

MINING REGULATIONS. ⁽¹⁾

PART I.—PRELIMINARY.

1. These Regulations may be cited as the *Mining Regulations*. ⁽¹⁾ Short title.

(1) The *Mining Regulations* (made under the *Mining Ordinance* 1928-1940) comprise the original *Mining Regulations*, as amended by the other Regulations referred to in the following Table:—

TABLE.

PART I.—REGULATIONS MADE BY THE ADMINISTRATOR.

Description.	Date on which made by Administrator.	Date on which published in <i>N.G. Gaz.</i>	Date on which came into operation.
<i>Mining Regulations</i>	22.9.1928	1.10.1928	1.12.1928 (<i>N.G. Gaz.</i> of 1.10.1928)
<i>Amending Regulation</i>	6.5.1929	7.5.1929	"Forthwith" ^(a) (<i>N.G. Gaz.</i> of 7.5.1929)
<i>Amending Regulations</i>	24.6.1929	1.7.1929	"Forthwith" ^(a) (<i>N.G. Gaz.</i> of 1.7.1929)
<i>Amending Regulation</i>	16.8.1929	31.8.1929	"Forthwith" ^(a) (<i>N.G. Gaz.</i> of 31.8.1929)
<i>Amending Regulations</i>	17.1.1930	31.1.1930	"Forthwith" ^(a) (<i>N.G. Gaz.</i> of 31.1.1930)
<i>Amending Regulations</i>	19.5.1930	22.5.1930	12.6.1930 (<i>N.G. Gaz.</i> of 22.5.1930)
<i>Amending Regulation</i>	12.6.1930	16.6.1930	"Forthwith" ^(a) (<i>N.G. Gaz.</i> of 16.6.1930)
<i>Amending Regulation</i>	30.10.1930	31.10.1930	"Forthwith" ^(a) (<i>N.G. Gaz.</i> of 31.10.1930)
<i>Amending Regulation</i>	6.3.1931	16.3.1931	"Forthwith" ^(a) (<i>N.G. Gaz.</i> of 16.3.1931)
<i>Amending Regulations</i>	28.9.1931	30.9.1931	"Forthwith" ^(a) (<i>N.G. Gaz.</i> of 30.9.1931)
<i>Amending Regulations</i>	1.2.1932	6.2.1932	"Forthwith" ^(a) (<i>N.G. Gaz.</i> of 6.2.1932)
<i>Amending Regulations</i>	14.11.1932	15.11.1932	"Forthwith" ^(a) (<i>N.G. Gaz.</i> of 15.11.1932)
<i>Amending Regulation</i>	24.11.1932	30.11.1932	"Forthwith" ^(a) (<i>N.G. Gaz.</i> of 30.11.1932)
<i>Amending Regulation</i>	13.12.1932	15.12.1932	"Forthwith" ^(a) (<i>N.G. Gaz.</i> of 15.12.1932)
<i>Amending Regulations</i>	11.4.1933	20.4.1933	"Forthwith" ^(a) (<i>N.G. Gaz.</i> of 20.4.1933)
<i>Amending Regulation</i>	5.7.1934	5.7.1934	"Forthwith" ^(b) (<i>N.G. Gaz.</i> of 5.7.1934)

(a) Each of the sets of Regulations to which this note (a) applies stated in their respective introductory parts that they were "to come into operation forthwith." At the relevant dates in 1929-1933, Section 195 of the *Mining Ordinance* 1928-1940 (under which each of these sets of Regulations were made) provided that "Regulations made under this Ordinance shall come into operation upon publication in the *New Guinea Gazette* or from a later date specified therein." At the relevant dates in 1929-1933 there was no other Ordinance or regulation of general application providing for the publication of regulations, the date on which they were to come into operation, or the meaning of "forthwith."

(b) The Regulation to which this note (b) applies stated in its introductory part that it was "to come into operation forthwith." At the relevant dates in 1934, in addition to the provisions of Section 195 referred to in note (a) above, Section 19 of the *Ordinances Interpretation Ordinance* 1934-1941 provided that "any regulations, made under any Ordinance, unless the contrary intention appears in the Ordinance—(a) shall be published in the *New Guinea Gazette*; and (b) shall, unless the contrary intention appears in the regulations, take effect and come into operation on the date of publication." At the relevant dates in 1934, however, there was no Ordinance or regulation of general application providing for the meaning of "forthwith."

[Footnote continued on next page.]

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Parts.
R. 2 am. by
Regs. gazetted
on 20.4.1933,
r. 1.

2. These Regulations are divided into Parts, as follows:—

Part I.—Preliminary.

Part II.—Claims Generally.

Part III.—Specific Areas and Claims.

Division 1.—Prospecting Areas.

Division 2.—Ordinary Reef Claims.

Division 3.—Alluvial Claims; River and Creek Gold Claims; Puddling Claims; Auriferous Sands Claims; Permits to Mine on Dredging or Sluicing Leases.

Division 4.—Prospecting Claims.

Division 5.—Extended Claims.

Division 6.—Hydraulic Claims.

Division 7.—Dredging or Sluicing Claims.

Division 8.—Machine Areas; Areas for Erection of Furnaces; Areas for Stacking Tailings; Market Garden Areas; and Business and Residence Areas.

Am. by 1935,
No. 15, r. 1.

Part IIIA.—Relating to Exclusive Prospecting Licences.

Part IV.—Water Rights.

Part V.—Mining Leases.

Part VA.—Relating to Permits under Part VA. of the Ordinance.

Part VI.—Liens and Mortgages.

Part VIA.—Special Mining Easements.

Part VII.—Mining Tenements Generally.

Ad. by 1935,
No. 15, r. 1.

Ad. by Regs.
gazetted on
20.4.1933, r. 1.

Ad. by 1935,
No. 15, r. 1.

(1)—continued.

PART II.—REGULATIONS MADE BY THE ADMINISTRATOR IN COUNCIL.

Description and number and year.	Date on which made by Administrator in Council.	Date on which published in N.G. Gaz.	Date on which took effect and came into operation.
<i>Amending Regulations</i> (1935, No. 15)	21.11.1935	30.11.1935	15.1.1936 (<i>N.G. Gaz.</i> of 30.11.1935)
<i>Amending Regulations</i> (1936, No. 7)	13.3.1936	19.3.1936	19.3.1936 (<i>N.G. Gaz.</i> of 19.3.1936)
<i>Amending Regulation</i> (1936, No. 17)	2.6.1936	15.6.1936	15.6.1936 (<i>N.G. Gaz.</i> of 15.6.1936)
<i>Amending Regulations</i> (1936, No. 33)	23.10.1936	31.10.1936	31.10.1936 (<i>N.G. Gaz.</i> of 31.10.1936)
<i>Amending Regulation</i> (1938, No. 15)	20.9.1938	30.9.1938	30.9.1938 (<i>N.G. Gaz.</i> of 30.9.1938)
<i>Amending Regulation</i> (1938, No. 20)	3.11.1938	15.11.1938	15.11.1938 (<i>N.G. Gaz.</i> of 15.11.1938)
<i>Amending Regulations</i> (1940, No. 4)	24.1.1940	3.2.1940	3.2.1940 (<i>N.G. Gaz.</i> of 3.2.1940)

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Part VIIA.—Mining on Alienated Lands.

Ad. by Regs.
gazetted on
20.4.1933, r. 1.

Part VIII.—Judicial Proceedings.

Part IX.—Licences to Drive Through Land Intervening
Between Leaseholds.

Part X.—General.

3.—(1.) In these Regulations, unless the contrary intention appears— Definitions.

“Applicant” includes a person to whom an interest in an application has been transferred;

“European” means any person of European origin and descent but does not include any person who is wholly or partly descended from an aboriginal native of the Asiatic, African, or Polynesian races;

“Lake” means any lake, lagoon, swamp, or other collection of still water, whether permanent or temporary, not contained in an artificial work;

“Mines Office” means the office of the Department of Lands, Surveys, Mines and Forests at Rabaul;

“Mining tenement” includes a market garden area;

“Reef” means any lode, seam, vein, or bed of any mineral substance not being alluvial land;

“River” means any stream of water, whether perennial or intermittent, or flowing in a natural channel;

“River Bed” means the soil between the tops of the banks of a river;

* * * * *

Definition of
“Secretary
for Mines”
omitted by
1935, No. 15,
r. 2.

“The Ordinance” or “The Mining Ordinance” means the *Mining Ordinance* 1928, as amended from time to time.

(2.) Any reference by number to a form in these Regulations shall be read as a reference to a form of that number in the First Schedule to these Regulations.

4.—(1.) A miner’s right shall be in accordance with Form 1.

Forms of
Miners’ Rights.

(2.) A consolidated miner’s right shall be in accordance with Form 2.

5.—(1.) Fees shall be payable in respect of the several matters set out in the Second Schedule to these Regulations according to the scale therein prescribed. Fees.

(2.) No registration of or other dealing with any mining tenement

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or with any interest in such tenement or with any matter or thing relating thereto shall be recorded in the Warden's Office until the prescribed fee in that behalf has been paid.

Natives working their own claims.

6. Wherever in these Regulations it is required that the holder of a miner's right or mining tenement shall employ on any claim or mining tenement any European or number of Europeans such provisions shall not apply to any native working on his own claim or mining tenement other than a mining claim.

Notices, &c.

7. Any notice, application, or objection prescribed by these Regulations to be given or made shall be in writing signed by the person giving or making the same, or by his agent or solicitor.

Notice to agent.

8.—(1.) Any notice required by the Ordinance or these Regulations shall be deemed to be duly given to a person if given to his agent or solicitor.

(2.) If any person leaves a gold-field or mineral field without having appointed an agent, or if such agent, when appointed, cannot be found on such gold-field or mineral field, it shall be deemed sufficient service of any notice required by the Ordinance or these Regulations if a copy of the notice is kept posted at the Warden's Office and, if the notice relates to any mining tenement, also on a conspicuous part of such tenement, for a period of seven clear days or such other period as is prescribed.

PART II.—CLAIMS GENERALLY.

Any number of claims may be taken up and held.

Am. by 1935, No. 15, r. 3.

9. The holder of a miner's right may, by himself or by his agent, if the appointment of the agent is registered at the Warden's Office, take up and hold any number of claims or shares therein provided that the claims or shares are duly worked and represented by the prescribed number of men.

Taking forcible possession.

10. Any person who takes forcible possession of any claim or share therein, or who commences to work the same after his right to take possession thereof has been disputed, shall forfeit all right and title to the claim or share which he has acquired.

Mode of taking up claims generally.

11.—(1.) Subject to these Regulations, the holder of a miner's right may take up and work as a claim any land authorized to be so taken up and worked by fixing firmly in the ground, at each angle thereof, a post eight centimetres in diameter, standing at least one metre above the surface, and sunk not less than fifty centimetres in the ground, and set in L trenches one metre long and fifteen centimetres deep along each boundary line. Such posts shall be kept at all times uncovered. When posts cannot be procured or sunk the angles of claims may be marked by stones at least fifty centimetres high.

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(2.) When such angles are situated on any public street or road, or any other place where the fixing of a post or stone is impracticable or would be inconvenient, such angles may be permanently marked off by off-sets, or sunken pegs, or in such other manner as the Warden directs, and in every such case an entry shall be made in the register at the Warden's Office stating the manner in which the angles are so marked off.

(3.) Land shall not be marked out on Sunday.

12. Subject to these Regulations, the holder of a miner's right may mark off and apply for any number of claims in one block on behalf of himself and his partners upon production to the Warden of the miners' rights of all the applicants.

Number of claims.

13.—(1.) If the holder of a miner's right desires to register a claim, he shall make an application to the Warden in accordance with Form 3.

Registration of claim.

(2.) Upon receipt of the application the Warden or Mining Registrar shall deliver to the applicant a certificate in accordance with Form 4.

(3.) The applicant shall, within seven days after the receipt of the certificate, cause a copy thereof to be posted and kept posted for fourteen days—

- (a) on some conspicuous part of the ground applied for; and
- (b) at the Warden's Office.

(4.) The applicant shall make and lodge at the Warden's Office a declaration in accordance with Form 5.

(5.) If no objection is lodged against the application within fourteen days the Warden may register the applicant as the holder of the claim and issue to him a certificate in accordance with Form 6, but, if an objection is lodged within that period, the Warden shall defer registration until the objection has been heard and determined by the Warden's Court, and, if the objection is upheld by that Court, the Warden shall not proceed any further with the registration of the claim.

(6.) If an objection is lodged the claim shall not be worked by any person until the objection has been heard and determined.

14.—(1.) A holder of a miner's right who marks off more ground than he is entitled to may have the surplus ground pegged off at either end or side of the claim, at the option of any holder of a miner's right who applies to the Warden for the surplus.

Marking too much ground.

(2.) This regulation shall not apply to the marking of dredging claims prior to the survey thereof.

Sub-reg. (2) ad. by 1935, No. 15, r. 4.

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Performance of labour conditions applicable to claims generally.

15.—(1.) Subject to these Regulations, a claim shall be continuously worked by the prescribed number of men from a date commencing not later than seven clear days after it has been marked off, or from such other date as is prescribed with reference to any specific claim, otherwise the claim or share therein not so worked shall be liable to forfeiture.

(2.) Thereafter any claim or share therein remaining unworked by the prescribed number of men for three clear days within any period of fourteen days may, on the application of any holder of a miner's right, be forfeited:

Provided that—

(a) No claim or share therein shall be liable to forfeiture under this regulation if the holder or shareholder or the representative of the holder or shareholder is employed upon any necessary work in connexion with it, or if his absence is caused through sickness, compulsory attendance at a court of justice, or a general cessation of work through floods, or any absence reasonably necessary for the purpose of procuring requisite food for the holder or shareholder, or for the native labourers employed by him; and

(b) If any man who is working as a miner or workman upon or in connexion with a claim absents himself from such work without the knowledge of the holder or shareholder the claim or share therein shall not be liable to forfeiture unless it remains unrepresented for forty-eight hours after notice of the absence has been served upon the holder or shareholder, and also upon the lienee, if any, of the claim or share. A copy of such notice, with a declaration of the service thereof, shall be lodged at the Warden's Office.

Performance of labour conditions applicable to claims generally.
Ad. by Regs. gazetted on 5.7.1934, r. 1.

15A. Wherever under these Regulations any mining tenement is required to be worked continuously by a prescribed number of men the number of men so prescribed shall be deemed to refer to the number of Europeans.

Exemption from work.

16.—(1.) The holder of a claim may apply to the Warden in accordance with Form 7 for exemption from work.

(2.) The applicant shall cause a copy of the application to be posted at the Warden's Office and also on a conspicuous part of the claim for a period of seven days before the hearing of the application by the Warden if the term applied for exceeds one month, and for a period of three days if the term does not exceed one month.

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(3.) Any person may lodge an objection to the application within the time fixed by the Warden.

(4.) The Warden shall hear all applications and objections on a day appointed by him, being not less than fourteen days from the day of application, and may grant the exemption, subject to such conditions as he thinks just or without conditions, upon payment of the prescribed fee.

(5.) Failure to comply with any condition imposed shall render the claim liable to forfeiture.

(6.) The Warden may upon sufficient cause being shown, grant immediate exemption for a period not exceeding fourteen days, and may renew such exemption for a further period of fourteen days.

(7.) Any exemption granted under this Regulation shall be registered at the Warden's Office.

17. If a claim continuously remains unworked, without lawful excuse, for a period of thirty days it shall be deemed to be abandoned, and may be taken up and applied for as if it were unoccupied Administration land.

Abandoned claims.

18.—(1.) All rules and agreements made and entered into by a majority of at least two-thirds in interest of the shareholders in a claim for the management and working thereof shall be binding on all the shareholders and on any person who subsequently becomes a shareholder, provided that such rules and agreements are not in any respect contrary to the Ordinance or these Regulations:

Rules and agreements for management and working of claims.

Provided that any rules or agreements so made or entered into may be rescinded or amended at any time by a like majority of the shareholders in such claim.

(2.) All such rules and agreements shall be registered upon lodging a copy, signed by the parties or their agents, at the Warden's Office.

(3.) Notice of any rescission or amendment shall be lodged at the Warden's Office and shall be noted in the register, and no rescission or amendment shall have effect until such notice is given.

19.—(1.) Non-payment by any shareholder in a claim of any call made on him by the majority in interest of the shareholders for the purpose of defraying the working expenses of the claim shall entitle the other shareholders to a preferent lien upon the defaulting shareholder's interest in the claim until every call due by him is paid.

Sale of interest of defaulting shareholder in claim.

(2.) When any call remains unpaid upon any share in a claim for a period of four weeks from the date when the call became due, a majority in interest of the shareholders may request the Warden to inquire into the matter. At the inquiry the Warden shall hear any evidence adduced by any lienee or other person having a registered interest in the claim or share.

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(3.) If the Warden is satisfied upon inquiry that such sum is lawfully due in respect of any share, and that every reasonable effort has been made to serve notice of the call personally upon the defaulting shareholder, and the lienee, if any, of such share, and that a reasonable time has elapsed to enable payment to be made by the shareholder or lienee, he shall cause the share to be levied on and sold by his bailiff. Due notice of the sale shall be given by advertisement in some newspaper generally circulating in the neighbourhood, or by such other means as the Warden directs, and by posting a copy of the notice on a conspicuous part of the claim and at the Warden's Office.

(4.) The proceeds of sale shall be applied firstly in the payment of any lawful expenses incurred by the process and all calls due in respect of the share; secondly in the payment to the lienee of such share, if any, of the amount of his lien; and the residue, if any, shall be paid to the Warden on behalf of the late holder of the share.

(5.) The Warden shall, without further process, register such share in the name of the purchaser thereof.

Application for
claim or share
therein liable
to forfeiture.

20.—(1.) Subject to these Regulations, when a claim or share therein is liable to forfeiture under these Regulations, any holder of a miner's right may apply for possession of the claim or share by posting notices signed by himself and by the Warden on a conspicuous part of the claim and at the Warden's Office, and serving a copy thereof on the holder or shareholder or his agent and the lienee (if any), at least seven clear days before the hearing of the application, and lodging at the Warden's Office a declaration of such posting and service.

(2.) Such notices shall be in accordance with Form 8, and such declaration shall be in accordance with Form 9.

(3.) If no objection is lodged within seven clear days after the posting and service of such notices, the Warden shall cancel the registration of the claim or share therein and shall register the applicant as holder of the claim or share therein. Any person who objects to such registration shall, within the seven clear days hereinbefore mentioned, lodge a notice of objection at the Warden's Office stating the grounds of such objection. Upon receipt of the objection the Warden shall defer registration until the matter has been heard by the Warden's Court.

(4.) Application for possession of a claim or share therein on the ground of liability to forfeiture for breach of the prescribed labour conditions shall be made not later than thirty days from the time when the alleged liability to forfeiture first arose.

(5.) Proceedings to enforce the forfeiture of a claim or share therein shall be commenced not later than fourteen days from the time of application for possession of the claim or share, and the

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applicant for possession shall be the plaintiff in such proceeding, and the objector and lienee of such claim or share (if any) shall be the defendants, and in the event of forfeiture being decreed, the forfeiture shall enure to the successful applicant.

21.—(1.) When a claim is forfeited, the mining plant and machinery situated on the claim shall not be forfeited:

Saving in case of forfeiture of claims.

Provided that the Warden may order that such mining plant and machinery shall be removed from the forfeited claim within one month from the time when forfeiture was decreed, or within such further time as the Warden deems reasonable.

(2.) When a share in a claim is forfeited, the Warden shall at the time of declaration of forfeiture, or within seven days thereafter, assess and declare the value of the forfeiting shareholder's interest in the mining plant and machinery.

(3.) Within seven days after the declaration of such value, the incoming shareholder shall pay into the Warden's Court the full amount of the value to the use of the shareholder whose share has been forfeited, and, in default of such payment, the forfeited share may be granted to any holder of a miner's right who applies for the share and pays into the Warden's Court the full amount of such value.

22.—(1.) A shareholder in a registered claim who desires to abandon his share therein may do so by making application to the Warden to cancel the registration by which his share has been held and by serving on one of the remaining shareholders or his agent a notice of such application (and if there is a lien on the share, also serving a like notice on the lienee), and by posting a copy thereof at the Warden's Office and on a conspicuous part of the claim for seven clear days prior to the hearing of the application.

Abandonment of share in claim.

(2.) The Warden, after satisfying himself that the notices have been served and posted as provided in the last preceding sub-regulation, shall forthwith cancel the registration, and the shareholder shall thereupon be released from any liability which may be thereafter incurred in respect of the share.

23.—(1.) The lienee (if any) shall have, for seven clear days after the abandonment, a preferent right to be registered as holder of the abandoned share, but if there is no lien then the remaining shareholders shall jointly have that preferent right.

Preferent right on abandonment.

(2.) On failure by the lienee (if any) to avail himself of such preferent right, the lien shall be cancelled, so far as it creates any charge upon the abandoned share, but without prejudice to the rights of the lienee in respect of any covenants contained or implied in the lien, and the remaining shareholders shall thereupon jointly have a preferent right for seven clear days after abandonment to be registered

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as holders of the abandoned share, but if there is no lien then the remaining shareholders shall jointly have the preferent right.

(3.) On failure by the lienee (if any) to avail himself of such preferent right, the lien shall be cancelled, so far as it creates any charge upon the abandoned share, but without prejudice to the rights of the lienee in respect of any covenants contained or implied in the lien, and the remaining shareholders shall thereupon jointly have a preferent right for seven clear days after abandonment to be registered as holders of the abandoned share. On failure of the remaining shareholders to avail themselves of that right, the first applicant for the abandoned share may at once be registered for the share without process of any kind other than an application to the Warden in that behalf.

Stacked earth.

24.—(1.) Except as herein otherwise provided, the holder of a miner's right who has forfeited or abandoned his claim, or share therein, may retain possession of any earth, or other material, the produce of the claim or share, which has been raised at the time of the forfeiture or abandonment:

Provided that such earth or other material shall be stacked to the satisfaction of the Warden and so as not to interfere with mining operations.

(2.) The Warden shall, upon application made to him, register the earth or material as the property of such holder of a miner's right for any period not exceeding twelve months, and shall issue to the applicant a certificate of registration in accordance with Form 10. A copy of the certificate shall be kept continuously posted on the stack, and no person during the period of such registration shall remove the stack, or any portion of it, or the notice thereon, without the permission of the owner thereof.

(3.) Such registration may from time to time be renewed.

(4.) The stacked material at the expiration of the period of registration shall, unless registration is renewed, be held to be attached to the ground:

Provided that—

- (a) the Warden may cause the stack to be removed at the cost of the owner if, after the granting of the registration, it is found to interfere with mining operations; and
- (b) if the shareholder in a claim forfeits or abandons his share therein, and earth the produce of the claim is situated on the claim at the time of the forfeiture or abandonment, the Warden may, after at least seven days' notice in that behalf to the lienee, if any, direct the interest of the shareholder in the earth to be sold in such manner as he thinks fit. The proceeds, after deducting the expenses

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of sale, shall be paid to the lience of the share or earth, if any, to the extent of his lien, and the residue, if any, shall be paid to the late holder of the share.

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Regs. 25 and
26 rep. by
1935, No. 15,
r. 5.

PART III.—SPECIFIC AREAS AND CLAIMS.

Division 1.—Prospecting Areas.

27. The holder of a miner's right who desires to prospect either for reef or alluvial gold may mark off and hold for that purpose an area to be called a prospecting area of the following dimensions, or of any less dimensions which in any case the Warden thinks fit to grant:—

Size of
prospecting
area for reef or
alluvial gold.

- (a) Outside the limits of a gold-field, four hundred metres by four hundred metres; and
- (b) Within the limits of a gold-field—
 - (i) If distant more than five kilometres from the nearest gold mine on which mining operations are being carried on at the date of marking off, or have been carried on within the period of six months next preceding such date, three hundred metres by three hundred metres;
 - (ii) If distant not more than five kilometres but more than one kilometre from such mine, two hundred metres by two hundred metres; or
 - (iii) If distant not more than one kilometre but no less than four hundred metres from such mine, one hundred and fifty metres by one hundred and fifty metres:

Provided that a prospecting area shall not be granted at a distance of less than four hundred metres from any such gold mine.

