *Disposing of Sludge.*—No person or persons shall cause or permit sludge, tailings, or water to accumulate, or to flow from his or their claim, dam, or machine, so as to cause injury to any public or private road, footpath, or thoroughfare, or to any claim, drive, water-race, water-dam, water-hole for domestic purposes, old or new workings, puddling machine, or to any other machinery, or to any garden or place of residence held under miner's right or business licence belonging to any other person or persons.

BY-LAW No. 13.—SITES FOR MACHINERY.

1. *Area.*—Any holder of a miner's right may take possession of, and occupy as a site upon which to erect machinery, or on which machinery is already erected for the purpose of crushing or extracting gold or other metals from quartz, cement, pyrites, sand, or any other auriferous or argentiferous earth or substance, or any earth or substance containing other metals or minerals, or for purposes in connexion therewith, any extent of unoccupied Crown land not exceeding in area:—

- (a) For steam machinery, 3 acres.
- (b) For puddling machines, one-half of an acre.
- (c) For horse pumps, one-quarter of an acre.

Any such area shall not exceed in length twice the width thereof, and shall be used only for the purposes for which the same has been taken possession of.

2. *Mode of Taking Possession.*—The applicant for such area shall take possession thereof by marking the same at each angle with a post at least 3 inches in diameter, and standing not less than 3 feet out of the ground, and shall, within seven days (Sundays and gazetted public holidays excepted) after taking possession, make application in writing to the Registrar of the Division in which the area is situate, for registration of the same.

3. *Form of Application for Registration.*—Every such application shall be in the form contained in the Schedule hereto, numbered 15. It shall set forth:—

- (a) The purpose for which such ground is required.
- (b) The date and hour of taking possession.
- (c) The situation and area of such site.

Such application shall be signed by the applicant or applicants, and shall contain the number and date of each miner's right or consolidated miner's right under which such application is made.

4. *Form of Notice of Application.*—The Registrar to whom such application is made, shall thereupon deliver to the applicant or applicants a notice in the form contained in schedule numbered 16 annexed to these By-laws.

5. *Posting Notice.*—The said applicant shall, within seven 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 seven consecutive days, and shall at the time of posting such notice indorse thereon the date and hour at which the same was posted. At the expiration of the said last mentioned seven days, if there be no objection lodged, the Registrar shall register the same in a book to be kept for that purpose, and shall deliver to the applicant a certificate in the form of schedule 17 hereto.

6. *Machinery Sites not to be Undermined.*—No person shall undermine any area upon which any steam-engine or quartz-crushing or other machinery is erected, without the consent of the person to whom such machinery belongs. Provided always that such restriction shall not apply to quartz reefs below 200 feet from the surface.

7. *Location of Machinery Area.*—No person shall be entitled to occupy any machinery area on the supposed course of or within 75 yards of any known quartz reef or any known payable auriferous land, nor shall any puddling or crushing machine of any description be placed within the distance of twenty-five (25) feet from the edge of any road or crossing place in use.

BY-LAW No. 14.—RESIDENCE AREAS AND BUSINESS SITES.

1. *Residence Area*.—An area of ground occupied on any gold-field under and by virtue of a miner's right for the purposes of residence shall be called a residence area, and such area must be registered with the Mining Registrar.

2. *Business Site*.—An area of ground on any gold-field occupied for the purpose of business under a business licence shall be called a business site, and such site must be registered with the Mining Registrar.

3. *Extent of Residence Area or Business Site*.—The holder of any miner's right or business licence may take up and occupy as a residence area or business site, respectively, any Crown lands (not applied to any public use or purpose) not exceeding 1 acre in extent, provided always that where such area or site is taken up or occupied:—

(a) In any City or Town, such area or site shall not exceed one-quarter of an acre in extent, with a maximum frontage of 66 feet to any street.

(b) In any borough such area or site shall not exceed one-half of an acre in extent, with a maximum frontage of 66 feet to any street.

(c) Outside any City, Town, or Borough and within fifty (50) yards of any road, street, or thoroughfare, existing at the time of taking possession, the frontage of such area or site to such road, street, or thoroughfare, shall not exceed one hundred and thirty-two (132) feet—

And provided further that no such area or site shall be within one chain from the bank of any permanent stream, nor within twenty feet of any water-course, race, or mining tenement (other than a residence area or business site) previously occupied, unless with the written consent of the holder of the said race or mining tenement.

4. *Mode of Taking Possession of Residence Area or Business Site*.—Any person taking up land under this By-law shall do so in the manner prescribed by Section 8 of the *Mines Act 1904* (No. 1961) which provides:—

Act 1961, Section 8. (1) The right of any holder of a miner's right to occupy on any gold-field any Crown lands for the purpose of residence shall be subject to the following conditions, namely:—

(a) The residence area shall be as nearly as practicable rectangular in shape.

(b) Such area shall not obstruct or interfere with any road surveyed for the Crown or any track used by the public or any drainage course or prevent access to any other residence area.

(c) No land within one chain from the bank of any permanent stream shall be so occupied.

(d) Where the land has been surveyed the boundaries of the residence area shall as far as practicable be in conformity with the pegged survey lines.

(e) The residence area shall be marked out with posts erected at each corner thereof and standing not less than three feet above the surface of the ground, such posts being not less than three inches square and painted white and having attached a metal plate having painted thereon the words "Applied for as Residence Area" and the name of the applicant and the date of the application.

(f) A residence area shall not include any out-crop of gold-bearing quartz lode or within seventy-five feet thereof or any auriferous lead or gutter or the surface of any such lode lead or gutter known to exist within fifty feet of the surface.

(2) The warden shall have power upon the application of the holder of a miner's right or of a Crown lands bailiff duly authorized in that behalf by the Minister of Lands to order that the registration of any residence area with respect to which there has been a contravention of any of the foregoing conditions shall be cancelled, and such registration shall thereupon be cancelled by the Mining Registrar or other proper officer and the land so registered shall on such cancellation cease to be a residence area. The foregoing provisions of this section shall not apply to residence areas registered prior to the passing of this Act.

(3) A residence area may with the consent in writing of the registered proprietor of the lease be registered in respect of land comprised in a gold-mining or mineral lease. Such consent shall be forwarded to the Minister and a duplicate original shall be left with the Mining Registrar at the time of registration.

5. *Mode of Application for and Registration of Residence Area or Business Site*.—Any person having taken possession of a residence area or business site as aforesaid, shall, within seven days after taking such possession, lodge with the Mining Registrar an application for registration in the form of schedule numbered 18 hereto. Such application shall be accompanied by a plan of the area or site applied for. The said Registrar shall, upon receipt of such application, deliver to the applicant a notice in the form contained in schedule 19 hereto, and the applicant shall thereupon post and keep posted such notice on the ground applied for for a period of seven days, and shall at the time of such posting indorse 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 said seven days, the Registrar shall complete the registration of the said area or site, and shall thereupon issue to such applicant a certificate of registration in the form contained in the schedule numbered 20 hereto. Thereafter the indorsement by the Registrar of the fact of such registration on the 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.

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

7. *Holder Desiring to Purchase Residence Area*.—Any person acquiring a residence area by transfer, and desirous of purchasing the same from the Crown, in accordance with Section 36 of the *Mines Act 1890*, shall be entitled to all the privileges of the transferrer, and any application for purchase by any holder whatever, shall have certified thereon by the Mining Registrar the number and date of the miners' rights and registration, and the number of and dates of the miners' rights and registrations for the three years preceding the date of the application, and the Registrar shall insert in his books the date of such application for such purchase.

The following provisions of the *Mines Acts* are quoted for general information:—

Act 1120, Sec. 17.—The Governor in Council may at any time either by a general or particular description except from occupation for mining purposes or for residence or business under any miner's

right or business licence or from being leased under a mining lease any specific portion of Crown lands or any class of Crown lands; and no land so excepted or included in any class so excepted shall be occupied under any miner's right or business licence until such exception be revoked nor until revoked shall it be lawful for any person to mark out or apply for a mining lease of such land or any part thereof, and any such marking out or application shall be null and void.

Act 1120, Sec. 28.—No person shall be entitled to occupy any land on any gold-field as a "residence area" unless such area shall for the time being be registered by the Mining Registrar or other proper officer of the Mining Division in which such land is situate, and unless such person shall be 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.

Act 1120, Sec. 29.—Any person may be the holder at any one and the same time of not more than one residence area in addition to the residence area on which he may actually reside, or on which he may reside and carry on his business; but no person shall be the holder of a residence area situated within a distance of ten miles from any other residence held by him.

A separate miner's right or business licence shall be held for each residence area of which any person may be the holder.

Act 1120, Sec. 30.—A notification of the fact of the registration of any residence area registered after the 1st day of August, 1890, shall be indorsed by the Mining Registrar or other officer on the miner's right or business licence by virtue of which such area is held, and a similar indorsement shall be made by the Registrar upon any renewal of such right or licence.

Act 1120, Sec. 32.—If at any time after the registration of a residence area it shall be proved to the satisfaction of any Warden that the person who is registered as the holder thereof is no longer the holder of a miner's right or business licence, as the case may be, or that such person has obtained such registration in contravention of any of the provisions of the Mines Acts or of the By-laws of the Mining District in which such area is situated, such Warden shall in any such case make an order that the registration of such residence area be cancelled, and such registration shall thereupon be cancelled by the Mining Registrar or other proper officer, and the land so registered shall on such cancellation cease to be a residence area.

Act 1120, Sec. 33.—If at any time after four months from the registration of a residence area it shall be proved to the satisfaction of any Warden that there is no habitable dwelling thereon erected, and that there has not been a habitable dwelling thereon erected for a period of at least three consecutive months, such Warden shall make an order that the registration of such residence area be cancelled, and such registration shall thereupon be cancelled by the Mining Registrar or other proper officer, and the land so registered shall on such cancellation cease to be a residence area, and no second registration shall be effected by the same person of the whole or any part of a residence area within a period of six months.

Act 1120, Sec. 34.—Every order as aforesaid and the decision of any Warden whether he will or will not make an order as aforesaid shall be final; and no such order or decision shall be a bar to any fresh suit before any Warden; and no order shall in any case be made or refused until a suit claiming an order for the cancellation of the registration of a residence area shall have been commenced before

and heard and determined by such Warden in accordance with the provisions of the Mines Acts.

