

1893.  
NEW ZEALAND.

# THE MINING ACTS, 1891 AND 1892

(REGULATIONS UNDER).

*Laid upon the Table of the House of Representatives in terms of Section 342 of "The Mining Act, 1891."*

[Extract from Gazette No. 25, of 6th April, 1893.]

## AMENDED REGULATIONS UNDER "THE MINING ACT, 1891."

GLASGOW, Governor.

WHEREAS, by the three hundred and forty-first section of "The Mining Act, 1891," it is enacted that it shall be lawful for the Governor, subject to the provisions of the said Act, from time to time to make, alter, amend, and revoke regulations for all or any of the purposes therein mentioned:

And whereas in pursuance and exercise of the hereinbefore in part-recited authority, regulations were made on the twenty-third day of December, one thousand eight hundred and ninety-one, and came into operation on the first day of January, one thousand eight hundred and ninety-two:

And whereas certain of the said regulations were amended on the twenty-seventh day of February, one thousand eight hundred and ninety-two, and it is desirable to revoke Part XXVIII., Nos. 261 to 278, of the regulations of the twenty-third day of December, one thousand eight hundred and ninety-one, as amended by the regulations of the twenty-seventh day of February, one thousand eight hundred and ninety-two aforesaid, and to make other regulations in lieu thereof, as hereinafter set forth:

Now, therefore, I, David, Earl of Glasgow, the Governor of the Colony of New Zealand, in pursuance and exercise of the powers and authorities in that behalf conferred upon me by the said in part recited Act, do hereby revoke Part XXVIII., Nos. 261 to 278, of the regulations of the twenty-third day of December, one thousand eight hundred and ninety-one, as amended by the regulations of the twenty-seventh day of February, one thousand eight hundred and ninety-two aforesaid, and in lieu thereof I do make the regulations herein set forth, that is to say,—

### PART XXVIII.—LICENSES TO CUT TIMBER.

261. *Permission to cut Timber.*—Any hand-sawyer, splitter, or woodcutter desiring to cut timber for sale for *bond fide* mining purposes, or for any purpose incidental or conducive thereto, shall make application to the Warden for permission in the form in Schedule 1 hereto, and a copy of such application shall be posted for seven days outside the Warden's office. If no valid objection be made, the Warden may grant a certificate, in the form in Schedule 3 hereto, on payment of a fee of not less than £3 sterling for a license which shall be in force for six months, or £5 for a license which shall be in force for twelve months from the date thereof, and shall entitle the holder, subject to such conditions as the Warden may think fit to impose, to cut any timber (except kauri or reserved trees) on any Crown land within a mining district mentioned in the application notice: Provided that every person holding any such certificate to cut timber shall be the holder of a miner's right; but no such certificate shall entitle the holder thereof to cut timber on land within any proclaimed forest reserve; and, within the authorised area as defined in the contract made by the Queen with the New Zealand Midland Railway Company (Limited), dated the 3rd August, 1888, such certificate shall only entitle the holder thereof to cut timber for mining purposes on lands which have been set apart under the said contract for mining purposes:

Provided, further, that every certificate granted under this regulation shall be subject to the rights of every holder of a miner's right, and every person on whose behalf a consolidated miners' right is granted, to cut timber (except kauri or reserved trees) for fencing any garden or residence area which may be held by him, and also timber for his own domestic use, or for props, caps, laths, sluice-boxes, or paving-blocks for sluice-boxes, in connection with the claim held by him personally or conjointly with his partners, or in which he is working as wages-man, over any area for which such certificate is granted.

262. *Hand-sawyers', Splitters', and Woodcutters' Certificates.*—Every person being the holder of a hand-sawyers', splitters', or woodcutters' certificate shall be entitled to an area of not exceeding 5 acres, and shall have the right to construct saw-pits.