28. The holder of a miner's right who desires to prospect for any mineral other than gold or coal may mark off and hold for that purpose an area to be called a prospecting area of the following dimensions, or of any less dimensions which in any case the Warden thinks fit to grant:—

Size of
prospecting
area for
minerals other
than gold or
coal.

- (a) Outside the limits of a mineral field, sixty hectares; and
- (b) Within the limits of a mineral field—
 - (i) If distant more than fifteen kilometres from the nearest mine, other than a gold or coal mine, in or upon which mining operations are being

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carried on at the date of the marking off, or have been carried on within the period of six months next preceding such date, twenty hectares;

- (ii) If distant not more than fifteen kilometres, but more than five kilometres from that mine, ten hectares; or
- (iii) If distant not more than five kilometres, but not less than one kilometre from that mine, five hectares:

Provided that a prospecting area shall not be granted at a distance of less than one kilometre from any such mine.

Marking-off and registration of prospecting areas.

29.—(1.) A prospecting area shall be marked off as an equilateral rectangular block, or as nearly so as circumstances will permit, and in the manner prescribed for the marking off of claims generally.

(2.) Such marking off and the posting and keeping posted on some conspicuous part of the area of a notice showing the names of the prospectors, the numbers and dates of their miners' rights, and the date upon which the area was taken up, shall be deemed a sufficient title for a period of fourteen clear days or such further period as the Warden determines, subject, however, to the performance of the prescribed labour conditions.

(3.) At or before the expiration of such period application shall be made to the Warden for registration, and thereupon such prospecting area shall be registered.

(4.) Registration of any prospecting area shall be renewed quarterly:

Provided that the Warden may, by certificate in that behalf, exempt any prospecting area from the necessity of renewal of registration for any period specified in the certificate not exceeding thirty days:

Provided further that the Warden may refuse to renew the registration of a prospecting area, and may by notice require the holder thereof to mark off and apply for the land comprised in that area, or a portion thereof, as a lease or as a claim or claims; and if, within fourteen days from the time of receiving such notice, the holder of the prospecting area does not so mark off and apply for the area or a portion thereof as a lease or as a claim or claims the prospecting area shall be forfeited.

(5.) The certificate of registration or of renewal of registration or a copy thereof shall be posted and kept posted in manner hereinbefore prescribed with reference to the notice.

Labour conditions applicable to prospecting areas.

30.—(1.) A prospecting area shall be worked by at least one man on every ordinary working day, commencing on a date not later than fourteen clear days after the date of marking off, or, if the area is

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situated at a considerable distance from the Warden's Office, commencing at such later date as the Warden determines.

(2.) A prospecting area not so worked shall be liable to forfeiture upon application to the Warden in that behalf by a holder of a miner's right.

(3.) No work other than *bona fide* prospecting shall be considered to be performance of the prescribed labour conditions.

31.—(1.) Within thirty clear days after the finding of gold in apparently payable quantities within any prospecting area, the holders thereof shall report the fact of such finding at the Warden's Office. If default is made in so doing the area shall be liable to forfeiture.

Prospectors to report finding of gold.

(2.) Upon receipt of such report the Warden shall proceed to the area as soon as he conveniently can do so, and if in his opinion sufficient gold has been found to warrant it, shall allot to the prospectors, in addition to the number of ordinary claims to which they would otherwise be entitled, a prospecting claim of the dimensions specified in these Regulations, and shall register the prospectors as holders of such prospecting claim.

(3.) When other ground adjoining the prospecting area has been marked off before the allotment of claims to the prospectors, then, if after that allotment any spare ground remains between the claims so allotted and the other ground so marked off, the holders of such other ground shall, at their option, be entitled (in order of proximity of their ground to the prospecting area) to have their posts or marks moved, so as to bring their ground as near as may be to the nearest boundary of the claims allotted to the prospectors.

32.—(1.) Within thirty clear days after the finding of any mineral, other than gold or coal, in apparently payable quantities within any prospecting area, the holders thereof shall report the fact of the finding at the Warden's Office. If default is made in so doing the area shall be liable to forfeiture.

Prospectors to report finding of minerals other than gold or coal.

(2.) Upon receipt of such report the Warden shall proceed to the area as soon as he conveniently can do so, and if in his opinion sufficient mineral has been found to warrant it, shall register such area in the name of the holders as a prospecting claim.

33. Every prospecting claim in the last preceding regulation referred to shall be worked by one man at least on every ordinary working day, commencing on a date not later than seven working days after its registration.

Labour conditions applicable to reward claims for mineral other than gold or coal.

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Division 2.—Ordinary Reef Claims.

Size of ordinary reef claims taken up for gold-mining.

34.—(1.) The extent allowed for each holder of a miner's right in an ordinary reef claim taken up for the purpose of mining for gold shall be sixty metres along the supposed line of reef by a width of one hundred and twenty metres.

(2.) The width of every such claim shall be marked off at right angles to the base line, or as nearly so as circumstances will permit; but the whole or any part of such width may, at the option of the shareholders, be marked on either side of such line.

(3.) Ten such claims, and no more, may be taken up conjointly.

Registration of ordinary reef claim.

35.—(1.) With respect to every reef claim the following particulars shall be registered at the Warden's Office:—

(a) The name of the claim;

(b) The name of the reef upon which it is situated; and

(c) The names of the shareholders, together with the dates and numbers of their miners' rights.

(2.) A copy of the registered entry shall be kept continuously posted in a conspicuous place at or as near as possible to the principal working shaft of the claim.

Labour conditions applicable to ordinary reef claims.

36.—(1.) Until a reef claim has been proved payable, and whenever it ceases to be payable, it shall only be necessary to employ thereon one European for every one hundred and twenty metres or part of one hundred and twenty metres thereof in length along the reef.

(2.) When it has been proved payable it shall be necessary to employ thereon one man for every sixty metres or part of sixty metres thereof in length along the reef.

(3.) For the purposes of this regulation, a claim shall be deemed to be payable when the quantity of gold obtained from it is equal in value to the sum which has been paid, or at current rates would have been payable, for wages to all the men actually employed in extracting, carting, and crushing the stone treated, together with the other necessary working expenses:

Provided that a reef claim shall not be deemed to be payable until a crushing has been obtained.

(4.) The burden of proof that the claim is not payable shall lie upon the shareholders.

Ordinary reef claims taken up for the purpose of mining for minerals other than gold.

37.—(1.) The extent allowed for each holder of a miner's right in an ordinary reef claim taken up for the purpose of mining for any mineral other than gold shall not exceed three hundred metres by one hundred and fifty metres.

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(2.) The width of any such claim shall be marked off at right angles to the reef or base line or as nearly so as circumstances will permit; but the whole or any part of such width may, at the option of the shareholders, be marked on either side of such line.

(3.) Every such claim shall be registered.

(4.) Application for registration may be made at any time within fourteen clear days from the date of marking-off.

(5.) Not more than ten such claims may be taken up conjointly.

38. Any claim referred to in the last preceding regulation shall be worked continuously by one European for every three hundred metres or part of three hundred metres thereof in length along the reef.

Labour conditions for such claims.

39.—(1.) When two or more ordinary reef claims are contiguous, they may be amalgamated upon application in that behalf made to the Warden with the consent of at least a two-thirds majority in interest of the shareholders in each claim respectively.

Amalgamation of ordinary reef claims.

(2.) In the case of claims taken up for the purpose of mining for gold, an amalgamated claim shall not exceed one thousand metres in length along the supposed line of reef; in the case of claims taken up for the purpose of mining for any mineral other than gold, an amalgamated claim shall not exceed four thousand metres in length along the supposed course of the lode.

(3.) The application shall be in accordance with Form 12.

(4.) When claims are so amalgamated the Warden shall grant a certificate of amalgamation, in accordance with Form 13, and shall register the amalgamated claim.

(5.) The amalgamated claim shall be deemed to be a tenement distinct from the claims which it comprised, and all conditions applicable to claims of the dimensions of such amalgamated claim shall apply thereto.

Division 3.—Alluvial Claims; River and Creek Gold Claims; Puddling Claims; Auriferous Sands Claims; Permits to Mine on Dredging or Sluicing Leases.

40. The extent allowed for ordinary alluvial claims, taken up for the purpose of mining for gold, shall be as follows:—

Ordinary alluvial claims taken up for gold-mining.

For one holder of a miner's right ..	60 metres by 30 metres
For two holders of miners' rights ..	120 " 30 "
For three holders of miners' rights ..	180 " 30 "
For four holders of miners' rights ..	240 " 30 "

and so on, in the same proportion, for any number of holders of

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miners' rights, not exceeding ten, without restriction as to the shape of the claim:

Provided that the claim of each party shall, as nearly as circumstances permit, be a rectangular block, no side of which shall be less than thirty metres if such width is available.

Wet alluvial claims taken up for gold-mining.

41.—(1.) In wet ground, where water other than surface water exists, and slabbing is necessary throughout, or in rocky ground where blasting for a depth of ten metres is necessary in the sinking of the shaft, the extent allowed for an ordinary alluvial claim, taken up for the purpose of mining for gold, shall be as follows:—

For one holder of a miner's right ..	60 metres by 60 metres
For two holders of miners' rights ..	120 " 60 "
For three holders of miners' rights ..	180 " 60 "
For four holders of miners' rights ..	240 " 60 "

and so on, in the same proportion, for any number of holders of miners' rights, not exceeding ten.

(2.) Any claim under the last preceding sub-regulation shall be registered.

Ordinary alluvial claims taken up for other than gold-mining. Sub-reg. (1) am. by Regs. gazetted on 22.5.1930, r. 1.

42.—(1.) The extent allowed for each holder of a miner's right in an ordinary alluvial claim taken up for the purpose of mining for any mineral other than gold shall not exceed four hundred metres by one hundred metres.

(2.) Ten such claims may be taken up conjointly.

(3.) All such claims shall be registered after the boundaries have been defined to the satisfaction of the Warden.

Ordinary river or creek claims taken up for gold-mining.

43.—(1.) The extent allowed for each holder of a miner's right in an ordinary river or creek claim taken up for the purpose of mining for gold shall be a frontage of one hundred and twenty metres in the general direction of the course of the stream, with a width of from bank to bank, unless such width exceeds one hundred metres, in which case the excess may be claimed by any other holder of a miner's right.

(2.) Not more than ten such claims may be taken up conjointly.

(3.) All river or creek claims shall be registered.

Puddling claims.

44.—(1.) A puddling claim, taken up for the purpose of mining for gold, and to be worked in connexion with a puddling machine, may be taken up on alluvial ground which has been previously worked and abandoned, or on ground which has been tested and found to be too poor to pay when worked by the ordinary method of working.

(2.) The extent allowed for such a claim shall be double the extent

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allowed for ordinary alluvial claims, for every man employed on or in connexion with the claim or the puddling machine.

(3.) As nearly as circumstances permit, every such claim shall be marked as a rectangular block, no side of which shall be less than thirty metres in length.

(4.) Not more than ten such claims may be taken up conjointly.

(5.) All puddling claims shall be registered.

45.—(1.) Where auriferous sands have been discharged from reduction works, and have accumulated in creeks and waterways or on other unoccupied Administration land, the Warden may, upon application in that behalf, notice whereof has been posted on a conspicuous part of the ground and at the Warden's Office for fourteen clear days prior to the hearing of the application, grant to the holder of a miner's right a claim, the extent of which shall be defined by the Warden, but in the case of a creek or waterway shall not exceed one thousand metres in length, measured in the general direction of the course of the creek or waterway by a width of from bank to bank, or if the width from bank to bank exceeds one hundred metres then by a width of one hundred metres.

Auriferous
sands claims.

(2.) If the claim is not in a creek or waterway the length shall not exceed one thousand metres and the width shall be fixed by the Warden, but shall not exceed one hundred metres.

(3.) No auriferous sands claim held in one block shall exceed three kilometres in length.

(4.) For the purpose of this Regulation, Administration land shall not be deemed to be unoccupied if it is in occupation as a mining tenement or miner's homestead.

(5.) Two or more contiguous auriferous sands claims may be amalgamated in manner prescribed with reference to reef claims; but such amalgamated claim shall not exceed six kilometres in length.

(6.) The amalgamated claim shall be deemed to be a tenement distinct from the claims which it comprised, and all conditions applicable to claims of the dimensions of such amalgamated claim shall apply thereto.

(7.) Every auriferous sands claim shall be registered.

46. Subject to these Regulations any alluvial claim, river or creek claim, puddling claim, and auriferous sands claim shall be worked on every ordinary working day (commencing in the case of an alluvial claim not later than seven days after it is marked off) by not less than one European for every one man's ground; otherwise such claims shall be liable to forfeiture, upon application made to the Warden in that behalf by a holder of a miner's right.

Labour
conditions.

Power of holder of alluvial claim.

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

Rr. 48 and 49 rep. by Regs. gazetted on 31.1.1930, r. 1.

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Division 4.—Prospecting Claims.

Prospecting claims for the discovery of gold in reefs.

50.—(1.) The length of a prospecting claim granted for the discovery of gold in apparently payable quantities in a new reef, or for the rediscovery of gold in apparently payable quantities in a reef previously occupied and abandoned, shall be as follows:—

- (a) If distant not more than one kilometre from a reef which is being worked, two hundred metres along the line of reef;
- (b) If distant more than one kilometre but not more than two kilometres from such a reef, two hundred and forty metres along the line of reef;
- (c) If distant more than two kilometres but less than ten kilometres from such a reef, three hundred and sixty metres along the line of reef; and
- (d) If distant ten kilometres or more from such a reef, six hundred metres along the line of reef; and
- (e) In all cases the width of the claim shall be one hundred and twenty metres.

(2.) A prospecting claim shall be in addition to the number of ordinary reef claims to which the party would otherwise be entitled, and shall have attached to it an ordinary claim of not less than one man's ground, and the prospecting claim and ordinary claim shall be deemed to be one tenement.

(3.) The prospecting claim shall be liable to forfeiture if the labour conditions prescribed with respect to the ordinary claim attached to it are not duly performed.

(4.) Every such prospecting claim shall be registered.

Prospecting claims for the discovery of alluvial gold.

51.—(1.) The extent of ground allowed for a prospecting claim granted for the discovery of payable alluvial gold in any ground, creek, or river shall be as follows:—

- (a) If distant more than four hundred metres but not one half kilometre from the nearest occupied gold workings of the same description, two ordinary claims of one man's ground;
- (b) If distant one half kilometre and upwards but not one kilometre from such workings, three such claims;

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- (c) If distant one kilometre and upwards but not two kilometres from such workings, four such claims;
- (d) If distant two kilometres and upwards but not three kilometres from such workings, five such claims;
- (e) If distant three kilometres and upwards from such workings, ten such claims; and
- (f) If outside the limits of a gold-field, fifteen such claims.

Para. (e) am.
by 1935, No.
15, r. 6.

Para. (f) am.
by 1935, No.
15, r. 6.

(2.) A prospecting claim shall be in addition to the number of ordinary claims to which the party would otherwise be entitled, and may, at the option of the prospectors, be marked off in one block in any rectangular shape, or as nearly rectangular as circumstances permit, provided that no side of the block shall be less than sixty metres, if such distance is available.

(3.) Every prospecting claim shall have attached to it an ordinary claim of not less than one man's ground, and the prospecting claim and the ordinary claim shall be deemed to be one tenement.

(4.) The prospecting claim shall be liable to forfeiture if the labour conditions prescribed in respect of the ordinary claim attached to it are not duly performed.

(5.) Every such prospecting claim shall be registered.

Division 5.—Extended Claims.

52.—(1.) When the expense of erecting mining machinery or works is likely to be great, or the poverty of the ground warrants it, or the ground has been previously worked and abandoned, the Warden may, upon application in that behalf, allot to each holder of a miner's right, either in reef or alluvial ground, an extended claim not exceeding the area of four ordinary claims.

Extended
claims, reef or
alluvial.

(2.) Until the claim has been proved to be payable, it shall only be necessary to employ on an extended claim a number of men equal to one-half of the number of holders of miners' rights to whom the ground is allotted.

(3.) Not more than one extended claim may be allotted to a holder of a miner's right.

Sub-reg. (3)
sub. by 1935,
No. 15, r. 7.

(4.) Every extended claim shall be registered.

53.—(1.) Extended reef claims, when contiguous, may be amalgamated in the manner prescribed with respect to ordinary reef claims, but no amalgamated claim shall exceed the area of ten extended claims.

Extended reef
claims may be
amalgamated.
Sub-reg. (1)
am. by 1935,
No. 15, r. 8.

(2.) The amalgamated claim shall be deemed to be a tenement distinct from the claims which it comprised, and all conditions applicable to claims of the dimensions of such amalgamated claim shall apply thereto.

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Division 6.—Hydraulic Claims.

Hydraulic
claims.

54.—(1.) When ground, having a frontage to any terrace or hillside requires to be worked by hydraulic pressure, an hydraulic claim may be taken up on such ground.

(2.) The extent allowed for an hydraulic claim shall not exceed one hundred and twenty metres frontage to such terrace or hillside, by a width or depth into the terrace or hill of three hundred metres for each holder of a miner's right who applies therefor.

Sub-reg. (2A)
ad. by 1935,
No. 15, r. 9.

(2A.) Not more than one hydraulic claim shall be taken up by a holder of a miner's right.

(3.) An hydraulic claim shall be rectangular or as nearly so as circumstances permit.

(4.) An hydraulic claim shall be registered, and shall be continuously worked by not less than one man for every one man's ground.

(5.) Two or more contiguous hydraulic claims may be amalgamated in the manner prescribed with respect to ordinary reef claims.

(6.) The amalgamated claim shall be deemed to be a tenement distinct from the claims which it comprised, and all conditions applicable to claims of the dimensions of such amalgamated claim shall apply thereto.

(7.) A holder of an hydraulic claim may work all quartz reefs, veins, leaders, and other deposits of gold within such claim.

Division 7.—Dredging or Sluicing Claims.

Heading am.
by 1935, No. 15,
r. 10.

55.—(1.) Dredging or sluicing claims shall only be granted in respect of alluvial ground as follows:—

- (a) When the ground applied for has previously been worked and abandoned;
- (b) When the known poverty of the ground warrants it; or
- (c) When the ground is only suitable for dredging or sluicing on account of its excessive wetness or on account of the costliness of the appliances required to work it.

Grant of
dredging or
sluicing claims.

Sub-reg. (1)
am. by 1935,
No. 15, r. 11.

(2.) When any reef is discovered on a dredging or sluicing claim and the Warden is satisfied after inspection that it is a reef to which the provisions of this sub-regulation should apply, the holder of the dredging or sluicing claim may, within three months of the date of the notification to him of the inspection and satisfaction of the Warden, mark out and apply for a mining lease thereon.

Sub-reg. (2)
am. by 1935,
No. 15, r. 11.

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(3.) In the event of such dredging or sluicing claim holder not marking out and applying for such mining lease within the time prescribed by the last preceding sub-regulation, the Administrator may forthwith resume the area contained in such reef.

Sub-reg. (3)
am. by 1935.
No. 15, r. 11.

56.—(1.) The Warden may, upon the application of a holder of a miner's right, grant a dredging or sluicing claim for dredging or sluicing for gold or any other mineral on Administration land which consists of the bed and banks of any river and of land adjoining thereto.

Claim for
dredging or
sluicing in
river, &c.
Sub-reg. (1)
am. by 1935,
No. 15, r. 11.

(2.) The area comprised in any one claim shall not exceed two hundred hectares, and the length of the claim along the course of the river shall not exceed ten kilometres.

(3.) Dredging claims registered before the fifteenth day of January, One thousand nine hundred and thirty-six shall be deemed to be dredging or sluicing claims.

Sub-reg. (3)
ad. by 1935.
No. 15, r. 12.

57.—(1.) The Warden may, upon the application of a holder of a miner's right, grant a dredging or sluicing claim for dredging or sluicing for gold or any other mineral on the foreshore and lands under the ocean adjoining thereto.

Claim for
dredging or
sluicing under
ocean.
Sub-reg. (1)
am. by 1935,
No. 15, r. 11.

(2.) The area comprised in any one such claim shall not exceed two hundred hectares, and the length of the claim along the foreshore shall not exceed ten kilometres.

58.—(1.) The Warden may, upon the application of a holder of a miner's right, grant a dredging or sluicing claim for dredging or sluicing for gold or any other mineral on Administration land which consists of the bed of a lake, and land adjoining thereto.

Claim for
dredging or
sluicing in
lake.
Sub-reg. (1)
am. by 1935,
No. 15, r. 11.

(2.) The area comprised in any one such claim shall not exceed two hundred hectares.

59.—(1.) Upon application in writing to the Warden in that behalf made by the holders of contiguous dredging or sluicing claims, and upon payment of the prescribed fee, the Warden may amalgamate any number of such claims into one amalgamated dredging or sluicing claim.

Amalgamated
claims.
Sub-reg. (1)
am. by 1935,
No. 15, r. 11.

(2.) Upon application to the Administrator in that behalf made by the holders of dredging or sluicing claims and upon payment of the prescribed fee, the Administrator may amalgamate into one amalgamated dredging or sluicing claim any number of such claims, whether contiguous or not, which are wholly contained within the limits of a circle having a diameter of thirty kilometres. Any application under this sub-regulation shall be lodged with the Warden, by whom it shall be transmitted to the Administrator.

Sub-reg. (2)
am. by 1935,
No. 15, r. 11.

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Sub-reg. (3)
am. by 1935,
No. 15, r. 11.

(3.) An amalgamated dredging or sluicing claim shall be deemed to be a tenement distinct from the claims which it comprised and, subject to the provisions of regulation 55, the conditions applicable to a claim of an area equal to such amalgamated claim shall apply thereto.

Sub-reg. (4)
ad. by 1935,
No. 15, r. 13.

(4.) In no case shall an amalgamated dredging or sluicing claim, other than an amalgamated dredging or sluicing claim held under the provisions of sub-regulations (1.) or (2.) of this regulation on the fifteenth day of January, One thousand nine hundred and thirty-six, exceed in area twice the maximum area which may be granted as one dredging or sluicing claim.

Marking out of
dredging or
sluicing claims.

Sub-reg. (1)
am. by 1935,
No. 15, r. 11.

60.—(1.) Any area intended to be included in an application for a dredging or sluicing claim shall be marked out by the erection of squared boundary posts at least eight centimetres by eight centimetres, standing at least one metre above the surface, and sunk at least fifty centimetres in the ground.

(2.) One of such posts shall be painted white, and shall have engraved, or in some way durably marked on it, the initial letters of the applicant's name, and shall be deemed to be the datum post or starting point from which the surveyor shall commence the survey of the land as provided in these Regulations.

(3.) The other posts shall be deemed to mark provisionally the boundaries of the land applied for until the true boundaries have been defined by actual survey.

Application for
dredging or
sluicing claims.

Sub-reg. (1)
am. by 1935,
No. 15, rr. 11
and 14.

61.—(1.) When the applicant desires to register as a dredging or sluicing claim an area marked as prescribed he shall, within thirty days after such marking, make an application to the Warden in that behalf in accordance with Form 15, and upon receipt of such application the Warden shall deliver to the applicant a certificate in accordance with Form 16.

(2.) Each application shall be accompanied by a description and sketch plan approximately defining the position of the land applied for and an application fee of Five pounds, and the prescribed survey fee shall be lodged therewith.

(3.) The applicant shall, within thirty days from the receipt of such certificate, cause a true copy thereof to be posted at or near to the datum post on the area applied for, and also at the Warden's Office, and thereafter to be kept in both places for a period of seven clear days.

(4.) The applicant shall make and lodge at the Warden's Office a declaration in accordance with Form 17.

(5.) When the Warden is satisfied that under these Regulations a dredging or sluicing claim in respect of the land applied for may be granted, he shall, if no objection is lodged against the application

Sub-reg. (5)
am. by 1935,
No. 15, r. 11,
and 1936,
No. 7, r. 1.