Act 1120, Sec. 35.—The holder of a residence area and the executors or administrators of any deceased holder shall have, except as against Her Majesty, her heirs and successors, the sole and exclusive right to occupy the surface of such residence area, or to take any proceedings that may be necessary to enable him to keep or recover possession of such surface in like manner, so far as is consistent with the Mines Acts, as if he were the owner of such area in fee-simple.

Act 1120, Sec. 39.—The holder of a residence area may, at any time after he has resided thereon for a period of at least twelve months, let his interest in the occupation of the surface thereof to any person at a monthly or weekly rental, and between such holder and such person there shall exist the same rights as between any landlord and his tenant.

Act 1120, Sec. 40.—The holder of a residence area may, at any time after he has resided thereon for a period of at least twelve months, sell or transfer his interest in the occupation of the surface of such area to any other holder of a miner's right or business licence.

Act 1120, Sec. 41.—No such sale or transfer shall have any force or effect until the fact of such transfer or sale shall be registered by said Mining Registrar or other proper officer, and the area shall be registered in the name of the person to whom it shall be so sold or transferred, and such person's right or licence, as the case may be, shall be indorsed as hereinbefore provided, and such person shall thenceforth be and be deemed to be the holder of such residence area.

Act 1120, Sec. 42.—In the case of the death of the holder of a residence area before he shall have resided thereon for a period of twelve months, it shall be lawful for the executors or administrators of such deceased holder to sell, transfer, or let the interest in the occupation of the surface of such area, notwithstanding the deceased holder may not have resided for at least twelve months thereon. Provided always that every such sale or transfer shall be in accordance with the provisions of the Mines Acts.

Act 1120, Sec. 43.—Every residence area shall be and the same is hereby exempted from occupation for mining purposes under any miner's right. And no person shall mine under any such area until he shall have deposited with the Warden such reasonable sum as the Warden may assess as compensation to the holder of such residence area, and such sum or any part thereof shall be paid to such holder, or otherwise dealt with as the Warden shall direct.

Act 1514, Sec. 14.—Every book in which residence areas are registered by the Mining Registrar or other proper officer shall be by such Registrar or officer indexed alphabetically and separately with reference to the situation of the area and the name of each holder in the said book.

Act 1514, Sec. 15.—When the Warden makes an order that the registration of any residence area be cancelled, he may by the same or a subsequent order direct that the holder of a miner's right on whose application such registration has been cancelled be registered as the holder of such area by the Mining Registrar, or other proper officer, provided that no such order for registration shall be made unless the nature of the order required be described in the summons issued upon the complaint of the applicant.

Act 1514, Sec. 16.—(1) In the event of the registration of a residence area being cancelled by order of a Warden, the person who was registered as the holder thereof may, within such time after the making of the order for such cancellation, as may

be fixed by the Warden in such order, remove any buildings, plant, machinery, engines, or tools on or within the land comprised in such residence area.

(2) If the said person does not remove such buildings, plant, machinery, engines, or tools, within the time so fixed, the Warden may, upon the complaint of the person upon whose application such registration was cancelled, or who is otherwise entitled to occupy such residence area, call upon the said person to show cause within such time as the Warden may allow, why such buildings, plant, machinery, engines, or tools, should not be sold by auction and removed.

(3) If the said person does not within such time remove such buildings, plant, machinery, engines, or tools, or show sufficient cause (of which the Warden shall be the sole judge), the Warden may direct that such buildings, plant, machinery, engines, or tools, be sold by public auction, and be removed. The proceeds of the sale of such buildings, plant, machinery, engines, or tools, after deducting the cost of selling, or selling and removing the same, shall be paid to such person, or any person entitled to such buildings, plant, machinery, engines, or tools, of whose claim the Warden shall, prior to such sale, have received notice in writing.

Act 1514, Sec. 17.—No registration of a residence area made before the commencement of this Act shall be deemed to be invalid or insufficient by reason only—

(a) That a previous registration thereof had not been cancelled, provided it be proved either that the last registered miner's right, or business licence, as the case may be, held by the person who effected such previous registration, had expired, or that such person had abandoned the residence area, or

(b) That the number of the holder's miner's right has been insufficiently or incorrectly registered.

Act 1961, Sec. 8.—(1) The right of any holder of a miner's right to occupy on any gold-field any Crown lands for the purpose of residence shall be subject to the following conditions, namely:—

(a) The residence area shall be as nearly as practicable rectangular in shape;

(b) Such area shall not obstruct or interfere with any road surveyed for the Crown or any track used by the public or any drainage course or prevent access to any other residence area;

(c) No land within one chain from the bank of any permanent stream shall be so occupied;

(d) Where the land has been surveyed the boundaries of the residence area shall as far as practicable be in conformity with the pegged survey lines;

(e) The residence area shall be marked out with posts erected at each corner thereof and standing not less than three feet above the surface of the ground, such posts being not less than three inches square and painted white and having attached a metal plate having painted thereon the words "Applied for as Residence Area" and the name of the applicant and the date of the application;

(f) A residence area shall not include any outcrop of gold-bearing quartz lode or within seventy-five feet thereof or any auriferous lead or gutter or the surface of any such lode lead or gutter known to exist within fifty feet of the surface.

(2) The Warden shall have power upon the application of the holder of a miner's right or of a Crown lands bailiff duly authorized in that behalf by the Minister of Lands to order that the registration of any residence area with respect to which there has been a contravention of any of the foregoing conditions shall be cancelled, and such registration shall thereupon be cancelled by the Mining Registrar or other proper officer and the land so registered shall on such cancellation cease to be a residence area. The foregoing provisions of this section, shall not apply to residence areas registered prior to the passing of this Act.

(3) A residence area may with the consent in writing of the registered proprietor of the lease be registered in respect of land comprised in a gold mining or mineral lease. Such consent shall be forwarded to the Minister and a duplicate original shall be left with the Mining Registrar at the time of registration.

Act 1961, Sec. 9.—Any person being the transferee of a residence area of which any predecessor or predecessors in title had been in possession for a period of at least two years and a half shall have the same rights of purchase thereof from the Crown as were possessed by any such predecessor in title. Upon sale of any residence area by the Crown the boundaries may be adjusted to make the same straight or rectangular or to abut on or conform to the boundaries of adjacent land which has been granted by the Crown in fee-simple. Provided that the total extent of such residence area shall not exceed one acre.

BY-LAW No. 15.—SHARES OR INTERESTS IN CLAIMS.

1. *Creation of Share or Interest.*—After a claim or other mining tenement has been registered, but not before, the holder or holders thereof may create any number of shares or interests in such claim or other mining tenement, and may appropriate such shares or interests, or any portion thereof.

2. *Registration of Share or Interest.*—For the purpose of registering the share or interest so created, the registered holder or holders of any such claim or other mining tenement may, in the form in the Schedule hereto numbered 21, notify the Mining Registrar of the creation and appropriation of shares or interest therein, and the persons to whom the shares or interests so created have been appropriated may, in the form in the Schedule hereto numbered 22, require the Mining Registrar to make the registration of such shares or interests in accordance with the terms of the notice of the creation and appropriation thereof. The person or persons in whose favour such shares or interests have been registered, may demand from the Mining Registrar a certificate in respect of each share or interest, and every such certificate shall be in the form in the Schedule hereto numbered 23, and shall describe fully the claim or other mining tenement, and the share or interest therein to which the said certificate relates. The Registrar shall make registration (under the date of the original registration) of the share or interest in the claim or other mining 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 other mining tenement, and shall make a separate registration of the shares or interests which have been appropriated, and upon the face of the original registration of the entire claim, or other mining tenement, the Registrar shall make a minute of such creation and appropriation.

3. *Shares in Claims may be Increased.*—After the creation and appropriation of shares or interests as provided for in clauses 1 and 2 of this By-law, the holders of any claim or other mining tenement may, by a vote of the majority, increase the number of such shares or interests, and the Registrar, on receipt of an application in the form contained in the Schedule hereto numbered 24, signed by a majority of such holders, and on the production of the miners' rights and certificates under which such claim or other mining tenement is held, shall register the holders thereof for such increased number of shares, and shall furnish new certificates in the form contained in the Schedule hereto numbered 23, to such holders in lieu of their previous certificates, and shall thereupon cancel the original certificates relating to such shares or interests. No registration under this clause shall interfere with, set aside, or curtail any right, title, or interest held by the said holders at the date of such registration, nor shall it affect the date of the first registration. Provided always that unless the increased number of shares be allotted *pro rata* amongst all the said holders, the consent of every holder in the claim or other mining tenement shall be obtained, and the Mining 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. 16.—TRANSFERS.

1. *Form of Transfer of Claims or Shares Created in Claims.*—The registered holder of any claim, privilege, easement, or other mining tenement held under these By-laws, or the registered holder of any lien upon any claim, privilege, easement, or other mining tenement held as aforesaid, may, in the form in the Schedule hereto numbered 25, and the registered holder of any share in any claim, privilege, easement, or other mining tenement, held under these By-laws, or any interest therein may, in the form in the Schedule hereto numbered 26, transfer such claim, privilege, easement, or other mining tenement, share, interest, or lien, or any portion thereof, or interest therein, to any other person or persons being the holder of a miner's right, or holders of miners' rights.

2. *Execution of Transfer.*—Every such transfer shall be signed by the parties thereto in duplicate in the presence of some person who shall attest the signatures to such transfer. Such transfer shall thereupon be delivered to the Registrar and at the same time the certificate or certificates of registration, or the lien ticket, as the case may be, and the miners' rights of the transferor and transferee shall be produced to such Registrar. A written notice from the holders of liens (if any) which may have been registered in respect of and as against such claim, share, or interest, consenting to such transfer, shall at the same time be delivered to the Registrar. No transfer of any claim or other mining tenement, or of any share or interest therein, shall prejudice any lien or liens effected thereon and registered prior to and existing at the time of such transfer.

3. *Registration of Transfer.*—The Registrar, upon receipt of the 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, as also upon the register relating to the claim or other mining tenement, share, interest, or lien, as transferred, the date of such transfer and the name of the transferee, together with such other particulars relating to such transfer as to such Registrar shall appear necessary, and shall issue to the transferee a duplicate of the transfer. The

Registrar shall retain and file the 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 in the share 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 of Claim.*—In the event of a claim or other mining tenement being subdivided, and a divided portion or subdivision being transferred from the registered holders of such claim or other 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 mining tenement to be transferred and the divided portion or subdivision of such claim or other mining tenement to be retained, and the said plan shall be referred to in the transfer. When the transfer has been completed, the Registrar shall make registration (under the date of the original registration) of the divided portion or subdivision of the claim or other mining tenement retained by the persons who were at the date of the subdivision the registered holders of the entire claim or other mining tenement, and shall make a separate registration of the divided portion or subdivision of such claim or other mining tenement which has been transferred, and upon the face of the register of the entire claim or other mining tenement the Registrar shall make a minute of such subdivision or transfer.

