

# MINING REGULATIONS, 1935.<sup>(1)</sup>

## PART I.—PRELIMINARY.

### *Citation, Division and Commencement.*

1.—(1.) These Regulations may be cited as the *Mining Regulations, 1935*,<sup>(1)</sup> and are divided into Parts and Subdivisions as follows:—

- Part I.—Preliminary.
- Part II.—Claims Generally.
- Part III.—Specific Areas and Claims.
  - Subdivision 1.—Prospecting Areas.
  - Subdivision 2.—Ordinary Reef Claims.
  - Subdivision 3.—Alluvial Claims; River or Creek Gold Claims; Puddling Claims; Auriferous Sands Claims.
  - Subdivision 4.—Prospecting Claims.
  - Subdivision 5.—Extended Claims.
  - Subdivision 6.—Hydraulic Claims.
  - Subdivision 7.—Dredging Claims.
  - Subdivision 8.—Machine Areas; Areas for Erection of Furnaces; Areas for Stacking Tailings; Market-Garden Areas; Business and Residence Areas.
- Part IV.—Water Rights.
- Part V.—Mining Leases.
- Part VI.—Liens and Mortgages.
- Part VII.—Mining Tenements Generally.
- Part VIII.—Miners' Homestead Leases.
- Part IX.—Drainage Areas.
- Part X.—Judicial Proceedings.
- Part XI.—General.

(1) The *Mining Regulations, 1935* (made under *The Mining Act of 1898* (Queensland, adopted) and continued in force by the *Mining Ordinance, 1937-1939*), comprise the original *Mining Regulations, 1935*, as amended by the other Regulation referred to in the following Table:—

#### REGULATIONS MADE BY THE LIEUTENANT-GOVERNOR IN COUNCIL.

Description and number and year.	Date on which made by Lieut.-Gov. in Council.	Date on which published in Papua Govt. Gaz.	Date on which came into operation and took effect.
<i>Mining Regulations, 1935</i> (S.R. 1935, No. 3)	25.3.1935	29.3.1935	29.3.1935 (Reg. 1(2) <i>Mining Regulations, 1935</i> )
<i>Amending Regulation</i> (S.R. 1935, No. 14)	4.11.1935	6.11.1935	6.11.1935 (Papua Govt. Gaz. of 6.11.1935)

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(2.) These Regulations shall come into operation and take effect on the twenty-ninth day of March, One thousand nine hundred and thirty-five.<sup>(1)</sup>

### *Interpretation.*

2. In these Regulations unless the context otherwise indicates the terms used respectively have the same meaning as are assigned to them by *The Mining Act of 1898*<sup>(2)</sup> (Queensland Adopted). Provided that in these Regulations the term “mining tenement” includes a market-garden area.

And in these Regulations unless the context otherwise indicates the following terms have the meanings set against the same respectively, that is to say—

“The Act”—*The Mining Act of 1898*<sup>(2)</sup> (Queensland Adopted).

“Reef”—Any lode, seam, vein or bed of any mineral substance, not being alluvial ground.

“River”—Any stream of water, whether perennial or intermittent, flowing in a natural channel.

“River Bed”—The soil between the tops of the banks of a river.

“Lake”—Any lake, lagoon swamp or other collection of still water, whether permanent or temporary, not contained in an artificial work.

“Authorized”—Authorized by the Act or these Regulations.

In these Regulations, words importing the singular number include the plural, and the plural the singular.

### *Repeal.*

3. All Regulations heretofore made and in force at the date of the coming into operation of these Regulations are hereby repealed.

### *Effect of repeal of existing Regulations.*

4.—(1.) The repeal of Regulations heretofore made and established under the Act shall not affect anything lawfully done, or ordered or permitted or agreed to be done, under the authority of the same, or any right, privilege, obligation or liability acquired, accrued, or incurred thereunder. All penalties and forfeitures imposed under the said repealed Regulations and incurred at the date of the making of these Regulations shall and may be enforced as if these Regulations had not been made.

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(1) See footnote (1) printed on p. 3121.

(2) Repealed and replaced in the Territory of Papua by the *Mining Ordinance, 1937-1939.*

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All proceedings whatsoever pending at the date of the making of these Regulations may be carried on and prosecuted, and no such proceeding shall abate or be discontinued or prejudicially affected by anything in these Regulations contained.

(2.) Save as aforesaid these Regulations shall apply to all lands and mining tenements which at the date of the commencement thereof are applied for, granted, leased, occupied, used or enjoyed under the provisions of the said repealed Regulations.

*Forms of Miners' Rights.*

5.—(1.) A miner's right shall be in the following form:—

MINER'S RIGHT.