262A. Mining Registrars are hereby authorised to issue monthly licenses to cut timber in any part of any bush or forest that may be named therein on application in the form in Schedule 4 hereto; and licenses, to be in force for a period of one month, empowering the holder thereof to cut timber exclusively for mining purposes and domestic use in any part of the bush or forest named in the application, may be issued in the form in Schedule 5 hereto. The fee for every such monthly license shall be 10s.:

Provided that no license shall be issued to any person who may have been twice convicted of a breach of any of these regulations or the regulations under Part XXVIII., for the issue of licenses to cut timber, dated the 23rd December, 1891.

#### *Saw-mill Timber Applications.*

263. Any person, being the owner or lessee of any saw-mill and saw-mill plant, or desirous of cutting timber for sale for *bonâ fide* mining purposes, or any purpose incidental or conducive thereto, or for sale to such saw-mill owner or lessee, shall make application to the Warden for permission, in the form in Schedule 1 hereto, and a copy of such application shall be posted for seven days outside the Warden's office. If no valid objection be made, the Warden may grant a certificate in the form in Schedule 2 hereto, on payment of a fee of 5s. for a certificate which shall be in force for six months, or 10s. for a certificate which shall be in force for twelve months from the date thereof, and such license shall entitle the holder thereof to cut timber, subject to payment of the following royalties: Kauri, totara, matai, silver-pine, and kawaka, 6d. per 100 superficial feet; all other timber, 3d. per 100 feet; and timber cut into blocks for paving sluices, 2d. per 100 superficial feet: Provided that no such certificate shall entitle the holder thereof to cut timber on land within any proclaimed forest reserve; and, within the authorised area as defined in the contract made by the Queen with the New Zealand Midland Railway Company (Limited), dated the 3rd August, 1888, such certificate shall only entitle the holder thereof to cut timber for mining purposes on lands which have been set apart under the said contract for mining purposes.

264. Every applicant for a certificate shall state whether he desires to cut timber for saw-milling or for other purposes.

265. Any person cutting timber outside his boundary-line shall be guilty of a breach of these regulations, and shall pay a royalty of 6d. per 100 superficial feet in respect of the timber so cut.

266. Every holder of a certificate shall point out the extent of his cutting when required so to do by the Warden or any person appointed in writing by him.

267. *Saw-mill Timber Certificates.*—The holder of any saw-mill timber certificate shall be entitled to an area not exceeding 200 acres. He may, however, apply to have an additional adjoining area of 200 acres reserved for him for a period of two years from the date of his certificate, and if he shall within six months have erected a saw-mill and plant, as hereinafter required, he shall, upon relinquishing the certificate for the area first granted, receive a certificate for such additional adjoining area. The holder of every saw-mill timber certificate shall, within six months from the date of his certificate, erect upon the area first granted to him a substantial and fully-equipped saw-mill plant, including all the necessary buildings thereto appertaining, which saw-mill plant must be kept in continuous working operation, unless valid and satisfactory reasons can be given to the Warden for any temporary stoppage. In the event of his neglecting to erect such saw-mill plant within the prescribed time, his certificate shall be null and void. Should at any time the mill be closed for a longer time than the Warden thinks necessary or reasonable, it shall be competent for him to give the holder of such certificate one month's notice in writing, and, should the said holder fail or neglect to resume and continue the *bonâ fide* working of the mill, the Warden shall declare the certificate forfeited, and may immediately declare the saw-mill area open for selection. The holder of such certificate may, within three months of the date of forfeiture, however, remove any building or machinery he may have erected. Whenever the holder of a saw-mill timber certificate applies for a reserved area adjoining the area previously held by him, such last-mentioned area shall be deemed to be worked out, and the land and remaining timber, if any, shall immediately and absolutely revert to the Government: Provided that every saw-mill timber certificate shall be granted subject to the right of any holder of a miner's right, and every person on whose behalf a consolidated miners' right is granted, to cut and remove timber (not being kauri or reserved timber) for fencing a garden or residence area which may be held by him, and also timber for his own domestic use, or for props, caps, laths, sluice-boxes, or paving-blocks for sluice-boxes, in connection with the claim held by him personally or conjointly with his partners, or in which he is working as wages-man, over any area for which a saw-mill timber certificate is issued.