The provisions of Clauses 1, 2, and 3 of this By-law shall apply to transfers under this clause.

5. *Executors, &c., may be Registered.*—The executors or administrators, or the assignee or trustee in insolvency, or the guardians in infancy, or the committee or guardians in lunacy, of any person or persons possessed of any claim, privilege, easement, or other mining tenement, share, or interest therein, or the purchaser or purchasers under the decree, judgment, or order of any Court, or the decision of any Warden of any claim, privilege, easement, or other mining tenement, share, or interest therein, may be registered for or in respect of such claim, privilege, easement, or other mining tenement, share, or interest therein, and the Mining Registrar, on production of the order or authority under which such executors, administrators, assignee or trustee, guardians, committee, or purchaser or purchasers as aforesaid, claim to be registered, and on the production of a miner's right or miners' rights sufficient to hold such claim, privilege, easement, or other mining tenement, share, or interest therein, shall register them or any of them named in such order or authority for and in respect of such claim, privilege, easement, or other mining tenement, 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 enter a minute of such order or authority on the register of such claim, privilege, easement, or other mining 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, privilege, easement, or other mining tenement, share, or interest therein, and shall register the same in the books in his office.

BY-LAW No. 17.—LIENS.

1. *Registration of Liens.*—The holder or holders of any registered claim or other easement or mining tenement may, in the form in the Schedule

hereto, numbered 27, and the holder of any share or interest created in any claim or other easement or mining tenement may, in the form in the Schedule hereto, numbered 28, grant a lien upon the same to any other person or persons as security for the due payment of any debt or liability; and upon production to the Registrar of the transfer ticket or certificate under which the intending lienor holds the claim or other easement or mining tenement, or share or interest, intended to be made the subject of a lien, and of the miner's right of the lienor and lienee, and upon the execution of a lien ticket by the lienor and lienee in duplicate in the form aforesaid, duly attested, the Registrar shall register a lien upon the aforesaid claim or other easement or mining tenement, or share or interest, and after having made such registration, the Registrar shall issue to the lienee a duplicate of the lien ticket as aforesaid, and shall indorse on the registration in such Registrar's books, as also on the transfer ticket, the date and amount of the lien, the name of the lienee, and the date when such lien is payable. Every such lien granted and duly registered as aforesaid shall be a specific charge upon the claim or other easement or mining 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 discharged in full, and shall take precedence according to the dates of the respective registrations by the Registrar; and every transfer of any claim or other easement or mining 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 lienee may, after making a demand (by giving seven clear days' notice in writing, in accordance with the schedule hereto numbered 42) for payment of the sum of money aforesaid, and after advertising, in the form of the schedule hereto numbered 43, in some newspaper published at or circulating in the locality in which the subject of the lien is situated, sell, after the expiration of seven clear days from the date of such advertisement, by public auction the claim or other easement, or mining tenement, share, or interest, the subject of the lien, and may, as agent for the lienor, transfer and assign such claim or other easement or mining tenement, or share or interest, and may, for the purpose of effecting such transfer or assignment, sign the name of the lienor to any form or document required by the Mining Registrar, and the provisions of these By-laws relating to transfers shall thereupon apply.

2. *Release.*—Where the sum secured under any lien has been paid, together with all lawful costs and charges, the lienee shall sign, in the presence of a witness, a release in the form contained in Schedule hereto, numbered 29, and 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. 18.—FORFEITURES.

1. *Forfeiture of Claim or Mining Tenement for not Proceeding to Work.*—Any claim or other mining tenement (except a residence area or business site) upon or in connexion with which work shall not *bonâ fide* be commenced within fourteen days (Sundays and gazetted public holidays excepted) after the completion of the registration thereof, shall be forfeitable, and may, by a Court of competent jurisdiction, or a Warden, be declared forfeited.

2. *Forfeiture of Claim or Mining Tenement on Suspension of Work, or where Protection wrongly obtained.*—Any claim or other mining tenement (except a residence area or business site) upon which work having been commenced shall be suspended for a space of fourteen days (Sundays and gazetted public holidays excepted), or any claim or other mining tenement as aforesaid which shall be held in reserve and unworked under protection registration, if it appear to a Court of competent jurisdiction, or to a Warden, that the reasons assigned in the application under which such protection registration was obtained were insufficient, or that such reasons were untrue, shall, in any or either of the cases aforesaid be forfeitable, and may, by a Court of competent jurisdiction, or a Warden, be declared forfeited.

3. *Forfeiture for Not Working in Accordance with By-laws.*—Any claim or other mining tenement or easement, or any privilege held under these By-laws (except a residence area or business site) or any share or interest therein, shall be liable to forfeiture on the ground that the same has not been worked or used in a *bonâ fide* manner during the time of occupancy, or that less than the minimum number of men required by these By-laws have been employed thereon or in connexion therewith, or for non-registration where required under these By-laws, and may, by the Warden, or a Court of competent jurisdiction, be declared forfeited.

4. *Valuation of Mining Plant allowed on Forfeiture.*—When any claim is declared forfeited in accordance with these By-laws, and adjudged to any other person, should there be any 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 assessed by arbitrators mutually appointed, or by the Warden, or Judge of the Court of Mines, as the case may be, and the amount of such assessment shall be paid to the former owner within one month from the day on which such 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 owner, and must be removed by him after one month's notice in writing has been given to him.

5. *Forfeiture of Dams and Reservoirs.*—Any dam or reservoir not commenced within fourteen (14) days from the date of registration of the site thereof, and any dam or reservoir remaining unused for three (3) consecutive months (except in the case of want of water) shall be liable to forfeiture, and may, by a Court of competent jurisdiction, or a Warden, be declared forfeited.

6. *Forfeiture of Sites for Puddling Machines, Tailing-dams, and Sludge-dams.*—When any holder of a miner's right in possession of a site for a puddling machine, tailing-dam, or sludge-dam, shall not erect a puddling machine on such site for a period of two months after registration, or having erected a puddling machine shall leave the same unworked for a period of two months, or shall not use such tailing-dam, or sludge-dam for a period of two months after registration (except in the case of insufficiency of water for the working thereof), then such site for a puddling machine, or such tailing-dam, or sludge-dam, shall be forfeitable, and may, by a Court of competent jurisdiction, or a Warden, be declared forfeited, and the holder of a miner's right who shall first make application to have such forfeiture enforced, shall have priority of right to be put in possession of such forfeited site for a puddling machine, tailing-dam, or sludge dam.

7. *Forfeiture of Machinery Area.*—If the holder of any machinery site fail to erect thereon the machinery for which the site was obtained within six (6) months after marking out such site, then, on the application of any holder of a miner's right, the said site may by the Warden be declared forfeited; and on such declaration being made, the said holder of a miner's right may be put in possession of the same.

When any holder of a miner's right in possession of a site for machinery does not work, or ceases to work, the machinery for which such site has been obtained for a period of two months without having the same exempted, or where exemption has been obtained, does not resume work within seven days after such period of exemption has expired, such site shall be forfeitable, and may by any Court of competent jurisdiction, or the Warden, be declared forfeited. But no machinery site shall be declared forfeited if the machinery be in perfect working order and cannot be worked through want of water or such material to crush for which the site was granted, or from other good and sufficient cause proved before a Warden.

8. *Removal of Machinery on Forfeiture of Site.*—When any machinery site has been declared forfeited by the Warden or any Court of competent jurisdiction, the former owners shall be allowed three months from the date of such declaration to remove any machinery they may have erected on the said site. If such machinery is not removed by the former owners within the three months, as aforesaid, and the person put in possession of the said site desires to purchase the said machinery, he may, within two months after the expiration of the time for removal of such machinery as aforesaid, give notice to the former owners of his desire to purchase the same, specifying in the same notice which portions of the machinery he desires to purchase, and what price he is willing to pay therefor. If within twenty-one days after the service of such last-mentioned notice the said parties do not agree upon the amount of purchase money to be paid for such machinery, then upon the complaint of either party the 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.

9. *Sale of Machinery on Forfeiture of Site.*—When any machinery site has been declared forfeited by the Warden or any Court of competent jurisdiction, and the former owners fail to remove the same within the time allowed by clause 8 of this By-law, the 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 removing the same (which shall be fixed by the Warden), shall be paid to the said former owners.

10. *Forfeiture of Race and Tail-race for Non-formation.*—Any person who does not, within fourteen days from the registration with the Mining Registrar of a race or tail-race, begin to form such race or tail-race, or having begun shall stop work thereon for a longer period than six consecutive days during the formation thereof, shall be liable to forfeit his title to such race or tail-race, and any holder of a miner's right may be put in possession of such race or tail-race by the Warden or any Court of competent jurisdiction.

11. *Forfeiture of Race or Tail-race for Non-user.*—If the holder of a race or tail-race fail to use the same for any period exceeding one month at a time when water is available, or during the occupation of the claim, or machine site taken up for mining

purposes in connexion with such race or tail-race, such holder shall be liable to forfeit his title to such race or tail-race, and any holder of a miner's right may be placed in possession thereof by the Warden or any Court of competent jurisdiction.

12. *Forfeiture of Residence Area or Business Site.*—The occupier or owner of any residence area or business site shall be continuously the holder of a miner's right or business licence for each area or site so owned or occupied, and if at any time after the registration of such area or site it shall be proved to the satisfaction of any Warden that such occupier or owner is not the holder of a miner's right or business licence, or has not been continuously the holder of a miner's right or business licence, such Warden may in his discretion make an order that the registration of such residence area or business licence be cancelled, and such registration shall thereupon be cancelled by the Mining Registrar or other proper officer.

13. *Forfeiture of Area if Unoccupied.*—Any residence area or business site which has been unoccupied for a period of six months may, on the application of any holder of a miner's right or business licence, respectively, be declared forfeited by a Warden or any Court of competent jurisdiction. Such Warden or Court shall thereupon make an order that the registration of such residence area or business site shall be cancelled by the Mining Registrar or other proper officer.

14. *Applicant for Forfeiture to be Registered.*—Any person who has obtained from any Warden, or Court of competent jurisdiction, an order giving him possession of such residence area or business site, shall, subject to the Mines Acts, be entitled to be registered as the owner thereof, and upon production to the Mining Registrar of the miner's right or business licence, and a certified copy of the order as aforesaid, the Registrar shall forthwith register such person accordingly.

