

1875.
NEW ZEALAND.

REGULATIONS FOR OHINEMURI GOLD FIELDS,

UNDER "THE GOLD FIELDS ACT, 1866."

Presented to both Houses of the General Assembly by command of His Excellency.

PROCLAMATION.

By the Honorable DANIEL POLLEN.

WHEREAS by the eleventh section of an Act of the General Assembly of New Zealand intituled "The Gold Fields Act, 1866," it is enacted that it shall be lawful for the Governor in Council, subject to the provisions of the said Act, from time to time to make regulations for any gold field, and to alter or amend or revoke the same: And whereas in accordance with the provisions of the one hundred and ninth section of the said Act, the powers thus vested in the Governor in Council by the eleventh section of the said Act have been delegated to me, Daniel Pollen: And whereas by a Proclamation of even date herewith, I did constitute and appoint a certain block of land in the District of Hauraki, in the Province of Auckland, known as the Ohinemuri Block, to be a gold field under the provisions of the said Act: Now therefore I, Daniel Pollen, in exercise of the powers and authority delegated to me under the provisions of the said Act, do hereby make the following Regulations for the said gold field.

Given under my hand at Auckland in the Province of Auckland, this third day of March, in the year of our Lord one thousand eight hundred and seventy-five.

DANIEL POLLEN.

REGULATIONS under "The Gold Fields Act, 1866," for the OHINEMURI GOLD FIELD.

Interpretation.

In these Regulations, the term "Warden" shall mean the Warden holding a commission or appointment duly empowering him to have charge of the gold field, or any portion thereof.

Words importing the singular number only shall include the plural, and words importing the plural number only shall include the singular number.

The word "miner" shall mean the holder of a miner's right, and no other.

The word "mining" shall be taken to signify mining for gold, or any operation connected therewith.

The word "claim" shall mean any authorized holding held under the miner's right, for mining therein or thereon.

Wherever the word "Act" is used in these Regulations, it shall be taken to signify "The Gold Fields Act, 1866," and the several Acts amending the same.

The word "day" shall mean a working day, exclusive of any Sunday or holiday.

A sluice-head of water shall mean forty square inches of opening with a head of seven inches (head being measured from centre of opening to surface of water).

PART I.—MINERS' RIGHTS, CLAIMS, TUNNELS, PROTECTION, &C.

Miners' Rights to be issued.

1. Miners' rights for the Ohinemuri Gold Field shall be issued by the Warden on payment of a fee of one pound (£1), and no person not being the holder of such miner's right will be permitted to mine on the said gold field; such miners' rights not to be transferable.

Miners' Rights to be exhibited on demand.

2. Every holder of a miner's right must exhibit the same on demand of any gold fields officer, or any other person duly authorized in writing by the Warden to demand such exhibition.

Marking-out of Claims.

3. Any miner desiring the occupation of land for mining shall mark out the same by causing to be fixed at every angle thereof a post not less than three inches square or three inches in diameter, standing not less than two feet above the surface of the ground, and having thereupon some distinguishing mark, and shall cause to be cut an L trench six feet long and six inches deep along the boundary lines, commencing from each angle post; and any piece of land so marked out shall be a claim: Provided that when an angle cannot be so marked on account of the nature of the ground, the post and lockspit trench may be placed at the nearest practicable point.

Form of Claims.

4. A claim, with the exception of river and creek claims, may be of any form, provided that it shall not exceed in length twice its breadth; but unoccupied land of irregular shape between two or more claims may be taken up, irrespective of length or breadth.

Division of Claims.

5. Claims held for mining are divided into three classes:—

- (1.) Class number one comprises shallow alluvial deposits, where the depth of sinking does not exceed thirty feet.
- (2.) Class number two comprises quartz lodes, reefs, and leaders.
- (3.) Class number three comprises deep alluvial deposits, river and creek beds, and all other claims not comprised in classes one and two.

Area of Claims.

6. In Class No. 1,—

The area of land which may be occupied for mining by one miner shall not exceed 2,500 square feet in each claim taken up by him; but any party of miners not exceeding six in number, each being actually present at and engaged in the marking out of any land for mining—or represented by a miner so present and engaged, such representative miner being at the time of such marking out in personal possession of the miner's right or rights of the miner or miners represented—instead of marking out separate land for each miner in such party, may mark out in the manner hereinbefore prescribed an aggregate area of land equal in extent to 2,500 square feet for each miner in such party.

In Class No. 2,—

The area of land which may be occupied for mining by one miner shall not exceed 15,000 square feet in each claim taken up by him, but any party of miners, not exceeding ten in number, each being actually present and engaged in the marking out of any land for mining—or represented by a miner so present and engaged, such representative miner being at the time of such marking out in personal possession of the miner's right or rights of the miner or miners represented—instead of marking out separate land for each miner in such party, may mark out, in the manner hereinbefore prescribed, an aggregate area of land equal in extent to 15,000 square feet for each miner in such party.

In Class No. 3 (not being River or Creek Claims),—

The area of land which may be occupied for mining by one miner shall not exceed 3,600 square feet in each claim taken up by him, but any party of miners, not exceeding six in number, each being actually present at and engaged in the marking out of any land for mining—or represented by a miner so present and engaged, such representative miner being at the time of such marking out in personal possession of the miner's right or rights of the miner or miners represented—instead of marking out separate land for each miner in such party, may mark out, in the manner hereinbefore prescribed, an aggregate area of land equal in extent to 3,600 square feet for each miner in such party.

In River and Creek Claims,—

The area of land which may be occupied for mining by one miner shall not exceed in length fifty (50) feet, measured along the course of the stream, and shall not exceed in width the width of the bed of the stream, when the bed of such stream is more than sixty (60) feet in width. When the bed of such stream is less than sixty (60) feet and exceeds thirty feet in width, fifteen feet of each bank may be added to the claim, and when the bed of such stream is less than thirty feet in width, twenty-five feet of each bank may be added to the claim; but any party of miners not exceeding six in number, each being actually present at and engaged in the marking out of any land for mining—or represented by a miner so present and engaged, such representative miner being at the time of such marking out in personal possession of the miner's right or rights of the miner or miners represented—instead of marking out separate land for each miner in such party, may mark out, in the manner hereinbefore prescribed, an aggregate area equal in extent to 50 feet in length, measured as aforesaid, for each miner in such party, and not exceeding the width aforesaid. The boundaries of the bed of the stream shall be defined by the Warden or other officer duly authorised.