268. *Marking-out Saw-mill Area.*—The applicant for any saw-mill certificate shall, previous to lodging his application, mark out the land applied for by blazing the front- and side-lines, and by placing pegs at each corner angle of such land, such pegs to stand at least 2ft. above the surface of the ground, and to be at least 4in. in diameter; and the Warden may, previous to finally dealing with such application, direct a survey of the land to be made at the expense of the applicant, and may order such applicant to deposit a sufficient sum to cover the expenses of survey before the same be made:

Provided that the Warden shall have power to grant all applications for mining privileges, business sites, and residence areas under the regulations of the 23rd December, 1891, aforesaid, upon any saw-mill area over which a saw-mill certificate may have been issued, and upon any reserved adjoining area; but when granting such mining privilege, business site, or residence area it shall be provided that the holder of a saw-mill certificate shall have the right to cut and remove the timber therefrom on receiving notice so to do from the holder of the mining privilege, business site, or residence area, and, failing the cutting and removal by the holder of the saw-mill timber certificate, then within one month the holder of the mining privilege, business site, or residence area shall have power to cut and remove any timber growing upon the land held by him.

Full power shall be reserved to the Governor or to the local authority to take and make roads or tracks through any area over which a certificate to cut timber may have been granted, or through any reserved adjoining area.

269. *Rights of Owner of Claim.*—The owner of any claim shall be entitled to cut and use for mining purposes all timber (other than kauri) growing upon the said claim, and shall be entitled to cut for his own mining purposes any timber (other than kauri) growing on unoccupied ground.

270. *Kauri Timber to be paid for.*—Any person requiring kauri timber must apply to the Warden, who may give permission to cut the same on payment to the Receiver of Revenue of a royalty not exceeding 6d. per 100 superficial feet contained in such tree, but in no case shall the amount be less than £1 5s. sterling for each tree.

271. Where it is necessary to grant to the holder of any certificate or other person authorised to cut and remove timber, bark, or wood for fuel from any forest, any right or rights of way through any part of the same, the Warden may grant such right or rights, and may impose such conditions in each case as may be deemed necessary. But no such right shall exist for any period beyond the term specified in the original license or authority.

272. When required by the Warden any person holding a certificate to fell timber shall use a brand, and shall register the same in the office of the said Warden; and no two persons shall use the same brand.

273. Any person marking any timber with any brand not belonging to him, or branding any timber belonging to any other person with any brand other than the brand of the owner thereof, shall be guilty of a breach of these regulations; but the payment of any penalty shall not debar the person aggrieved from recovering the amount of any damage he may have sustained by the action of the delinquent.

274. Any person lighting any fire within a forest, and intentionally or negligently allowing the same to spread, shall be guilty of a breach of these regulations; but the payment of any penalty shall not prevent the recovery from the wrongdoer of the value of any damage which may be done by such fire.

275. Any person who shall permit any fire lighted by him outside the boundaries of any forest to spread into or cause injuries to such forest shall be guilty of a breach of these regulations; but the payment of any penalty shall not prevent the recovery from the wrongdoer of the value of any damage which may be done by such fire.

276. Any person who shall unlawfully injure or destroy any timber or other tree or shrub within the limits of any forest shall be guilty of a breach of these regulations.

277. Any person who may be found felling or cutting timber for sale without being the holder of a certificate, within the boundaries of any forest, shall be guilty of a breach of these regulations: Provided this shall not apply to any holder of a miner's right who may be found cutting timber for his own domestic use or for mining purposes in connection with the claim held by him personally or conjointly with other partners, or in which he is working as wages-man.

278. Royalty on all timber shall be paid at the rates hereinbefore specified; and every holder of a certificate shall keep a book or books in which shall be entered a true and accurate account of all timber felled, cut, or disposed of, and such book shall be open for the inspection of the Warden or Inspector, or such person as the Warden may otherwise appoint to inspect the same; and such holder of a certificate shall furnish the Warden and Inspector with a true and accurate statement of the quantity of timber so felled, cut, or disposed of every three months; such statement to be furnished in the months of January, April, July, and October in each year, for the three months immediately previous. All royalty and license fees shall be paid to the Receiver of Gold Revenue.