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before the expiration of twenty-one days from the lodging at the Warden's Office of the declaration referred to in the last preceding sub-regulation, register the applicant as the provisional holder of the dredging or sluicing claim, and thereupon the claim shall be deemed to have been granted to him subject only to the fixing of the actual boundaries by survey; but if any such objection is duly lodged, the Warden shall defer registration until the matter has been heard and determined by the Warden's Court.

(6.) After such application has been lodged and granted, and until a survey of the dredging or sluicing claim has been made, the entry upon, occupation of, or interference with, any part of the area applied for and proposed to be comprised therein by any person who was not prior to the application in lawful occupation of the ground shall be deemed to be a trespass or encroachment.

Sub-reg. (6)
am. by 1935,
No. 15, r. 11.

62.—(1.) All dredging or sluicing claims shall be surveyed, and surveys shall be executed either by a mining surveyor appointed to act within the limits of any gold-field or mineral field, or by a licensed surveyor approved by the Warden, who shall, within three months after receipt of instructions from the Warden, or such extended time as the Warden allows, furnish to the Warden in duplicate a plan, field-book, and description showing the boundaries of the area as actually surveyed and marked by him. The surveyor shall delineate all dredging or sluicing claims on a map to be kept at the Warden's Office. The surveyor shall commence his survey from the datum post and shall, when the land is available, comprise within his survey the full extent of land applied for irrespective of the position of the posts provisionally marking the boundaries.

Survey of
dredging or
sluicing
claims.

Sub-reg. (1)
am. by 1935,
No. 15, r. 11.

(2.) Upon the receipt of the plan and description from the surveyor, the Warden shall, by public notice posted up at his office, appoint a day for hearing objections, if any, to the survey, which day shall be not less than thirty days from the date of the posting of such notice.

(3.) Any holder of a miner's right who claims to be interested in the land comprised in the survey may, within the prescribed period, lodge at the Warden's Office a notice of objection to the survey, specifying therein the grounds of his objection thereto.

(4.) If no objection under the last preceding sub-regulation is so lodged, and if the plan and description are approved by the Warden, he shall forthwith, and without requiring the attendance of the applicant or his agent, register the claim as the property of the applicant, and thereafter the applicant shall be deemed to be in lawful possession of the dredging or sluicing claim comprised in such plan, notwithstanding any irregularity in the marking or application; but if any such objection is duly lodged the Warden shall defer registration until the matter has been heard and determined by the Warden's Court.

Sub-reg. (4)
am. by 1935,
No. 15, r. 11.

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Sub-reg. (5)
am. by 1935,
No. 15, r. 11.

(5.) When the description and sketch plan accompanying an application for a dredging or sluicing claim show that the land applied for adjoins land held under application but not surveyed, the applicant, upon the completion of the survey of such last-mentioned land, may move his datum post to the boundary of the surveyed land, so that his claim when surveyed may comprise the land defined by such description and sketch plan.

Sub-reg. (6)
am. by 1935,
No. 15, r. 11.

(6.) Notwithstanding anything contained in these Regulations, a dredging or sluicing claim shall be of such shape as is most conformable to the natural features of the ground, and as the Warden approves after survey.

Sub-reg. (7)
am. by 1935,
No. 15, r. 11.

(7.) The fees payable in respect of the survey of dredging or sluicing claims shall be the fees prescribed in the Second Schedule.

Conditions of
occupation
applicable to
dredging or
sluicing
claims.

Am. by 1935,
No. 15, r. 11.

63. Notwithstanding anything contained in these Regulations, any single or amalgamated dredging or sluicing claim in the bed of a river, that may be granted under these Regulations, shall be taken and held subject to the condition that any person who may at the time of granting such dredging or sluicing claim hold any mining tenement or miner's homestead on the banks of or in the vicinity of such river, or who may thereafter lawfully take up or acquire any such tenement or homestead, shall not, in consequence of the granting or holding and working of any such dredging or sluicing claim, be restrained from discharging the tailings, waste water, or débris from his tenement or homestead into such river; and the holder of such dredging or sluicing claim shall have no right of action against any such person for so discharging tailings, water, or débris into such river.

Entry and
work on
adjoining
claim.

Am. by 1935,
No. 15, r. 11.

64. When, for the purpose of enabling the holder of a dredging or sluicing claim to work his ground to the full extent at or near to any of the boundaries thereof, it becomes necessary for him to enter upon any dredging or sluicing claim or other mining tenement adjoining such boundary, he may do so, and thereon by himself, his workmen and agents, use and employ his dredge, machinery, and appliances, and do all acts and things necessary and requisite for working his ground:

Provided that he shall before making such entry give to the holder of the adjoining claim or tenement and to the Warden at least thirty days' notice in writing of his intention so to do:

Provided further that he shall before commencing work give security to the satisfaction of the Warden by bond with a surety or sureties or by deposit to compensate the holder of the adjoining claim or tenement for any loss or injury to the improvements thereon or to the beneficial enjoyment thereof sustained by him in consequence of such entry and work.

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65.—(1.) For the period of six months after the grant of a dredging or sluicing claim the holder shall not be required to employ any men or machinery upon or in connexion therewith, and such period may be extended by the Warden for a further period not exceeding six months.

Labour conditions applicable to dredging or sluicing claims. Sub-reg. (1) am. by 1935, No. 15, r. 11.

(2.) After the expiration of the period or the further period referred to in the last preceding sub-regulation, the holder of a dredging or sluicing claim (other than a dredging or sluicing claim comprised within an area declared to be a "Special Area" in accordance with the provisions of section 44A of the Ordinance) shall, subject to any total or partial exemption from labour conditions which may be granted by the Warden,—

Sub-reg. (2) sub. by 1935, No. 15, r. 15.

- (a) employ continuously upon the claim not less than one European for every fifty hectares or fraction of fifty hectares in area of the claim; or
- (b) keep continuously employed thereon, and fully manned, machinery of a value calculated at a rate of not less than One thousand pounds for every fifty hectares or fraction of fifty hectares in area of the claim:

Provided that the value of the machinery employed shall not be less than Three thousand pounds.

(3.) Failure to comply with labour conditions shall render the claim liable to forfeiture upon application made to the Warden in that behalf by the holder of a miner's right.

(4.) Notwithstanding anything contained in these Regulations, upon good grounds being shown, and upon proof of the posting of the prescribed notices and the making of the prescribed declaration, but without it being necessary to prove that the claim has been continuously worked for any period or is not payable, the Warden may at any time grant partial or total exemption from the labour conditions of a dredging or sluicing claim for any period not exceeding six months.

Sub-reg. (4) am. by 1935, No. 15, r. 11.

(5.) In any case where application is made by the holder of a miner's right for the forfeiture of a dredging or sluicing claim for any cause whatsoever, the Warden may, in lieu of ordering an immediate forfeiture, make an order that the holder of the claim shall pay into the Warden's Office, within such time as the Warden fixes, any amount by way of penalty not exceeding One hundred pounds, and that in default of payment within such time the forfeiture shall take immediate effect, and the Warden may in such order direct what portion, if any, of such amount is to be received by the applicant for forfeiture.

Sub-reg. (5) am. by 1935, No. 15, r. 11.

Labour conditions when claims amalgamated. Am. by 1935, No. 15, r. 11.

66. Dredging or sluicing claims may be amalgamated notwithstanding that with respect of all or any of them the period of six months after the grant thereof has not expired, and in such case the prescribed labour conditions shall successively be observed as and when that period expires with respect to each such dredging or sluicing claim until the labour conditions wholly apply to the amalgamated dredging or sluicing claim.

Transfer of portion of dredging or sluicing claim. R. 66A ad. by 1936, No. 17, r. 1.

66A.—(1.) Where, under regulation 62 of these Regulations, a dredging or sluicing claim is registered as the property of any person, that person may make application to the Administrator for permission to transfer any portion of the dredging or sluicing claim.

(2.)⁽²⁾ The applicant shall submit with his application a plan of the boundaries of the portion of the dredging or sluicing claim in respect of which the application is made together with a survey fee at the rate of Twenty pounds per kilometre in respect of the boundaries of such portion other than the boundaries of the original dredging or sluicing claim, and shall pay an application fee of Two pounds.

(2.)⁽²⁾ The Administrator may grant or refuse an application referred to in sub-regulation (1.) of this regulation.

(3.) The person to whom the portion of the dredging or sluicing claim in respect of which permission to transfer has been granted under this regulation, is transferred, shall be registered as the holder of a dredging or sluicing claim of the area transferred to him.

Second sub-reg. (2) ad. by 1936, No. 33, r. 1.

Rent of dredging or sluicing claims. Sub-reg. (1) am. by 1935, No. 15, r. 11.

67.—(1.) The holder of any single or amalgamated dredging or sluicing claim shall pay to the Warden rent at the rate of not less than six shillings and three pence for every hectare in such claim during the first year and twelve shillings and sixpence for every hectare thereafter.

(2.) The rent shall be payable in advance at the time of making the application, and afterwards not later than the thirty-first day of December in each year:

Provided that the deposit of rent payable by the applicant shall be such a proportion of one year's rent as shall be equal to the rent for the period from the date of application up to the thirty-first day of December next following.

(3.) If default is made in the payment of rent of any dredging or sluicing claim, the claim shall be forfeited:

Provided that—

(a) within a period of ninety days after the rent became due forfeiture may be avoided by the payment of the rent, together with a sum, by way of penalty, calculated at the rate of five per centum of the rent for every month

Sub-reg. (3) am. by 1935, No. 15, r. 11.

(2) Two sub-regulations were numbered 66A(2). Sub-reg. (2) inserted by 1936, No. 33 has now been re-numbered "(2A.1)" by the Third Schedule of the *Ordinances Reprint and Revision Ordinance 1947* of the Territory of Papua-New Guinea.

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or part of a month during which the default has continued; and

(b) after a lapse of the period of ninety days, the Administrator may waive such forfeiture upon payment of the rent, together with such sum by way of penalty as he thinks fit to impose.

(4.) Every dredging or sluicing claim shall be registered.

Sub-reg. (4)
am. by 1935,
No. 15, r. 11.

Division 8.—Machine Areas; Areas for Erection of Furnaces; Areas for Stacking Tailings; Market Garden Areas; and Business and Residence Areas.

68.—(1.) Application for permission to occupy a machine area shall be made to the Warden, in the manner prescribed with reference to claims generally, after the ground has been marked.

Machine area.

(2.) The application shall be accompanied by particulars of the machinery proposed to be erected thereon, a sketch plan of the area, and a deposit of the prescribed survey fee and rent.

(3.) A copy of such application shall be kept posted on the ground on which it is proposed to erect the machinery, and at the Warden's Office, for seven clear days before the hearing of the application.

(4.) If no valid objection is lodged, the Warden may grant permission to occupy an area not exceeding two hectares.

(5.) Every such permission to occupy shall be registered.

(6.) Any such permission to occupy may, on application to the Warden by the holder of a miner's right, be cancelled if the holder fails to commence the erection of machinery thereon within four months from the date of permission to occupy, or if at any time the machinery thereon is removed.

(7.) If the holder desires to obtain an extension of the time within which he is to commence the erection of machinery he shall make application to the Warden in that behalf, and keep posted notices to that effect on a conspicuous part of the area and at the Warden's Office for seven clear days before the hearing of the application. If satisfied that the application is reasonable, and if no valid objection is lodged, the Warden may grant such extension of time for any period not exceeding six months:

Provided that further applications may be made for further extensions which may from time to time be granted by the Warden.

(8.) Every such extension shall be registered.

(9.) The Warden may cancel the permission to occupy any machine area, which is not being used *bona fide* for the purpose for which the permission was granted:

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Provided that the permission shall not be cancelled until after due notice to the holder and lienee, if any, and hearing any evidence and reasons which may be adduced against such cancellation.

Areas for the erection of furnaces.

69.—(1.) Under the same conditions as to mode of application, payment of rent, use and occupation, and subject to the same liability to cancellation as is prescribed with reference to machine areas, the Warden may grant permission to occupy an area not exceeding four hectares for the erection of furnaces thereon to be used in connexion with mining for minerals other than gold.

(2.) Every such permission to occupy shall be registered.

Areas for stacking tailings.

70.—(1.) Applications for areas for stacking tailings shall be made to the Warden in the manner prescribed with reference to claims generally after the ground has been marked.

(2.) The application shall be accompanied by a description and sketch plan of the ground applied for, and a deposit of the prescribed survey fee and rent.

(3.) A copy of the application and description of the ground applied for shall be kept posted on the ground and at the Warden's Office for seven clear days before the hearing of the application.

(4.) If the ground is not known to be suitable for mining, and no valid objection is lodged, the Warden may grant permission to occupy an area not exceeding two hectares.

(5.) Every such permission to occupy shall be registered.

(6.) The Warden may, on application to the Warden by the holder of a miner's right, cancel the permission to occupy any such area when the holder during a period of not less than six months has failed to use the area in a *bona fide* manner for the purpose for which permission to occupy was granted:

Provided that the permission shall not be cancelled until after due notice to the holder and lienee, if any, and hearing any evidence and reasons which may be adduced against such cancellation.

Market garden areas.

71.—(1.) Any person who requires land on a gold-field or mineral field for the purpose of growing fruit, vegetables, fodder, or other garden produce, may make application to the Warden for an area not exceeding two hectares for such purpose.

(2.) The area shall be marked and the application shall be accompanied by a sketch plan of the ground applied for, and shall be made and dealt with in the manner prescribed with reference to claims generally.

Sub-reg. (3) am. by 1935, No. 15, r. 16.

(3.) The application shall be accompanied by a deposit of the prescribed survey fee and an application fee calculated at the rate of Two pounds ten shillings for every hectare or part of a hectare in the area the subject of the application.

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(4.) If no valid objection is lodged, and no public interest is likely to suffer thereby, the Warden may grant a licence to the applicant to occupy an area not exceeding two hectares.

(4A.) The licence shall be for the period of twelve months and may at the end of that period be renewed for a similar period upon application and the payment of the application fee referred to in sub-regulation (3.) of this regulation.

Sub-reg. (4A)
ad. by 1935,
No. 15, r. 16.

(5.) Such licence shall be transferable, provided that the applicant, or some other person to whom he may transfer, shall reside on the area and keep constantly in cultivation at least one-half thereof.

(6.) Every such licence and transfer thereof shall be registered.

(7.) The licence of a garden area not so cultivated, or on which the licensee does not reside, may, on application to the Warden by the holder of a miner's right, be cancelled.

72.—(1.) The annual rent payable in respect of a machine area, an area for the erection of furnaces, and an area for stacking tailings, respectively, shall be Two pounds ten shillings for every hectare or part of an hectare comprised in the area thereof.

Rents.
Sub-reg. (1)
am. by 1935,
No. 15, r. 17.

(2.) Rent shall be payable in advance at the time of making the application, and afterwards not later than the thirty-first day of December in each year:

Provided that the deposit of rent payable by the applicant for any such area shall be such a proportion of one year's rent as is equal to the rent for the period from the date of application up to the thirty-first day of December next following.

(3.) If default is made in the payment of rent of any such area, the area shall be forfeited:

Provided that—

(a) within a period of ninety days after the rent became due forfeiture may be avoided by the payment of the rent, together with a sum, by way of penalty, calculated at the rate of five per centum of the rent for every month or part of a month during which the default has continued; and

(b) after the lapse of such period of ninety days the Administrator may waive such forfeiture upon payment of the rent, together with such sum by way of penalty as he thinks fit to impose.

73.—(1.) The holder of a business licence shall, with the consent of the Warden as to the locality, be entitled to occupy on any gold-field or mineral field, for the purpose of business, an area of land not exceeding twenty-four ares the frontage of which to any main

Business and
residence areas.

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thoroughfare, creek, or waterhole shall not exceed forty metres in length, and the depth of which shall not exceed sixty metres.

(2.) Every such area shall be registered.

(3.) Before making such registration the Warden may order a survey of the area, and if required the applicant shall pay the prescribed survey fee.

(4.) If the holder ceases to occupy such area, by himself or tenant, for business purposes without first registering the same as exempt from the condition of occupation, the Warden may, on sufficient proof of the fact, forfeit the holding.

(5.) No such area shall be subdivided.

(6.) A business licence shall be in accordance with Form 18, and the fee therefor shall be Ten pounds per annum payable yearly in advance.

(7.) Subject to the provisions of this Regulation, the holder of a miner's right may take up for the purpose of residence an area not exceeding twelve ares, the frontage of which shall not exceed thirty metres in length and the depth of which shall not exceed forty metres, but may not hold more than one residence area on the same gold-field or mineral field.

(8.) Every business area and every residence area shall be marked, and the application therefor made and dealt with in the manner prescribed with reference to claims generally.

Sub-reg. (6)
am. by Regs.
gazetted on
1.7.1929, r. 1,
and 16.3.1931,
r. 1.

Certain
business and
residence areas
exempt from
occupation
condition.

74.—(1.) The holder of a business area upon which there are substantial improvements of the value of Ten pounds, and the holder of a residence area upon which there are substantial improvements of the value of Five pounds, may, upon application to the Warden, have such area registered as exempt from the condition of occupation for any period not exceeding twelve months.

(2.) Such registration may from time to time be renewed.

Survey by
mining
surveyor.

75.—(1.) Upon receipt of instructions from the Warden, the mining surveyor shall survey all business and residence areas, and shall delineate the same upon a map to be kept by him in his office.

(2.) Every such area shall be distinguished by a number corresponding with the number attached to it in the register in the Warden's Office.

Resumption
of area.

76. The Warden may resume any machine area, area for the erection of furnaces, area for stacking tailings, market garden area, business area, or residence area, when the same is required for public or mining purposes, upon payment of compensation to the holder of the area.

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PART IIIA.—RELATING TO EXCLUSIVE PROSPECTING LICENCES.

76A. The area in respect of which application is made for a licence shall be rectangular, and its length shall not exceed twice its width:

Provided that when, owing to the position of adjoining boundaries or to natural features, rectangular areas are not available, any intervening or irregularly shaped pieces of land may be applied for.

76B.—(1.) Before an application is made for a licence, but after the fourteenth day of January, One thousand nine hundred and thirty-six, beacons shall be erected in the following manner:—

- (a) A beacon shall be erected at one corner of the area, and shall be known as the location beacon;
- (b) The remaining corners of the area shall be marked with beacons which shall be known as corner beacons;
- (c) A beacon shall also be erected on each of the boundary lines forming the corner at which the location beacon is placed, visible and at a distance of not less than thirty metres from the location beacon, and such beacons shall be known as direction beacons; and
- (d) Beacons shall be erected at all places where main roads or main watercourses cross the boundaries of the area, and such beacons shall be known as boundary beacons.

(2.) All beacons shall consist of posts not less than fifteen centimetres in diameter, and shall be sunk firmly in the ground, and shall stand at least one and a half metres above the surface:

Provided that when posts cannot be procured or sunk, mounds of earth or stones, being not less than one metre high and one metre square at the base, may be used instead of posts.

(3.) A board or metal plate not less than thirty centimetres square shall be securely attached to the beacon and placed so as to face inward and shall bear or have attached to it the following information:—

- (a) The name of the applicant;
- (b) The date of the erection of the beacon;
- (c) The number of the miner's right which the applicant holds;
- (d) The letters "E.P.L." representing exclusive prospecting licence; and
- (e) The letters "L.B.", "D.B.", "C.B.", or "B.B." representing location beacon, direction beacon, corner beacon, or boundary beacon, as the case may be.

(4.) A line of stones or a trench not less than thirty centimetres

Part IIIA. ad.
by 1935, No. 15,
r. 18.

Shape of area
the subject of
a licence.

Ad. by 1935,
No. 15, r. 18.

Provisions
relating to
erection of
beacons before
application.

R. 76B
ad. by 1935,
No. 15, r. 18.

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in width and thirty centimetres in depth shall be made along the boundary of the area applied for for a distance of three metres on the sides of the location beacon and the corner beacons.

Form of application.
R. 76c ad.
by 1935,
No. 15, r. 18.

76c.—(1.) An application for a licence under section 25A of the Ordinance shall be in writing in accordance with Form 18A and shall be lodged in duplicate at the Office of the Warden of the gold-field or mineral field in which the area in respect of which the application is made is situated, or if the area is not situated within a gold-field or mineral field, at the Office of the Warden to whom is assigned the Warden's Court nearest to the area.

(2.) The application shall be accompanied by the description and sketch plan, the application fee of Five pounds, and the deposit, referred to in section 25A of the Ordinance.

(3.) Upon receipt of an application, a certificate in accordance with Form 18B shall be issued to the applicant.

Plan required from applicant.
R. 76d ad.
by 1935,
No. 15, r. 18.

76d. The sketch plan shall be in duplicate, and shall show the following details:—

- (a) The relative position of the location, corner, direction, and boundary beacons, with an outline of the boundaries;
- (b) The approximate magnetic bearing and distance from each beacon to the next;
- (c) The approximate position of the chief local objects, landmarks, or any other beacons in the neighbourhood; and
- (d) The topographical features in a manner which will illustrate the position of the boundaries and enable them to be identified on the area.

Form of guarantee.
Ad. by 1935,
No. 15, r. 18.

76e. A guarantee required by the Administrator under section 25c of the Ordinance shall be in writing in accordance with Form 18c, and shall be executed by the applicant and the surety or sureties approved by the Administrator.

Priority of applications.
Ad. by 1935,
No. 15, r. 18.

76f. If applications are received for the same area or for overlapping areas from two or more persons, the applications shall take priority according to the order in which the applications were lodged at the Warden's Office in accordance with regulation 76c of these Regulations, subject to the requirements of regulation 76b of these Regulations, relating to the erection of beacons on the area before the lodging of an application, but after the fourteenth day of January, One thousand nine hundred and thirty-six, having been observed:

Provided that nothing in this regulation shall be deemed in any way to affect the discretion of the Administrator to grant or refuse an application for a licence.

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76G.—(1.) The applicant for a licence shall, within fourteen days after the receipt of the certificate given under regulation 76c of these Regulations, cause a copy of such certificate to be posted at the Warden's Office at which his application was lodged, which copy shall remain posted for thirty days.

Copy of certificate of application to be posted and advertised.
R. 76c ad. by 1935, No. 15, r. 18.

(2.) The applicant for a licence shall, within three months after lodging his application, cause a copy of the certificate given under regulation 76c of these Regulations to be published in some newspaper circulating in the neighbourhood.

76H. Any person who desires to object to the grant of an application for a licence may, after the application has been lodged, but before the expiry of thirty days after the publication of a copy of the certificate as prescribed in sub-regulation (2.) of the last preceding regulation, lodge in duplicate at the Warden's Office at which the application was lodged a notice in writing in accordance with Form 18d stating the particulars of his objection.

Objections.
Ad. by 1935, No. 15, r. 18.

76I.—(1.) The application for a licence and every objection thereto shall be heard by the Warden not less than thirty days after the publication of the certificate as prescribed in sub-regulation (2.) of regulation 76G of these Regulations.

Hearing of application and objections.
R. 76i ad. by 1935, No. 15, r. 18.

(2.) Subject to the provisions of the last preceding sub-regulation, the Warden or the Mining Registrar shall appoint a time and place for the hearing of the application and any objection which has been lodged under the last preceding regulation, and shall give not less than seven days' notice thereof to the applicant and to the objector (if any).

(3.) Where an application or an objection has been lodged by several persons jointly, notice to one of them shall be sufficient.

(4.) On the day appointed for the hearing, the Warden shall take such evidence on oath as may be tendered by the applicant and by any objector, and may, if he thinks fit, take the evidence of any other person.

(5.) The Warden may adjourn the hearing for any time or may adjourn it to any other place, on such conditions as to costs as he thinks fit.

(6.) At the conclusion of the hearing, the Warden shall announce in public the purport of his report to the Administrator, and shall transmit to the Secretary for Mines—

- (a) the application and any objection;
- (b) a copy of the evidence taken at the hearing; and
- (c) his report to the Administrator recommending the grant or the refusal of the licence applied for.