15. *Possession on Forfeiture.*—When any claim or other mining tenement, or easement, or any privilege held under these By-laws or any share or interest therein is declared forfeited by the Warden or any Court of competent jurisdiction, the person on whose application such forfeiture was obtained may, by the Warden or any Court of competent jurisdiction, be put in possession of such claim or other mining tenement, easement, or privilege. And such Warden or Court of competent jurisdiction may, at the same time, order that the registration of such former owner in respect of the said claim, or other mining tenement, or easement, or privilege, be cancelled by the Mining Registrar.

16. *Registration may be Cancelled on Production of Warden's Order.*—At the expiration of fourteen days from and after the date on which any Court of competent jurisdiction or any Warden has adjudged the title to any claim, mining tenement, easement, or privilege held under these By-laws forfeited (unless an appeal or notice of intention to appeal has been lodged) on receipt by the Mining Registrar of a certified copy of the decree or order of such Court or Warden, he shall note such decree or order on the face of the register of such claim, mining tenement, easement, or privilege, and such note shall have the effect of cancelling the registration of title to such claim, mining tenement, easement, or privilege save and except a residence area.

17. *Applicant may be Registered on Forfeiture.*—The Mining Registrar shall, on receipt of the certified copy of the decree or order mentioned in the last preceding clause, register as the holder of the said claim, mining tenement, easement, or privilege, not being a residence area, the person who has been put in possession thereof by the Warden.

18. Shareholder to Perform Work and pay Calls.

—Any person holding a share or interest in any claim or other mining 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 other mining tenement in accordance with the terms of agreement existing between the shareholders in such claim or other mining tenement, or if no agreement exists, then, in the manner appointed by the decision of a majority of such shareholders.

19. Shareholder on Absence to Provide Substitute.

—If any working shareholder fails to perform his proper share of the work on such claim or other mining tenement, which shall, in case of dispute, be decided by the Warden, or absents himself from the claim or other mining tenement for a period of six 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 moneys due and expenses incurred in so working his share.

20. Forfeiture for Shareholder not Working.—If any working shareholder in such claim or other mining tenement—

- (a) Fails to perform his proper share of the work; or
- (b) Absents himself therefrom for a period of six consecutive days, and does not provide an efficient substitute as his representative; or
- (c) Fails to pay all moneys due and expenses incurred in the working of his share within fourteen 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 fourteen 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 moneys secured upon his share under lien as such moneys became due,

then and in any of the above events such share shall be forfeitable, and upon the application of the other shareholders or of any shareholder duly authorized by the majority, or of the licensee (as the case may be) may, by a Warden or any Court of competent jurisdiction be declared forfeited.

21. Forfeiture only to include share or interest forfeited.—In all cases where the share or interest of a shareholder in any claim or other mining tenement shall by any means become forfeited such forfeiture shall be deemed and held to extend and to include the portion share or interest only of the shareholder incurring such forfeiture at the time such forfeiture is incurred.

BY-LAW No. 19.—ABANDONMENTS.

1. Relinquished and abandoned claims.—When any claim on which mining operations have not been lawfully suspended or which is not otherwise exempted and protected from forfeiture pursuant to the provisions of these By-laws has been left unoccupied by reason of the owner thereof having discontinued mining operations thereon, or in connexion therewith for a period of six consecutive weeks, such

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

2. Claims or portions of claims may be abandoned.—The holder or all the holders of any claim may at any time, provided such claim be not the subject of a lien duly registered in the books of the Mining Registrar, abandon such claim or any portion of such claim by lodging with the Mining Registrar a notice signed by all the registered holders of the claim stating that they have abandoned such claim or such portion of the claim as shall be described and delineated upon a plan attached to such notice together with all certificates of registration relating to such claim, and thenceforth the claim or the land comprised in the portion of the claim delineated upon such plan shall be deemed absolutely abandoned, and may at any time thereafter be taken possession of by the holder of a miner's right, or by the holders of miners' rights in the same manner as land which had not been previously held and occupied for mining purposes; and the abandonment of a portion of a claim shall not in any way prejudicially effect the title to the remaining portion of such claim.

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

3. Abandonment of races.—Where any race has been totally unused and unworked in connexion with any claim or other mining tenement for a period of three months during a sufficient supply of water, it shall be held and be deemed to be absolutely abandoned, and may be taken possession of without any adjudication of abandonment by the Warden or other Court of competent jurisdiction.

4. Abandonments of easement or other mining tenements generally.—When any easement or other mining tenement or any privilege held under these By-Laws, not otherwise provided for, has been left totally unused or unworked (unless protected under the provisions of these By-Laws) for a period of three consecutive months at the least, such easement, mining tenement, or privilege shall be held and be deemed to be absolutely abandoned, and any person being the holder of a miner's right may take possession thereof for or in connexion with mining purposes in accordance with and subject to the provisions and conditions of, and in the manner prescribed by these By-Laws, without having to obtain

any adjudication of abandonment by the Warden or any Court of competent jurisdiction. When any easement tenement or privilege has been taken possession of under the provisions of this clause, the person so taking possession shall not be liable to give any notice or to pay any compensation to the previous owner of such easement tenement or privilege. Should any dispute arise between the person so taking possession of such abandoned easement tenement or privilege and the previous owner thereof in consequence of such previous owner claiming to have a lawful prior title thereto, such previous owner shall in no way interfere with the mining operations of the person who shall have taken possession thereof, but shall summon him before a Warden, who shall ascertain and determine whether the events constituting the abandonment of such easement tenement or privilege, 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 the easement tenement or privilege in dispute.

5. *Abandonment of share or interest in claim or other mining tenement.*—Any person or persons holding a share or interest in a registered claim or other mining 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 also to the Registrar, a notice in writing of his abandonment of such share or interest, and also at the same time lodge with the Registrar the certificate of registration of such share or interest. The Registrar, after having been satisfied 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, as also the certificate of such registration; and the said shareholder shall thereupon be released from all future liability in respect of such share or interest. Provided always that 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 co-partner or co-partners, or any debt or liability the subject of a lien upon such share or interest.

6. *Voluntary Abandonment of Residence Area or Business Site.*—Any holder of a residence area or business site desiring to voluntarily abandon his or her holding may do so on giving to the Mining Registrar notice, in writing, of such abandonment, and surrendering his or her certificate of registration to the said Mining Registrar, and that officer shall thereupon cancel the registration and certificate of registration of such residence area.

BY-LAW No. 20.—PROTECTION, EXEMPTIONS, AND SUSPENSIONS.

1. *Protection of Claims.*—When any person or company, being the registered holder of a claim, requires (after three months' work has been performed on or in connexion with such claim with the requisite number of men) to suspend or partly suspend operations at any time through want of funds, influx or overflow of water, want of water, breakage of machinery, or whilst preparing machinery, such person or company may, subject to the provisions of clauses 16, 17, and 18 of this By-law, have the said claim protected for a period not exceeding three months.

2. *Claims not Forfeited by Neglect of Hired Workmen or Tributaries.*—No person holding a claim or portion thereof, or share or interest therein, who employs hired labour, and no person holding a claim or interest therein where the claim or a

portion thereof is let on tribute—that is to say, when a portion of the gross or net proceeds of the claim (or as the case may be) is agreed upon to be returned by the tributer or tributaries (such not being Chinese) to the owner or owners of the claim by way of tribute, rent, or royalty—shall be deemed to have forfeited his right, title, or interest in the same through any neglect, absence, or omission on the part of any workman therein or thereon employed by him, nor by the neglect, absence, or omission of any tributer to whom the claim or portion thereof is let on tribute. And the holder of any claim, 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. Provided always that any such neglect shall not extend over a period of twenty-eight days; but in the event of the neglect extending over that period, then any such claim, or share, or interest therein shall be liable to forfeiture whether the holder of such claim be acquainted with such neglect or not.

3. *Protection During Work not on Claim.*—No claim of whatsoever nature shall be forfeitable during the time the holders thereof may be engaged in the obtaining of timber for the use of the claim, or whilst engaged in the extraction of gold or other metal or mineral, or in any other necessary work connected with such claim, or during the erection of machinery, or for the non-working of the same in obedience to any injunction issued by any Court of competent jurisdiction or a Warden. Any miner performing any work outside or away from his claim, but which is necessary for carrying on mining operations on his claim, shall be deemed to be working the same.

4. *Protection to Claims Dependent on Machinery.*—Should the machinery on any claim by which any adjoining claims are drained be disabled or stopped from working, the holders of such adjoining claims shall be entitled to suspension from work until the machinery is repaired or the working of it renewed. Holders of adjoining claims who have worked out the level such machinery is drawing water from may suspend work until the owners of the machinery have completed the sinking of their shaft to a lower level.

5. *Protection to Lience or Mortgagee of Interests in Claims.*—The share or interest by way of lien or mortgage of any person in a claim 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 lience or mortgagee has the said share or interest represented within thirty days after receiving notice from the other owners of the claim, or from any person desiring to take possession of the interest so liened or mortgaged.

6. *Protection to Claims during Absence for Justifiable Cause.*—The holder of any claim, mining tenement, easement, or privilege held under these By-laws shall not forfeit his interest therein by reason of his being absent from the same from the twentieth (20th) day of December in any one year to the fifth (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 a Mining Board, or being a member of the Defence Force, and absent in obedience to an order received from his commanding officer. But should any dispute arise as to the claim, mining tenement, easement, or privilege not being represented in accordance with these By-laws, the onus of proof of the cause of absence shall rest with the holder.

7. *Protection for Urgent Cause.*—Any registered claim, or share or interest therein, may, subject to the provisions of clauses 16, 17, and 18 of this By-law, be protected for any period not exceeding fourteen days for any urgent cause shewn by a statutory declaration lodged with the Registrar; and such protection may be renewed from time to time on application to the Registrar, so long as the cause for such protection shall continue to exist.

8. *Protection to Claims under Injunction.*—Whenever any injunction issued by the Judge of the Court of Mines, or by any Warden, shall prohibit any party or parties from working any claim held under these By-laws, and such party or parties, in obedience to such injunction, shall be absent from such claim, it is hereby ordained that until such injunction shall be dissolved or expire by effluxion of time, no person, by virtue of a miner's right or business licence, shall trespass upon, occupy, or interfere with such claim or any portion thereof.