#### SCHEDULE 1 (Regs. 261 and 263).

##### *Application for Permission to cut Timber.*

To the Warden at \_\_\_\_\_  
hereby make application for permission to cut timber on \_\_\_\_\_ acres of Crown lands within the District of \_\_\_\_\_, for [*Here state the purpose*], and I herewith enclose a true description of the land applied for [subject to all rights conferred or reserved by the regulations for the time being in force under "The Mining Act, 1891," and any amendments thereto].

Dated at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

Number and Date of Miner's Right: \_\_\_\_\_

(Signature.)

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

[*Date.*]

Warden.

#### SCHEDULE 2 (Regs. 261 and 263).

##### *Saw-mill Timber Certificate.*

No. \_\_\_\_\_  
I HEREBY certify that \_\_\_\_\_ has received permission to cut timber (except kauri or reserved trees) over an area of \_\_\_\_\_ acres, as described on the back hereof, within the District of \_\_\_\_\_, for the period of \_\_\_\_\_ months from the date hereof [subject to all Native rights during the currency of this certificate, and also to all rights conferred or reserved by the regulations for the time being in force under "The Mining Act, 1891," and any amendments thereto].

Dated at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

Warden.

## SCHEDULE 3 (Reg. 261).

No. . . . . *Hand-sawyers', Splitters', and Woodcutters' Timber Certificate.*

I HEREBY certify that . . . . . has received permission to cut timber (except kauri or reserved trees) over an area of . . . . . acres, as described on the back hereof, within the District of . . . . ., for the period of . . . . . months from the date hereof [subject to all Native rights during the currency of this certificate].

Dated at . . . . ., the . . . . . day of . . . . ., 18 . . . . .

Warden.

## SCHEDULE 4 (Reg. 262A).

*Monthly Application for Permission to Cut Timber.*

To the Mining Registrar at . . . . .

I, . . . . ., hereby make application for permission to cut timber for a period of one month from the date of the certificate within the bush or forest known as . . . . ., being Crown land within the Survey District of . . . . ., for [Here state the purpose], and I herewith enclose a fee of ten shillings for a certificate.

Dated at . . . . ., the . . . . . day of . . . . ., 18 . . . . .

Number and date of miner's right: . . . . .

(Signature.)

## SCHEDULE 5 (Reg. 262A).

No. . . . .

I HEREBY certify that . . . . . has received permission to cut timber (except kauri or reserved trees) in any part of the bush [or forest] known as . . . . ., being Crown lands in the Survey District of . . . . ., for one month from the date hereof (subject to all Native rights, if any, during the currency of this certificate).

Dated at . . . . ., the . . . . . day of . . . . ., 18 . . . . .

Mining Registrar.

As witness the hand of His Excellency the Governor, this thirtieth day of March, one thousand eight hundred and ninety-three.

R. J. SEDDON.

[Extract from Gazette No. 17, of 9th March, 1893.]

## REGULATIONS UNDER "THE MINING ACT AMENDMENT ACT, 1892."

GLASGOW, Governor.

In pursuance and exercise of the powers and authorities conferred upon me by section two hundred and thirty of "The Mining Act, 1891," and subsection six of section three of "The Mining Act Amendment Act, 1892," I, David, Earl of Glasgow, the Governor of the Colony of New Zealand, do hereby make the following regulations, prescribing the form of declaration to be made by applicants for occupation licenses under the said Acts and the penalty for any false statements made in any such declaration:—

1. Every application for an occupation license, in accordance with the provisions of "The Mining Act, 1891," and its amendments, and the regulations thereunder, shall be accompanied by a statutory declaration made and signed by the applicant, and forwarded to or deposited with the Warden of the district in which the land applied for is situate.

2. Such declaration shall be in the form in the Schedule hereto, or to the effect thereof.

3. The penalty for any false statement contained in any declaration made in terms of these regulations shall be £25.

## SCHEDULE.

I, A.B., of [here insert place of abode and occupation], do solemnly and sincerely declare as follows:—

1. I am the person who, subject to the provisions of "The Mining Act, 1891," and its amendments, and to any regulations made thereunder, am applying for an occupation license for Section . . . . . Block . . . . . District.