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(7.) The Warden shall, amongst other things, report to the Administrator—

- (a) whether in his opinion the applicant or an objector first erected a location beacon to mark out the area applied for or any portion of such area or any area in which such area is included;
- (b) whether the marking out by the applicant of the area applied for was carried out after an objector had by the erection of a location beacon and corner beacons marked out the area the subject of the application or any portion of such area or any area in which such area is included; and
- (c) whether in his opinion the applicant has sufficient capital to carry on the proper prospecting of the area applied for.

(8.) Any person shall, upon application to the Secretary for Mines and payment of a fee of Three pounds, be furnished with a copy of the evidence taken at the hearing and of the Warden's report.

(9.) Every hearing under this regulation shall be conducted in public, and the Warden shall have the powers of a Warden's Court.

Conditions of licence.

R. 76j ad. by 1935, No. 15, r. 18.

76j. All licences shall be granted upon the following conditions:—

- (a) That the holder of the licence shall commence *bona fide* prospecting operations on the land in respect of which the licence is granted within three months from the date of the grant; and
- (b) That the holder of the licence shall, during every year of the period of the licence, expend in *bona fide* prospecting operations an amount not less than the sum of One pound for every hectare of the area of the land in respect of which the licence is granted.

Notice of grant or refusal of application to be gazetted.

Ad. by 1935, No. 15, r. 18.

76k. On the grant or refusal by the Administrator of an application for a licence, notice thereof shall be published in the *New Guinea Gazette*.

Form of licence.

Ad. by 1935, No. 15, r. 18.

76l. A licence shall be in accordance with Form 18E.

Maintenance of beacons.

Ad. by 1935, No. 15, r. 18.

76m. All beacons shall be kept in good condition and repair by the holder of the licence, and the holder of a licence shall, within three months from the date of the grant of the licence, clearly mark and keep marked during the period of the licence, on the boards or metal plates attached to beacons under sub-regulation (3.) of regulation 76b of these Regulations, the number of the licence.

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76N.—(1.) Upon payment of the prescribed fee, the holder of a licence may, with the consent in writing of the Administrator, transfer his interest in the licence by indorsement thereon, signed by him in the presence of a witness, to a person named in the indorsement, who shall signify his acceptance of the transfer.

Transfer of licence.
R. 76N ad. by 1935, No. 15, r. 18.

(2.) Every transfer shall be registered at the Warden's Office.

76o.—(1.) At the expiration of three months from the date of the grant of a licence, and every three months thereafter, the holder of the licence shall forward in duplicate to the Warden a report showing in detail the nature of the prospecting operations carried out and the number of Europeans and natives employed by him during the immediately preceding three months, together with a plan of the area in respect of which the prospecting operations were carried out showing all available geological information.

Report of prospecting operations.
R. 76o ad. by 1935, No. 15, r. 18.

(2.) At the expiration of six months from the date of the grant of a licence, and every six months thereafter, the holder of the licence shall forward to the Warden a statement, verified by a statutory declaration, showing in detail the amount expended on the *bona fide* prospecting operations carried out by him during the immediately preceding six months and the manner in which the amount was expended.

PART IV.—WATER RIGHTS.

77.—(1.) A holder of a miner's right who intends to divert and use water for mining or general purposes, or to cut a race, or construct dams or reservoirs in connexion therewith, shall lodge with the Warden—

Mode of application.
Sub-reg. (1) am. by 1935, No. 15, r. 19.

- (a) an application in quintuplicate in accordance with Form 19;
- (b) a fee of Two pounds;
- (c) a sketch plan of the site, in quintuplicate made out to the satisfaction of the Warden; and
- (d) an estimate of the capacity in litres of any dam or reservoir proposed to be constructed.

(2.) Copies of such application shall be kept posted for seven clear days at the Warden's Office, at the source from which the water is to be obtained, at the proposed termination of the rate,^(2A) and on the site of any proposed dam or reservoir.

(3.) If no valid objection is lodged, the Warden may grant the water-right at the expiration of seven clear days from the date of the notice.

(2A.) The word "rate" appeared in the *Mining Regulations* as published in *N.G. Gaz.* It has now been omitted and the word "race" inserted in its stead by the Third Schedule of the *Ordinances Reprint and Revision Ordinance* 1947 of the Territory of Papua-New Guinea.

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Sub-reg. (3A)
ad. by 1935,
No. 15, r. 19.

(3A.) A water-right shall not be granted if the effect of the grant is to deprive a holder of a mining tenement or a dredging or sluicing lease being *bona fide* worked on the bed or banks of any river or on land adjoining thereto, of so much of the water flowing naturally through or past the mining tenement or dredging or sluicing lease as shall, in the opinion of the Warden, be necessary to the working thereof.

(4.) Every water-right shall be registered.

(5.) Upon the grant and registration of a water-right, the applicant shall be entitled to a certificate in accordance with Form 20.

Heads of
water—how
gauged.

78.—(1.) For the purposes of this Part—

“A box sluice-head” means a body of water two and a half centimetres by thirty centimetres;

“A ground sluice-head” means a body of water seven and a half centimetres by thirty centimetres, and shall be equal to three box heads, and shall be deemed equal to one cubic foot of water per second (one cusec.) and shall be gauged in the following manner:—A box one metre eighty centimetres in length and thirty centimetres in width, with a scale of centimetres marked on the inner side at the lower end, shall be placed at the head of the race, having a fall not exceeding fifteen centimetres in the entire length of it, and the gauge of water shall be taken at the mouth of the box where the water is discharged. When the length of the race exceeds one kilometre, the width of the box may be increased one centimetre for each kilometre.

Am. by 1935,
No. 15, r. 20.

Ad. by 1935,
No. 15, r. 20.

“Race” includes a pipe line, and the term “cut a race” includes the erection of a pipe line.

(2.) It shall not be necessary to gauge any water being used except in pursuance of an order made by the Warden after hearing the evidence of any holders of miners' rights whose interest^(2B) he finds have been or may be affected.

Quantity of
water taken and
left running.

79.—(1.) The quantity of water to which any person shall be entitled under one water-right for sluicing purposes on any claim shall not exceed two ground sluice-heads.

(2.) In all river-beds from which water is diverted for mining purposes there shall be left running at least one ground sluice-head for general use when required.

Priority of
water-rights.

80.—(1.) The priority of water-rights derived from a common source shall be determined according to priority of registration of the several water-rights.

(2B.) The word “interest” appeared in the *Mining Regulations* as published in *N.G. Gaz.* It has now been omitted and the word “interests” inserted in its stead by the Third Schedule of the *Ordinances Reprint and Revision Ordinance 1947* of the Territory of Papua-New Guinea.

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(2.) In case of failure of water supply, the person last registered shall forego his right during the failure of water as against the person previously registered, and so on in rotation as the supply diminishes:

Provided that the holder of a water-right in the bed of a river shall have a preference over the holder of a water-right in pursuance of which the water of the river is diverted from its natural course.

81.—(1.) A holder of a miner's right may, with the permission of the Warden, cut any race or drain for mining purposes through any mining tenement, or over or under any other race or drain, provided that no injury is done to such mining tenement, race, or drain. Right to cut race.

(2.) The original line of a race may, with the permission of the Warden, be altered or deviated from, provided that no prior right is injured thereby.

82. When, from imperfect construction or neglect, any race is in such an inefficient state as to cause a waste of water, or to become a nuisance to the public, the Warden may order the water at the head of the race to be turned off until the defective portion is made good or the nuisance is abated. Repair of race.

83. Subject to these Regulations, no person shall sink or drive, or cut timber within a distance of three metres, or, if the Warden so orders, within a distance of six metres, from any occupied race unless with the consent of the holder of such race. Protection to race.

84.—(1.) The holder of a water-right who desires to retain the same unused for any longer period than four weeks shall make application to the Warden for exemption, and keep posted notices to that effect on the race, dam, or reservoir, and at the Warden's Office, for fourteen clear days prior to the hearing of the application. Exemption from use of race.

(2.) Upon good cause being shown, and if no vital objection is lodged, the Warden may issue a certificate of exemption of the water-right from use for any period not exceeding six months.

(3.) Such exemption may, upon like application and notice, be renewed from time to time for such period not exceeding six months as the Warden thinks proper.

(4.) Every such exemption and renewal thereof shall be registered.

85. The holder of a water-right may sell or dispose of the right to the whole or any portion of such water, or may let the use of such water for a stated period. Right to sell water.

86. The property and interest in any race, dam, or reservoir, and in the water contained therein or flowing therein or through any race, shall be deemed to be a chattel interest. Chattel interest.

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Recovery of charges for water supplied.

87. The holder may recover in a summary way any sum of money due to him in respect of any water supplied from any race, dam, or reservoir.

Water diverted for sale or hire.

88.—(1.) A holder of a miner's right who constructs a race for the conveyance of water to any gold-field or mineral field for sale or hire for mining purposes or general use shall not be restricted in the quantity of water he may divert :

Provided that—

- (i) no prior right is prejudiced, or injury of a private or public nature is caused thereby ; and
- (ii) the entire quantity of water so diverted is being actually sold and disposed of in a *bona fide* manner.

(2.) Any water conveyed in excess of the quantity that is being so sold and disposed of shall, when the Warden so directs, be allowed to flow in its natural channel.

Right of original holder to hired water.

89.—(1.) The holder of a water-right, when he is not using the water held under such right shall, if required by the Warden so to do, turn off the water at the head of his race into its natural channel.

(2.) Any person who hires water from the holder of a water-right shall not have any claim to such water after it has passed his works, but the water shall revert to the original holder of the water-right.

Unlawful use or pollution of water.

90. Any person who—

- (a) takes water from any race, dam, or reservoir without the consent of the holder thereof ;
- (b) permits sludge or other noxious matter to flow into or otherwise pollute the water therein ; or
- (c) injures the banks of any race, dam, or reservoir, or the works connected therewith, or any pipe line,

shall be guilty of an offence.

Right to water when to terminate.

91. The right to any water under any water-rights shall terminate as soon as the water so held is discharged into any natural stream or watercourse.

Construction of dam on river or creek claim or leasehold.

92.—(1.) The holder of a river or creek claim, or of a mining leasehold, may construct dams within his boundaries for the purpose of turning water into his floodrace :

Provided that his dams are only of such a height and at such a distance according to the natural fall of the water from his upper boundary as in no way to interfere with the natural level of the stream above such boundary to the injury of the holder of any other mining tenement.

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(2.) Such holder may also extend such floodrace for such distance beyond his boundaries as is necessary for the effectual working of the same, provided that no holder of another mining tenement is injured thereby.

(3.) In case of dispute the level of running water in a running stream at the upper boundary shall be considered the natural level.

(4.) The Warden may order any dam to be lowered, or altogether removed, if he thinks it necessary for the purposes of this regulation.

93.—(1.) The holder of a miner's right who desires to construct a dam or reservoir to collect and store water therein for mining or general purposes shall make application for the purpose to the Warden. The application shall describe with sufficient accuracy the site and capacity, in litres, of the proposed dam or reservoir, and shall be accompanied by a sketch plan of the site and of the watersheds within which the water is to be collected.

Dams or reservoirs.

(2.) Copies of such application shall be kept posted at the Warden's Office and on the site of such proposed dam or reservoir for fourteen clear days prior to the hearing of the application.

(3.) If a valid objection is not lodged during such period the Warden may grant to the applicant authority to occupy the site applied for and a right to cut drains for the collection of water within the watersheds described, or such portions thereof as the Warden thinks fit.

(4.) The applicant shall thereupon, and so long as no public interest or prior right is injured thereby, be deemed to have an exclusive right to such water and protection for his dam or reservoir and drains, but shall not otherwise stand possessed of any defined area.

(5.) Every such authority to occupy shall be registered.

94.—(1.) The Warden may reserve for the benefit of the residents of a gold-field or mineral field, for domestic use only, the water in any natural waterhole or stream.

Water for domestic purposes.

(2.) Any person who pollutes any water so reserved shall be guilty of an offence.

(3.) The Warden may allot to a holder of a miner's right who desires to sink a well for domestic purposes an area of ground not exceeding sixteen metres by sixteen metres, after notices of the application in that behalf have been kept posted on the ground, and at the Warden's Office, for at least seven clear days prior to the hearing of the application.

(4.) Every such area shall be registered.

95. The Warden may, after due notice in that behalf to the holder and to the licensee, if any, and hearing any evidence and reasons which may be adduced by him or them, cancel a water-right—

Cancellation of water-right.

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- (a) which is not being *bona fide* used for the purpose for which it was granted; or
- (b) which interferes with or hinders any public or mining purposes:

Provided that in such last-mentioned case the holder of such water-right shall be paid compensation, as determined by the Warden after hearing evidence, for any injury which he sustains by reason of such cancellation.

Resumption of water-right.

96. The Warden may resume any water-right which is required for public or mining purposes upon payment of compensation to the holder of the water-right.

PART V.—MINING LEASES.

Application for mining lease.
R. 97 sub. by Regs. gazetted on 22.5.1930, r. 2.

Sub-reg. (1) am. by Regs. gazetted on 30.9.1931, r. 1, and by 1935, No. 15, r. 2.

97.—(1.) Subject to section 46A of the Ordinance, a person who desires to obtain a mining lease shall lodge at the Warden's Office of the gold-field or mineral field in which the land applied for is situated—

- (a) an application in triplicate, in accordance with Form 21, accompanied by a description and sketch plan, in triplicate, sufficiently defining the position of the land applied for;
- (b) an application fee of Five pounds;
- (c) the prescribed rent; and
- (d) the prescribed survey fee.

(2.) Upon receipt of an application a certificate in accordance with Form 22 shall be issued to the applicant.

(3.) The Warden shall file two copies of the application at his Office, and shall forward the original to the Secretary for Mines as provided in regulation 99B of these Regulations.

Sub-reg. (3) am. by 1935, No. 15, r. 2.

Marking out land applied for.

R. 98 sub. by Regs. gazetted on 22.5.1930, r. 2.

98.—(1.) Within thirty days before application, the applicant for a mining lease, or some person duly authorized on his behalf, shall mark out the land by fixing in the ground a post eight centimetres by eight centimetres standing at least one metre above the surface, and sunk not less than fifty centimetres in the ground:

Provided that when posts cannot be procured or sunk, the land may be marked by stones at least fifty centimetres high.

(2.) Every such post or stone shall have engraved or in some other way durably marked thereon the initial letters of the applicant's name, and shall be deemed the "datum" point from which the surveyor shall commence the survey of the land.

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99.—(1.) The applicant for a mining lease shall, within fourteen clear days after the receipt of the certificate given under regulation 97 of these Regulations, cause a copy of such certificate to be posted at or near to the "datum" point on the land applied for and at the Warden's Office, which copies shall remain posted for thirty days.

Copy of certificate of application to be posted and advertised.

R. 99
sub. by Regs.
gazetted on
22.5.1930, r. 2.

(2.) The applicant for a mining lease shall, within three months after lodging his application, cause a copy of the certificate to be published in some newspaper generally circulating in the neighbourhood.

99A. Any person who desires to object to the grant of an application for a mining lease may, after the application has been lodged, but before the expiry of thirty days after the publication of a copy of the certificate as prescribed in sub-regulation (2.) of regulation 99 of these Regulations, lodge in duplicate at the Warden's Office a notice in accordance with Form 22A stating the particulars of his objection.

Objections.

Ad. by Regs.
gazetted on
22.5.1930, r. 2.

99B.—(1.) The application for a mining lease and every objection thereto shall be heard by the Warden not less than thirty days after the publication of the certificate as prescribed in sub-regulation (2.) of regulation 99 of these Regulations.

Hearing of application and objections.

R. 99B
ad. by Regs.
gazetted on
22.5.1930, r. 2.

(2.) Subject to the provisions of sub-regulation (1.) of this regulation, the Warden or Mining Registrar shall appoint a time and place for the hearing of the application and any objection which has been lodged under regulation 99A of these Regulations, and shall give not less than seven clear days' notice thereof to the applicant and to the objector (if any).

(3.) Where an application or an objection has been lodged by several persons jointly, notice to one of them shall be sufficient.

(4.) On the day appointed for the hearing the Warden shall take such evidence on oath as may be tendered by the applicant and by any objector, and may, if he thinks fit, take the evidence of any other person.

(5.) The Warden may adjourn the hearing for any time or may adjourn it to any other place, on such conditions as to costs as he may think fit.

(6.) At the conclusion of the hearing, the Warden shall announce in public the purport of his report to the Administrator, and shall transmit to the Secretary for Mines—

- (a) the application and any objection;
- (b) a copy of the evidence taken at the inquiry; and
- (c) his report to the Administrator recommending the granting, or the granting subject to specified conditions in addition to those set out in the Ordinance, or the refusal, of the lease applied for.

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(7.) Any person shall, upon application to the Secretary for Mines and payment of a fee of Three pounds, be furnished with a copy of the evidence taken at the inquiry and of the Warden's report.

(8.) Every inquiry under this regulation shall be conducted in public, and the Warden shall have the powers of a Warden's Court.

99c.—(1.) Subject to the Ordinance and these Regulations, the Administrator shall determine—

- (a) the grant or refusal of an application for a mining lease;
- (b) the area and shape of the land to be granted; and
- (c) the covenants, conditions, and provisions to be contained in a lease in addition to those set out in the Ordinance.

(2.) Any application which is granted before survey shall be deemed to be granted subject to the land being found to be available after the survey has been made.

(3.) The Administrator may grant an application for a mining lease notwithstanding that the applicant has not in every respect complied with the provisions of these Regulations or notwithstanding that the description of the land in an application for a mining lease does not strictly correspond with the land as marked out by the applicant.

99d. On the grant or refusal by the Administrator of an application for a mining lease, notice thereof shall be published in the *New Guinea Gazette*.

99e. When notice of the grant of an application for a mining lease has been published in the *New Guinea Gazette*, the applicant may, as from the date of the publication of such notice, mine upon and in the land applied for, and shall (except as otherwise provided in the Ordinance and these Regulations) hold the same subject to the covenants and conditions prescribed in relation to the class of lease applied for and to any other covenants, conditions, or provisions determined by the Administrator in respect of the application.

100. When the description and sketch plan accompanying an application for a mining lease show that the land applied for adjoins land held under application but not surveyed, the applicant, upon the completion of the survey of such last-mentioned land, may move his starting point to the boundary of the surveyed land, so that his application, when the land referred to therein has been surveyed, may comprise the land defined by such description and sketch plan.

Power of Administrator to grant or refuse application.
R. 99c ad. by Regs. gazetted on 22.5.1930, r. 2.

Notice of grant or refusal of application to be gazetted.
Ad. by Regs. gazetted on 22.5.1930, r. 2.

Approved applicant may mine upon land.
Ad. by Regs. gazetted on 22.5.1930, r. 2.

Moving starting points after survey of contiguous land.

Mining Regulations.

101. Except as hereinafter mentioned, the area applied for as a mining leasehold shall be rectangular, and its length shall not exceed twice its width:

Area and shape of ground applied for as mining leasehold.

Provided that—

- (a) when, owing to the position of adjoining boundaries or natural features, rectangular areas are not available, any intervening or irregularly shaped pieces of land may be applied for;
- (b) in the case of alluvial ground to be worked by dredging, or by hydraulic sluicing, irregularly shaped pieces of land may be applied for; and
- (c) a lease of land for the purpose of cutting and constructing thereon water-races or tramways to be used in connexion with mining may be applied for in any shape approved by the Administrator, but the width of the area so applied for shall not be less than five metres.

102.—(1.) All surveys shall be made by a surveyor appointed by the Administrator under the Ordinance.

Survey.
Sub-reg. (1) sub. by Regs. gazetted on 22.5.1930, r. 3.

(2.) After a survey of a mining leasehold has been made, the surveyor shall forward to or lodge at the Warden's Office a plan in duplicate, field book, and description showing the boundaries of the land as actually surveyed and marked by the surveyor.

Sub-reg. (2) sub. by Regs. gazetted on 22.5.1930, r. 3.

(2A.) The Warden shall forward the original plan, the field book, and the description to the Secretary for Mines.

Sub-reg. (2A) ad. by Regs. gazetted on 22.5.1930, r. 3.

(3.) The plan and description of a mining leasehold shall be executed in accordance with general directions issued by the Administrator.

103. An application may be declared by the Warden to be abandoned if the applicant withdraws it or fails to comply with any statutory requisition made on him in connexion with it.

Abandonment of application.

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Rr. 104 and 105 rep. by Regs. gazetted on 22.5.1930, r. 4.

106.—(1.) Moneys deposited for rent and application fee shall be forfeited if the application for such lease after being approved is not proceeded with.

Deposit of rent and survey fees.

Sub-reg. (1) am. by Regs. gazetted on 7.5.1929, r. 1.

(1A.) If an application for a mining lease is refused before survey, the money deposited for rent and the survey fee shall be returned.

Sub-reg. (1A) ad. by Regs. gazetted on 16.6.1930, r. 1.

(2.) If the application is refused after survey, the money deposited in respect of rent only shall be returned.

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Sub-reg. (3)
sub. by Regs.
gazetted on
7.5.1929, r. 1;
resub. by Regs.
gazetted on
22.5.1930, r. 5;
am. by Regs.
gazetted on
16.6.1930, r. 1
and by 1935,
No. 15, r. 23.

(3.) When an application for a mining lease is withdrawn or abandoned before survey, or when rights under an application for a mining lease are forfeited before survey, the survey fee, whether paid before or after the coming into operation of this sub-regulation, shall be returned, if and when the rent due by the applicant has been paid.

(4.) The application fee shall not be returned under any circumstances.

Sub-reg. (5)
ad. by Regs.
gazetted on
22.5.1930, r. 5.

(5.) Where a surveyor appointed by the Administrator under the Ordinance certifies that the land applied for under an application for a mining lease has been surveyed and that further survey is unnecessary, the survey fee (after deducting therefrom such amount as is approved by the Administrator for the cost of any necessary inquiries made by the surveyor giving the certificate) shall be returned.

Rent of
mining leases.

107.—(1.) The deposit of rent payable by the applicant for a mining lease shall be such a proportion of one year's rent as shall be equal to the rent for the period from the date when the rent first becomes due up to the thirty-first day of December next following. Thereafter the annual rent shall be payable in advance, not later than the thirty-first day of December in each year.

(2.) Rent becomes due from the time the term of the lease commences.

(3.) The term of a mining lease commences on the first day of that month which next follows the day on which the application has been made to the Warden.

(4.) Failure to pay the rent in respect of an application for a mining lease at the prescribed time shall render the holder liable to the same consequences as are consequent upon the breach by a lessee of a mining lease of any of the covenants contained in the lease.

Issue of
mining lease.
R. 108
sub. by Regs.
gazetted on
22.5.1930, r. 6.

108.—(1.) The Administrator may, subject to this regulation, issue a mining lease.

(2.) A mining lease shall not be issued under this regulation except in pursuance of an application therefor which has been previously granted by the Administrator and until the land applied for has been surveyed by a surveyor appointed by the Administrator under the Ordinance and the provisions of sub-regulation (2.) of regulation 102 of these Regulations have been complied with.

(3.) The Administrator may afford such opportunities as he thinks fit for objections to be lodged against the issue of any lease under this regulation.

(4.) Any objection so lodged shall be heard and decided in such manner as the Administrator determines.

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109. When two or more mining leases are united under the provisions of the Ordinance, if the lands comprised in such leases have already been surveyed it shall not be necessary to re-survey the same, and the applicants for the new lease shall not be required to deposit any survey fee with their application, anything in these Regulations to the contrary notwithstanding.

Union of leases.

110.—(1.) The labour conditions of land held under a granted application for a mining lease shall be the same as those prescribed with respect to the class of lease applied for.

Labour conditions of land held under application for mining lease.

Sub-reg. (1) am. by Regs. gazetted on 15.12.1932, r. 2.

(2.) Work on land held under a granted application for a mining lease shall commence not later than thirty days after notice of the grant of the application has been published in the *New Guinea Gazette*.

Sub-reg. (2) sub. by Regs. gazetted on 22.5.1930, r. 7.

(3.) Failure to comply with the labour conditions in respect of a granted application for a lease shall render the holder liable to the same consequences as are consequent upon the breach by the lessee of a mining lease of any of the covenants contained in the lease.