9. *Protection to Mining Companies or Associations.*—Notwithstanding anything contained in these By-laws, any company or association, being the registered holder of a claim, and having a capital of £200 at the least, or any person (being the registered holder of a claim) during the formation of a company or association, with a proposed capital of £200 at the least, may, subject to the provisions of clauses 16, 17, and 18 of this By-law, have the said claim protected for any period not exceeding three months while making preliminary arrangements in connexion with such company or association. No further protection shall be granted unless it is shewn by a statutory declaration lodged with the Registrar that a sum of at least £100 has been expended by the said company or association upon or in connexion with such claim.

10. *Protection in Case of Death, Lunacy, &c.*—In the case of the death, lunacy, or insolvency of the registered holder of any claim or other mining tenement, the property or interest in such claim or tenement shall not be forfeited, provided his heirs, executors, administrators, or assigns, guardian in lunacy, or assignee in insolvency, register their possession of the same within sixty days from the date of such holder's death, lawfully certified lunacy, or assignment in insolvency, and pay all the expenses which shall have accrued thereon from the aforesaid date.

11. *Protection of Puddling or Sluicing Claims.*—Any puddling or sluicing claim may be held unworked during the time there is an insufficiency of water for the working thereof, provided the holder of the said claim obtain protection thereof in the manner required by clauses 16, 17, and 18 of this By-law.

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

13. *Protection of Water-rights during Drought.*—Any race or water-right may be held unworked or unused when the supply of water is insufficient, provided the holder thereof obtain protection of the same in the manner required by clauses 16, 17, and 18 of this By-law.

14. *Exemption from Forfeiture when Work Resumed.*—Whenever the holder or holders of any claim or other mining tenement held 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

or themselves of the privileges of this By-law regarding protection, and shall have, within seven days after incurring such forfeiture again proceeded to work and have *bonâ fide* continued to work such claim, tenement, or portion, in accordance with these By-laws (no other person or persons having within such seven days as aforesaid commenced proceedings to enforce such forfeiture), then in such case on any person or persons afterwards proceeding to have forfeiture of such claim, tenement, or portion declared by a Court of competent jurisdiction or a Warden, such Court or Warden may, in its or his discretion in lieu of declaring such claim forfeited impose a fine by way of penalty on the holder or holders of such claim, tenement, or portion. Such fine shall not exceed the sum of Ten pounds (£10) sterling, and shall be paid to the person or persons seeking to have such forfeiture declared.

15. *Protection of Machinery Site.*—Any person being the registered holder of a machinery site, and having machinery erected thereon may, on application to the Registrar in the manner provided under this By-law, obtain protection for the same for any period not exceeding three months from the date of ceasing work, on the ground of want of water or material to crush or treat or for other good and sufficient cause, proved by a statutory declaration lodged with the Mining Registrar.

16. *Application for Protective Registration of Claim, &c.*—Any registered holder of a claim or other mining tenement, privilege or easement, held under these By-laws (excepting residence areas, business sites, and stacked auriferous or other substance), who desires to obtain protection therefor, shall make application in writing for such protection to the Mining Registrar in the form provided in Schedule 30 hereto accompanied by a statutory declaration setting out the grounds on which such application is made. Every such application shall set forth fully the reasons for seeking such protection, and the term (not exceeding three months) for which such protection is required, and shall be signed by the registered holder or holders of such claim, tenement, privilege, or easement.

17. *Notice by Registrar of Application for Protection of Claim.*—The Registrar, upon receipt of such application, shall forthwith issue and deliver to the applicant a notice in the form contained in Schedule 31 hereto. The said applicant shall thereupon within seven 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, tenement, privilege, or easement sought to be protected, and keep the same there posted for seven consecutive days. The said applicant shall, at the time of posting such notice, indorse thereon the date and hour at which the same was posted.

18. *Certificate of Protection of Claims.*—At the expiration of the seven days mentioned in the last preceding clause, the Registrar, provided no objection has been lodged, shall register such protection in the form set forth in Schedule 32 hereto, and deliver to the applicant a certificate in the form of the said schedule.

19. *Protection of Residence Areas and Business Sites.*—The registered holder of any parcel of land held as a residence area or business site, who has *bonâ fide* occupied the same, and is not in the occupation of any other parcel of land as a residence area or business site, may leave the same for any period not exceeding six months, without obtaining any protective registration therefor. Any person who is the registered holder of two residence areas or business sites, and desires protection for either of the same, or any person who, at the expiration of the above-mentioned term of six months, desires to obtain

further protection, shall lodge with the Registrar an application in the form contained in Schedule 33 hereto. Every such application shall be signed by the applicant, and shall be accompanied by a statutory declaration setting out fully the reasons for seeking such protection.

20. *Notice by Registrar of Application for Protection of Residence Area or Business Site.*—The Registrar, upon receipt of such application, shall forthwith issue and deliver to the applicant a notice in the form contained in Schedule 34 hereto. The said applicant shall thereupon, within seven days from the date of such notice, post, or cause to be posted, the said notice, on some conspicuous place on the residence area or business site, sought to be protected and keep the same there posted for seven consecutive days. The said applicant shall, at the time of posting such notice, indorse thereon the date and hour at which the same was posted.

21. *Certificate of Protection of Residence Area or Business Site.*—At the expiration of the seven days mentioned in the last preceding clause, the Registrar, provided no objection has been lodged, shall register such protection in the form contained in Schedule 35 hereto, and deliver to the applicant a certificate in the form of the said schedule.

22. *Protection of Stacked Auriferous Substances.*—Any holder of a miner's right wishing to retain possession of auriferous or other substances, such as quarried quartz, quartz tailings, alluvial tailings, wash dirt, or any cement, stones, or other substances containing gold or other metals or minerals, may have the same protected for any period not exceeding twelve months, for the extraction of gold or other metals or minerals therefrom, provided such substances be upon or be placed upon ground not known or supposed to be auriferous, and that the deposit be properly marked by one post, at least 3 feet high, at each corner of the land so occupied. Every holder, as aforesaid, who requires protection of such substances, shall make application therefor in writing, in the form of Schedule 36 hereto, to the Registrar (stating the period for which such protection is required) within seven days after taking possession of such substances. The Registrar shall, on receipt of such application, forthwith register such protection in the form contained in Schedule 37 hereto, and deliver to the applicant a certificate in the form of the said schedule. Any person failing within the said twelve months to commence operations for the extraction of gold or other metals or minerals from the above substance shall be deemed to have absolutely abandoned the same. Such auriferous or other substances as aforesaid may then be taken possession of by any holder of a miner's right, provided he mark off the area and register the same in the manner provided for the original holder in getting protection under this clause.

23. *Copy of Protection Certificate to be Posted.*—When any holder of a miner's right has obtained from the Registrar protection under any of the Clauses of this By-law, he shall post a copy of the certificate of protection registration, delivered to him by the Registrar, in a conspicuous place on the claim, tenement, easement, or privilege for which such protection has been granted, and keep the same there posted during the whole term of such protection.

24. *Protection of Claim, &c., to Include Adjuncts thereof.*—When protection has been obtained under this By-law for any claim or other mining tenement, 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 other mining tenement.

25. *Protection to Springs.*—No person shall cut, construct, or open a drain, or tunnel into any spring (unless at a distance of not less than 100 yards from any drain or tunnel which shall have been previously opened, and from which any occupied race derives a supply of water) unless with the consent of the owner of such last-mentioned race, drain, or tunnel.

26. *Width of Ground for Protection of Roads, Tramways, &c.*—Persons taking possession of areas of ground for the purpose of making or using tunnels, roads, or tramways shall be entitled to occupy, subject to the provisions of this By-law, for the protection of such tunnels, roads, or tramways respectively, a width of ground not exceeding 20 feet on each side of the centre of such tunnels, roads, or tramways, and no person shall mine upon or under or otherwise interfere with such areas without the consent of the owner or owners thereof.

27. *Protection of Private Roads.*—No person shall mine within a distance of 5 feet from the nearest wheel track of any 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; nor shall any person interfere in any way with any such road.

28. *Protection from Accidents on Roads, Shafts, &c.*—Any miner working a claim within 20 feet of any public road or ordinary crossing-place shall enclose any shaft or excavation which he shall make upon such claim by an embankment or other fence at least 4 feet in height, so as to afford thereby a reasonable security against accidents to passengers; and no person shall, without previously filling up such shaft or excavation, destroy or remove any such fence or embankment or portion thereof. No person shall be allowed to remove logs or any other substance from the top of any shaft to a lower level than 4 feet above the surface, nor to cut any drain into any shaft whereby any claim, shaft, or working may be damaged.

29. *Protection to Purchased Land.*—No person shall mine within a distance of 20 feet of any building, or brick or stone wall, or within 5 feet of any fence on private property, without obtaining the consent, in writing, of the owner thereof.

30. *Protection for Neglect of Mining Registrar.*—Where any 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 any holder of a claim or other mining tenement, easement, or privilege, 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.

31. *Protection to Pegs, Posts, Mining Plant, &c.*—No person shall remove, injure, destroy, deface, or interfere with any pegs, posts, logs, fences, notices, or any mining plant of whatsoever description without permission from the owner of the claim or other mining tenement on which they are situated, or in connexion with which they are used. No person shall wilfully cut a channel so as to cause the escape of water from any water-dam, water-race, or tail-race that is being used by any miner or miners; nor shall it be lawful for any shareholder or shareholders in any claim to remove the pegs, or to alter the boundaries, of such claim, without the consent of a majority of the shareholders of such claim.

32. *Protection of Race, Dams, &c.*—No person shall injure or destroy, whether by design or culpable negligence, any race, dam, reservoir, or the water therein, nor obstruct any race, dam, channel,

drain, creek, or river used for mining purposes; and no person shall in any way whatsoever interfere with any sludge or water channel without the written authority of the owner thereof.

33. *Protection of Water Dams.*—Any holder of a miner's right, having lawful possession of a dam or reservoir in compliance with these By-laws, shall be protected against any miner or miners, person or persons, using any water therefrom (domestic purposes excepted); and no person or persons shall be allowed to take water from such dam or reservoir for any other purpose without the authority, in writing, of the owner thereof; nor shall any person or persons drive his or their cattle into any reservoir or dam held under these By-laws, or in any way defile, destroy, or damage the same. Provided, however, that it shall be lawful for any person to take water from any dam or reservoir when such dam or reservoir shall have been unused for the purposes intended for a period of three months unless such dam or reservoir be protected under the provisions of these By-laws.