2. Including the said land I am not the owner in freehold, or the lessee or licensee under either "The Mining Act, 1891," or under any Act for the sale and disposal of lands of the Crown in New Zealand, or under any person, company, or corporation, of land in New Zealand to the extent of one hundred acres in area, or exceeding that area.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of an Act of the General Assembly of New Zealand intituled "The Justices of the Peace Act, 1882." A.B.

Declared at . . . . ., this . . . . . day of . . . . ., 189 . . . . ., before me,

A Justice of the Peace for the Colony of New Zealand.

Given under the hand of His Excellency the Governor, at the Government House, at Wellington, this first day of March, one thousand eight hundred and ninety-three.

R. J. SEDDON,  
Minister of Mines.

[Extract from *Gazette* No. 42, of 25th May, 1893.]

**REGULATIONS FOR GRANTING LEASES TO OCCUPANTS OF LAND UNDER BUSINESS LICENSE OR MINER'S RIGHT IN THE TOWNSHIPS OF ROSS, DILLMANSTOWN, KANIERI, AND BLUESPUR, WESTLAND.**

GLASGOW, Governor.—ORDER IN COUNCIL.

At the Government House, at Wellington, this sixteenth day of May, 1893.

Present: His Excellency the Governor in Council.

WHEREAS by the nineteenth section of "The Mining Act Amendment Act, 1892," it is enacted that it shall be lawful for the Governor in Council, under regulations to be made in that behalf, notwithstanding anything contained in any Act relating to mining, from time to time to grant to any occupant of land under business license or miner's right in the Townships of Ross, Dillmanstown, Kanieri, and Bluespur, in the County of Westland, who has improved such land to the satisfaction of the Warden of the district, a lease, for any term not exceeding twenty-one years, of the surface of such land, at such rates of payment for rent, and under such restrictions as to the use thereof, as he may think necessary; and such lease shall entitle the holder thereof to all the rights and privileges now enjoyed by holders of business licenses issued under any Act relating to mining:

And whereas it is expedient for the purposes aforesaid that the regulations set forth in the Schedule hereto should be made in substitution of regulations made under "The Land Act, 1885," upon the conditions therein set forth:

Now, therefore, His Excellency the Governor of the Colony of New Zealand, by and with the advice and consent of the Executive Council of the said colony, and in exercise and pursuance of all power and authority in that behalf enabling him, doth hereby make the regulations set forth in the Schedule hereto.

**SCHEDULE.**

*Regulations.*

1. ANY holder of a miner's right or business license who lawfully occupies for purposes of residence, business, cultivation, or any use or purpose other than mining, any land in the localities hereinbefore referred to, and who has substantially improved the same, may apply for a lease of the land so occupied by him.

2. Every application for a lease shall be made in writing to the Warden of the district, and shall contain a statement of the situation and area of the land applied for, the number of the section if the land is a surveyed section, the tenure upon which the land is held, and what improvements have been made thereon.

3. The Warden shall have power to recommend the issue of a lease under these regulations notwithstanding that the land applied for may be held as a claim, special claim, or licensed holding under any Mining Act.

4. If the land applied for is not a surveyed section, the application shall be accompanied by a deposit of £2 to cover the expenses of surveying the same; and, after the application has been finally dealt with, there shall be refunded to the applicant any unexpended or unrequired balance remaining of the said deposit. Should, however, the survey cost more than the amount deposited the applicant must pay the difference before a lease is issued to him.

5. A notification of every application shall be advertised by the applicant not less than twice in such newspaper circulating in the district as the Warden shall direct, and the Warden shall appoint a day for hearing the said application, such day to be not less than one month after the first publication of the aforesaid advertisement.

6. After the hearing of the application, the Warden may either refuse the same or recommend the issue of a lease.

7. No lease shall be granted over land upon which any mining operations are carried on, or over or to which any mining right or title exists, unless or until the holder of such mining right or title consent to such lease.