No.

Fee—Ten shillings per annum.

Papua.

Date of issue:

Place of issue:

(For                      year                      .)

Issued to [name of holder] under the provisions of the *The Mining Act of 1898*<sup>(2)</sup> (Queensland Adopted) to be in force until [date of expiration of right].

Not transferable.

C.D.,  
Warden.

(2.) A consolidated miner's right shall be in the following form:—

CONSOLIDATED MINER'S RIGHT.

No.

Fee—Ten shillings per annum for each person.

Papua.

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 Act of 1898*<sup>(2)</sup> (Queensland Adopted) to be in force until [date of expiration of right].

Not transferable.

C.D.,  
Warden.

*Fees: Schedule.*

6.—(1.) Fees shall be payable in respect of the several matters set out in the schedule hereto according to the scale therein prescribed.

(2.) No registration of or other dealing with any mining tenement or miner's homestead or with any interest in such tenement or homestead or with any matter or thing relating thereto shall be recorded in the Warden's Office until after the payment of the fee prescribed in that behalf.

*Computation of time.*

7. Whenever by these Regulations a notice or thing is required to be given or done within a period of twenty-four hours or forty-eight hours, no part of a Sunday, Christmas Day or Good Friday shall be included in the computation of such period.

(2) Repealed and replaced in the Territory of Papua by the *Mining Ordinance, 1937-1939.*

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### *Notices, etc.*

8. All notices, applications or objections 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.*

9.—(1.) All notices required by the Act 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 goldfield or mineral field without having appointed an agent, or if such agent when appointed, cannot be found on such goldfield or mineral field, it shall be deemed sufficient service of any notice required by the Act 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 or miner's homestead, also on a conspicuous part of such tenement or homestead, for a period of seven clear days or such other period as may by these Regulations be prescribed.

## PART II.—CLAIMS GENERALLY.

### *Any number of claims may be taken up and held.*

10. The holder of a miner's right may by himself or by his agent take up and hold any number of claims or shares in such claims, provided that such claims or shares are duly worked and represented by the prescribed number of men.

### *Taking forcible possession.*

11. 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 which he may have acquired to such claim or share.

### *Mode of taking up claims generally.*

12. Save as by these Regulations is otherwise expressly provided with reference to any specific claim, 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 4 inches in diameter, standing at least 3 feet above the surface, and sunk not less than 18 inches in the ground, and set in L trenches 3 feet long and 6 inches 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 18 inches high.

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 may direct, and in every such case an entry shall be made in the register at the Warden's Office stating the manner in which such angles are so marked off.

*Number of claims.*

13. 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 miner's right of all the applicants.

*Registration of claim.*

14.—(1.) When the holder of a miner's right desires to register a claim marked as aforesaid he shall, within seven days after such marking, or within such other period as may be prescribed with reference to any specific claim, make an application to the Warden in that behalf in the following form:—

APPLICATION FOR CLAIM.

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 \_\_\_\_\_

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. (Signed) \_\_\_\_\_ A.B.

(2.) Upon receipt of such application the Warden shall deliver to the applicant a Certificate in the following form, except when an application for a dredging claim is lodged under Regulation 52 (d), in which case the Warden shall defer issuing the certificate of application until the opinion of the Director of Mines is made known:—

CERTIFICATE OF APPLICATION.

No. \_\_\_\_\_  
This is to certify that the under-mentioned person did this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, 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 Act of 1898*(2) (Queensland Adopted) and the Regulations made thereunder, as a \_\_\_\_\_, and if no valid objection is lodged on or before the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, I shall grant to the said person registration for the said ground, to be held as \_\_\_\_\_ under the name of \_\_\_\_\_  
Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. C.D., \_\_\_\_\_ Warden.

NOTE.—This form must within \_\_\_\_\_ 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 seven clear days.

(2) Repealed and replaced in the Territory of Papua by the *Mining Ordinance, 1937-1939.*

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

The applicant shall make and lodge at the Warden's Office a declaration in the following form, except when the application is lodged pursuant to Regulation 52 (d) of these Regulations in which case the Warden shall defer issuing the certificate until notification to him of the opinion of the Director of Mines:—

DECLARATION.

I, \_\_\_\_\_ do declare that a true copy of the certificate No. \_\_\_\_\_, granted to me on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, was on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, 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 \_\_\_\_\_ clear days.  
 Dated at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
 (Signed) \_\_\_\_\_ A.B.

(4.) If no objection is lodged against such application within the time limited, the Warden shall register the applicant as the holder of the claim; but if an objection is lodged within such time, the Warden shall defer registration until the matter has been heard and determined by the Warden's Court.