Sub-reg. (3) am. by Regs. gazetted on 15.12.1932, r. 2.

110A. Subject to the provisions of the Ordinance and these Regulations, the lessee of a gold-mining lease shall employ on the land comprised in the lease at least one European for every sixteen hectares or part thereof:

Labour conditions under gold-mining lease.

Ad. by Regs. gazetted on 15.12.1932, r. 3.

Provided that the provisions of this regulation shall not apply to land in an area declared under section 44A of the Ordinance to be a "Special Area".

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R. III am. by Regs. gazetted on 1.10.1930, r. 1 and rep. by Regs. gazetted on 30.9.1931, r. 2.

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R. 112 sub. by Regs. gazetted on 22.5.1930, r. 8 and rep. by Regs. gazetted on 30.9.1931, r. 2.

113.—(1.) A lessee under, or an applicant for, a mining lease may apply to the Warden to have his leasehold or application therefor exempted, or partially exempted, from work for a period not exceeding thirty days:

Exemption for thirty days or less.

Provided that he shall post a notice of his intention so to do upon the leasehold and at the Warden's Office for three clear days prior to the hearing of the application.

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(2.) If no valid objection is lodged, the Warden may, upon good cause being shown, grant such exemption or partial exemption from work, upon such conditions as to bailing or otherwise as the Warden thinks proper.

(3.) Failure on the part of the lessee or applicant for lease to observe any such condition shall render the exemption liable to cancellation.

(4.) The Warden may, without fee, grant immediate exemption from work for a period not exceeding fourteen days upon sufficient cause being shown.

(5.) Such immediate exemption shall not affect any existing partial exemption.

Exemption for
six months.

114.—(1.) A lessee under, or an applicant for, a mining lease may apply through the Warden to the Administrator for exemption or partial exemption from work for a period not exceeding six months.

(2.) Any application under the last preceding sub-regulation shall state the grounds on which it is made, and fourteen clear days' notice thereof shall be given by notices posted on the leasehold and at the Warden's Office.

(3.) If any objection is lodged against the granting of the exemption, the Warden shall take evidence for the application and for the objection made, and shall forward the same to the Administrator, together with his report recommending the Administrator to grant, or to grant on conditions as to bailing or otherwise, or to refuse, the exemption applied for.

(4.) The report shall be read in open court to the applicant and objectors, if any.

(5.) The Administrator may grant the exemption upon such conditions as to bailing or otherwise as he thinks proper, and upon payment of the prescribed fee.

(6.) Failure on the part of the lessee or applicant for lease to observe any condition of the exemption shall render such exemption liable to cancellation.

(7.) Any exemption from this regulation shall be registered.

Certificate for
breach of
labour
conditions.

115.—(1.) Whenever it is proved to the satisfaction of the Warden that there has been any breach of the labour conditions applicable to any land comprised in a mining lease or application therefor, the Warden shall certify the same to the Administrator.

(2.) Before hearing any evidence of breach of the labour conditions the Warden shall give the lessee or applicant, or his agent, fourteen clear days' notice to appear before him to show cause why such certificate should not be made.

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116.—(1.) Any person who gives notice to the Warden that ground held under a mining lease or application therefor is not being worked in accordance with these Regulations, and who applies for the forfeiture thereof, shall upon serving notice of his application on the lessee or applicant, or his agent, and on the mortgagee, if any, seven clear days before the hearing thereof, have a preferent right for seven clear days after having received notice of such forfeiture to take possession of the land forfeited, or any portion thereof, as a claim if he is otherwise entitled so to do, or to apply for the same as a leasehold.

Forfeiture of mining lease.

(2.) Any application for forfeiture shall be accompanied by a deposit of Ten pounds to abide the Administrator's decision, and the Warden shall report if in his opinion the grounds of the application are insufficient or frivolous, and shall recommend the amount, if any, to be allowed to the lessee, mortgagee, or applicant for his costs.

(3.) Any costs so allowed against the applicant shall be deducted from the deposit:

Provided that, when the Warden is satisfied that a mining lease or application therefor has been abandoned, he may receive an application for forfeiture without any deposit.

116A.—(1.) The notice referred to in sub-section (1.) of section 47 of the Ordinance shall be in accordance with Form 22B.

Forms under section 47.

R. 116A
ad. by 1936,
No. 33, r. 2.

(2.) The certificate referred to in sub-section (2.) of section 47 of the Ordinance shall be in accordance with Form 22c.

117.—(1.) A mining lease, or share therein, or any interest in an application for such lease, may be transferred by writing in accordance with Form 23.

Transfer of mining lease.

(2.) Such transfer shall be lodged at the Warden's Office, or at the Office of the Secretary of Mines, together with the instrument of lease, if issued, and the fee prescribed for registration.

(3.) Every such transfer shall be registered.

118. Where a mining lease has been issued, the Secretary for Mines shall notify the Warden of the gold-field or mineral field in which the land comprised in the lease is situated or, if such land is not situated in a gold-field or mineral field, the Warden to whom is assigned the Warden's Court nearest to such land.

Registration of mining leases.
Sub. by 1935,
No. 15, r. 24.

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Rr. 119 and 120
rep. by 1935,
No. 15, r. 25.

MINING—

PART VA.—RELATING TO PERMITS UNDER PART VA.
OF THE ORDINANCE.

Part Va ad. by
Regs. gazetted
on 6.2.1932, r. 1.

In what
cases ballot
to be held.

Ad. by Regs.
gazetted on
6.2.1932, r. 1.

Notice of
ballot.

R. 120a ad. by
Regs. gazetted
on 6.2.1932, r. 1.

Sub-reg. (1)
am. by Regs.
gazetted on
15.11.1932, r. 1.

120A. Where more than one application under section 52B of the Ordinance is received by the Warden for any lot he shall hold a ballot to decide the applicant to whom a permit to occupy the lot shall be granted.

120B.—(1.) Not less than three days before the holding of the ballot referred to in the last preceding regulation the Warden shall post in a conspicuous place at his office a notice specifying the lot to be balloted for and the hour and date of the holding of ballot.

(2.) The date specified in the notice shall not be earlier than 34 days after the publication in the *New Guinea Gazette* of the notice under section 52A in which it is declared that the lot may be applied for.

Ballot to be
held in
public at
time notified.

Ad. by Regs.
gazetted on
6.2.1932, r. 1;
sub. by Regs.
gazetted on
15.11.1932, r. 2.

120C. Every ballot shall be held in public at the Warden's Office at the hour and on the date specified in the notice referred to in sub-regulation (1.) of the last preceding regulation.

Conduct of
ballot.

R. 120b
ad. by Regs.
gazetted on
6.2.1932, r. 1;
sub. by Regs.
gazetted on
15.11.1932, r. 2.

Para. (a) sub.
by 1935, No. 15,
r. 26.

120D. Every ballot shall be conducted in accordance with the following provisions:—

(a) Before the time specified for the holding of the ballot, the Warden shall obtain a number of sheets of paper of a uniform size being not less than six inches by four inches, each sheet having legibly written thereon the name of one of the applicants, so that the name of each applicant appears once on a separate sheet of paper but no name appears on more than one sheet of paper.

(b) At the ballot, each paper referred to in the last preceding paragraph—

(i) shall be examined and checked with the applications lodged under section 52B of the Ordinance, by the Warden, the senior officer of the Public Service of the Territory (other than an officer of the Department of Lands, Surveys, Mines, and Forests) then present, and a third person nominated by the Warden; and

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- (ii) shall be folded by the Warden and placed by him in an empty box provided for the purpose of the ballot.
- (c) After the papers have been placed in the box as provided in the last preceding paragraph, the Warden shall close the box which shall then be well shaken by each of the persons mentioned in that paragraph.
- (d) After the box has been closed and shaken as provided in the last preceding paragraph, the Warden shall select a person from among those present, who shall draw out from the box one of the papers and hand it to the Warden.
- (e) After the paper referred to in the last preceding paragraph has been seen by the persons mentioned in paragraph (b) of this regulation, the Warden shall announce to those present the name appearing on the paper as being that of the applicant to whom a permit to occupy the lot balloted for shall be granted.

120E. After a ballot has been held under this Part of these Regulations the Warden shall notify the Secretary for Mines the result of the ballot.

Result of ballot to be notified.
Ad. by Regs. gazetted on 6.2.1932, r. 2; am. by Regs. gazetted on 30.11.1932, r. 1.

120F. A permit shall be in accordance with Form 50.

Form of permit.
Ad. by Regs. gazetted on 6.2.1932, r. 1.

PART VI.—LIENS AND MORTGAGES.

121. A lien may be given upon any mining tenement, or share, or interest therein, other than land held under a mining lease, as security for the payment of money or the discharge of any liability. When a lien is intended to be so given the lienor and lienee shall execute a lien ticket in accordance with Form 25 with such variations and additions, if any, as circumstances require.

Liens.

122. Upon production to the Warden of the miners' rights, licences, or other necessary documents of the lienor and lienee, and of the lien ticket, duly executed and attested, the Warden shall register the lien upon the tenement, or share or interest therein, and shall forthwith issue to the lienee a duplicate of the lien ticket.

Registration of lien.

123. Subject to the provisions of these Regulations with respect to preferent liens, if more than one lien is effected on the same mining tenement, or share or interest therein, such liens shall take priority according to the dates of their production for registration.

Priority of liens.

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Effect of lien.

124.—(1.) Every lien so registered shall be and remain a charge upon the property comprised in the lien ticket, until the moneys or liabilities secured thereby have been fully paid or discharged.

(2.) A lien shall cover all buildings, improvements, and mining machinery and appliances in or upon the mining tenement, and whether the same or any of them are affixed to the soil or not.

(3.) A lienee shall not by virtue of his lien be held to be a co-partner in any property subject thereto.

Provisions, &c., inserted in lien.

125. A lien ticket may contain such covenants, provisions, stipulations, agreements, and powers as are agreed upon.

Provisions, &c., implied in lien.

126. Except as is otherwise expressly provided by the lien ticket, and without prejudice to any further or other covenants, provisions, stipulations, agreements, and powers therein contained, there shall be deemed to be included and implied in every lien ticket:—

(a) A stipulation that during the continuance of the security the lienee may at the lienor's expense do all such acts and things as are necessary for the preservation or protection of the property comprised in the lien ticket and of the title thereto when the lienor neglects or refuses so to do, and in particular may fulfil the conditions applicable to the property or obtain exemptions therefrom, and may renew the lienor's miner's right and licences, if any; and

(b) A power that if default is made by the lienor in the payment or discharge of the moneys or liabilities secured by the lien ticket according to the tenor thereof, or in the performance or observance of any of the covenants, stipulations, or agreements therein contained or implied, and on the part of the lienor to be performed or observed, the lienee may—

(i) enter upon and take and retain possession of the property comprised in the security, or any part thereof, and work or let the same:

Provided that in every such case the lienee shall be liable to account to the lienor for the rents and profits of such property until the lienor's right to redeem the same has been determined by sale or otherwise;

(ii) cause the property comprised in the lien ticket to be sold by public auction after having advertised his intention of so doing in the *New Guinea Gazette* and in some newspaper generally circulating in the neighbourhood, or by such other means as the Warden directs.

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and posted a copy of such advertisements on a conspicuous part of the mining tenement and at the Warden's Office not less than fourteen clear days before the day of sale, and notwithstanding anything in these Regulations to the contrary, the lienee may sell, as part of the property comprised in the lien ticket, the right, share, or interest, which, at the time of default made by him, the lienor has in any earth the produce of the mining tenement or share or interest encumbered.

Provided that—

- (1) if the lienee is unable to obtain by any public auction a sum sufficient to pay or discharge the debt or liability then due to him he may sell such property by private contract; and
- (2) if after sale there remains a balance of purchase money the lienee shall file at the Warden's Office a statement of accounts, and shall pay such balance into the hands of the Warden to be paid to the lienor, or, if there are any other lienees, to be paid to them in order of production of the liens for registration.

127. All expenses properly incurred by the lienee under any of the covenants, stipulations, agreements, or powers contained or implied in the lien ticket, together with interest thereon at the rate named in the lien ticket in respect of the principal moneys, may be added to his security.

Addition of lienee's expenses to security.

128. When property comprised in a lien ticket is sold under the powers contained or implied therein the lienee shall furnish to the Warden evidence that the sale has been made in accordance with such powers, and upon production to the Warden of a transfer of such property, signed by the lienee or his attorney, the Warden shall register the transfer to the purchaser named therein.

Transfer to purchaser on sale by lienee.

129. If a mining tenement, or any part thereof, is resumed for mining or other purposes, so much of the compensation moneys as are payable in respect of the lienor's interest therein shall be applied towards satisfying any debt or liability remaining due in respect of the lien, and for that purpose shall be paid to the lienee, and the balance only, if any, shall be paid to the lienor.

Resumption of property subject to lien.

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Redemption.

130. The lienor shall be entitled to redeem the property subject to the lien at any time before sale thereof, upon payment or discharge of the moneys or liabilities secured by the lien.

Cancellation.

131. Upon delivery to the Warden by the lienor of a certificate duly signed by the lienee, and attested, that the debt or liability secured by the lien has been fully paid or discharged, the Warden shall upon receipt of the prescribed fee forthwith cancel the lien.

**Mortgage of mining lease.
Sub-reg. (1)
am. by 1935,
No. 15, r. 27.**

132.—(1.) A mining lease or an interest under an application for a mining lease may be charged or made security for the payment of money or the discharge of any liability.

**Sub-reg. (2)
am. by 1935,
No. 15, r. 27.**

(2.) When a mining lease or an interest under an application for a mining lease is intended to be so charged, the lessee or applicant shall execute a memorandum of mortgage in accordance with Form 26, with such variations and additions, if any, as circumstances require.

**Registration of mortgage.
R. 133
sub. by 1935,
No. 15, r. 28.**

133.—(1.) Every memorandum of mortgage shall be executed in triplicate and lodged by the mortgagee at the Warden's Office.

(2.) Each copy shall, at the time of lodgment, be marked with the words "Received at the Warden's Office at" followed by the place at which the Warden's Office is and the hour and date when it was lodged and the signature of the officer receiving the memorandum of mortgage.

(3.) The Warden shall register the memorandum of mortgage by—

- (a)** indorsing upon each copy the words "Registered on" followed by the date of registration;
- (b)** entering a note of the mortgage upon the record of the mining lease or application for a mining lease contained in the Register of Mining Tenements; and
- (c)** filing one copy and forwarding one copy to the mortgagor and one copy to the mortgagee.

**Priority of mortgages.
Sub. by 1935,
No. 15, r. 28.**

134. Where several mortgages have been executed in relation to a mining lease or an interest under an application for a mining lease, they shall rank and take priority according to the times and dates of lodgment indorsed upon them as provided in the last preceding regulation.

Effect of mortgage.

135.—(1.) A memorandum of mortgage shall have effect only as a security for the sum of money intended to be secured by it, and shall not take effect as an assignment of the lease.

(2.) The mortgage shall cover all buildings, improvements and mining machinery and appliances in or upon the land comprised in the lease, and whether the same or any of them are affixed to the soil or not.

Mining Regulations.

136. A mortgage may contain such covenants, provisions, stipulations, agreements, and powers as are agreed upon.

Provisions, &c.,
inserted in
mortgage.

137. Except as is otherwise expressly provided by the mortgage and without prejudice to any further or other covenants, provisions, stipulations, agreements, and powers therein contained, there shall be deemed to be included and implied in every such mortgage—

Provisions, &c.,
implied in
mortgage.

- (a) a stipulation that during the continuance of the security the mortgagee may at the mortgagor's expense do all such acts and things as are necessary for the preservation or protection of the property comprised in the mortgage and of the title thereto when the mortgagor neglects or refuses so to do, and in particular may fulfil the conditions applicable to such property or obtain exemptions therefrom, and may renew the mortgagor's miner's right and licences, if any; and
- (b) a power that if default is made by the mortgagor in the payment or discharge of the moneys or liabilities secured by the mortgage according to the tenor thereof, or in the performance or observance of any of the covenants, stipulations, or agreements therein contained or implied, and on the part of the mortgagor to be observed, the mortgagee may—

- (i) enter upon and take and retain possession of the property comprised in the mortgage, or any part thereof, and work or let the same:

Provided that in every such case the mortgagee in possession shall be liable to account to the mortgagor for the rents and profits of such property until the mortgagor's right to redeem the same has been determined by sale or otherwise; and

- (ii) cause the property comprised in the mortgage to be sold by public auction after having advertised his intention of so doing in the *New Guinea Gazette* and in some newspaper generally circulating in the neighbourhood, or by such other means as the Warden directs, and posted a copy of such advertisements on a conspicuous part of the leasehold and at the Warden's Office not less than thirty clear days before the day of sale; and notwithstanding anything in these Regulations to the contrary, the mortgagee may sell, as part of the property comprised in the mortgage, the right, share,

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or interest which at the time of default made by him has in any earth the produce of the leasehold :

Provided that—

- (1) if the mortgagee is unable to obtain by any public auction a sum sufficient to pay or discharge the debt or liability then due to him he may sell such property by private contract; and
- (2) if after sale there remains a balance of purchase money the mortgagee shall file at the Warden's Office a statement of accounts, and shall pay such balance into the hands of the Warden to be paid to the mortgagor, or, if there are any other mortgagees, to be paid to them in order of production of the mortgages for registration.

Addition of mortgagee's expenses to security.

138. All expenses properly incurred by the mortgagee under any of the covenants, stipulations, agreements, or powers contained or implied in the mortgage, together with interest thereon at the rate named in the mortgage in respect of the principal moneys, may be added to his security.

Transfer to purchaser on sale by mortgagee.

139. When property comprised in a mortgage is sold under the powers contained or implied therein the mortgagee shall furnish to the Warden evidence that the sale has been made in accordance with such powers, and upon production to the Warden of a transfer of such property signed by the mortgagee or his attorney, and in the case of a mining lease the consent in writing of the Administrator to the transfer, the Warden shall register such transfer to the purchaser named therein.

Redemption.

140. The mortgagor shall be entitled to redeem the property subject to the mortgage at any time before sale thereof upon payment or discharge of the moneys or liabilities secured thereby.

Cancellation.

141. Upon delivery to the Warden by the mortgagor of a certificate duly signed by the mortgagee and attested that the debt or liability secured by the mortgage has been fully paid or discharged, the Warden shall, upon receipt of the prescribed fee, forthwith cancel the mortgage.

Mining Regulations.

142. A lien or mortgage may be transferred by means of a transfer in accordance with Form 27 with such variations and additions, if any, as circumstances require.

Transfer of lien or mortgage.

143. Upon production to the Warden of the transfer duly executed and attested, the Warden shall register the transfer, and thereupon there shall become vested in the person to whom the benefit of the security is expressed to be transferred the right to demand, sue for, recover, and give receipts for the moneys secured thereby or the unpaid part thereof and the interest then due and thereafter to become due thereon, and the benefit of all securities for the same, and the benefit of and the right to sue on all covenants and agreements with the lienee or mortgagee, as the case may be, and the right to exercise all his powers.

Registration and effect of transfer.

PART VIA.—SPECIAL MINING EASEMENTS.

Part Via.
ad. by 1935,
No. 15, r. 29.

143A. An application by the holder of a mining tenement for an authority under section 64A of the Ordinance shall be in writing in accordance with Form 27A and shall be lodged in duplicate.

Form of application for authority.

Ad. by 1935,
No. 15, r. 29.

143B. A copy of the application referred to in the last preceding regulation shall be served upon the owner, lessee, and occupier of the land the subject of the application—

Service of copy of application.

Ad. by 1935,
No. 15, r. 29.

(a) by delivering it to each of those persons; or

(b) by forwarding it through the post in a prepaid registered letter to the respective usual or last known place of abode of each of those persons.

143C. Any person who desires to object to the grant of an authority applied for under section 64A of the Ordinance may, after the application for the authority has been lodged, but before the expiry of thirty days after the posting of the copy of the application at the Warden's Office under sub-section (4.) of section 64A of the Ordinance, lodge in duplicate at the Warden's Office a notice in writing in accordance with Form 27B stating the particulars of his objection.

Notice of objection.

Ad. by 1935,
No. 15, r. 29.

143D. The grant of an authority applied for under section 64A of the Ordinance shall be in accordance with Form 27c.

Form of authority.

Ad. by 1935,
No. 15, r. 29.

143E. Where a notice under section 64F of the Ordinance has been served by the Warden, the grantee of the authority in respect of which the notice has been served shall show cause within twenty-eight days after the date of service of the notice.

Revocation of authority.

Ad. by 1935,
No. 15, r. 29.

MINING—

PART VII.—MINING TENEMENTS GENERALLY.

Duty to point out boundary posts and marks.

144.—(1.) A holder of a mining tenement, or shareholder thereof, shall point out the angle posts, marks, and boundary lines of such tenement to any person who requires to know the same.

(2.) Any person who wilfully destroys, obliterates, or removes any boundary mark or any posted notice relating to any such tenement, which has been lawfully made or erected or posted thereon, shall be guilty of an offence.

Registration of mining tenements.

145.—(1.) The holder of every mining tenement for which registration is required shall apply to the Warden for registration of the same within seven clear days from the date of his being entitled to such registration, or within such other period (if any) as is prescribed.

(2.) Non-registration within the prescribed time shall not be deemed a breach of these Regulations if good cause is shown for such delay to the satisfaction of the Warden.

Register to be kept.
R. 145A
ad. by 1935,
No. 15, r. 30.

145A. A register shall be kept at the Warden's Office to be called a "Register of Mining Tenements", in which shall be entered—

- (a) the location and name (if any) of the mining tenement;
- (b) the date of application for the mining tenement;
- (c) the number of the mining tenement;
- (d) the date on which the instrument of lease or certificate of registration was issued;
- (e) the names of all holders of mining tenements;
- (f) the share of each holder of a mining tenement;
- (g) all transfers made;
- (h) all encumbrances upon the shares of the holders of mining tenements; and
- (i) all exemptions granted or cancelled:

Provided that any system of registration by cards if it contains the required information shall be a sufficient compliance with this regulation.

Registration of tribute agreements.
Ad. by 1935,
No. 15, r. 30.

145B. Every tribute agreement shall be registered at the Warden's Office within two months after execution.

Neglect of officials, &c.

146. No penalty shall be inflicted for the non-performance within the prescribed time of any act required by these Regulations to be done by the holder of any such tenement, if the holder proves that the non-performance was caused by the neglect or default of the Mining Registrar or Warden, or by any circumstance over which the holder had no control.

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147. Ground shall be deemed to be continuously worked if six hours' *bona fide* work is performed thereon by the complement of men prescribed on every working day, except Saturday (on which day four hours' work shall be sufficient), and except a public holiday or other holiday notified by the Warden (on which day no work shall be necessary).

Continuous work.

147A.—(1.) In this regulation—

“war service” means active service and any other naval, military, or air-force service during the present state of war;

“the present state of war” means the state of war existing between His Majesty the King and Germany during the period commencing on the third day of September, One thousand nine hundred and thirty-nine, at the hour of nine-thirty o'clock *post meridiem* reckoned according to standard time in the Australian Capital Territory and terminating on the date of the issue of a proclamation that the war between His Majesty the King and Germany has ceased.

Power of Administrator to grant exemptions from labour covenants, &c., during the present state of war.

R. 147A
ad. by 1940,
No. 4, r. 1.

(2.) Notwithstanding anything contained in these Regulations, the Administrator, during the present state of war, may, subject to the provisions of this regulation, by notice in the *New Guinea Gazette*, grant to the holder of a mining tenement, authority, licence, or right under the Mining Ordinance or the repealed Ordinance, who is on war service—

- (a) exemption from labour covenants and labour conditions prescribed with respect to such mining tenement, authority, licence, or right;
- (b) if he is the holder of a water-right, exemption of the water-right from use; and
- (c) if he is the holder of a business area, exemption from any condition of residence which may apply thereto,

for the period of his war service and six months immediately succeeding that period.