Amalgamation.

7. The owners of adjoining claims, being in the same class, and which together shall not exceed in area or extent four times the largest area or extent allowed for a claim of that particular class, may amalgamate the same. The owners of the several claims desiring amalgamation shall sign in duplicate a writing in the form in the schedule hereto appended, marked A, and deposit the same in the office of the Mining Registrar, who shall return one of such writings, sealed with the seal of the office, to the parties, and thereon the several claims mentioned in such writing shall be amalgamated, and thenceforth be held and worked as one claim.

Extended Alluvial Claims, Area, &c.

8. The Warden may grant a claim not exceeding three hundred (300) feet by three hundred (300) feet for all alluvial mining on ground which has already been worked. Applications for claims of this class shall be made in writing to the Warden, and a copy thereof shall be posted outside the Warden's office and on the ground for fourteen (14) days from the date thereof. Provided that no such extended claim shall be granted unless the Warden shall be satisfied that the ground has been previously worked.

Working.

9. Every claim shall be *bonâ fide* and continuously worked from day to day, and there shall be employed therein or thereon at least one miner for every man's ground comprised in such claim, and the term "man's ground," as used in this Regulation, shall mean the land which a miner, in the several classes of claims, marks out and occupies under one miner's right.

Defining Work on Claim.

10. Any miner employed in making necessary preparation for the working of any claim, or any work immediately in connection therewith, or in the erection of machinery for the same, shall be deemed to be working on the claim.

Forfeiture of Mining Claim.

11. Any claim not worked in accordance with the provisions of these Regulations shall be deemed forfeited, unless under protection, or circumstances be proved sufficient, in the opinion of the Warden, to excuse any default in such working: Provided that the default of any miner in working in respect of his share in any claim shall only entail forfeiture of such share, and shall not affect the title of any other miner.

No Forfeiture by Act of Hired Servant.

12. No miner holding a claim or portion thereof, or share or interest therein, who employs hired labour to work the same, 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 thereon employed by him: Provided always that in case the owner resides within twenty miles of the claim in question, twenty-four hours' notice, or in case the owner resides upwards of twenty miles therefrom, seven days' notice in writing in the form in the schedule hereto appended, marked B, of such neglect, absence, or omission be given to such miner, either personally or by leaving the same at his last known place of residence, and such neglect, absence, or omission be continued for twenty-four hours after the giving of such notice as aforesaid, such miner shall then be deemed to have forfeited his claim, or share, or interest therein, as the case may be.

Possession not to be taken of Claim without Consent of Warden.

13. No miner shall take possession of the whole or any part or share or interest in any claim, race, dam, machine, or any other right or privilege whatsoever (unless the same shall have been relinquished by entry in the Mining Register), without first obtaining the consent of the owner, or the authority of the Warden, in writing, to be applied for as he may direct.

Possession taken with Warden's Consent.

14. A miner having the authority of the Warden, in writing, to take possession of a share or interest in any claim, shall be admitted by the other owners of the residue of such claim to a joint ownership with them to the extent of the share or interest of which possession is authorised to be taken, and shall be owner of such share or interest, and as such shall be entitled to have his name placed on the Mining Register in place of the person in whose name the same may be standing.

Notices or Pegs not to be destroyed, removed, or injured.

15. No person shall remove, injure, destroy, or deface any posts, pegs, logs, fence, notices, or any mining plant, of whatsoever description, without permission from the owner; or deface, destroy, or remove any notice posted in accordance with the Gold Fields Act or Regulations, or interfere with any mark or boundary.

Fossicking forbidden, and provision made for working Alluvial and Reef Claims on the same Ground.

16. No surface digging or fossicking will be allowed by any one in any other miner's claim. Everything found within the area of such claim shall belong to the owners thereof: Provided that if alluvial gold shall be discovered within any claim under Class No. 2 the Warden shall, on the application in writing of any miner for permission to work the same, give notice to the holder of such claim to place as many miners on the ground as may be necessary to occupy such ground, and if he shall fail to do so within seven days from the date of service of such notice, the Warden may then grant the ground to the applicant, subject to such restrictions as he shall deem fit to prevent injury to the interests of the holder of the claim under Class No. 2.

Tunnelling through Unoccupied Ground.

17. Any miner holding a claim, and wishing to cut a tunnel through unoccupied ground, shall be allowed twenty (20) feet in breadth as a protection for the tunnel for any necessary distance outside the boundary of the claim, and also a space of one hundred and fifty (150) feet square at the mouth of the tunnel, on which to deposit quartz or other substances. Such privileges must be applied for in writing to the Warden, and notice must be posted on the ground for fourteen days previous to granting the application. All privileges of this description must be registered in the Mining Register, and are subject to the provisions of Regulation No. 59.

Tunnelling through Occupied Ground.

18. The owners of any claim who shall desire to make any level, adit, drive, or tunnel through occupied land, shall make application in writing to the Warden for liberty to do so, specifying, as nearly as may be, the portions of such occupied lands as would be used in making such level, adit, drive, or tunnel.

- (2.) On receipt of such application, the Warden shall obtain from the Mining Inspector for the field—or, if there be no such Mining Inspector, from some other competent person—a report on the propriety of granting such application, and as to the terms on which the same should be granted.
- (3.) On receipt of such report the Warden may in his discretion refuse such application, or grant the same subject to such terms and conditions as he may think fit, and to payment of such compensation as he may, upon hearing all parties interested and their witnesses, adjudge.
- (4.) Along with such application, as aforesaid, shall be paid to the Warden the sum of Five Pounds Five Shillings as a deposit, Three Pounds Three Shillings of which shall be paid as a fee for furnishing such report; and there shall be further payable upon the hearing of any claim for compensation the usual fees and costs payable in the Warden's Court, such fees and costs to be payable by such of the parties as the Warden shall adjudge. The balance, if any, may be returned to the applicant.

Protection of Claim, and Terms of Protection.