8. Every lease shall be for the surface only of the land, and no lease shall entitle the lessee to mine for gold upon the land leased, or to extract, dig, or search for any metals or minerals therein or thereon.

9. No lessee in the Township of Ross shall have any claim for compensation for any damage which may be caused by or arise from mining operations legitimately carried on beneath the surface of the ground; and leases in other localities shall contain such special covenants relating to mining as may be recommended by the Warden and approved by the Governor in Council in each case.

10. The rental for lands leased under these regulations shall be 10s. per annum.

11. No transfer or assignment of any lease shall be lawful without the consent of the Warden, and every such transfer or assignment shall be registered at the Warden's office, and the sum of 2s. 6d. shall be paid for such registration.

12. Leases may be in the form hereto, and all expenses in connection with the preparation of leases shall be borne and paid by the lessee.

*Application for Lease.*

"The Mining Act Amendment Act, 1892," Section 19.

To the Warden at

I APPLY for a lease of the ground herein described:—

Situation:

Area:

Tenure:

Length of occupation:

Improvements:

The above application will be considered on

day,

, 18 ..

(Signature.)

A.B., Warden.

*Form of Lease.*

THIS deed, made the            day of           , one thousand eight hundred and           , in pursuance of "The Mining Act Amendment Act, 1892," between His Excellency           , Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same (hereafter called "the said lessor"), of the one part, and            (hereinafter called "the said lessee"), of the other part, witnesseth that the said lessor doth hereby demise and lease unto the said lessee,            executors, administrators, and assigns, all that piece or parcel of land situate in the Township of           , in the County of Westland, containing           , and being Section No.            on the map of the Township of            aforesaid, in the Land Survey Office at Hokitika, in the said county, and as the same is more particularly delineated in the plan drawn in the margin of these presents and therein coloured           . To hold the same unto the said           , executors, administrators, and assigns, for the term of            years from the            day of           . Yielding and paying unto Her Majesty the Queen, her successors and assigns, the rent or sum of            on the            day of            in each and every year during the said term, such rent to be paid from time to time in advance: Provided always, and it is hereby expressly declared and agreed, that these presents shall be construed and taken to be a demise of the surface of the said land only, and shall not entitle the said lessee,            executors, administrators, or assigns, to mine for gold, or to extract, dig, or search for any other metals or minerals therein or thereon, nor to break the surface of the said land: [\*Provided further, and it is hereby further expressly declared and agreed, that the said lessee,            executors, administrators, and assigns, shall have no claim for compensation either against the said lessor, Her Majesty the Queen, or any other person or persons or body or bodies corporate whomsoever or whatsoever, for or on account of any loss which the said lessee,            executors, administrators, or assigns, may sustain for and on account of any damage which may be caused or arise from mining operations carried on below the surface of the said land hereby demised or the lands adjoining thereto.]. And the said lessee, for            executors, administrators, and assigns, doth hereby covenant, promise, and agree with and to the said lessor, his successors and assigns,            that the said lessee,            executors, administrators, or assigns, shall and will from time to time well and truly pay the said rent as hereinbefore appointed. And also that           , the said lessee,            executors, administrators, or assigns, shall not nor will part with, assign, or underlet the said land hereinbefore demised without the consent in writing of the said lessor his successors or assigns, or of some person duly authorised to give such consent on behalf of the said lessor for that purpose first had and obtained. And also that the said lessee,            executors, administrators, and assigns, shall not nor will mine for gold on the said land hereby demised, or extract, dig, or search for any metal or mineral therein or thereon, and shall not break the surface of the said land. [\*And also that           , the said lessee,            executors, administrators, or assigns, shall not at any time commence or prosecute any action or suit or take any proceedings against any person or persons or body or bodies corporate whomsoever or whatsoever to obtain or recover any compensation or damages for any loss or injury which may arise or be caused by, through, from, or on account of any mining operation or operations which may be carried on below the surface of the said land hereby demised or the lands adjoining thereto.]. Provided lastly, that, if the said rent hereinbefore reserved shall be in arrear and unpaid for the space of twenty-one days next after any of the days or times when the same ought to be paid in advance as aforesaid, although no formal demand shall have been made thereof, or if the said lessee,            executors, administrators, or assigns, shall for six months continuously abandon or desert the said land, or if the said lessee,            executors, administrators, or assigns, shall neglect or fail to observe, fulfil, and keep all or any of the covenants herein contained or implied, then, in any or either of such cases, it shall be lawful for the said lessor, his successors or assigns, or any person or persons thereunto duly authorised, for and on behalf of Her Majesty the Queen, into and upon the said demised land to re-enter, and therefrom and thereout the said lessee,            executors, administrators, or assigns, and all persons claiming through or under           , to eject, evict; and thereupon this present demise shall be absolutely forfeited and determined, but without releasing the said lessee,            executors, administrators, or assigns, from the payment of all or any arrears of rent, or from any action or suit for or on account of any preceding breach of contract.