(3.) A notice made under the last preceding sub-regulation shall take effect or be deemed to have taken effect from a date to be specified in the notice.

(4.) This regulation shall be deemed to have come into operation on the second day of September, One thousand nine hundred and thirty-nine.

148. When exemption from work has been granted in respect of any mining tenement, the resumption or performance of any work during the currency of such exemption shall not be deemed to cancel the exemption.

Resumption of work during currency of exemption.

MINING—

Quarterly
statement of
operations.

149. The owner or manager of every mine shall, within the first ten days of every quarter, furnish the Secretary for Mines, through the Warden, with a return of operations and ore treated in connexion with such mine during the preceding three months.

Monthly return
of material
treated.

150.—(1.) The owner or manager of works, battery, or other apparatus for the extraction of gold or mineral from earth or ore shall, within the first four days of every month, furnish the Secretary for Mines, through the Warden, with a return of the quantity of material treated and gold or other mineral produced during the previous month; and shall in case of earth or ore treated for the public enter on three separate slips such particulars as are required with respect to every parcel of earth or ore so treated, retaining one of such slips, forwarding another to the Warden, and delivering the third to the owner or the manager of the mine from which the earth or ore was obtained.

(2.) Every such owner or manager shall, on receipt of such slip, add thereto such particulars with respect to quantity and value of mineral or mineral products obtained, as are required, or as have been omitted by the owner or manager of the works, battery, or other apparatus, and shall forward such slip in completed form to the Warden not later than the tenth day of the month.

(3.) All the provisions of this and of the last preceding regulation shall apply to all persons carrying on business as smelters' agents or professional assayers of gold, and of ores, earths, or minerals, so far as the operations and various transactions of such persons are involved, and also to all owners and managers of dredging plant or machinery used upon or in connexion with any dredging claim.

(4.) Every such owner, manager, assayer, or smelter's agent who neglects or refuses to furnish such statement shall be guilty of an offence.

Penalty: Ten pounds for the first offence, and not exceeding Fifty pounds for the second or any subsequent offence.

(5.) Every such owner, manager, or other person shall keep a book which shall contain a true record of all material treated and all gold or other mineral recovered from any mine, and, when ascertainable, its value.

(6.) Such book shall be open to inspection by the Warden or any officer authorized by him to inspect the same.

Assessment
of royalty.
R. 150A
ad. by 1935,
No. 15, r. 31.

150A.—(1.) The return required to be furnished under sub-section (1.) of section 61 of the Ordinance shall be in accordance with Form 27D.

(2.) Within three months after the assessment by the Warden under sub-section (2.) of section 61 of the Ordinance, the person required to furnish the return shall forward to the Warden all mint

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returns and sales receipt vouchers relating thereto, or shall, at the discretion of the Warden, verify the actual price received for the gold by a statutory declaration.

151.—(1.) The registered holder of any mining tenement other than a leasehold, or of any interest therein, may transfer the same by executing a transfer in accordance with Form 28. Transfers.

(2.) Upon production at the Warden's Office of his certificate of registration or transfer certificate (or certificate of loss thereof), and upon payment of the prescribed fee, the Warden shall issue to the transferee a transfer certificate in accordance with Form 29.

(3.) The transferee shall be liable for all encumbrances, agreements, and conditions registered against the property so transferred.

(4.) If the holder of any such tenement surrenders the same and such surrender is substantially a sale or assignment of the tenement, such surrender shall have no effect unless and until the tenement has been transferred in manner prescribed.

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Fr. 152 and
153 rep. by
1935, No. 15,
r. 32.

154. The Warden, whenever in his judgment it becomes necessary for the efficient working of a mining tenement or for the public interest so to do, may authorize the making of a road, tramway, or railway over or upon any mining tenement, or may order the closure of any such road in such manner and under such conditions as to payment of compensation or otherwise as he thinks fit.

Roads, &c.,
across
tenements.

155. Any person who wilfully causes or permits sludge, tailings, or water to accumulate in or flow from his mining tenement so as to cause danger, injury, obstruction or inconvenience to any highway, or to any public or private interest shall be guilty of an offence:

Prohibition of
injury to
claims or roads.

Provided that any person may cause or permit sludge, tailings, or water to flow from such tenement in channels and watercourses which, in the judgment of the Warden, are the best natural means of escape for the same.

156. Any person who, on any gold-field or mineral field, fells or causes to be felled any tree across any road or mining tenement, and fails to remove the same within twenty-four hours thereafter, shall be guilty of an offence.

Felling trees
across roads.

Penalty: Five pounds.

157.—(1.) Unless expressly authorized by the Warden so to do, any person who sinks any shaft, or disturbs the surface of the ground, or erects any works, or deposits earth or other material, in any place, so as to interfere with the supply of water used by the public, or so as to obstruct a highway shall be guilty of an offence.

Interference
with roads and
water.

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(2.) Any person who undermines any highway in such a manner as to endanger the public safety shall be guilty of an offence.

Appointment
of agents.
Sub-reg. (1)
am. by 1935,
No. 15, r. 33.

158.—(1.) Any person who holds or proposes to hold any share or interest in any mining tenement may appoint an agent, by writing, in accordance with Form 30 with such variations and additions, if any, as circumstances require.

(2.) The acts of an agent so appointed shall be deemed to be the acts of the principal.

(3.) Every such appointment shall be registered at the Warden's Office:

Provided that nothing in this regulation shall affect the validity of any power of attorney or other authority in writing executed by the holder of any share or interest in any mining tenement. Every such power of attorney or other authority shall, however, be registered at the Warden's Office prior to the registration of any dealing with such share, or interest thereunder, and thereupon the person in whose favour the power of attorney or other authority is executed shall be deemed to be the registered agent of the holder of such share or interest.

Compulsory
bailing.

159.—(1.) The holder of a mining tenement in which water has accumulated to the injury, or probable injury, of any adjoining mining tenement, shall, upon service of a notice calling upon him so to do by the party injured or likely to be injured, or his agent, bail his mining tenement, or in some other manner effectually remedy the injury:

Provided that the party injured, or likely to be injured, may at once lodge a complaint with the Warden, who may order the holder of such mining tenement to bail the same, and keep it continuously free from any injurious accumulation of water whilst occupied by him.

(2.) The Warden may also assess and determine the amount of injury suffered from such accumulation of water by any person complaining, and order the holder of the tenement causing the injury to pay the amount thereof.

Drainage.

160. When the holder of a claim or mining leasehold proves to the satisfaction of the Warden that by the erection and working of any appliance for drainage a saving of labour has been effected in the working of any adjoining claim or mining leasehold, the holder of the claim or leasehold in which such saving has been effected shall be liable to pay in respect thereof such reasonable sum of money, and at such times, as the Warden orders:

Provided that the Warden may subsequently, on application being made by either party and a rehearing of the case, revoke or vary such order so as to meet any altered circumstances.

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162A.—(1.) Subject to the provisions of the Ordinance and these Regulations, the following provisions shall apply to application fees, rents, and survey fees paid or lodged with applications under Part III. of these Regulations:—

- (a) Money deposited for rent shall be forfeited if the application is withdrawn, abandoned, or is not proceeded with.
- (b) If an application is refused, the money deposited for rent shall be returned.
- (c) If an application is refused, withdrawn, or abandoned, or if rights under an application are forfeited, before the commencement of the survey of the land applied for, the survey fee shall be returned, if and when the rent due by the applicant has been paid.
- (d) The application fee shall not be returned under any circumstances.
- (e) Where a surveyor appointed by the Administrator under the Ordinance certifies that the land applied for under an application has been surveyed and that further survey is unnecessary, the survey fee (after deducting therefrom such amount as is approved by the Administrator for the cost of any necessary inquiries made by the surveyor giving the certificate) shall be returned.

(2.) The provisions of this regulation shall apply to survey fees lodged before the coming into operation of this regulation.

162b. Notwithstanding the provisions of these Regulations, where a surveyor appointed by the Administrator under the Ordinance certifies that the whole or portion of the land applied for as a mining tenement forms portion of an area which has formerly been surveyed, or that portion of the land applied for as a mining tenement has formerly been surveyed, or that portion of the boundary of the land applied for as a mining tenement has formerly been surveyed, and that only further survey of portion of the land applied for or portion of the boundary of the land applied for is necessary, the Administrator in Council may direct that a portion of the survey fee lodged with the application for the mining tenement shall be returned.

163.—(1.) Subject to these Regulations, any mining tenement which is in actual occupation under the provisions of the Ordinance or these Regulations may be mined upon, provided that the person intending to mine thereon shall, before commencing work, give security to the satisfaction of the Warden by bond with a surety or sureties or

Rr. 161 and 162 rep. by 1935, No. 15, r. 34.

Application fees, rents, and survey fees.

R. 162A ad. by Regs. gazetted on 15.12.1932, r. 4.

Para. (a) am. by 1938, No. 15, r. 1.

Para. (c) am. by 1935, No. 15, r. 35.

Power of Administrator in Council to refund portion of survey fee in certain cases.

Ad. by 1940, No. 4, r. 2.

Compensation in certain cases.

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by deposit to compensate the holder thereof for any loss or injury to the improvements thereon, or to the beneficial enjoyment thereof, that may be sustained by him in consequence of such mining.

(2.) The holder of a miner's right intending to mine on such tenement shall not commence work until such security has been given. On the giving of such security the Warden may remove the occupant:

Provided that the provisions of this Regulation shall not apply to the land comprised in a mining lease or an application therefor.

Compensation
generally.

164.—(1.) When by the Ordinance or these Regulations compensation is required to be paid and no other method of determining the amount of such compensation is prescribed, the same shall be determined by the Warden, who may call two competent persons to assist him in determining the amount thereof.

(2.) The Warden shall give notice to all persons interested in the matter of such compensation:

Provided that if either of the parties is dissatisfied with his decision either party may require that the question shall be referred to arbitration, in which case one arbitrator shall be appointed by the party by whom, and one by the party to whom, such compensation is payable, and the arbitrators shall appoint an umpire, and the decision of the arbitrators or of the umpire, as the case may be, shall be final.

(3.) An application for arbitration under this Regulation shall be made within seven days after the decision of the case by the Warden; otherwise it shall not be entertained.

(4.) Every such application shall be addressed to the Warden, and a copy thereof shall be served by the applicant on the other party concerned, and the applicant shall set down the hearing of the arbitration for a date not later than fourteen clear days after the application for arbitration has been made, otherwise the application shall lapse and be of no effect.

Declaration of
loss of miner's
right, &c.

165.—(1.) When a person has lost his miner's right, certificate of registration, transfer certificate, or lien ticket, he may make a declaration of such loss in accordance with Form 31.

(2.) Upon payment of the prescribed fee, he shall thereupon be entitled to receive a certificate of such loss in accordance with Form 32.

(3.) Such certificate shall be received in lieu of such lost document for all purposes.

False
representation.
Am. by 1935,
No. 15, r. 36.

166. Any person who, by false representation, fraudulent concealment of fact, or collusion, obtains registration or forfeiture of any mining tenement or interest therein or of any transfer, or who by such means obtains a certificate of exemption from labour conditions or occupation, shall be liable to forfeit his interest in the property in respect of which such registration, forfeiture, transfer, or certificate has been so obtained.

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167.—(1.) A certificate of registration shall be in accordance with Form 33. Form of certificate.

(2.) The certificate shall be issued to each shareholder in the mining tenement and shall specify the interest or share held. The certificate shall be produced at the Warden's Office when a transfer of the interest is required.

(3.) Upon the devolution of any mining tenement on the death or insolvency of the holder thereof, the person upon whom the same has devolved shall, upon application to the Warden, be entitled to be registered as the holder of the same, and to receive a certificate to that effect in accordance with Form 34.

168. An objection to any registration shall be in accordance with Form 35. Form of objection.

169. In the absence of the Warden through sickness or other cause, the Mining Registrar may, if no objection is lodged within the prescribed time, grant and register prospecting areas, agreements, claims, or shares therein, business and residence and other areas, and exemptions from work or occupation, in the same manner as the Warden may grant and register the same. Powers devolving on Mining Registrar in absence of Warden.

170. When any sum of money has been awarded by a Warden's Court by way of debt, damages, or costs or otherwise, and the person liable to pay the same is the holder of a share or interest in a mining tenement, the Warden may, on the application of the judgment creditor, make an order charging such share or interest, and also the shareholder's interest in any gold or other mineral, the produce of such mining tenement, with the payment of the amount of the judgment debt, and may, by the same or a subsequent order, direct such share or interest to be sold. The other shareholder or shareholders in such tenement or mineral shall, in the event of a sale being directed, be at liberty to purchase the same. Charging order.

171.—(1.) Declarations of trust may be lodged at the Warden's Office and registered. Declarations of trust.

(2.) Such declarations shall be in accordance with Form 36.

PART VIIA.—MINING ON ALIENATED LANDS.

171A. The holder of a miner's right who desires to enter upon alienated land as defined in Part VI. of the Ordinance, for the purpose of prospecting for gold or other mineral, shall make an application to the Warden in writing in accordance with Form 36A for an authority to enter and prospect upon the alienated land. Part VIIA. ad. by Regs. gazetted on 20.4.1933, r. 2; sub. by 1935, No. 15, r. 37. Application for authority to enter. Ad. by Regs. gazetted on 20.4.1933, r. 2; sub. by 1935, No. 15, r. 37.

MINING—

Form of authority.

Ad. by Regs. gazetted on 20.4.1933, r. 2; sub. by 1935, No. 15, r. 37.

Application for mining tenement.

R. 171c ad. by Regs. gazetted on 20.4.1933, r. 2; sub. by 1935, No. 15, r. 37.

171B. An authority granted under section 57 of the Ordinance shall be in accordance with Form 36B.

171c.—(1.) The holder of a miner's right who desires to obtain the grant or registration of a mining tenement situated on alienated land as defined in Part VI. of the Ordinance shall lodge at the Warden's Office of the gold-field or mineral field in which the alienated land in respect of which the application is made is situated or, if such alienated land is not situated within a gold-field or mineral field, at the Office of the Warden to whom is assigned the Warden's Court nearest to such alienated land, an application in duplicate in accordance with Form 36c.

(2.) Except as otherwise provided in Part VI. of the Ordinance and in this Part, the provisions of the Ordinance and these Regulations which relate to the payment or lodging of application fees, the prescribed rent, the prescribed survey fee, and the prescribed royalty, and all other provisions of the Ordinance and these Regulations, shall extend and apply to alienated land and to mining on or under alienated land.

Notice of application.

Ad. by Regs. gazetted on 20.4.1933, r. 2; sub. by 1935, No. 15, r. 37.

171d. The notice referred to in section 59D of the Ordinance shall be given within seven days of the application for the grant or registration of the mining tenement—

- (a) by delivering a copy of the application to the owner and to the occupier of the alienated land in respect of which the application is made; or
- (b) by forwarding copies of the application through the post in prepaid registered letters addressed respectively to the owner and to the occupier at their respective usual or last known places of abode.

Prescribed time for purpose of section 59N.

Ad. by Regs. gazetted on 20.4.1933, r. 2; rep. by 1935, No. 15, r. 37; ad. by 1938, No. 20, r. 1.

171E. The prescribed time for the purpose of paragraph (b) of sub-section (1) of section 59N of the Ordinance shall be sixty days from the day the application for the mining tenement is lodged.

R. 171F ad. by Regs. gazetted on 20.4.1933, r. 2; rep. by 1935, No. 15, r. 37.

* * * * *

PART VIII.—JUDICIAL PROCEEDINGS.

Plaint.

Am. by Regs. gazetted on 15.12.1932, r. 5.

172. In all civil cases the proceedings shall, unless with the consent of both parties as provided by section seventy-eight of the Ordinance, be commenced by a plaint in accordance with Form 37, or as near thereto as circumstances will permit.

Mining Regulations.

173. The plaintiff shall set forth the name and address of the plaintiff, and also of the defendant, so far as the same are known to the plaintiff. It shall set forth a sufficient cause of action or complaint, and conclude with a prayer for the relief to which the plaintiff believes himself to be entitled.

Nature of
plaint.

174. The items or particulars of demand, if any, shall be annexed to or contained in the plaint.

Particulars of
demand.

175. The plaint shall be lodged at the Warden's Office five clear days before the return day of the summons.

Time for filing
plaint.

176. In all cases where particulars of demand are required to be annexed the plaintiff shall lodge at the Warden's Office at the time of lodging the plaint as many copies of the particulars of demand as there are defendants to be served, and an additional copy to be attached to the summons.

Copies of
particulars.

177. Where the plaintiff sues for a debt or damages, but desires to abandon a portion or to admit a set-off, and sue for the residue, the abandonment or the admission of a set-off shall be entered on the particulars and copies.

Abandonment
of part of
claim and
admission of
set-off.

178.—(1.) Upon the filing of the plaint the Warden or Mining Registrar shall issue a summons in accordance with Form 38.

Issue of
summons.

(2.) Such summons may be returnable at any time fixed by the Warden and endorsed thereon by him provided that such time shall be at least five clear days after the lodging of the plaint.

179. Every summons shall be served at least five clear days before the return day thereof, unless the defendant resides more than five kilometres from the court, in which case it shall be served at least ten clear days before the return day thereof.

Service of
summons.

180. When a summons has not been served, successive summonses may be issued without entering a fresh plaint, provided that no successive summons shall be issued on the plaint after the expiration of six months from the date of the filing thereof.

Successive
summonses.

181.—(1.) When it is the intention of the defendant to dispute the right of the plaintiff to the relief sought for, or any part thereof, the defendant shall, at least three clear days before the return day of the summons, lodge at the Warden's Office a notice of defence, containing a statement of the grounds upon which he relies.

Notice of
defence.

(2.) When a defendant intends to plead that he is not indebted by reason of his not being a shareholder in any mining venture, he shall specify the same in his plea:

MINING—

Provided that the Warden may, if he thinks fit, permit any defendant to enter a defence after the expiration of the time limited therefor upon such terms as to him seem just.

Set-off and counter-claim.

182.—(1.) In all cases the defendant shall be at liberty to include in the grounds of defence all matters of set-off, or to pray for any cross relief to which he believes himself to be entitled as against the plaintiff in respect of the same subject matter.

(2.) The items or particulars of such set-off, or the grounds upon which the cross relief is prayed, shall be set forth in the defendant's notice of defence.

Form of notice of defence.

183. The notice of defence shall be in accordance with Form 39.

Witnesses.

184.—(1.) Each party shall be entitled to procure the attendance of witnesses by means of subpoena to be issued by the Warden or Mining Registrar in accordance with Form 40.

(2.) Every witness so subpoenaed shall be entitled to require payment of all necessary expenses of attendance at the hearing. No witness shall be bound to obey the subpoena unless his expenses have been paid or tendered to him at the time of the service of the subpoena.

Non-appearance of plaintiff.

185. If on the return day of the summons, or at any adjournment of the court at which it is returnable, the plaintiff does not appear and the defendant does appear and does not admit the plaintiff's demand, the Warden may dismiss the case or enter a verdict for the defendant as the case requires, and may, in his discretion, award the costs in the same manner and to the same amount as if the case had been tried.

Default in payment of judgment debt.

186. When a defendant has made default in payment of the whole amount awarded by the judgment, or of an instalment thereof, a warrant of execution may issue for the whole amount of judgment and costs then remaining unsatisfied.

Warrants of execution.

187. A warrant of execution shall bear date on the day on which it is issued, and shall continue in force for twelve calendar months from such date and no longer, but may be renewed before the expiration of twelve months for a further like period upon an affidavit being filed that the amount due has not been paid. Every such warrant shall be in accordance with Form 41.

Notice and date of sale.

188.—(1.) No sale of goods levied under an execution shall be made sooner than the sixth day after the day on which the same were levied.

(2.) Notice of sale under execution shall be given by the bailiff or his deputy by affixing a notice thereof upon or near the house or place where the sale is to be made four clear days at least before the day appointed for such sale.

Mining Regulations.

189. Any goods sold in execution shall be sold publicly by the bailiff or his deputy for ready money to the highest bidder at or near the place where the same were levied upon, as may be convenient for the sale thereof.

Sale in execution.

190. If before notice of appeal is served upon the Warden execution has issued, and the amount of the judgment and costs of execution have been paid into the hands of the bailiff, or levied and not paid over to the successful party, the same shall remain in court to abide the result of the appeal.

Appeal before payment over of proceeds.

191. When the court of appeal has pronounced judgment, either party may deposit the original order of the court of appeal, or an office copy thereof, with the Warden, who shall thereupon enter judgment, or otherwise act according to the direction of the court of appeal.

Entry of judgment on appeal.

192. Judgment in detinue, if for the plaintiff, shall be for the value of the goods detained, together with a sum to be stated in the judgment by way of damages for the detention and costs:

Judgment in detinue.

Provided that it may be made part of the judgment that on payment of damages for the detention and costs, and return of the goods on or before a day named satisfaction shall be entered.

193. Every judgment shall be drawn up in accordance with Form 42.

Form of judgment.

194. Every order authorizing entry on an adjacent mining tenement shall be in accordance with Form 43.

Form of order authorizing entry on adjacent mining tenement.

195.—(1.) Every notice of application for an injunction shall be in accordance with Form 44.

Forms in injunction.

(2.) Every injunction shall be drawn up in accordance with Form 45.

196. The fees to be charged for processes issued out of the Warden's Court shall be in accordance with the scale prescribed in the Second Schedule hereto, and fees shall be entered in a book to be kept for that purpose, and shall be remitted monthly to the credit of the general revenue.

Scale of fees.

197.—(1.) The Warden shall in each case direct what number of witnesses are to be allowed on taxation of costs between party and party.

Costs of witnesses.

(2.) Allowance for witnesses' expenses shall in no case exceed the rates prescribed by the scale in the Second Schedule.

Taxation of costs.

198.—(1.) Where the value of the matter in dispute does not exceed One hundred pounds, the Warden shall be guided in the taxation of costs by the scale of fees in like cases in District Courts.

(2.) In cases in which the subject-matter is of greater value than One hundred pounds, the Warden shall be guided by the scale of fees in the Central Court⁽³⁾ in cases of like amount.

(3.) In all cases when there is no money demand, the Warden's Court shall, for the purpose of taxation, determine what is the value of the matter in dispute.

Mode of service.

199.—(1.) Except as hereinafter provided, the service of any summons, subpoena, process, order, notice, or other document whatsoever, service whereof is prescribed, shall be either personal on the defendant or his registered agent, or by delivering the same to some person apparently fourteen years old at the place of abode or business of the defendant or his registered agent. If such service is found to be impossible by reason of the defendant being absent from his usual place of abode for more than fourteen days without having appointed and registered some person as his agent, then it shall be deemed sufficient service if a copy of the document is kept posted for the period prescribed at the Warden's Office, and, if the cause of action relates to any mining tenement, also on a conspicuous part of such tenement or homestead:

Provided that—

- (a) when the defendant is working in any mine or other works underground, it shall be sufficient service to deliver the document at the mine or works to the engine-driver, braceman, or other person apparently in charge of the mine or works;
- (b) service of a document may be effected on a mining company or other corporation by delivering the same to a secretary, registered manager, agent, or clerk of the defendant; and
- (c) when a defendant avoids service, or keeps his house or place of business closed in order to avoid service, it shall be sufficient service to affix the document on the house or place of business, or to leave the document as near thereto as possible.

(2.) No summons, subpoena, process, order, notice, or other document, service whereof is prescribed, shall be served on a Sunday, Good Friday, or Christmas Day; such days shall nevertheless be counted in the computation of time required in respect of service, unless the prescribed service is required to be effected within any number of clear days.

(3) See Section 7A of the *Judiciary Ordinance* 1921-1938.

Mining Regulations.

200. The affidavit of service of a document shall be in accordance with Form 46.

Form of affidavit of service.

201. In all cases where the practice or procedure of the Warden's Court is not sufficiently defined by these Regulations, the practice and procedure of District Courts shall, as far as possible, be adopted.

Adoption of practice and procedure of District Court.

202.—(1.) Subject to these Regulations, evidence of the doing of anything, which by these Regulations is required to be done, may be given—

Method of proof.