19. Permission to retain a claim or interest therein unworked may be granted by the Warden, and the same shall be thereon protected for such time as the Warden shall think fit, not exceeding the terms hereinafter mentioned. The causes and time for which a claim may be protected under this regulation shall be as follow, viz. :—

- (1.) Any claim having been proved to the satisfaction of the Warden to have been worked by the party wishing to have it protected, for at least three (3) months immediately preceding the application for protection, and no payable quartz having been obtained from such claim for at least one month previous—Three (3) months.
- (2.) The claim having been sunk and worked to the water—the party being unable to overcome the same—the adjoining claims not being down to the water—Three (3) months.
- (3.) Any claim, the holder of which intends to procure machinery for quartz-crushing or water-baling, during the time of protection, and shall give security by bond, or otherwise, to the satisfaction of the Warden that he will procure such machinery within a time to be fixed by the Warden—Three (3) months. And such further time as the Warden shall think fit, not exceeding in the whole twelve (12) months, according to the description of machinery.
- (4.) Any river claim during fluming, race cutting, or other works for the benefit of the claim—Three (3) months.
- (5.) Any miner suffering from sickness, or being compelled to be absent from sickness in his family—Protection for the period of the continuance thereof.
- (6.) Any miner engaged as a party to or a witness in any case, as an assessor or jurymen in any Court of Justice—During the sitting of the Court in the case in which he is engaged, and with reasonable time for travelling to and fro.

Protection of Stacked Quartz.

20. Any miner wishing to retain possession of quartz or other auriferous substances may have the same protected for a period not exceeding six (6) months, provided that such substance is properly stacked on ground not supposed to be adapted to mining purposes, and that a board with the owner's name, address, and date of stacking legibly written or painted thereon, be posted on or close to such stack.

Protection void if False Representations made.

21. Any protection obtained by false representation shall be void.

Notice of Protection to be Posted on Claim.

22. All protected claims or interests must be marked by a notice, with “protected” and the owner's name, address, and particulars of the claim or interest, posted on the ground.

Report required in certain cases.

23. No protection under sub-sections 1, 2, or 4 of Rule 19 shall be granted except upon the report and certificate of the Mining Inspector or other competent person appointed by the Warden, for which report there shall be paid into the Warden's office before such report is made the sum of ten shillings and sixpence from the parties applying for protection.

Conveyance of Debris or Rubbish over Adjoining Claims.

24. It shall be lawful for miners, when it is not practicable to discharge the débris from their working on to their own or on to unoccupied ground, to discharge or convey the same on to or over adjacent claims: Provided that the permission of the Warden, in writing, shall have been previously obtained, such permission being withheld or given upon terms, or otherwise, in the discretion of the Warden.

Inspection.

25. If the owner of any claim shall show reasonable cause for the suspicion that his claim is receiving damage from the working of any claim adjoining, the Warden may grant permission for the inspection of such adjoining claim.

PART II.—WATER RIGHTS, TAIL RACES, &c.

Application for Water Rights.

26. Any miner intending to divert and use water for mining purposes by means of any water-race to be constructed, shall give notice thereof in writing in the form hereto appended, marked Schedule C, to the Warden, and to any person whose interest may be affected by the diversion of such water; and copies of such notice shall be posted and maintained for fourteen (14) days at the source whence it is proposed to obtain water, and at the proposed termination of such water-race; and the intended course thereof shall be indicated by clearing a line as nearly as may be practicable along the proposed course of the race, and by pegs not less than two inches square, or by large stones marked A and placed not more than two hundred (200) yards apart, and such notice shall state the mean breadth and depth of the proposed water-race, the quantity of water it is capable of carrying, and the number of sluice-heads which it is proposed to appropriate. And if no valid objection be entered against the construction of such water-race within fourteen (14) days, a license renewable annually may, on payment of the fees payable in respect thereof, be granted by the Warden to the applicant, subject to the provisions and conditions of these Regulations.

Superior Rights Defined.

27. Superiority of right to a supply of water shall be determined by priority of occupation, the earlier occupant having the superior right; and occupation shall be taken to have commenced at the date of the license under which a race is held.

Races to be Commenced within Given Time.

28. The cutting and formation of a race must be commenced within one calendar month from the date of the license, and the occupier shall continue cutting and forming the same, or engaged in necessary work connected therewith, until the work is completed, otherwise such license shall be deemed forfeited.

Forfeiture of Races.

29. A license shall be deemed forfeited if the race be abandoned for the space of one calendar month, except where the operation of this provision be suspended as hereinafter mentioned, and except where circumstances be proved sufficient, in the opinion of the Warden, to excuse any default. It shall be lawful for the Warden, in his discretion, upon sufficient cause being shown, to suspend the operation of this Regulation for any period, and a certificate of suspension shall be given in writing to the licensee.

Alteration of Races.

30. The alteration or extension of a race at any time shall not in any way affect any right or privilege attached to such race, and the licensee thereof shall, during such alteration or extension, be deemed to be in occupation of all the rights and privileges attached to such race: Provided that such alteration or extension shall first be approved of by the Warden.

Insufficient Supply of Water.

31. If the water flowing in any creek or river be insufficient to supply all the races connected therewith, a licensee, on receipt of a written notice from the licensee of a superior right, stating that the supply of water to such superior right is less than the last-mentioned licensee is entitled to, shall immediately cease to use the water, or such portion thereof as may be necessary to make up the supply of the superior right.

Number of Sluice-heads allowed.

32. The number of sluice-heads allowed for any such race as aforesaid shall be determined by the Warden according to the circumstances of each case and locality, and no license shall be granted for the use or diversion of any water which, in the opinion of the Warden, is or may be shown to be required for public purposes or for the use of the miners generally.

Water not to be Wasted.

33. A licensee shall not allow any water to run to waste; but such water shall be appropriated to the use of the next licensee in priority of date.

Assignment.

34. A license shall be assignable.

Keeping Races in Repair, Bridging, &c.

35. The holder or occupier of any race shall keep the same in repair, and shall make an efficient bridge where any road in ordinary use crosses the race, upon being required to do so by the Warden.

Working Ground Occupied for Races.

36. Any miner, desirous of working the ground on which any race or portion of a race is situated, may do so by first providing an equally good race for the use of the licensee; provided that the consent of the Warden thereto be first obtained.

Water for General Use.

37. If and as directed by the Warden, one or two sluice-heads of water shall be at all times allowed to flow in the natural course of a creek or river, for general use.