In witness whereof the said lessor, by and with the advice and consent of the Executive Council of the said colony, and the said lessee, have hereunto set their hands the day and year firstly hereinbefore written.

Signed by the within-named lessor in the presence of—A.B.

(Lessor.)

Signed by the within-named lessee in the presence of—C.D.

(Lessee.)

ALEX. WILLIS,  
Clerk of the Executive Council.

\*Ross only.

[Extract from Gazette No. 59, of 27th July, 1893.]

AMENDED AND ADDITIONAL REGULATIONS UNDER "THE MINING ACT, 1891."

GLASGOW, Governor.

WHEREAS, by the three hundred and forty-first section of "The Mining Act, 1891," it is enacted that it shall be lawful for the Governor, subject to the provisions of the said Act, from time to time to make, alter, amend, and revoke regulations for all or any of the purposes therein mentioned:

And whereas, in pursuance and exercise of the hereinbefore in part recited authority, regula-

tions were made on the twenty-third day of December, one thousand eight hundred and ninety-one, which said regulations were published in the *New Zealand Gazette* of the twenty-ninth day of December then instant :

And whereas it is deemed desirable to revoke No. 2 of Part I.—relating to licensed holdings and special claims—of the regulations so made and gazetted as aforesaid, and to make other provisions in lieu thereof, as hereinafter set forth :

Now, therefore, I, David, Earl of Glasgow, the Governor of the Colony of New Zealand, in pursuance and exercise of the powers and authorities in that behalf conferred upon me by the said recited Act, do hereby revoke No. 2 of the regulations of the twenty-third day of December, one thousand eight hundred and ninety-one, published as aforesaid, and in lieu thereof do hereby make the regulations hereinafter set forth, and do hereby declare that such regulations shall apply generally to all mining districts within the colony.

#### REGULATIONS.

2. *What Land may be held as Licensed Holdings and Special Claims.*—Any Crown lands within any mining district in New Zealand may be held as licensed holdings or special claims under these regulations, except (1) the whole or any part of land which any person other than the applicant is entitled to occupy and actually does occupy for mining purposes ; (2) the whole or any part of any land in or over which any person other than the applicant has any interest or authority other than those above mentioned, which he may lawfully use or exercise for mining purposes, or for discovering the existence of gold or other metal or mineral ; (3) all lands which, by the provisions of "The Mining Act, 1891," are specially exempted from the operation of such Act.

2A. *Roads, Rivers, and Streams not to disserve Licensed Holdings or Special Claims.*—A licensed holding or special claim may be granted as aforesaid, notwithstanding that a road, river, stream, or watercourse may pass through the land applied for ; and the bed of any river, stream, or watercourse may also be included in such licensed holding or special claim at the discretion of the Warden ; but in no case shall the holder of such licensed holding or special claim be entitled to stop or impede the flow of water in such river, stream, or watercourse, nor carry on any workings underneath the bed of any river, stream, or watercourse included within the boundaries of such licensed holding or special claim, unless with the sanction of the Warden, to be previously obtained, and then only under such conditions as he may deem fit to impose.

As witness the hand of His Excellency the Governor, this twenty-seventh day of July,  
one thousand eight hundred and ninety-three.

R. J. SEDDON,  
Minister of Mines.

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