- (a) by the statutory declaration of the person on whom the obligation of doing the thing required to be done has been imposed, and, in addition if the Warden so directs, by the statutory declaration of a witness; or
- (b) by any other means or method of giving evidence of the doing of the thing which, by these Regulations, is required to be done, that the Warden may direct to be used or adopted in each particular case.

(2.) When the method of proof to be applied is under paragraph (a) of this regulation a copy of the statutory declaration proposed to be used shall be served on all the parties to the case at least three clear days before the day of hearing:

Provided that if the evidence contained in the statutory declaration is not merely formal and is not admitted by either party to the proceedings, the party wishing to dispute such evidence or any part thereof may make application to the Warden for an order requiring the declarant to be present in court for examination on the day of the hearing, and the Warden, if he thinks that under all the circumstances the request is a reasonable one, may make such order requiring the declarant to be present, and he shall be present accordingly.

PART IX.—LICENCES TO DRIVE THROUGH LAND INTERVENING BETWEEN LEASEHOLDS.

203. A person who desires to obtain from the Administrator a licence to construct a drive or drives through land lying between or wholly or partially dividing or separating his mining leasehold or leaseholds for the purpose of enabling the whole of such leasehold or leaseholds to be effectually worked and mined shall make application to the Warden for the same in accordance with Form 47.

Application for licence to drive through land intervening between leaseholds.

204. Each application shall specify the name of the lode or reef, and be accompanied by—

Mode of application.

- (a) a description and sketch plan sufficiently defining the leasehold or leaseholds and the intervening land; and

MINING—

- (b) such plan of the workings and of the situation and direction of the proposed drive or drives as to show that the drive is necessary for the purpose of enabling the whole of the leasehold or leaseholds to be effectually worked and mined, and also of the lodes or reefs and of the workings of any adjacent mines which may be interfered with by the construction of the proposed drive.

Certificate of application and hearing.

205.—(1.) Upon receipt of the application the Warden shall forthwith deliver to the applicant a certificate in accordance with Form 48.

(2.) The applicant shall, within seven clear days after the receipt of such certificate, cause a true copy thereof to be posted at or near the land in respect of which the licence is applied for and at the Warden's Office, and shall advertise the same in some newspaper generally circulating in the neighbourhood.

(3.) The certificate shall remain posted for thirty days and shall be advertised at least thirty days prior to the hearing of the application by the Warden.

(4.) The application shall be heard by the Warden within forty days after the advertisement thereof, or at such later day as the Warden appoints, and every objection lodged thereto shall as far as practicable be heard on the same day.

Record of applications, &c.

206.—(1.) The Warden shall record each application for a licence and shall not submit a recommendation for the grant of any licence until after the application and objections thereto, if any, have been heard by him. He shall then report to the Administrator whether the licence should, in his opinion, be granted or not.

(2.) Any evidence taken in favour of granting the licence or in support of any objection thereto shall be forwarded with the report.

Form of licence.

207. A licence to construct a drive or drives shall be in accordance with Form 49.

Protection of mines of owners of intervening lands.

208. Any licence to construct a drive shall, in addition to such other conditions (if any) as are therein specified, be granted upon the condition that the person to whom the same is granted shall not during the currency thereof in any manner damage, obstruct, or interfere with any shaft, drive, or other mining operation or work constructed, made, or carried on at the date of the issue of the licence by the owner, lessee, or licensee of the land with respect to which the licence has been granted.

Tenure of licence.

209. Any licence to drive granted under the provisions of section fifty-eight of the Ordinance shall, save as by the Ordinance or these Regulations or any agreement executed in pursuance thereof is other-

Mining Regulations.

wise provided, be deemed to be part of the mining leasehold or leaseholds which are to be worked and mined thereby, and shall not be transferred or otherwise dealt with apart therefrom:

Provided that nothing herein shall be construed to prevent the revocation of such licence on the ground of breach of any of the conditions attaching thereto.

PART X.—GENERAL.

210.—(1.) Any registered shareholder, licensee, or mortgagee of a mining tenement or other holding, or his registered agent, may, upon application at the Warden's Office, and without fee, examine the register, so far as it relates thereto.

Examination of Register.
Sub-reg. (1) am. by 1935, No. 15, r. 38.

(2.) Any person may examine the register of mining tenements or other holdings at the Warden's Office, or the duplicate register at the Mines Office, upon payment of the prescribed fee.

Sub-reg. (2) sub. by 1935, No. 15, r. 38.

* * * * *

R. 211 rep. by 1935, No. 15, r. 38.

212. Unless for any offence a penalty is expressly provided, any person who commits a breach of these Regulations, or disobeys a lawful order of the Warden or Warden's Court, shall be liable to a penalty not exceeding fifty pounds, or in default of payment to be imprisoned for any period not exceeding three months.

Penalties for breach of regulations.

213.—(1.) The forms prescribed by these Regulations, or forms to the like effect, may be used, with such variations or additions as are agreed upon by the parties or as circumstances require.

Forms.

* * * * *

Sub-reg. (2) rep. by Regs. gazetted on 31.1.1930, r. 1.

214. The Administrator may waive any conditions imposed by any Regulations under this Ordinance if in his opinion the conditions have been substantially satisfied.

Power to waive conditions.

FIRST SCHEDULE.

Regulation 4(1.).

FORM 1.

TERRITORY OF NEW GUINEA.
Mining Ordinance 1928.
MINER'S RIGHT.

No.

Fee—One pound per annum.

Date of issue:

Place of issue:

(For year .)

Issued to [name of holder] under the provisions of the *Mining Ordinance 1928* to be in force until [date of expiration of right].

Not transferable.

C.D., Warden.

MINING—

Regulation 4(2).

FORM 2.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

CONSOLIDATED MINER'S RIGHT.

No.

Fee—One pound per annum for each person.

Date of issue:

Place of issue:

(For persons for year .)

Issued to [name of company or co-operative body or manager or trustee thereof] under the provisions of the *Mining Ordinance 1928*, to be in force until [date of expiration of right].

Not transferable.

C.D., Warden.

Regulation 13(1).

FORM 3.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

APPLICATION FOR CLAIM (OTHER THAN A DREDGING OR SLUICING CLAIM.)

Am. by 1935,
No. 15, r. 40.

I [or we], the undersigned, hereby give notice to the Warden at that I [or we] did on the day of , 19 , at the hour of o'clock, .m., mark off a piece of ground bearing the following distinguishing mark , situated or thereabouts. And I [or we] hereby make application to the said Warden, and request him to grant to me [or us] registration thereof as a under the name of

(Signed) A.B.

Dated at this day of , 19 .

Regulation 13(2).

FORM 4.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

CERTIFICATE OF APPLICATION.

No.

This is to certify that the undermentioned person did this day of at the hour of o'clock, .m., make application for a piece of ground measuring situated to be held under the provisions of the *Mining Ordinance 1928*, and the Regulations made and established thereunder, as a , and if no valid objection is lodged on or before the day of I shall grant to the said person registration for the said ground, to be held as a under the name of

Dated at the day of , 19 .

C.D., Warden.

NOTE.—This form must within seven days after the receipt thereof be posted on a conspicuous part of the ground applied for and also at the Warden's Office and be kept posted for fourteen days.

Mining Regulations.

Regulation 13(4).

FORM 5.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

DECLARATION.

I, _____, do declare that a true copy of the certificate No. _____, granted to me on the _____ day of _____ was on the _____ day of _____ posted on a conspicuous part of the ground referred to in the said certificate and also at the Warden's Office and thereafter remained so posted for fourteen days.

Dated at _____ the _____ day of _____, 19 _____.

(Signed) _____ A.B.

Regulation 13(5).

FORM 6.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

CERTIFICATE OF REGISTRATION OF CLAIM.

Date _____ 19 _____.

I have this day, at the hour of _____ o'clock _____ m., registered as the holder of a claim numbered _____ of _____ and situated at _____ being the land described hereunder.

Description:

Dated at _____ this _____ day of _____, 19 _____.

Miner's Right No. _____

Warden or Mining Registrar.

Regulation 16.

FORM 7.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

APPLICATION FOR EXEMPTION.

I [or We], the undersigned, holder of [or shareholder in] the _____ Claim, hereby apply for exemption of the above claim from work for the period of _____ months on the grounds following:—[Insert grounds of application.]

Dated at _____ this _____ day of _____, 19 _____.
[Signature of Applicant.]

The above application will be heard at the Warden's Court at _____ on the _____ day of _____ 19 _____, and objections thereto must be lodged at the Warden's Office before _____

Warden [or Mining Registrar].

This application was posted by me at the Warden's Office [or on a conspicuous part of the claim] on the _____ day of _____, 19 _____, at _____ o'clock in the _____ noon.

[Signature of person posting notice.]

MINING—

Regulation 20(2).

FORM 8.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

NOTICES RELATING TO APPLICATION FOR CLAIM OR SHARE
THEREIN LIABLE TO FORFEITURE.

No.

I, _____, of _____, do hereby make application to the Warden at _____ to be registered for _____ claim [or _____ share in the _____ claim], the said claim [or share] being liable to forfeiture by _____, who is now the registered holder thereof.

Dated at _____ this _____ day of _____, 19 _____
(Signed) _____ A.B.

Miner's right.

Name:

No.:

Date:

Warden's Office,
_____, 19 _____.

I hereby give notice that, in pursuance of the above application, I shall register _____ as the first applicant for the claim [or share] alleged to be liable to forfeiture by _____, if no valid objection is lodged with me within seven clear days from the posting and service of this notice.

C.D., Warden.

NOTE.—These notices must be posted on a conspicuous part of the claim and at the Warden's Office, and a copy thereof served on the registered holder and the lienee, if any, at least seven clear days before the hearing of the application.

Regulation 20(2).

FORM 9.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

DECLARATION.

I, _____, do declare that true copies of notices relating to application for registration of _____ claim [or _____ share in _____ claim] now liable to forfeiture have been posted for seven clear days on a conspicuous part of the said claim, and at the Warden's Office and a copy thereof served on the registered holder [and lienee].

Dated at _____ this _____ day of _____, 19 _____
(Signed) _____ A.B.

Regulation 24.

FORM 10.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

CERTIFICATE OF REGISTRATION OF STACK OF EARTH.

No.

Fee—Ten shillings.

Under the provisions of the *Mining Regulations*, I have this day registered as the property of _____ the stack of _____ on the claim known as _____, situated at _____, and, provided the conditions of the said Regulations are complied with, no person shall remove the said _____, or any part thereof, for a period of _____ months from the date hereof without the permission in writing from the said _____

C.D., Warden.

Dated at _____ this _____ day of _____, 19 _____.

NOTE.—A copy of this certificate must be kept posted on the stack.

Mining Regulations.

Form 11 rep.
by 1935, No. 15,
r. 40.

Regulation 39(3).

FORM 12.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

APPLICATION FOR AMALGAMATION OF CLAIMS.

We, the undersigned, being the registered holders of at least two-thirds of the interests in the claims named and numbered respectively and situated _____, hereby make application to the Warden to amalgamate the claims aforesaid as one claim, under the name of _____

(Signed) A.B., &c.

Miners' rights.

Names:

Nos.:

Dates:

_____ shares in amalgamated claim.

Regulation 39(4).

FORM 13.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

CERTIFICATE OF AMALGAMATION OF CLAIMS.

This is to certify that I have this _____ day of _____, at the hour of _____ o'clock _____ m., amalgamated as one claim, under the name of _____, the undermentioned claims, that is to say:—

Given under my hand, at _____, this _____ day of _____, 19 _____

C.D., Warden.

Numbers and dates of miners' rights:

Names of shareholders

_____ shares in amalgamated claim.

Form 14
omitted by
Regs. gazetted
on 22.5.1930,
r. 9.

Regulation 61(1).

FORM 15.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928-1935.

APPLICATION FOR DREDGING OR SLUICING CLAIM.

Pursuant to the provisions of the *Mining Ordinance 1928-1935* and the Regulations, I [or We], the undersigned, of _____, do hereby apply for registration of a dredging or sluicing claim of _____ hectares situated _____ more particularly described in the schedule hereto and the description and sketch plan herewith.

I [or We] did on the _____ day of _____, 19 _____, at the hour of _____ o'clock _____ m., mark off the said ground.

Miner's right No. _____

issued at _____

expiring _____

Dated at _____

this _____

day of _____

, 19 _____

(Signature of applicant.)

SCHEDULE.

Situation and boundaries of the ground applied for:

MINING—

Am. by 1935,
No. 15, r. 40,
and by 1936,
No. 7, r. 2.

Regulation 61(1.).

FORM 16.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

CERTIFICATE OF APPLICATION.

No.

This is to certify that the undermentioned person did this day of at the hour of o'clock .m., make application for a dredging or sluicing claim in area situated to be held under the provisions of the *Mining Ordinance 1928*, and the Regulations made and established thereunder. An objection may be lodged against the application before the expiration of twenty-one days from the lodging at the Warden's office of the declaration referred to in sub-regulation (4.) of regulation 61 of the *Mining Regulations*.

Dated at this day of , 19 .
C.D., Warden.

NOTE.—A copy of this certificate must, within thirty days after the receipt thereof, be posted at or near the datum post on the area applied for, and also at the Warden's Office, and be kept posted for seven clear days.

Regulation 61(4.).

FORM 17.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

DECLARATION.

I, , do declare that a true copy of the certificate No. , granted to me on the day of was on the day of posted at or near to the datum post on the area referred to in the said certificate and at the Warden's Office, and thereafter remained so posted for seven clear days.

Dated at the day of , 19 .
(Signed) A.B.

Am. by Regs.
gazetted on
1.7.1929, r. 2.

Regulation 73(6.).

FORM 18.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

BUSINESS LICENCE.

No. (For year .) Fee—Ten pounds per annum.

[Name, occupation, and residence of Applicant] having duly paid the prescribed fee in that behalf, is authorized to occupy Administration land for the purpose of residence and carrying on business upon any gold-field or mineral field in the Territory of New Guinea, subject to the provisions of the *Mining Ordinance 1928*, and the Regulations in force for the time being thereunder.

This licence will be in force for year from the date hereof and no longer.

Place of issue:

Date of expiration:

C.D., Warden.

Mining Regulations.

Regulation 76c(1.).

FORM 18A. Ad. by 1935, No. 15, r. 40.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928-1935.

APPLICATION FOR EXCLUSIVE PROSPECTING LICENCE.

Pursuant to the provisions of the *Mining Ordinance 1928-1935* and the Regulations, I [or We], the undersigned, of _____, do hereby apply for an exclusive prospecting licence over _____ hectares situated _____ more particularly described in the description and sketch plan accompanying this application, for the purpose of prospecting for _____ and I [or We] hereby tender the sum of _____ as deposit in accordance with section 25A of the *Mining Ordinance 1928-1935*.

Location beacon erected on the _____ day of _____, 19 .
(a) _____ corner beacon erected on the _____ day of _____, 19 .
(a) _____ corner beacon erected on the _____ day of _____, 19 .
(a) _____ corner beacon erected on the _____ day of _____, 19 .

Miner's right No. _____ issued at _____ expiring _____

The address of the applicant at which all notices may be left is _____

Dated at _____ this _____ day of _____, 19 .
(Signature of applicant.)

Date and hour of receipt at Warden's Office: _____
Receiving Officer.

(a) Identify each beacon and give date of erection by or on behalf of the applicant.

Regulation 76c(3.).

FORM 18B. Ad. by 1935, No. 15, r. 40.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928-1935.

CERTIFICATE OF APPLICATION FOR EXCLUSIVE PROSPECTING LICENCE.

This is to certify that _____ of _____ has made application this day for an exclusive prospecting licence under the *Mining Ordinance 1928-1935* and the Regulations over _____ hectares situated _____ commencing _____

Dated at _____ this _____ day of _____, 19 .
Warden.

Regulation 76E.

FORM 18C. Ad. by 1935, No. 15, r. 40.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928-1935.

GUARANTEE.

WHEREAS _____ of _____ has made application to the Administrator for the grant of an exclusive prospecting licence under the *Mining Ordinance 1928-1935* and the Regulations over _____ hectares situated _____, for the purpose of prospecting for _____ :

MINING—

AND WHEREAS before the exclusive prospecting licence is granted the Administrator has required the said _____ to furnish a guarantee with _____ surety [or sureties] approved by him in the sum of One thousand pounds for the observance of the provisions of the *Mining Ordinance* 1928-1935 and the Regulations:

AND WHEREAS _____ of _____ [or, if more than one surety, alter accordingly] has agreed to be surety for the purposes of the guarantee, and has been approved by the Administrator:

NOW THEREFORE WE, the said _____, hereby bind ourselves jointly and severally to the Administrator in the sum of One thousand pounds as security for the due observance by the said _____ of the provisions of the *Mining Ordinance* 1928-1935 and the Regulations:

AND WE declare that the non-observance by the said _____ of any of the provisions of the *Mining Ordinance* 1928-1935 and the Regulations shall be deemed to be a breach by us of this guarantee.

Dated at _____ this _____ day of _____, 19 _____.

Signed by the said _____ }
in the presence of _____ }

Signed by the said _____ }
in the presence of _____ }

Signed by the said _____ }
in the presence of _____ }

Ad. by 1935,
No. 15, r. 40.

Regulation 76H.

FORM 18D.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928-1935.

NOTICE OF OBJECTION TO APPLICATION FOR EXCLUSIVE PROSPECTING LICENCE.

I, _____ of _____, do hereby give notice that I object to the granting of the application of _____ for an exclusive prospecting licence over _____ hectares situated _____, for the following reasons:—

The address of the objector at which all notices may be left is _____

Dated at _____ this _____ day of _____, 19 _____.

(Signature of objector.)

Ad. by 1935,
No. 15, r. 40.

Regulation 76L.

FORM 18E.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928-1935.

EXCLUSIVE PROSPECTING LICENCE.

Subject to the provisions of the *Mining Ordinance* 1928-1935 and the Regulations, I hereby grant to _____ of _____ an Exclusive Prospecting Licence over _____ hectares situated _____ more particularly described in the Schedule hereto for the term of two years from the date of this grant.

Dated at _____ this _____ day of _____, 19 _____.

Administrator.

SCHEDULE.

Mining Regulations.

Regulation 77(1).

FORM 19.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

APPLICATION FOR WATER-RIGHT.

I, the undersigned, hereby apply for registration of a water-right [*state the source from which the water is to be obtained, and describe with sufficient accuracy the point at which it is to be diverted or used, the quantity in sluiceways required, the number of dams (if any) in which such water is to be stored, and their situation, the probable length of the race, and its intended course and termination*].

Dated at _____ this _____ day of _____, 19 _____
(Signed) _____ A.B.

Miner's right.
Name: _____ No.: _____ Date: _____

Regulation 77(5).

FORM 20.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

CERTIFICATE OF WATER-RIGHT.

This is to certify that the undermentioned holder of miner's right has [*or have*] duly made application to me for a water-right to [*give particulars of the purposes for which the water-right was granted*], and that such water-right has this day been granted and registered.

Given under my hand, at _____, this _____ day of _____, 19 _____
C.D., Warden.

Miner's right.
Name: _____ No.: _____ Date: _____

Regulation 97.

FORM 21. Sub. by 1935,
No. 15, r. 40.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928-1935.

APPLICATION FOR MINING LEASE.

Pursuant to the provisions of the *Mining Ordinance 1928-1935* and the Regulations, I [*or We*], the undersigned, do hereby apply for a lease of _____ hectares situated _____ more particularly described in the Schedule hereto and the description and sketch plan lodged herewith, for the purpose of mining for _____

Full name of applicant:

Address:

Date on which ground was marked out:

Term for which ground is required:

Name of lease:

Dated at _____ this _____ day of _____, 19 _____
(Signature of applicant.)

SCHEDULE.

Situation and boundaries of the ground applied for:

MINING—

Regulation 98.

FORM 22.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

CERTIFICATE OF APPLICATION FOR MINING LEASE.

This is to certify that _____ the undermentioned person has
[or have] made application this day for a lease under the *Mining Regulations* for
ground known as _____, containing _____ hectares _____ ares
, commencing _____

Dated at _____ this _____ day of _____, 19 _____
C.D., Warden.

Ad. by Regs.
gazetted on
22.5.1930, r. 9.

Regulation 99A.

FORM 22A.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928-1930.

NOTICE OF OBJECTION TO APPLICATION FOR MINING LEASE.

I, _____, of _____ do hereby give
notice that I object to the granting of the application of _____
for a _____ lease of _____ hectares _____ ares, situated
at _____, to be known as _____, for the
following reasons:—

(Signed)

Received at the Warden's Office this _____ day of _____,
19 _____, at _____ o'clock in the _____
noon.
Warden or Mining Registrar.

Set down for hearing under regulation 99B on _____ / _____ /19 _____.

Notices sent out _____ / _____ /19 _____.

Ad. by 1936,
No. 33, r. 3.

Regulation 116A(1.).

FORM 22B.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928-1936.

NOTICE OF TAKING POSSESSION OF A MINING LEASE ON
FORFEITURE OR OTHER DETERMINATION THEREOF.

Notice is hereby given that possession on behalf of the Administrator has
this day been taken of the mining lease hereunder described, pursuant to the
provisions of section 47 of the *Mining Ordinance 1928-1936*, on the following
ground:—

Dated at _____ this _____ day of _____, 19 _____.

DESCRIPTION OF LEASE.

Gold-field [or Mineral field]:

Registered No. of lease:

Name of late lessees:

Date of lease:

Area:

Mining Regulations.

Regulation 116A(2).

FORM 22C. Ad. by 1936,
No. 33, r. 3.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928-1936.

CERTIFICATE OF DUE POSTING OF NOTICE OF TAKING POSSESSION
OF A MINING LEASE ON FORFEITURE OR OTHER DETERMINATION
THEREOF.

I, the Secretary for Mines [*or* Warden], do hereby certify that the notice a
copy of which is set forth at the foot hereof was duly posted at the Warden's
Office at _____ on the _____ day of _____, 19 _____.

Dated at _____ this _____ day of _____, 19 _____.

Secretary for Mines or Warden.

COPY OF NOTICE TO WHICH CERTIFICATE REFERS.

Regulation 117.

FORM 23. Am. by Regs.
gazetted on
31.8.1929, r. 1.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

TRANSFER OF MINING LEASE.

Know all men by these presents that _____, holder of [*or* applicant for]
Lease No. _____ [*or* share in *or* _____ interest in, application
for Lease No. _____], known as _____ at, commencing at _____ and
containing _____ hectares _____ ares _____, does hereby
transfer and assign all _____ right, title, and interest in the said lease
[*or* application] to _____; and _____ hereby request that this
transfer may be registered at the office of the Secretary for Mines, and at the
office of the Warden at _____ accordingly. This transfer is subject to
the Administrator's approval and unless and until the same is obtained shall
be void and of no effect.

In witness whereof _____ have hereto set _____ hand _____ and
seal _____ this _____ day of _____, 19 _____.

(Signature of Transferor.)

(Signature of Transferee.)

Signed, sealed, and delivered by the said _____ in my presence.
Witness: _____

* * * * *

Form 24
omitted by
1935, No. 15,
r. 40.

Regulation 121.

FORM 25.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

LIEN TICKET.

No. _____ Fee—Ten Shillings.

I, _____, of _____, being the holder of _____ numbered
_____, situated at _____, in consideration of the sum of
£ _____, this day [*or as the case may be*] lent and advanced to me
by _____, of _____, the receipt of which sum I hereby acknowledge
[and in consideration, &c., *state further advances, if any*] do hereby covenant
with the said _____ as follows:—

MINING—

1. That I will pay to him the above sum of £ [and state further advances, if any] on the day of , and also will pay interest thereon or on so much thereof as for the time being remains unpaid at the rate of per cent. per annum from until payment.

2. That [here set forth any further covenants, stipulations, agreements, and powers as may be agreed upon.]

And for the better securing to the said the payment of the moneys hereby secured, I do hereby give to the said a lien upon all my right, title, and interest in the property above described. And until the moneys aforesaid have been paid in full, I hereby engage and bind myself not to transfer or assign the said property, or any part thereof, without the written consent of the said

And I, the said , hereby accept the said lien as security for the payment in manner aforesaid of the moneys hereby secured; and upon such payment being made to me, I hereby engage and bind myself to release the said property therefrom.