Causing Claims to be Flooded.

38. No person shall back the water of any creek, river, race, or watercourse upon any claim, or otherwise cause any claim to be flooded, either wilfully or by neglect.

Obstructions to Watercourses.

39. No person shall deposit any earth, stones, tailings, or other substance in or so that it may be washed into the bed of any watercourse so as to obstruct the flow of the water therein, unless by the permission of the Warden, in writing.

Side Streams.

40. Where a race crosses any watercourse, the use of which is required by miners, such race shall be carried either over or under the watercourse, so as not to interfere with the natural flow of water therein.

Licensee may Construct Catch Races.

41. The licensee of any dam or reservoir, on obtaining permission from the Warden in writing, may form and cut or construct catch races to gather and convey water into such dam or reservoir: Provided that if such races are required to convey water from any running stream or creek, they must be acquired in the same manner as ordinary water-races.

Reservation of Water.

42. The Warden may, by notice in the Provincial Government Gazette, set apart any spring, stream, or other depository of water for domestic purposes, and no person shall thereafter defile such water, or do any act by means of which such water may be defiled or rendered unfit for domestic purposes.

Original Line of Race may be Altered.

43. If by reason of any natural impediment it shall be impracticable, or attended with unforeseen difficulty or expense, to cut or construct a race according to the line originally designed therefor, it shall be lawful for the licensee of such race, having first obtained the permission in writing of the Warden, to deviate in the cutting of such race so far from such originally designed line as shall be necessary to avoid the effects of such impediment, provided that no prior right be affected thereby.

Repair of Race.

44. When a race is in so inefficient a state of repair as to cause a waste of water, the Mining Inspector, or other competent person appointed by the Warden, may order the water to be turned out at the head of such race until the defective portion is made good.

Construction of Tail Races.

45. Before any miner shall construct a tail-race he shall proceed by notice in the same manner as is directed in section 26 for head-races. But such notice shall only require to be posted for seven (7) clear days; at the expiration whereof the applicant shall return to the Warden a copy of the notice, which shall be signed by the holders of the four (4) nearest claims, as expressing their assent to or dissent from the issue of a license for such tail-race. And the Warden shall inquire into any objection thereto, or any cause of dissent as aforesaid, and shall thereafter issue or withhold a license according to the equity of the case.

Use of Tail Races.

46. Any person wishing to use a tail-race may do so on condition of first paying to the owner of such tail-race a proportionate share of the expense of construction, and of any enlargement that may be rendered necessary by such use: Provided that the person so using any tail-race shall bear an equal share in any labour or expense incurred in clearing the same, or such portion thereof as may be so used, whenever it shall be necessary to do so.

Flood Races.

47. Any person may cut a flood-race through or by his claim, subject to such restrictions as the Warden may consider necessary for the public good.

Races may be carried through Claims.

48. Upon application being made to the Warden, it shall be competent for him to authorize the applicant to pass a head-race or tail-race over, under, or through any claim or right; provided that compensation shall be allowed for estimated damage (if any), and prior to commencing the construction of such race such compensation shall be paid to the holder or holders of the claim or right over, under, or through which the proposed race has to be constructed. In the event of any dispute as to the amount to be paid, it shall be lawful for the Warden, in conjunction with four assessors (two being appointed for each party), to award such sum to be paid as may seem to them, or the majority of them, to be due to the persons who may be considered entitled thereto.

Main Sludge Channel to be first constructed.

49. No miner shall be permitted to erect a quartz-crushing or puddling machine until a main sludge channel shall have been constructed, and in all cases such main channel must be constructed by and at the expense of the person desirous of erecting such machine.

Main Sludge Channels to be approved by the Warden.

50. The position and course of all main sludge channels, and the width and depth thereof, shall be subject to the approval of the Warden, who shall have power to alter and vary the same whenever it shall seem to him necessary so to do; and upon his approval of any such main channel, the Warden shall grant a license for the same to the applicant.

Expenses of Construction.

51. The expenses of the construction of such channel shall be borne by the persons then or afterwards using the same, in proportion to the position of each machine relatively to the said channel, and payment of such proportion to the person constructing the same shall be made prior to the granting of any permission to construct such channel.

Sludge Drains and Channels to be kept clear.

52. Main sludge channels shall be kept clear and in good repair by the joint labour of the machine-holders in each locality, and the owner of each machine shall further keep clear and in good order the private sludge drains connected with such machine; and on no pretence whatsoever shall the sludge from any main channel or private claim be permitted to overflow the edges thereof.

Roads over Drains to be Bridged.

53. When sludge or water drains run across or under any road in general use, a substantial bridge (the culvert of which shall be of sufficient size to carry off the sludge or water) shall be constructed and kept in repair by the owner of the machine whence such water or sludge proceeds.

License Renewable annually.

54. Every license for a water-race, tail-race, or sludge channel, shall be brought to the Warden for renewal annually, and if any such license be not so brought within sixty (60) days after any day on which the same should be renewed such license shall be deemed to be forfeited.

PART III.—MACHINE SITES, DAMS, AND RESERVOIRS.

Sites for Machines.

55. Any miner who may be desirous of obtaining a license for a site for the erection of quartz-crushing, puddling, or other machinery connected with gold-mining, shall make application in writing to the Warden, setting forth the purpose and all particulars of such machinery, and stating the exact locality of the site applied for, and shall at the same time deposit the sum of five pounds (£5) as security for the cost of survey and other necessary expenses; and the Warden shall thereupon direct the Mining Inspector or other person appointed by the Warden to make a survey and plan of such site and to report thereon.

Area of Machine Sites.

56. The area of a machine site shall not exceed half an acre.

Mode of Application for Dams, &c.

57. Any person desiring to obtain a license for the construction of a dam or reservoir shall make application to the Warden in writing, and shall furnish with such application a plan for the information of the Warden, showing as regards a dam the site of such dam, and as regards a reservoir the site and area of such reservoir, together with a specification containing all details of construction; and the applicant for such license shall obtain from the owner or owners of all claims or other authorized holdings affected by such proposed dam or reservoir a certificate expressing his or their assent to or dissent from such application, or shall furnish a declaration that such owners have been applied to and have refused to give such certificate.

Applications to be Posted, and Conditions.