BY-LAW No. 21.—OBJECTIONS.

1. *Objections to Registration of Claim, &c.*—Any person objecting to the registration, protection, or suspension of any claim, mining tenement, privilege, or other easement, shall, within seven 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 Mining Registrar a notice in writing setting forth his objections in the form of Schedule 38 hereto. The Registrar shall, on receipt of the said notice of objection, defer the registration, protection, or suspension of such claim, mining tenement, privilege, or other easement, until the Warden has heard and adjudged the matter of such objection, or until default has taken place, as provided in clause 4 of this By-law.

2. *Prosecution of Objection to Registration of Claim, &c.*—The person objecting, as aforesaid, shall, within a period of seven days after lodging such notice of objection with the Registrar, cause to be issued, by the 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. *Warden's Order on Hearing of Summons.*—The Warden may, on the hearing of such summons, either dismiss the same, or may make an order restraining the said Mining Registrar from proceeding further with such registration, protection, or suspension.

4. *Failure to Prosecute Objection.*—Should the person lodging such objection, as aforesaid, fail to cause a summons to be issued, as provided under clause 2 of this By-law, such objection shall be null and void, and the Registrar shall proceed to complete such registration, protection, or suspension, as if no objection had been made.

BY-LAW No. 22.—LABOUR IN CLAIMS.

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

2. *Number of Men to be Employed.*—There shall be employed upon or in connexion with claims held under these By-laws the number of men hereinafter respectively set out:—

- (a) For an ordinary quartz claim, one man for every 100 feet held along the line, or supposed line of reef; provided that it shall be sufficient if half the number of men be employed during the time it does not yield payable gold.
- (b) For a quartz prospecting claim, not less than one man for 400 feet along the line of reef, and not less than two men for 600 feet along the line of reef.
- (c) For ordinary alluvial claims in new ground not less than one man for each 75 feet by 100 feet in shallow sinking, and not less than one man for the respective area allowed to each holder of a miner's right in deep sinking. Provided that in deep sinking it shall be sufficient if half the number of men be employed until the expiration of two months after the claim has been bottomed.
- (d) For alluvial claims in old or abandoned ground, one man for every 150 feet by 150 feet.
- (e) For alluvial claims in banks and beds of rivers or creeks, one man for every 150 feet in length held.
- (f) For bank-slucicing claims, one man for every 25 yards in width by 130 yards in length.
- (g) For ordinary puddling and sluicing claims, one man for each half-acre held.
- (h) For extended claims for puddling, sluicing, or cement crushing, one man for every acre held.
- (j) For alluvial claims in tunnelling ground, one man for every 100 feet of frontage held.
- (k) For extended claims in old and abandoned tunnelling ground, one man for each 150 feet of frontage held.
- (l) For extended claims in deep sinking, where the depth of sinking—
 - (1) Exceeds 150 feet, and does not exceed 200 feet, one man for each two acres, or portion thereof held.
 - (2) Exceeds 200 feet, and does not exceed 300 feet, one man for every three acres or portion thereof held.
 - (3) Exceeds 300 feet, and does not exceed 400 feet, one man for every six acres or portion thereof held.
 - (4) Exceeds 400 feet, one man for every 12 acres, or portion thereof held. Provided that in extended claims in deep sinking, it shall be sufficient if one-fourth the number of men be employed until payable gold is obtained.
- (m) For an alluvial prospecting claim, not less than two men.

BY-LAW No. 23.—AMALGAMATION OF CLAIMS.

1. *Claims may be Amalgamated.*—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, and work done upon or in connexion with any one of the claims so amalgamated, shall be deemed to be done upon or in connexion with each and every one of the claims so amalgamated.

Provided always that 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.

2. *Mode of Amalgamating Claims.*—Upon the application of the holders of any number of adjoining claims, made in the form in the schedule hereto numbered 39, and signed by the persons interested therein, the Mining 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 the form in the Schedule hereto numbered 40.

3. *Amalgamated Claims 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, on payment of the fees prescribed for the registration of a mining tenement, and of the holders of a mining tenement, require the Mining 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.

4. *Temporary Union of Claims.*—Where it is considered advantageous to work two or more adjoining claims by baling water or carrying on mining operations at one or more place or places in one or other of the said claims, the owners may, by an agreement in writing (a copy of which shall be filed with the Mining Registrar for the Division), unite their claims and privileges connected therewith for such purposes, provided they shall employ the full number of men in the united claim they were required to employ when the claims were separate.

BY-LAW No. 24.—DRAINAGE.

1. *Compensation for Drainage of Claim.*—Any holder of a claim who by means of horse, steam, or other machinery raises water from any shaft or opening, and thereby drains any adjoining claims, shall be entitled to receive from the owners of the claims so drained reasonable compensation as and by way of contribution for such drainage.

2. *Order for Compensation by Warden.*—If the owner of the machinery and the owners of the claims drained are unable to agree as to the amount of such contribution, or if the owners of the claims drained fail to make payment of any contribution as in this By-law provided, then the owner of such machinery may summon the owner of the claims drained before a Warden, who may make an order on such owners to pay such sum or sums periodically or otherwise to the owner of such machinery as the Warden shall think just and reasonable.

3. *Drains to be made for Machines, &c.*—The owner or occupier of any machine, claim or race which discharges water, shall make for the proper conveyance of such water to the main drain, channel, or water-course, or the gully or flat in which such machine or claim or race is situated, a good and sufficient drain; and 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 machine or claim or race situate in the same gully or flat, and the owners of such private drains shall be compelled to maintain the same in good order and free from obstruction. And further, the owner of any such machine or claim or race shall not on any pretence whatever allow any sludge or water from his works to run upon or spread over any road or crossing-place in common use. When two or more private drains unite they shall be considered a main drain, which, in all cases, shall be carried to the 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 the joint expense, as herein provided, the Warden may, on the complaint of either of the parties interested, make an order assessing the amount to be paid by the person so making default.

4. *Making Drains across Roads, &c.*—Any person who may enjoy the use of any drain crossing any road or footpath, or who may be desirous to make any drain of any kind across any road or footpath shall make or hold such drain only upon obtaining permission from the owner of the said road or footpath or other competent authority; and such drains and the bridges in connexion therewith shall be constructed and kept in repair by the owner of such drains.

BY-LAW No. 25.—MINING ON EXEMPTED LAND.

1. *Occupation of Exempted Land.*—When any holder of a miner's right desires to occupy for mining purposes any portion of Crown lands which is lawfully and *bonâ fide* used as a yard, garden, cultivated field or orchard, or upon which any house, outhouse, shed or other buildings in actual use and occupation, or any artificial dam or reservoir shall be standing, he may do so upon payment of compensation as hereinafter provided and subject to the following conditions:—

2. *Marking Exempted Land.*—Any person desiring to occupy for mining purposes any such Crown lands as hereinbefore mentioned, shall do so by fixing posts defining the area he desires to occupy as aforesaid, in the same manner as is prescribed for marking out claims or easements. If such person shall be prevented from fixing such posts by a person using such land as aforesaid, it shall be sufficient if such person defines the area aforesaid as near to the manner aforesaid as the circumstances will permit, and register the occupation of such land with the Registrar within seven days of the time of fixing such posts in the manner prescribed under these By-laws for the registration of claims and easements.

3. *How Compensation Determined.*—The amount of such compensation shall be determined by the Warden in the manner provided by the Mines Acts.

BY-LAW No. 26.—PLURALITY OF CLAIMS, &c.

1. *Number of Claims.*—Any one person being the holder of a miner's right may take possession of any number of separate claims (for one person) not exceeding ten in any one mining district. Provided that no claim so held shall be within a distance of half a mile from any other claim held by the same holder.

2. *Number of Shares in Claims or other Privileges.*—Any person, being the holder of a miner's right, may hold any number of shares in any claim or claims, or any number of privileges granted under these By-laws.

BY-LAW No. 27.—RULES & REGULATIONS FOR MINING PARTNERSHIPS.

1. In any mining partnership or company formed for the purpose of extracting gold from any claim held under miner's right, 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:

2. The decision of a majority in number and value of shareholders in any claim or mining tenement duly convened by notice in writing to each shareholder shall be final on all questions relating to the working of the claim or other mining 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 works, or for the erection of machinery, or for drainage purposes. Provided that 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 any 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; and every call shall become due twenty-four hours after the same has been made. When any member makes default in payment of any such call for the space of fourteen days next after such call shall have become due, a meeting of the shareholders shall be called in the same manner as the meetings of the said shareholders have heretofore usually been called, and notice of such meeting in the form and to the effect hereinafter provided shall be delivered to the defaulting shareholder, or, if his address be not known, shall be advertised three clear days in one or more newspapers circulating or published in the division in which the claim 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.

Provided always that when any 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 three clear days in some newspaper published or circulating in the division where the claim or other mining tenement is situated. At such sale the said share or shares shall be sold to the highest bidder; and 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 owner 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.

The following is the form of notice to the defaulting shareholder above referred to:—

To A. B. (the defaulter).

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 _____ 190____, 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 said meeting your share (or shares) will be forfeited.

C. D.,

Manager or Secretary (as the case may be).

BY-LAW No. 28.—GENERAL PROVISIONS.

1. *Holes near Roads to be Fenced.*—If any person shall, in carrying on mining, sink any shaft or excavate any kind of hole of whatever depth within a distance of 20 feet from any road, footpath, or crossing-place in ordinary use, unless such hole or shaft be sufficiently barricaded by a mound of earth thrown up to the height of 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 3 feet 6 inches above the surface of the adjoining ground. Should any person leave any 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. No person shall remove, cast down, damage, or destroy any portion of such barricade, railing, timbers, or fence, and no person shall cut any drain which shall conduct any water into abandoned shafts which may be injurious to adjoining workings.

2. *Felling Trees across Roads.*—Any person who may fell or cause to be felled any trees across or upon any road, footpath, or crossing-place, claim, water-race, or channel in common use shall remove or cause the same to be removed within twelve hours after the felling of such tree or notice of obstruction given.

3. *Maintenance of Posts and Notices.*—It shall be the duty of every claim-holder, to maintain in good order the boundary-posts, trenches, and landmarks of his claim and other mining tenements held in connexion therewith, and all notices required to be posted on any part of such claim or other mining tenement by any of these By-laws.

4. *Claim-holders to Benefit by By-laws passed Subsequently.*—Any claim-holder, by re-registering his claim, shall be entitled to all the advantages resulting from any By-law passed subsequently to that under which he originally held his claim.