(5.) The Warden may upon application if the circumstances so require extend any or all of the above-mentioned periods of seven days and may upon like conditions dispense with the posting of the true copy of the certificate as aforesaid and may direct such other mode of publication in lieu thereof as he thinks fit.

(6.) The application shall be made in the following form:—

APPLICATION FOR

[The Mining Act of 1898(2) (Queensland Adopted).]

I, \_\_\_\_\_, being the applicant for \_\_\_\_\_ situate \_\_\_\_\_ do hereby apply to the Warden of \_\_\_\_\_ to extend the period for lodging the said application and [or] to dispense with the posting of the Copy of the Certificate of Application on some conspicuous part of the ground applied for under Regulation \_\_\_\_\_, on the following grounds:—

Date: \_\_\_\_\_ Applicant: \_\_\_\_\_  
 Miner's Right No.: \_\_\_\_\_ Date: \_\_\_\_\_

I, \_\_\_\_\_, Warden of the \_\_\_\_\_ hereby (1) extend the period of lodging the above application at the Warden's Office to \_\_\_\_\_ (2) dispense with the posting of the Copy of the Certificate of Application on some conspicuous part of the ground applied for, and in lieu of posting the \_\_\_\_\_ direct that:—

a. A Copy of the Certificate of Application be posted at the Warden's Office; and

b. A notice be published in the \_\_\_\_\_ on the \_\_\_\_\_ and \_\_\_\_\_

Objections to the registration of the above-mentioned \_\_\_\_\_ applied for to be lodged at the Warden's Office \_\_\_\_\_ on or before the \_\_\_\_\_

Date: \_\_\_\_\_ C.D.,  
 \_\_\_\_\_ Warden.

(2) Repealed and replaced in the Territory of Papua by the Mining Ordinance, 1937-1939.

(7.) Applications of a similar nature under other parts of the Regulations may be made in the form set out in Sub-regulation (6.) of this Regulation.

(8.) In every application for registration of a claim the applicant shall state in his application the principal mineral to be mined and also any associated minerals.

*Marking too much ground.*

15. A holder of a miner's right who marks off more ground than he is entitled to shall be liable to have the surplus ground pegged off at either end or side of the claim, at the option of a holder of a miner's right who applies to the Warden for such surplus.

*Performance of labour conditions applicable to claims generally.*

16. Save as by these Regulations is otherwise expressly provided, every 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 may be prescribed with reference to any specific claim, otherwise the claim or share therein not so worked shall be liable to forfeiture.

Thereafter any claim or share therein remaining unworked by the prescribed number of men for three clear days within any period of fourteen days shall, on the application of any holder of a miner's right, be liable to forfeiture:

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 such holder or shareholder is employed upon any necessary work in connection 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 if the non-working of the claim is due to reasons which, in the opinion of the Warden would have entitled the owner to an exemption from working the claim, and it is clear that it is not the fault of the owner that he did not obtain such exemption.
- (b) If any man who is working as a miner or workman upon or in connection 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 such absence has been served upon such holder or shareholder and also upon the lienee, if any, of the claim or share. A copy of such notice, with a

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declaration of the service thereof, shall be lodged at the Warden's Office.

*Exemption from work.*

17.—(1.) The holder of a claim may apply to the Warden for exemption from work in the following form:—

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 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].

(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.

(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, such as a break-down of machinery or an influx of water, grant immediate exemption for a period not exceeding fourteen days, and may renew such exemption for a further period of fourteen days.

(7.) Every exemption shall be registered.

*Abandoned claims.*

18. 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 Crown land.



*Rules and agreements for management and working of claims.*

19. 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 every person who subsequently becomes a shareholder, provided that such rules and agreements are not in any respect contrary to the Act or these Regulations.

Such rules or agreements may be rescinded or amended at any time by a like majority of the shareholders in such claim.

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

Notice of any rescission or amendment shall be lodged at the Warden's Office and shall be noted in the register.

No such rescission or amendment shall have effect until such notice is given.

*Sale of interest of defaulting shareholder in claim.*

20.—(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 such claim shall entitle the other shareholders to a preferent lien upon the defaulting shareholder's interest in the claim until every such call is paid.

(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 such inquiry the Warden shall hear any evidence that may be adduced by any lienee or other person having a registered interest in the claim or share.

If the Warden is satisfied upon inquiry that such sum is lawfully due in respect of such share, and that every reasonable effort has been made to serve notice of such 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 such shareholder or lienee he shall cause the share to be levied on and sold by his bailiff, of which sale due notice 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 such notice on a conspicuous part of the claim and at the Warden's Office.