58. A copy of the application required by the previous section shall be posted and maintained for fourteen (14) days at the site of the proposed dam or reservoir, and if all other proceedings required by these Regulations shall have been fully complied with, the Warden may, after hearing all parties interested, grant a license for such dam or reservoir: Provided no valid objection shall have been substantiated thereto; and provided that such dam or reservoir shall be substantially constructed, that such construction shall be approved by the Mining Inspector or other competent person appointed by the Warden, and that the license for such dam or reservoir shall be granted and held subject to the inspection and approval of the Mining Inspector, or person appointed from time to time as he may consider necessary.

Forfeiture of Dam and Machine Sites.

59. The site of any dam or machine whereon work shall not be commenced within fourteen (14) days from the date of the license, or upon which the erection of the dam or the machine shall not be completed within a reasonable time, or any dam or machine site unused for one month during a period when sufficient water has been available, shall be deemed to be forfeited, and may be granted by the Warden to any person who may apply for the same.

Injury to Property by Dams.

60. If any claim shall be flooded or property injured by the bursting of any dam bank, the owner of such dam shall be liable for any loss or damage occasioned thereby, provided that it be proved to the satisfaction of the Warden that such breaking away resulted from the faulty construction of such dam.

Sites proving to be Auriferous.

61. If it shall be proved that the ground occupied by any dam, reservoir, machine, or mullock tip contains auriferous earth or quartz, the miner desiring to work such ground must make application in writing to the Warden for permission to enter on the same; and if the Warden shall deem fit, the owner of such site may be compelled to leave or remove the same: Provided that adequate compensation for such leaving or removing shall first have been ascertained and determined in the manner provided in Section 48 of these Regulations, and shall have been paid by the persons desirous of working the ground.

PART IV.—BUSINESS AND RESIDENCE SITES NOT INCLUDED WITHIN PROCLAIMED TOWNSHIPS.

Business Licenses.

62. Business licenses will be issued authorizing the holder thereof to carry on business within the proclaimed goldfield. Each holder of a business license shall be entitled (except in reserved townships) to occupy for business purposes an area not exceeding forty (40) feet frontage by one hundred and twenty (120) feet for each license held by him. Licenses may be transferred from any site to another site: Provided that no person shall carry on business in more than one place under one license.

Marking out Sites.

63. Occupants of sites for business purposes shall place and maintain at each frontage corner of such site a peg not less than three (3) inches square, and standing not less than two feet above the surface of the ground.

Protection of Business Sites.

64. The Warden may grant a certificate giving protection to the holder of a business site license to hold such site unoccupied for ten (10) days, whilst the holder is engaged in preparing for the occupancy thereof. Such protection may be renewed by the Warden for an additional period of ten (10) days.

Occupancy of Sites.

65. Business sites can only be held or occupied by holders of business licenses, and no site can be held unoccupied for more than twenty-four (24) hours, unless the same shall be protected as in Section 64.

Information to the Public.

66. When any business site has been protected, the holder shall post and maintain thereon a board not less than nine (9) inches square, with the word "Protected," and the date and number of the certificate of protection, legibly painted or written thereon.

Space between Buildings.

67. An open space of six (6) feet shall at all times be left between buildings occupied for business purposes, except in reserved townships. The licensee of a single business site shall only build upon thirty-four (34) feet of his frontage. The licensee of two or more adjoining sites may build upon forty (40) feet frontage for every additional site.

Marking out and Applying for Residence Sites.

68. Any miner desirous of occupying land for a residence site shall mark the corners of the area which he proposes to occupy with trenches, or substantial posts standing not less than two (2) feet above the surface of the ground, and shall give notice in writing, in the form hereunto appended (marked Schedule D), to the Warden of the district, and a copy of such notice shall be posted and maintained in some conspicuous part of such area for the space of fourteen (14) clear days, at the expiration whereof, if no valid objection has been entered thereagainst, the Warden may grant a residence license to the applicant.

Area of Residence Sites.

69. The area of a residence site shall be thirty-three (33) feet frontage by sixty-six (66) feet.

Residence Sites not to encroach on Roads.

70. No miner shall occupy as a residence site any portion of any street, road, or thoroughfare: Provided that in cases where two or more adjoining residence sites are held by members of one family they may, with the approval of the Warden in writing, amalgamate their sites.

Residence Sites may be Protected during Absence.

71. The holder of any residence site, having any building erected thereon, may have the same protected for any period, not exceeding three months, during which he may be absent from the same.

Residence Site if deemed Auriferous to be examined.

72. If any auriferous deposits shall be traced to the boundaries of any land occupied as a residence site, the Warden may, upon satisfactory proof thereof, authorize any surveyor or other persons, by writing under his hand, to enter thereupon, and at such times and in such manner as he may appoint, to search the land so occupied for a continuation of the said auriferous deposit.

Residence Site if Auriferous may be taken.

73. If any residence site shall be proved to be auriferous, the Warden may, upon application, order the whole, or any part thereof, to be given up for mining purposes to such persons as he shall nominate.

Compensation for Loss of Site.

74. In all cases, compensation for actual damage or loss shall be ascertained and determined in the manner provided by Section 48 of these Regulations; and such compensation shall be paid prior to the applicant taking possession of the ground.

Warden to make order as to Mode of working Residence Site.

75. The Warden shall make such order relative to the mode of working the ground in any residence site, the restoration of the soil, and other conditions as he may deem necessary or desirable.

Transfer of Residence Site.

76. No miner shall be allowed to hold more than one license for a residence site, and such license may be assigned provided there be some substantial building erected thereon, but not otherwise.

When Residence Sites may be deemed Forfeited.

77. If any residence site be used for a purpose not specified in the license granting the same, or for a space of one calendar month be unoccupied, the same shall be deemed forfeited.

PART V.—ROADS, TRAMWAYS, FELLING OF TIMBER.*Main or Trunk Lines of Road.*

78. The Warden shall cause main or trunk lines of public roads to be laid out wheresoever the same shall appear to him to be necessary, and no person shall resist the formation of the same: Provided that if any damage is done to any occupied claim, water-race, tail-race, or other working, compensation shall be granted to the holder thereof. The amount of such compensation shall be ascertained by four assessors, two to be appointed by the Warden on behalf of the Government, and two by the persons interested, and an umpire, to be chosen by the assessors before they enter upon the reference.