5. *Warning before blasting.*—Ten minutes previous to the discharge of any blast of gun-powder or other explosive substance within fifty (50) feet from the surface of the ground in any open cutting or shaft due notice of such discharge shall be given by the persons who shall have prepared or caused such explosion to all other persons working, residing or passing within a distance of one hundred (100) yards from the place of such discharge.

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

7. *Powers of Mining Registrar.*—The Mining 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 under these By-laws the fees prescribed in the schedule hereto numbered 41.

8. *Redemption of Title.*—When the owner of any claim or mining tenement forfeits his title to such claim or mining tenement, or any portion thereof, 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 mining tenement which may have been forfeited as aforesaid, provided no legal process has been commenced to obtain possession of such forfeited claim or mining tenement, or portion thereof, during the existence of the cause of forfeiture.

9. *Removal of Timber from Abandoned Shafts and Drives.*—No person shall remove slabs out of any abandoned shaft nor remove from any drive or underground works any props or supports, the removal of which may endanger any adjacent mine or mine works, without the authority of the Minister of Mines. Provided that the person intending to apply for such authority shall post at the mouth of the said shaft a notice of his intention to so apply for seven days at least before he so applies.

10. *Ventilation of Mines.*—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 owners of any one of such claims without the written consent of the owners of all claims affected.

11. *Penalty for breach of By-laws.*—It is provided under the *Mines Act 1890*, Section 289, that any person who shall infringe any lawful By-law of any Mining Board shall on conviction thereof before a competent Court, forfeit and pay for every such offence a penalty not exceeding Ten pounds, and every such penalty shall be recovered in a summary way before a Justice, being also a Warden.

12. *Re-marking and Extension of Claims.*—Whenever the holder or holders of any claim have been prevented from marking out the full area of ground allowed under these By-laws by reason of the adjoining ground being in the occupation of some other miner or miners, they may, on such ground being abandoned or on having forfeiture of such adjoining ground declared in their favour re-mark their claim and extend it to an area not exceeding that allowed under these By-laws. Provided that within ten days after such re-marking the said holders shall re-register the extended claim in the manner provided under these By-laws.

13. *Inspection by and Information to Mining Officers.*—The holder or holders of any claim and of any amalgamated claim under these By-laws shall permit the Mining Surveyor, Mining Registrar, or other duly authorized officer to inspect the workings and operations of such claim, and to take measurements thereof once in every three months, if required, and shall render all the assistance in their power to such Registrar, Surveyor, or officer when making such inspection and measurements, and shall also furnish to such Mining Registrar as aforesaid, if required, once in every three 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 and other substances which has been reduced or otherwise treated

from such claim, the yield of gold or other metal or mineral therefrom, the number of miners and other persons employed in such claim, and such other general information not inconsistent with this clause, for the previous three months ending at such date as such Registrar shall determine.

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

15. *Duties of Mining Registrars.*—It shall be the duty of the Mining Registrar appointed for any Division of a Mining District—

- (a) To effect all registrations in his division required by these By-laws.
- (b) To transfer registered claims, mining tenements, easements, or privileges, or any share or interest therein.
- (c) To keep a register, in which shall be entered all transactions that he shall be required to register or enter.
- (d) To afford any information from said register to any 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.

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

SCHEDULES.

SCHEDULE 1.

FORM OF APPLICATION FOR REGISTRATION OF CLAIM.

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

Dated at _____ this _____ day of _____ 190____
 Signatures. _____ Miners' rights. _____
 No. _____ Date. _____

SCHEDULE 2.

NOTICE OF APPLICATION FOR REGISTRATION OF CLAIM.

This is to certify that the undermentioned person did this _____ day of _____ 190____ at the hour of _____ o'clock m., make application for such quantity of land at _____ as may under the provisions of the By-laws of and for the State of Victoria be held under miners' rights as a _____ claim, and did at the time of making such application produce to me the miners' rights hereunder set forth.

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

Given under my hand at _____ this _____ day of _____ 190____
 Mining Registrar.
 Miners' rights.
 Name. _____ No. _____ Date. _____

N.B.—This Notice was posted up at the hour of _____ on the _____ day of _____ 190____

SCHEDULE 3.

CERTIFICATE OF REGISTRATION OF CLAIM.

This is to certify that I have this day, at the hour of o'clock m., registered the name of _____ as the holder (or one of the holders) of claim numbered _____ situated at _____ in the _____ Division of the Mining District and styled _____

Given under my hand at this day of 190 _____

Mining Registrar.
Miner's right.
No. _____ Date. _____

SCHEDULE 4.

FORM OF APPLICATION FOR REGISTRATION OF WATER-RIGHT AND RACE.

I (or we) the undersigned, hereby give notice to the Mining Registrar of the _____ Division of the Mining District of _____ that it is our 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 (or us) on the day of _____ 190 _____ at the hour of o'clock m., and I (or we) hereby make application 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 190 _____

Miners' rights.
No. _____ Date. _____

Signatures. _____

SCHEDULE 5.

NOTICE OF APPLICATION FOR THE REGISTRATION OF WATER-RIGHT AND RACE, &C.

This is to certify that the undermentioned person did this day of _____ 190 _____ at the hour of o'clock m., make application 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 proceed to complete the registration of the above water-right and race.

Dated at this day of 190 _____

Mining Registrar.
Miners' rights.
No. _____ Date. _____

Names. _____

N.B.—This Notice was posted up at the hour of _____ on the day of _____ 190 _____

SCHEDULE 6.

CERTIFICATE OF REGISTRATION OF WATER-RIGHT, RACE, &C.

This is to certify that I have this day, at the hour of o'clock m., registered the name of _____ as the holder (or one of the holders) 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 190 _____

Mining Registrar.
Miners' rights.
No. _____ Date. _____

SCHEDULE 7.

NOTICE OF SUPERIOR WATER-RIGHT.

To Mr. _____ 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.

Dated at this day of 190 _____

(Signed).....

SCHEDULE 8.

FORM OF APPLICATION FOR REGISTRATION OF DAM SITE OR RESERVOIR SITE.

I (or we), the undersigned, hereby give notice to the Mining Registrar of the _____ Division of the Mining District that I (or we) did on the day of _____ 190 _____ at the hour of o'clock m., take possession in accordance with the provisions of the 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 (or we) hereby make application for registration of the said site.

Dated at this day of 190 _____

Miners' rights.
No. _____ Date. _____

Signatures. _____

SCHEDULE 9.

NOTICE OF APPLICATION FOR REGISTRATION OF DAM SITE OR RESERVOIR SITE.

This is to certify that the undermentioned person did this day of _____ 190 _____ 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 miners' rights hereunder set forth.

Given under my hand at this day of 190 _____

Mining Registrar.
Miners' Rights.
No. _____ Date. _____

Names. _____

N.B.—This Notice was posted up at the hour of _____ on the day of _____ 190 _____

SCHEDULE 10.

CERTIFICATE OF REGISTRATION OF DAM SITE OR RESERVOIR SITE.

This is to certify that I have this day at the hour of o'clock m., registered _____ of _____ for a site for a _____ situate at _____ in the _____ Division of the Mining District and containing _____ acres under the provisions of the By-laws of and for the State of Victoria.

Dated at this day of 190 _____

Mining Registrar.
Miners' rights.
No. _____ Date. _____

SCHEDULE 11.

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

I hereby certify that 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 _____ Mining District for domestic purposes.

Dated at this day of 190 _____

Mining Registrar.
Miners' rights.
No. _____ Date. _____

SCHEDULE 12.

FORM OF APPLICATION FOR REGISTRATION OF TAIL-RACE.

I (or we), the undersigned, hereby give notice to the Mining Registrar of the _____ Division of the Mining District, that it is my (or our) 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 (or us) on the day of _____ 190 _____ at the hour of o'clock m., and the said tail-race will be used in connexion with _____. And I (or we) hereby make application to the said Registrar for registration thereof.

Dated at this day of 190 _____

Miners' rights.
No. _____ Date. _____

Signatures. _____

SCHEDULE 13.

NOTICE OF APPLICATION FOR REGISTRATION OF TAIL-RACE.

This is to certify that the undermentioned person did on the _____ day of _____, 190____, at the hour of _____ o'clock .m., make application 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. If no objection be lodged with me within seven days from the posting of this notice I shall proceed to complete the registration of such tail-race.

Given under my hand at _____ this day of _____ 190____.
Mining Registrar.
Miners' rights.

Names. No. Date.

N.B.—This Notice was posted up at the hour of _____ on the _____ day of _____ 190____.

SCHEDULE 14.

CERTIFICATE OF REGISTRATION OF TAIL-RACE.

This is to certify that 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 _____ 190____.
Mining Registrar.
Miners' rights.
No. Date.

SCHEDULE 15.

FORM OF APPLICATION FOR REGISTRATION OF MACHINERY SITE.

I (or we), the undersigned, hereby give notice to the Mining Registrar of the _____ Division of the _____ Mining District that I (or we) did on the _____ day of _____, 190____, 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 machinery site, situate at _____ containing _____ acres, or thereabouts, to be used in connexion with _____ And I (or we) hereby make application for the said machinery site, and request the said Registrar to make registration thereof.

Dated at _____ this day of _____ 190____.
Signatures. No. Date.

SCHEDULE 16.

NOTICE OF APPLICATION FOR REGISTRATION OF MACHINERY SITE.

This is to certify that the undermentioned person did this _____ day of _____, 190____, at the hour of _____ o'clock .m., make application for a machinery site, containing _____ acres, situate at _____, to be held and occupied in connexion with _____

If no objection be lodged with me within seven days from the posting of this notice, I shall proceed to complete the registration of such Machinery Site.

Mining Registrar.
Miners' rights.
No. Date.

N.B.—This Notice was posted up at the hour of _____ on the _____ day of _____ 190____.

SCHEDULE 17.

CERTIFICATE OF REGISTRATION OF MACHINERY SITE.

This is to certify that 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 in connexion with _____
Dated at _____ this day of _____ 190____.

Mining Registrar.
Miners' rights.
No. Date.

SCHEDULE 18.

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

I, the undersigned, have this _____ day of _____, 190____, 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 make application to the Mining Registrar of the _____ Division of the _____ Mining District for registration of the area (or site) aforesaid.

Dated at _____ this day of _____ 190____.
Miners' rights.
Signature. No. Date.
(Business Licence).
No. Date.

SCHEDULE 19.