Dated at this day of , 19 .

Miners' rights.

Lienor: No.: Date:
 Lienee: No.: Date:

(Signed) { A.B., Lienor.
 E.F., Lienee.

Witness:

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

C.D., Warden.

Am. by Regs. gazetted on 31. 8. 1929, r. 1.

Regulation 132.

FORM 26.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

MEMORANDUM OF MORTGAGE.

I, , of , being the registered lessee of [or applicant for] [describe the holding and number of the lease] under the provisions of the Mining Ordinance 1928, in consideration of the sum of £ lent to me by [or due by me to] , of [and in consideration, &c., state further advances if any], hereby mortgage the said lease (or application) to him. And I do hereby covenant and agree with the said that I will pay him the said sum [and further advances, if any] on [here insert day appointed for payment, covenant for payment of interest, and such other covenants, stipulations, agreements, and powers as may be agreed upon]. And in default of performance, on my part, of the above covenants [&c.], or any of them, I authorize the said to sell the said lease (or application) in accordance with the provisions of the Regulations in force for the time being under the said Ordinance. This mortgage is subject to the Administrator's approval and unless and until the same is obtained shall be void and of no effect.

In witness whereof I have hereto signed my name, this day of , 19 .

Signed by the abovenamed as mortgagor, this day of , 19 , in my presence. } (Signed) A.B.

Mining Regulations.

Regulation 142.

FORM 27. Am. by Regs. gazetted on 31. 8. 1929, r. 1.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

TRANSFER.

I, _____, of _____, being registered as the holder of lien numbered _____ on _____ [or mortgage of mining lease numbered _____] in consideration of the sum of £ _____ now paid to me by _____, of _____, of which sum I hereby acknowledge the receipt, hereby transfer to the said _____ the benefit of the said lien [or mortgage]. This transfer is subject to the Administrator's approval and unless and until the same is obtained shall be void and of no effect.

Dated at _____ this _____ day of _____, 19 _____.

Witness:

Miners' rights:

Lience [or Mortgagee]:

Transferee:

No.:

Date:

No.:

Date:

(Signed) E.F., Lience [or Mortgagee].
G.H., Transferee.

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

C.D., Warden.

Regulation 143A.

FORM 27A. Ad. by 1935, No. 15, r. 40.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928-1935.

APPLICATION FOR SPECIAL MINING EASEMENT.

Pursuant to the provisions of the Mining Ordinance 1928-1935 and the Regulations, I [or We], the undersigned, _____ of _____, do hereby apply for authority to construct and maintain _____ over [or upon, or across, or through] the land situated _____ more particularly described in the Schedule hereto. Description of mining tenement which applicant holds: _____ Names and addresses of owner, lessee, and occupier of the land the subject of the application: _____

Dated at _____ this _____ day of _____, 19 _____.

(Signature of applicant.)

SCHEDULE.

Regulation 143C.

FORM 27B. Ad. by 1935, No. 15, r. 40.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928-1935.

NOTICE OF OBJECTION TO APPLICATION FOR SPECIAL MINING EASEMENT.

I, _____ of _____, do hereby give notice that I object to the granting of the application of _____ for authority to construct and maintain _____ over [or upon, or across, or through] the land situated _____, for the following reasons:—

Dated at _____ this _____ day of _____, 19 _____.

(Signature of objector.)

MINING—

Ad. by 1935,
No. 15, r. 40.

Regulation 143D.

FORM 27C.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928-1935.

AUTHORITY FOR SPECIAL MINING EASEMENT.

Subject to the provisions of the *Mining Ordinance 1928-1935* and the Regulations, I hereby grant to _____ of _____ authority to construct and maintain _____ over [or upon, or across, or through] the land situated _____ more particularly described in the Schedule hereto [and, if the authority is granted subject to any conditions, insert This authority is granted upon the following conditions:—].

Dated at _____ this _____ day of _____, 19 _____
Administrator.

SCHEDULE.

Ad. by 1935,
No. 15, r. 40;
sub. by 1936,
No. 7, r. 2.

Regulation 150A.

FORM 27D.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928-1935.

MONTHLY RETURN RELATING TO GOLD WON.

To the Warden at _____

Description of claim, mining lease, &c.	Locality of claim, mining lease, &c.	Name of holder.	Gold won.			Gold exported.			Remarks
			Weight.	Esti- mated value.		Date of exporting.	Royalty paid.		
				£	s.		d.	£	

I, _____ of _____, the holder [or tributer] of _____, do declare that the above is a correct return of the gold won from ^(a) _____ during the period _____ to _____, 19 _____.

Dated _____ this _____ day of _____, 19 _____

Signature: _____

(a) Specify area, claim, mining lease, &c., from which gold won.

Mining Regulations.

Regulation 151(1).

FORM 28. Am. by Regs. gazetted on 31.8.1929, r. 1.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

TRANSFER OF CLAIM, ETC.

No. _____ Fee—Ten shillings.

I, _____ of _____, for valuable consideration, do hereby transfer to _____ of _____, my _____, situated _____ subject to all and singular the terms and conditions under which the said _____ has been held by me; and I, _____, of _____, do hereby accept the said _____, subject to the terms and conditions aforesaid. This transfer is subject to the Administrator's approval and unless and until the same is obtained shall be void and of no effect.

Dated at _____ this _____ day of _____, 19 _____.
(Signature of Transferor.) } (Numbers of miners' rights
(Signature of Transferee.) } and dates.)

Witness to signatures:

I have this _____ day of _____, 19 _____, registered the above transfer in the books of my office at the hour of _____

C.D.

Warden or Mining Registrar.

Regulation 151(2).

FORM 29.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

TRANSFER CERTIFICATE.

This is to certify that I have this day registered a transfer from _____ to _____ of _____, and the said _____ is now the registered holder thereof subject to _____

C.D.

Warden or Mining Registrar.

Dated at _____ this _____ day of _____, 19 _____.

NOTE.—This certificate must be produced at the Warden's Office when this interest is to be again transferred.

Regulation 158.

FORM 30.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

APPOINTMENT OF AGENT.

I, _____, of _____, do hereby authorize _____, of _____, to act as my agent to [state here special power delegated to agent], and I agree that whatever the said _____ shall lawfully do under this authority, until revoked by me, I will at all times ratify and confirm as good and valid.

Dated at _____ this _____ day of _____, 19 _____.

(Signed) A.B.

MINING—

Regulation 165(1.).

FORM 31.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

DECLARATION OF LOSS OF DOCUMENT.

I, _____ of _____, do declare that I have lost my _____,
No. _____, and dated _____,

And I request that a certificate may be granted to me accordingly.

(Signed) A.B.

Regulation 165(2.).

FORM 32.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

CERTIFICATE IN LIEU OF LOST DOCUMENT.

I, _____, do hereby certify that _____ has made a declaration
that he has lost his _____, No. _____, and dated _____, and this
certificate is issued for all purposes in lieu thereof.

C.D., Warden.

Regulation 167(1.).

FORM 33.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

CERTIFICATE OF REGISTRATION.

This is to certify that I have this day registered _____ as the holder
of _____ subject to _____

Dated at _____ this _____ day of _____, 19 _____
C.D., Warden.

Regulation 167(3.).

FORM 34.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

CERTIFICATE OF REGISTRATION ON DEVOLUTION OF MINING
TENEMENT.

This is to certify that in consequence of the death [or insolvency] of
the [describe mining tenement] has devolved upon and become
vested in his executor [or administrator or assignee or trustee in insolvency]
as appears by [cite evidence of proof, e.g., probate, letters of administration,
deed of assignment, certificate of appointment, or as the case may be] produced
to me, and that I have this day registered the last-mentioned person as the
holder of the said _____, subject to _____

Dated at _____ this _____ day of _____, 19 _____
C.D., Warden.

Mining Regulations.

Regulation 168.

FORM 35.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

OBJECTION TO REGISTRATION.

I [or We] the undersigned do hereby give notice that I [or we] object to the registration of _____ for the following reasons:

And I [or we] hereby require the Warden to withhold the registration of the said _____ pending the hearing of my [or our] objection.

(Signed) A.B.

Received at the Warden's Office _____ this _____ day of _____ 19____, at the hour of _____ o'clock _____m.

C.D.,

Warden or Mining Registrar.

Regulation 171(2.).

FORM 36.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

DECLARATION OF TRUST.

Know all men by these presents that I _____, of _____, being now registered at the Warden's Office at _____ [or at the office of the Secretary for Mines] as the holder of _____ [insert nature of holding], do hereby declare that I stand possessed of the said _____, and of all right, title, and interest therein, and of the produce thereof, upon the trusts following [insert trusts and such further declarations as may be necessary].

In witness whereof I have hereto set my hand, the _____ day of _____, 19____.

Signed by the said _____ (Signed) A.B.

in the presence of
Witness—

Regulation 171A.

FORM 36A. Ad. by Regs, gazetted on 20.4.1933, r. 3; sub. by 1935, No. 15, r. 40.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928-1935.

APPLICATION FOR AN AUTHORITY TO ENTER AND PROSPECT UPON ALIENATED LAND.

To the Warden at

I, _____ of _____, the holder of miner's right No. _____, hereby apply under the provisions of section 56 of the *Mining Ordinance 1928-1935* for an authority to enter and prospect upon the land being (a)

Name of registered owner of land:

Name of occupier of land:

Dated at _____ this _____ day of _____, 19____.

(Signature of applicant.)

(a) Area and description of land in respect of which application made.

MINING—

Ad. by Regs. gazetted on 20.4.1933, r. 3; sub. by 1935, No. 15, r. 40.

Regulation 171B.

FORM 36B.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928-1935.

AUTHORITY TO ENTER AND PROSPECT UPON ALIENATED LAND.

Subject to the provisions of the *Mining Ordinance 1928-1935* and the Regulations, I hereby grant to _____ of _____ authority to enter and prospect upon the land being ^(a) _____

Duration of authority:

Dated at _____ this _____ day of _____, 19 _____
Warden.

(a) Area and description of land in respect of which authority granted.

Ad. by 1935, No. 15, r. 40.

Regulation 171c.

FORM 36C.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928-1935.

APPLICATION FOR GRANT OR REGISTRATION OF MINING TENEMENT UPON ALIENATED LAND.

I, _____ of _____, the holder of miner's right No. _____, hereby apply under the provisions of section 59c of the *Mining Ordinance 1928-1935* for a lease [or as the case may be] of the alienated land situated _____ more particularly described in the schedule hereto and the plan and description herewith, for the purpose of mining for _____, in accordance with the *Mining Ordinance 1928-1935* and the Regulations.

The surface area required and the purpose for which it is required are stated in the schedule hereto [or, if no surface area is required, insert No surface area is required].

The land is situated within the Administrative District of _____, and the owner of the land is _____, and the occupier of the land is _____.

[If a right of way over other land is required, insert I also apply for a right of way, such right of way to be for ^(a) _____ over the land described in the schedule hereto.]

[If the right of way is applied for over or through improved alienated land, insert I attach hereto the consent in writing of _____ the owner of the improved alienated land in respect of which I apply for the above right of way.]

Dated at _____ this _____ day of _____, 19 _____
(Signature of applicant.)

Schedule.

Situation and boundaries of the ground applied for.	Area.	Boundaries and area of the surface required (if any) and purposes for which surface required.	Description of right of way (if any) required on and from the mining tenement through other land (if any) to the nearest practicable street or road.	Term of period for which the ground is required.

(a) Describe nature of right of way desired.

Mining Regulations.

Regulation 172.

FORM 37.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

PLAINT.

In the Warden's Court at

No.

A.B., of _____, complains of G.H., of _____, for that [here state grounds on which plaintiff proceeds, e.g.: the said G.H. is indebted to the said A.B. in the sum of £ _____ for goods sold and delivered, items and particulars whereof are hereto annexed; or the said G.H. has not for the space of _____ days worked or registered a certain claim known as _____, whereof he was lately in possession; or the said G.H. is indebted to the said A.B. in the sum of £ _____ upon the balance of accounts of a partnership between the said A.B. and G.H., a statement of which accounts is hereto annexed].

The said A.B. therefore prays that [here state relief sought by plaintiff, e.g.: the said G.H. may be ordered to pay the same; or the said G.H. may be declared to have forfeited the said claim].

Dated this _____ day of _____, 19 _____.

A.B., Plaintiff.

To the defendant.

Regulation 178(1).

FORM 38.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

SUMMONS.

In the Warden's Court at

To [insert defendant's name and address].

You are hereby summoned to appear before the Warden's Court at _____ on the _____ day of _____, at ten o'clock in the forenoon, to answer the following complaint of A.B., of _____ [here set out a copy of plaintiff].

If you intend to dispute the plaintiff's claim, you must file in this office a notice of defence, containing the grounds of your defence, at least three clear days before the day appointed for the hearing.

You may have a summons to compel the attendance of any witness, or for the production of any books, plans, or documents, on applying at my office.

• Dated this _____ day of _____, 19 _____.

C.D.,
Warden or Mining Registrar.

Regulation 183.

FORM 39.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

NOTICE OF DEFENCE.

In the Warden's Court at

A.B. v. G.H.

Take notice that I intend to defend the plaintiff's claim in this action on the following grounds, viz. [here set forth the different grounds on which the defendant rests his defence. If the defendant prays for cross relief proceed as follows]:

And the defendant complains of the plaintiff for that the plaintiff [proceed as in plaintiff]. The defendant therefore prays that [proceed as in plaintiff].

Dated this _____ day of _____, 19 _____.

G.H., Defendant.

To the abovenamed plaintiff.

MINING—

Regulation 184.

FORM 40.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

SUBPCENA.

In the Warden's Court at
Between A.B., plaintiff, and G.H., defendant.

To E.F., of

You are hereby required to attend before this court on _____, the
day of _____, at ten o'clock in the forenoon, and at
every adjournment of this case, to give evidence on behalf of the [plaintiff
or defendant]. And you are hereby required to produce to the court [here
state the particular things required to be produced], and also all other books,
papers, documents, plans, or things in your custody, possession, or power, relating
to the subject matter of this case.

If you neglect to comply with this summons you will be liable to a fine not
exceeding £10, or in default of payment to imprisonment for any period not
exceeding one month.

Dated this _____ day of _____, 19 _____.

C.D.,
Warden or Mining Registrar.

Regulation 187.

FORM 41.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

WARRANT OF EXECUTION ON A JUDGMENT.

In the Warden's Court at
Between A.B., plaintiff, and G.H., defendant.

To _____, of _____, Bailiff of the Warden's Court
and to the _____ deputy bailiffs and others duly authorized to execute
the processes of this court.

Whereas, on the _____ day of _____, 19 _____, the
plaintiff obtained a judgment of this court against the defendant for the sum of
£ _____ for debt [or damages] and costs [or it was ordered by the
court that judgment should be entered for the defendant, or that judgment of
nonsuit should be entered and that the sum of £ _____ for costs be
paid by the plaintiff to the defendant]; and whereas default has been made in
the payment thereof: These are therefore to require and order you forthwith to
levy on the lands, tenements, and hereditaments, goods, chattels, credits, and
effects of the defendant [or plaintiff], wheresoever they may be found, the sum
of _____ pounds _____ shillings _____ pence, besides the
costs of this execution, and also to seize and take any money or bank notes, and
any cheques, bills of exchange, promissory notes, or securities for money of the
defendant [or plaintiff], or such part or so much thereof as may be sufficient to
satisfy this execution, and the costs of making and executing the same, and forth-
with to return the same to me, to be paid over to the plaintiff [or defendant]
together with this warrant.

Dated this _____ day of _____, 19 _____.

By the Court,

C.D.,
Warden or Mining Registrar.

	£	s.	d.
Judgment
Costs
Execution
Alias
	£	:	:
	..	:	:

Mining Regulations.

Regulation 193.

FORM 42.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

JUDGMENT.

In the Warden's Court at
A.B. v. G.H.

The court finds upon the verdict of the Warden [or the Warden and assessors, as the case may be] that [insert decision], and the court orders [set forth the order in full].

Dated this day of , 19

C.D., Warden.

Regulation 194.

FORM 43.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

ORDER AUTHORIZING ENTRY ON ADJACENT MINING TENEMENT.

Whereas P.Q., of , claims to be interested in a claim [or in certain land comprised in a lease dated , 19 , in favour of the said , granted under the *Mining Ordinance 1928*], which claim [or land] adjoins the claim [or land] hereinafter mentioned, and the said P.Q. has applied to me for authority to enter upon and inspect the claim [or land] hereinafter mentioned for the purpose of ascertaining whether the owner or occupier thereof is encroaching upon the claim [or land] of the said P.Q.: Now, therefore, I hereby authorize the said P.Q., together with Mr. , a mining surveyor, and G.H. and J.M., his assistants [or with Mr. , an experienced miner], to enter upon the claim [or land] known as for the purpose of ascertaining whether the owner or occupier thereof is encroaching on the said claim [or land] of the said P.Q.

Given under the seal of the Court this day of , 19

C.D., Warden.

Regulation 195.

FORM 44.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

NOTICE OF APPLICATION FOR INJUNCTION.

To G.H., of

Take notice that I intend to apply to the Warden's Court at on the day of , 19 , at ten o'clock in the forenoon, that an injunction may be granted by the Warden restraining you from [here state acts required to be prevented, as, for instance, "working the claim known as ,"] upon the following grounds—namely, [here state the grounds in separate paragraphs].

Dated at this day of , 19

(Signed) A.B.

MINING—

Regulation 195(2).

FORM 45.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

INJUNCTION.

In the Warden's Court at

Upon the application of A.B., of _____, whereof due notice has been given by the parties interested in opposing the same [or to such of the parties interested in opposing the same as appear to me sufficient to represent the parties so interested, and upon hearing E.F. and G.H., interested parties, and the evidence adduced by them, in opposition to the said application, I do hereby order and enjoin that the said E.F. and G.H., and each of them, their and each of their servants, workmen, and agents, be restrained from [here state terms of injunction granted] until the _____ day of _____, 19____. [In cases of appeal, if manager is to be appointed, add, and I appoint J.M., of _____, as manager of the said claim [or lease, &c.] to carry on the works thereon and to pay the expenses thereof out of the receipts therefrom, and to pay the unexpended balance on such receipts into this court weekly.]

Given under the seal of the Court this _____ day of _____, 19____. C.D., Warden.

Regulation 200.

FORM 46.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

AFFIDAVIT OF SERVICE.

In the Warden's Court at

Between A.B., plaintiff, and G.H., defendant.

I, _____, of _____, in the Territory of New Guinea, make oath and say that I did, on the _____ day of _____, 19____, duly serve the defendant, G.H. [or as the case may be] with a [state the nature of the document] a true copy whereof is hereto annexed, marked A, at _____ by delivering the same personally to the said defendant [or as the case may be].

Signed and sworn at _____ aforesaid this }
day of _____, 19____, before me. }

O.P. Bailiff.

[Indorse the copy of the document with the following certificate to be signed by the person before whom the affidavit is sworn.] This is the paper writing marked "A" referred to in the annexed affidavit of O.P.

Sworn before me at _____, this _____ day of _____, 19____.

Regulation 203.

FORM 47.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928.

APPLICATION FOR LICENCE TO DRIVE.

Pursuant to the provisions of the Mining Ordinance 1928, and of the Regulations established thereunder, I [or we], the undersigned, being the person [or persons] in occupation of the mining leasehold [or leaseholds] numbered [or

MINING—

of mining leasehold [or leaseholds] numbered [or numbered respectively, insert number or numbers of the leasehold or leaseholds] situated in the [insert name of field], and more particularly described in the Schedule and the plan and description hereunder set forth and delineated, and which said leasehold is wholly [or partially] divided [or which said leaseholds are wholly (or partially) separated] by other land, that is to say by land held in fee simple under deed of grant [or certificate of title] numbered [&c., give particulars] [or by a road or street or by land held by virtue of a mining lease (or licence numbered &c., give particulars)] as appears by the said plan, to construct a drive [or drives] through the said land for the purpose of enabling the whole of the said leasehold [or leaseholds] to be effectually worked and mined. The position and directions of the said drive [or drives] are shown upon the said plan.

The conditions upon which this licence is granted are as follows, namely:—

1. That [&c., insert the several conditions according to the circumstances of each particular case].

This licence shall remain in force for a term of _____ years, but may be renewed for a further term of _____ years, during which terms the said _____ and permitted assigns shall, subject to the reservations, covenants, provisions, and conditions of this licence, be entitled at all times to occupy and use the said drive [or drives] for all purposes necessary to enable the said leasehold [or leaseholds] to be effectually worked and mined.

Dated this _____ day of _____, 19 _____
R.P., Secretary for Mines.

Ad. by Regs. Regulation 120F.
gazetted on 6.2.1932, r. 2.

FORM 50.

TERRITORY OF NEW GUINEA.

Mining Ordinance 1928-1931.

PERMIT TO OCCUPY A LOT FOR MINING PURPOSES.

In pursuance of the provisions of Part VA. of the *Mining Ordinance 1928-1931*, I do hereby grant a permit to _____ of _____, the holder of a miner's right, to occupy for mining purposes lot _____, being the land hereunder described.

Description of Lot.
Dated at _____ this _____ day of _____, 19 _____
Warden.

THE SECOND SCHEDULE.

SCALE OF FEES FOR—

<i>Exemption of—</i>	£	s.	d.
(a) Claim—from labour—for a period exceeding one month ..	1	0	0
(b) Machine area or area for the erection of furnaces—from use— for a period exceeding one month	1	0	0
(c) Business area or residence area—from occupation—on each occasion and for each renewal	0	5	0
(d) Water-right—from use	1	0	0
(e) Mining leasehold—from labour—for a period not exceeding one month	1	1	0
And for a period exceeding one month	3	3	0

MINING—

Scale of Fees for Survey—continued.

					£
If more than	10 hectares	and not more than	12 hectares	..	20
" " "	12	" " "	" " "	..	23
" " "	16	" " "	" " "	..	26
" " "	20	" " "	" " "	..	29
" " "	24	" " "	" " "	..	33
" " "	32	" " "	" " "	..	37
" " "	40	" " "	" " "	..	41
" " "	48	" " "	" " "	..	45
" " "	56	" " "	" " "	..	49
" " "	64	" " "	" " "	..	52
" " "	72	" " "	" " "	..	55
" " "	80	" " "	" " "	..	58
" " "	88	" " "	" " "	..	61
" " "	96	" " "	" " "	..	64
" " "	104	" " "	" " "	..	67
" " "	112	" " "	" " "	..	70
" " "	120	" " "	" " "	..	73
" " "	128	" " "	" " "	..	76
" " "	144	" " "	" " "	..	79
" " "	160	" " "	" " "	..	82
" " "	176	" " "	" " "	..	85
" " "	192	" " "	" " "	..	88
" " "	208	" " "	" " "	..	91
" " "	224	" " "	" " "	..	94
" " "	240	" " "	" " "	..	97

(b) Land applied for as a dredging claim—£20 per kilometre of the perimeter of the area applied for.

(c) In addition to the fees set out in the last two preceding paragraphs, the following charges for travelling, one way only and the distance to be measured from the Warden's Office or the last mining tenement surveyed whichever is the nearer:—

By sea, 3s. 6d. per kilometre or fraction of a kilometre.

By land, 10s. per kilometre or fraction of a kilometre.

(d) Where an aeroplane is used for the purpose of transporting the survey party to the site of a survey or to the aerodrome nearest to the site, the amount paid in respect of transport of the survey party by aeroplane:

Provided that the charges set out in the last preceding paragraph shall not be payable in respect of the distance travelled by aeroplane.

(e) Where the benefit of any travelling by sea or land, or transport by air, is shared by more than one survey, the Warden, or the Secretary for Mines, may, in his discretion, apportion the charges imposed by the last two preceding paragraphs equally between the surveys.

Para. (d) ad.
by 1935, No. 15,
r. 41.

Para. (e) ad.
by 1935, No. 15,
r. 41.