Width of Private Roads.

79. A miner may, with the permission of the Warden first obtained, occupy any breadth of ground not exceeding eighteen (18) feet for a private road.

Changing Position of Road to enable Ground to be worked.

80. If any miner desire to change the direction of any public or private road, he shall, for a period of fourteen (14) days, affix a notice of such his desire in a conspicuous place on such road, and shall furnish a copy of such notice to the Warden, to be posted outside his office for the same period. At the expiration thereof the Warden shall make such order as shall appear to him to be necessary in the matter.

Formation of Private Roads.

81. When any miners are desirous of forming a private road, tramway, bridge, or crossing-place over or across any gully, creek, reef, claim, or race, a notice to that effect shall be posted on the ground and outside the Warden's office for fourteen (14) days, after which period the Warden shall determine whether such road, tramway, bridge, or crossing-place is necessary, and if he agree to its formation he shall then fix, or cause to be fixed, the exact line thereof: Provided that no such road, tramway, or crossing-place shall be made over or through any mining claim unless compensation for damage or loss shall be immediately paid or tendered to the owner thereof. In the event of the parties concerned not agreeing as to the amount of such compensation, the same shall be ascertained and determined in the manner provided for in Section 48 of these Regulations: Provided further that such road, bridge, or crossing-place shall be of a breadth, where practicable, of not less than fifteen (15) feet, and be so constructed that no injury shall accrue to any head-race, tail-race, drain, creek, or culvert passing under it.

Roads not to be damaged by undermining.

82. No person shall dig within the distance of five (5) feet from any public or private road, or drive underneath the same, unless the drive shall be more than twelve (12) feet beneath the surface of the road, nor shall any person interfere with any such road.

Miners may use Timber for Mining.

83. Any miner may use timber (other than kauri) for building or mining purposes, or for firewood.

Kauri Timber to be paid for.

84. Any person requiring kauri timber must apply to the Warden, who will give permission to cut the same on payment to him of the sum of one pound five shillings (£1 5s.) for each tree required by the applicant.

Timber Licenses.

85. Any miner desiring to cut timber for sale shall make application to the Warden for a license, and shall state the locality which he desires to cut timber within; and a copy of such application shall be posted for fourteen (14) days in at least two (2) conspicuous places on the ground, and also one copy outside the Warden's office. If no valid objection be made, the Warden may grant a timber license to the applicant on payment of a fee of five pounds sterling (£5), entitling the holder to cut any timber (except kauri) within any defined area not exceeding twenty acres: Provided that every person employed by such licensee to cut timber shall be the holder of a miner's right.

Timber not to be felled so as to cause an Obstruction.

86. If any person shall fell any tree or timber he shall remove it beyond the reach of floods so that it may not be drifted down any stream. If any person shall fell any tree or timber on to any adjoining claim, or on to any public or private road so as to cause an obstruction, he shall immediately remove the same.

PART VI.—REGISTRATION.

Registers to be established.

87. There shall be established registers of all rights, titles, and interests held under the Act, and of all assignments thereof, whether absolute or by way of mortgage.

Certified Copies of Register shall be received in Evidence.

88. A copy of any part or parts of such registers, certified by the Registrar as being a true copy, shall be *prima facie* evidence of such contents, without production of the registers or proof of the Registrar's signature to such certificate.

Period within which a Claim should be Registered.

89. Every miner taking up a claim or other authorised holding shall within ten days thereafter cause his title to the same to be registered in a book kept for that purpose by the Mining Registrar, and if he shall make default in so doing his title to such claim shall be deemed to be forfeited.

Registrar shall receive for Registration all Documents duly stamped, and shall give a Memorandum thereof.

90. It shall be the duty of the Mining Registrar who has the custody of such registers to receive for registration a memorial, in the form in the schedule hereto annexed marked E, and to enter the same forthwith in the book appointed for that purpose, and to receive all documents purporting to be assignments of any registered claim, or holding, or interest therein (provided that the same be duly stamped, as required by law), and to register the same; and to deliver to the person presenting the document a memorandum in the form set forth in the schedule hereto annexed marked F, Part 2, and to return the said document to him, and to obtain his signature to a memorandum in the form set forth in the Schedule F, Part 1.

Assignment shall be Registered, although previous Assignment of same Interest has been Registered.

91. If, on the presentation of any document purporting to be an assignment of any such claim, holding, or interest, it shall be found on reference to the register that such claim, holding, or interest has been already absolutely assigned on the authority of an assignment received at some prior date, it shall nevertheless be the duty of the Mining Registrar to receive the document so presented, and to register the same, provided that a notification of the prior registration be endorsed on the memorandum given to the person presenting the document, and that the document itself be retained by the Mining Registrar.

Priority of Registration.

92. Every assignment which is hereby authorized to be registered shall, so far as regards any claim or authorized holding to be affected thereby, be void as against any person claiming under any subsequent assignment duly registered, unless the prior assignment shall have been registered before the registration of the subsequent assignment.

Licenses or Certificates to be Registered.

93. Every license or certificate issued by the Warden for any authorized holding shall, before delivery to the person entitled thereto, be registered by the Mining Registrar.

Notice of Abandonment of Authorized Holding to be given to Mining Registrar.

94. The owner of any authorized holding shall, within seven days after abandonment or relinquishment of the same, give notice in writing thereof to the Mining Registrar.

Memorials of Incumbrances or Liens upon Claims, Interests, &c., may be Registered.

95. A memorial of any incumbrance or lien upon any claim, right, title, or interest, or any share or interest therein, in the form in the schedule hereto annexed marked G, may be registered against such claim, right, title, or interest, an attested copy of the instrument creating such incumbrance being at the same time deposited with the Registrar; and any transfer or assignment of such claim, right, title, or interest, or share or interest therein, shall be subject to such incumbrance or lien until a discharge thereof, in the form in schedule hereto annexed marked H, shall have been duly registered.

Copies of Documents may be furnished on Payment of Fees.

96. Any person requiring information, or a copy of any document, may obtain the same from the Mining Registrar on payment of the respective fees mentioned in the schedule hereto.

PART VII.—MISCELLANEOUS.

Notice before Blasting.