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

This is to certify that the undermentioned person did this _____ day of _____, 190____, at the hour of _____ o'clock .m., make application 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 proceed to complete the registration of the area or site.

Given under my hand at _____ this day of _____, 190____.

Mining Registrar.
Miners' rights.
Name. No. Date.
(Business Licence).
No. Date.

N.B.—This Notice was posted up at the hour of _____ on the _____ day of _____ 190____.

SCHEDULE 20.

CERTIFICATE OF REGISTRATION OF RESIDENCE AREA OR BUSINESS SITE.

This is to certify that I have this day at the hour of _____ o'clock .m., registered _____ of _____ as the owner of a residence area (or business site), situate at _____ in the _____ Division of the _____ Mining District, and being allotment _____ of section _____, 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 owner of the said area (or site).

Given under my hand at _____ this day of _____, 190____.

Mining Registrar.
Miner's right.
No. Date.
(Business Licence).
No. Date.

SCHEDULE 21.

FORM OF 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 _____, 190____.
Miner's right.
Signature. No. Date.

SCHEDULE 22.

FORM OF 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 request the Mining Registrar of the _____ Division of the _____

Mining District, to make registration of our respective shares in such claim.

Dated at this day of 190 .

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

SCHEDULE 23.

CERTIFICATE OF REGISTRATION OF SHARE OR INTEREST.

This is to certify that I have this day, at the hour of o'clock m., registered the name of of the holder of a share numbered in a numbered , and situated at in the Division of the Mining District. Given under my hand at this day of 190 .

Mining Registrar.
Miner's right.
No. Date.

SCHEDULE 24.

FORM OF APPLICATION FOR INCREASE OF SHARES.

We, the undersigned, being (a majority of) the holders of the claim numbered situated at , hereby make application for an increase of the shares in the said claim from to , and we hereby request the Mining Registrar of the Division of the Mining District, to make registration of 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 190 .

Signatures
Witness to signatures

SCHEDULE 25.

FORM OF TRANSFER OF CLAIM, &c.

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

Dated at this day of 190 .

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

Witness :

The within transfer was registered by me this day of 190 , at the hour of o'clock m.

Mining Registrar.

SCHEDULE 26.

FORM OF TRANSFER OF SHARE OR INTEREST IN CLAIM, &c.

I, of for valuable consideration, do hereby transfer to of all my right, title, and interest in share numbered in numbered situated at in the Division of the Mining District,

subject to all and singular the terms and conditions under which the said share has been held by me; and I, do hereby accept the said transfer subject to the terms and conditions aforesaid.

Dated at this day of 190 .

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

Witness :

The within transfer was registered by me this day of 190 , at the hour of o'clock m.

Mining Registrar.

SCHEDULE 27.

FORM OF LIEN.

I, the undersigned registered holder of the being situated at , known as and numbered in the books of the Mining Registrar at , for the Division of the Mining District, do hereby, for valuable consideration, grant to of a lien upon the aforesaid as security for the payment on or before the day of 190 , of the sum of £ ; and I, the said , hereby agree that until the said sum of £ , together with all lawful costs and charges thereon, shall have been paid 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 cause 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 190 .

(Signed) lienor.
(Signed) lienee.

Witness—

The within lien was registered by me this day of 190 , at the hour of o'clock m.

Mining Registrar.

SCHEDULE 28.

FORM OF LIEN ON SHARE.

I, of , do hereby grant to of a lien upon my share, numbered in a numbered , situated at , as security for the payment on or before the day of 190 , of the sum of £ , being the amount due and owing by me to the said , and until the said sum of £ , together with all lawful costs and charges shall have been paid 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 , 190 .
(Signed) Lienor.
(Signed) Lience
Witness:

The within lien was registered by me this day of , 190 , at the hour of o'clock .m.
Mining Registrar.

SCHEDULE 29.

FORM OF RELEASE OF LIEN.

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

As witness my hand this day of , 190 .
(Signed) Lience.
Witness:

SCHEDULE 30.

FORM OF APPLICATION FOR PROTECTIVE REGISTRATION OF CLAIM, ETC.

I, the undersigned, being the holder of a registered , numbered , situated at , and styled , hereby make application to the Mining 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 , 190 .
Signature. Miner's right. No. Date.

SCHEDULE 31.

NOTICE OF APPLICATION FOR PROTECTIVE REGISTRATION OF CLAIM, ETC.

This is to certify that did this day of , 190 , make application for protection for a claim, numbered , for the following reasons:—
If no objection be made within seven days from the posting of this notice, I shall proceed to complete the registration of the same.

Mining Registrar.
Miner's right.
No. Date.

N.B.—This Notice was posted up at the hour of on the day of 190

SCHEDULE 32.

CERTIFICATE OF PROTECTIVE REGISTRATION OF CLAIM, ETC.

This is to certify that I have this day of , 190 , at the hour of o'clock .m., registered the , numbered , situated at , in the Division of the Mining District, and known as , under the provisions of the Mining By-law of and for the State of Victoria, numbered , Clause , and provided the reasons or causes assigned for holding the said in reserve and unworked are good and sufficient, the owners of the said are 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 , 190 .
Mining Registrar.
Miner's right.
No. Date.

SCHEDULE 33.

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

I, the undersigned, being the registered holder of a residence area (or business site), numbered , and situated at , hereby make application to the Mining 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 , 190 .
Signature. Miner's right. No. Date.

SCHEDULE 34.

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

This is to certify that did this day of , 190 , make application for protection for a residence area (or business site), numbered , and situated at , for the following reasons:—

If no objection be made within seven days from the date of posting of this notice, I shall proceed to the registration of the same.

Mining Registrar.
Miner's right.
No. Date.

N.B.—This Notice was posted up at the hour of on the day of 190

SCHEDULE 35.

CERTIFICATE OF PROTECTIVE REGISTRATION OF RESIDENCE AREA OR BUSINESS SITE.

This is to certify that I have this day of , 190 , 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 the By-law of and for the State of Victoria, numbered , Clause , and provided the reason or cause assigned for holding the said area (or site) in reserve is good and sufficient, the owner of the said area (or site) is hereby protected for a period of months from the date hereof.

Dated at this day of , 190 .
Name. Mining Registrar.
Miner's right.
No. Date.

SCHEDULE 36.

FORM OF APPLICATION FOR PROTECTIVE REGISTRATION OF STACKED AURIFEROUS OR OTHER SUBSTANCES.

I, the undersigned, hereby give notice to the Mining Registrar of the Division of the Mining District that I did on the day of , 190 , 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 stacked auriferous (or metalliferous) substances, to wit (tailings, or as the case may be), containing in all about tons, and situated at . And I hereby make application for protection of the said stacked substances for a term of months for the extraction of gold (or other metal or mineral having it) therefrom.

Dated at this day of , 190 .
Signature. Miner's right. No. Date.

SCHEDULE 37.

CERTIFICATE OF PROTECTIVE REGISTRATION OF STACKED AURIFEROUS OR OTHER SUBSTANCES.

I hereby certify that I have this day registered for protection for a term of months from the date hereof the belonging to and stacked by at the Division of the Mining District, under the provisions of Clause of By-law No.

Dated at this day of , 190 .
Mining Registrar.
Miner's right.
No. Date.

SCHEDULE 38.

FORM OF NOTICE OF OBJECTION TO REGISTRATION, PROTECTION, OR SUSPENSION OF CLAIM, ETC.

I, the undersigned, being the holder of a miner's right, hereby give notice to the Mining Registrar of the Division of the Mining District that I object to the registration (protection or suspension) of for

The grounds of my objection are:—
 Dated at this day of , 190 .
 Signature. Miner's right. No. Date.

SCHEDULE 39.

FORM OF APPLICATION FOR REGISTRATION OF AMALGAMATION OF CLAIMS.

We, the undersigned, being the registered holders of claims, numbered respectively and situated at , hereby request the Mining 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 , 190 .
 Signature. Miner's right. No. Date.

SCHEDULE 40.

CERTIFICATE OF AMALGAMATION OF CLAIMS.

This is to certify that I have this day of 190 , at the hour of o'clock .m., registered the amalgamation of claims, numbered respectively and situated at in the Division of the Mining District, under the style of

Given under my hand at this day of , 190 .
 Mining Registrar.
 No. in Register.

SCHEDULE 41.

FEES FOR REGISTRATION.

	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
Certificates, 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	0

Application for registration of residence area or business site ...	1	0
Registration of residence area or business site including indorsement on miner's right ...	1	0
Re-registration, per single claim or share ...	1	0
Re-indorsing notification of registration on miner's right ...	1	0
Registration of machinery area ...	2	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 ...	10	6
Additional mileage at the rate of per mile (one way) ...	1	0

SCHEDULE 42.

FORM OF DEMAND ON LIENOR.

To A.B., of
 Take notice, that, having made default in the payment of the sum of £ , secured to me by registered lien No. , dated in the books of the Mining Registrar, at , by non-payment of £ , you are hereby instructed that, in the event of non-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 190 , that is to say, within seven clear days from the date hereof, I, the undersigned, will, in accordance with the provisions of By-law No. 17 of and for the State of Victoria, and in accordance with the powers conferred by such by-law, cause to be sold by public auction such , due notice of which will be advertised in the , at the expiration of the time mentioned in this notice.
 Dated at this day of , 190 .
 C.D., Lienor.

Witness :

SCHEDULE 43.

NOTICE RE SALE OF INTEREST HELD UNDER LIEN.

By-law No. 17 of the State of Victoria.

In accordance with the above mining by-law of 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), situate at , instructions have been given by me to E.P. to sell by public auction at , on 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 , 190 .
 E.P., Lienor.

The foregoing By-laws were made, approved of, and adopted by us assembled in Conference this 2nd day of May, 1908.

THOMAS WILSON COSH (Chairman), Delegate of the Maryborough Mining Board.

SAMUEL HENRY MCGOWAN, Delegate of the Bendigo Mining Board.

EDWARD DAVID WILLIAMS, Delegate of the Castlemaine Mining Board.

DANIEL TURNBULL, Delegate of the Beechworth Mining Board.

ALEXANDER GROAT TRAILL, Delegate of the Gippsland Mining Board.

CLAUD PENDER, Delegate of the Ballarat Mining Board.

JOHN BALFOUR BURTON, Delegate of the Ararat and Stawell Mining Board.

I certify that the By-laws above referred to are not contrary to law.

Dated this 19th day of September, 1908.

JNO. M. DAVIES,

Attorney-General and Solicitor-General.