97. Five minutes previous to the discharge of any blast of gunpowder or other explosive substance, within fifty (50) feet from the surface of the ground, due notice of such intended discharge shall be given by the persons preparing the same to all other persons working, residing, or passing within a distance of one hundred (100) yards from the place of such discharge. When any road or footpath passes through any such claim, a red flag not less than one foot square shall be exhibited at each extremity of the intersection of the claim by such road or footpath, for five minutes before the discharge.

Prevention of Accidents.

98. Any miner who may sink a shaft or make an excavation on his claim, in search of auriferous quartz, shall substantially fence in or cover in such shaft or excavation during the occupancy of such claim. Where from the nature of the ground it is impossible to prevent the descent of rocks, boulders, stones, earth, or other heavy substances when disturbed by working, it shall not be lawful to mine on such claim, unless notice boards with the words "Danger from stones," in letters not less than four (4) inches in length, painted thereon, shall be placed at intervals of ten yards along any line of road or footpath near to the place where such rock, stone, or heavy substance is likely to fall.

Prospecting.

99. Any person discovering new gold workings, and being desirous of obtaining an increased area thereon, must immediately report such discovery, with full particulars thereof, to the Warden or other proper authority. Such persons shall then point out to any person appointed by the Warden the line of reef or lead, and shall afford every facility for the inspection of such reef or lead. The Warden shall publish the particulars of every application for a prospecting claim by posting the same outside his office for fourteen days.

Reward for Prospecting.

100. Discoverers of new gold workings may have allotted to them by the Warden as a reward for prospecting, where the discovery does not exceed five miles from existing workings, an extent equal to two men's ground, in addition to that which the party would be entitled to take up under their miners' rights. Where the discovery is more than five miles and does not exceed ten miles distance from such existing workings, four men's additional ground; and where the discovery is more than ten miles and does not exceed fifteen miles from such existing workings, six men's additional ground. Provided that after the expiration of sixty (60) days from the granting of any such prospecting claim by the Warden there shall be employed thereon one (1) man for each man's ground held by the party. Provided also that, if the Warden shall deem fit, he may on application extend the time for fully manning the ground for any additional term not exceeding four (4) months, or being in the whole not more than six (6) months from the time of granting the additional or prospecting claim.

Depasturage of Cattle.

101. No person will be allowed to depasture any cattle within the gold field unless he be the holder of a miner's right, and shall pay a registration fee, as per schedule annexed, for each head of cattle depastured by him within the said gold field, and for the purposes of this and the following Regulation the word cattle shall be deemed and taken to mean and to include horses, mares, colts, fillies, asses, mules, bulls, cows, steers, calves, rams, ewes, sheep, lambs, and goats: Provided that no person shall be allowed to run swine at large within the gold field.

Cattle not to be Allowed to Trespass on Native Reserves.

102. No person shall permit or allow any cattle owned by him to trespass on Native land reserved for residence, cultivation, or burial ground.

Persons not to Trespass on or Damage Native Reserves.

103. No person shall mine for gold, occupy, cut timber or scrub, or set fire to any scrub, fern, flax, grass, or rushes on any land reserved for cultivation, residence, or burial ground, the locality of which has been defined by lines cut or by notice posted on the ground.

Miners' Camps.

104. No person shall encamp on any road or within the limits of any township unless he first receive permission from the Warden so to do. And when any reserve shall be formed as a place of temporary residence for miners within or near to any township, the Warden shall give such directions as shall from time to time appear necessary for the preservation of order and prevention of nuisances within such camp reserve. No person shall be permitted to erect permanent buildings or carry on any business within the boundaries of such reserves.

Lost Documents.

105. On being satisfied of the loss or destruction of any document issued from the Warden's office, the Warden or Mining Registrar may cause to be issued a duplicate thereof, which shall have equal validity with the original document.

Forms.

106. In addition to the forms in the schedule hereto, such other forms as shall from time to time be prescribed by the Warden or Mining Registrar shall be used in respect of the various matters therein referred to.

Fees.

107. The fees in the Schedule hereunto annexed shall be taken and charged in the respective offices therein mentioned. And no act shall be done in any such office until payment of the fee chargeable in respect of such act.

Penalty for Breach of Regulations.

108. Every person committing any breach, whether of omission or commission, of any of the above rules and regulations, will be liable to the penalties set forth in "The Gold Fields Act, 1866," viz.:—For the first offence, a fine of any sum not exceeding £10; and for the second or any subsequent offence, not exceeding £20.

SCHEDULE A.

Notice of Amalgamation to be signed in Duplicate, and one Copy Returned signed by the Registrar.

To the Mining Register at

18

We hereby give notice that we desire to have our claims amalgamated, situated at the particulars of which claims are given below.

Locality.	Registered No. and Name of the respective Claims to be amalgamated.	Class of Claims.	Names of Owners of the Claims to be amalgamated.	Share of each Owner of the Amalgamated Claim.	Signature of each Owner in Amalgamated Claim.

Registered

Date (Signature) Registrar:

SCHEDULE B.

Notice of Neglect, Absence, or Omission.

To Mr. A. B., shareholder in the Claim, situated at . I hereby give you notice that your hired servant, C. D., working in the above claim, has been guilty of [here state particulars of neglect, absence, or omission] contrary to the provisions of the Gold Field Regulations, and if such neglect, absence, or omission be continued for [twenty-four hours, or seven days] from the date of the service of this notice upon you, I shall then apply to the Warden for permission to work the same.

Dated at this day of 187 .

E. F.

MINER'S RIGHT No. .

Endorsement on the Back of Copy.

A copy of this notice was served on A.B. personally [or by leaving the same at his last known place of residence] at on the day of 18 .

E. F.

SCHEDULE C.

Application to Form a Water-race.

To the Warden at hereby give notice that desire to construct a water-race for mining purposes, commencing at a point , and terminating . The length of such race is or thereabouts, and its intended course is . The mean breadth and depth of such race is ; it is capable of carrying sluice-heads of water, and it is proposed to appropriate sluice-heads.

187 .

Signature of Applicant—
No. of Miner's Right—

Any person having any objection to this application must lodge the same, in writing, at the Warden's Office, at , within fourteen days from date hereof.

Date: Warden.

SCHEDULE D.

Application for a Residence Site.

To the Warden at I hereby give notice that I desire to occupy for Residence feet by feet of land, situated at and I have this day marked said land with in conformity to the Gold Field Regulations.

Signature of Applicant }
And No. of Miner's Right }

Any person having any objection to this application must lodge the same in writing at the Warden's Office, at , within fourteen days from the date thereof.

Date Warden.

SCHEDULE E.

Memorial for Registration of the Claim, to be presented in Duplicate to the Registrar, who shall sign and return one copy thereof.

We, the undersigned, hereby make application to Register the Claim in accordance with the particulars herein contained, together with the shares or interests therein as set opposite our names.

Dated this day of , 187 , at the hour of .

Locality.	Christian and Surname of each Owner to be written legibly in full.	No. of Miner's Right.	Share or Interest of Owner.	Class of Claim.	Distinguishing Mark on Posts.	Day and hour of marking out.	Area of Claim and No. of Men's Ground.	Particulars of Claim, giving situation, and as near as possible its proximity to fixed points or known objects.	Signature of each Owner or his Agent, to correspond with names in second column.

Registered the day of , 187 , at the hour of .

Registrar.

SCHEDULE F.

PART I.	PART II.
<i>Assignment—</i>	No.
Date of Registration—	<i>Memo. of Assignment.</i>
	Mining Registrar's Office,
	187 .
<i>Particulars—</i>	I have this day registered a document exhibited to me by , purporting to be an assignment of of which the particulars are as follows:—
Assignor—	Name of Assignor—
Assignee—	Name of Assignee—
Date of assignment—	Date of Instrument of Assignment—
Nature of Property assigned—	Nature of Property Assigned—
Interest therein Assigned—	Interest Assigned therein—
Reference to Folio of Register—	Reference to Folio of Register—
Fees Received—	Fees Received—
Signature of Assignor or Agent } presenting Assignment. }	Mining Registrar.

Original documents to be exhibited, and after being marked by Registrar to be returned to assignee or his agent.

SCHEDULE G.

Memorial of Encumbrance.

To be presented in duplicate, and one copy signed and returned by Registrar. No. .

Description of Claim, or other authorized Holding.	Interest intended to be affected by such Encumbrance.	Name of Owner of Interest.	Nature of Encumbrance.	Date of Instrument.	Remarks.

Date of Registration.

(Signature of Grantor of Encumbrance.)

(Signature of Registrar.)

(Signature of Grantee of Encumbrance.)

whereof have been marked and defined on the ground: And whereas application has been made to me to authorize the occupation of the aforesaid piece or parcel of land known as Mackaytown, or Reserve B, for residence or for business: Now, therefore, I, the said Daniel Pollen, in exercise of the powers and authority delegated to me under the provisions of the said Act, do hereby authorize the occupation of the said piece or parcel of land for residence or for business, and in further exercise of the said powers and authority delegated to me under the said Act, do hereby make the following regulations for the occupation of the same for residence or for business.

Given under my hand at Auckland, in the Province of Auckland, this third day of March, in the year of our Lord one thousand eight hundred and seventy-five.

DANIEL POLLEN.

REGULATIONS FOR OCCUPATION FOR RESIDENCE OR FOR BUSINESS OF THE BLOCK OF LAND WITHIN THE LIMITS OF THE OHINEMURI GOLD FIELD, KNOWN AS MACKAYTOWN, OR RESERVE B.

Land to be Surveyed for a Township. Defining Area of Residence Sites and Business Sites.

1. The land included within Mackaytown or Reserve B shall be surveyed for residence and business allotments under the direction of an officer duly appointed by the Governor in that behalf. Residence sites will contain an area not exceeding one-tenth part of an acre, and will be laid out (unless the nature of the ground prevents it) with thirty-three (33) feet frontage to a street, and a depth of one hundred and thirty-two (132) feet. Business sites will contain an area of one-fifth of an acre, and will be laid out (unless as hereinbefore provided) with sixty-six (66) feet frontage to a street, and a depth of one hundred and thirty-two (132) feet.

Application for Allotment to be made in Writing, and Notice to be Posted on the Ground.

Amount of License Fee, &c.

2. Any person desiring to occupy an allotment for residence or business shall make an application in writing for the same to an officer duly appointed by the Governor in that behalf. At the time of making such application the applicant shall place a post not less than four feet high in the ground in the centre of the street frontage of the allotment for which he requires a license, with his name legibly written thereon, together with the particulars of the desired occupation, whether for residence or business, and the date of the posting thereof. If no valid objection be lodged with the proper officer within forty-eight hours from the time of the receipt of such application, a license in the form in the schedule hereto shall be granted on payment for a residence site of a fee of one pound (£1), and for a business site of five pounds (£5), for each allotment so licensed, and shall authorize the holder thereof to occupy the allotment in respect of which it has been issued for twelve months from the date thereof.

Conditions of License.

3. Every license shall be brought annually to the proper officer for renewal, and the fee of one pound or five pounds respectively payable therefor shall be charged on each subsequent renewal. Any license not renewed annually shall be forfeited. No license for a residence or business site shall be forfeited for the non-occupancy of the allotment for which it has been granted, during the twelve months immediately following the first issue of a license for the same, but such license shall not be renewed at the expiration of that period, unless there shall have been erected on the allotment so licensed a dwelling-house or business premises as the case may be.

Survey Fees to be charged.

4. On the first taking up of any allotment a survey fee of five (5) shillings shall be charged for each residence site, and of ten (10) shillings for each business site, in addition to the fees for licenses hereinbefore mentioned.

Business not to be conducted on Allotments Licensed for Residence.

5. Any person holding a residence license for any allotment, and not being the holder of a business license for the same, who shall carry on any business on an allotment licensed for residence only, shall forfeit his allotment.

Residence or Business License may be Transferred.

6. Any person may transfer a residence or business license, provided that notice of such transfer is given to the officer charged with the duty of issuing such licenses.

SCHEDULE.

No.	<i>Business License for town, Ohinemuri Gold Field.</i>	No.	<i>Residence License for town, Ohinemuri Gold Field.</i>
	A. B. is entitled to occupy for business purposes Allotment No. street, town, for twelve months from the date hereof.		A. B. is entitled to occupy for residence Allotment No. street, town, for twelve months from the date hereof.
£5 0 0	Dated at this day of 187 .	£1 0 0	Dated at this day of 187 .