The proceeds of such sale shall be applied first in the payment of all lawful expenses incurred by the process and every call due in respect of such share; then in the payment to the lienee of such share,

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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.

(3.) 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.*

21.—(1.) Save as by these Regulations is otherwise expressly provided, when under these Regulations a claim or share therein is liable to forfeiture, any holder of a miner's right may apply for possession of such claim or share by posting notices signed by himself and by the Warden on a conspicuous part of such 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 the following form:—

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.

(3.) Such declaration shall be in the following form:—

DECLARATION.

I, \_\_\_\_\_, do declare that a true copy of notices relating to application for registration of \_\_\_\_\_ claim [or \_\_\_\_\_ share in \_\_\_\_\_ claim] now liable to forfeiture have been posted for \_\_\_\_\_ 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.

(4.) 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 such objection the Warden shall defer registration until the matter has been heard by the Warden's Court.

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

(6.) 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 such claim or share, and the 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.

(7.) The Warden may upon application if the circumstances so require extend any or all of the periods of seven clear days mentioned in Sub-regulations (1), (2), (3) and (4) of this Regulation and of the period of fourteen days mentioned in Sub-regulation (6) thereof.

*Saving in case of forfeiture of claims.*

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

But 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 may deem reasonable.

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

Within seven days after the declaration of such value, the incoming shareholder shall pay into the Warden's Court the full amount of such 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 same and pays into the Warden's Court the full amount of such value.

*Abandonment of share in claim.*

23. 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 such share has been held and by serving on one of the remaining shareholders, or his agent, a notice

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of such application (and if there is a lien on such a 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.

The Warden, after satisfying himself that the notices have been served and posted in the manner aforesaid, shall forthwith cancel such registration, and the shareholder shall thereupon be released from any liability which may be thereafter incurred in respect of such share.

### *Preferent right on abandonment.*

24. The lienee, if any, shall have, for seven clear days after abandonment, a preferent right to be registered as holder of the abandoned share.

If there is no lien then the remaining shareholders shall jointly have that preferent right.

On failure by the lienee, if any, to avail himself of such preferent right, the lien shall be cancelled, so far as the same 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 such right, then the first applicant for such abandoned share may at once be registered for the same without process of any kind other than an application to the Warden in that behalf.

### *Stacked earth.*

25.—(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 such claim or share, which has been raised at the time of 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 same 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 the following form:—

#### CERTIFICATE OF REGISTRATION OF STACK OF EARTH.

No.

Fee—Five shillings.

Under the provisions of the *Mining Regulations*, I have this day registered as the property of \_\_\_\_\_ the stack of \_\_\_\_\_ on the claim \_\_\_\_\_

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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.

A copy of such certificate shall be kept continuously posted on such stack; and no person during the period of such registration shall remove the said stack or any of it, or the notice thereon, without the permission of the owner thereof.

- (3.) Such registration may from time to time be renewed.
- (4.) Such stacked material at the expiration of the period of registration shall, unless registration is renewed, be held to be attached to the ground.
- (5.) Provided that—
  - (a) The Warden may cause such 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.
  - (b) If the shareholder in a claim forfeits or abandons his share in such claim, and earth the produce of such claim is situated on such claim at the time of such forfeiture or abandonment, the Warden may, after at least seven days notice in that behalf to the lienee, if any, direct the interest of such shareholder in such earth to be sold in such manner as he thinks fit. The proceeds, after deducting the expenses of sale, shall be paid to the lienee of such 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.

### PART III.—SPECIFIC AREAS AND CLAIMS.

#### SUBDIVISION 1.—PROSPECTING AREAS.

##### *Size of prospecting area for reef or alluvial gold.*

26. 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 prospecting area<sup>(2A)</sup> of the following dimensions, or of any less dimensions which in any case the Warden may think fit to grant, viz.:—

- (a) Outside the limits of a goldfield, 400 yards by 400 yards.
- (b) Within the limits of a goldfield—
  - (i) If distant more than three miles from the nearest gold mine on which mining operations are being

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(2A) The words "called prospecting area" appeared in the original Regulations as published in *Papua Govt. Gaz. Semble*, "called a prospecting area" was intended.

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carried on at the date of marking-off, or have been carried on within the period of six months next preceding such date, 300 yards by 300 yards;

- (ii) If distant not more than 3 miles but more than 1 mile from such mine, 200 yards by 200 yards;
- (iii) If distant not more than 1 mile but not less than 400 yards from such mine, 150 yards by 150 yards.

No such prospecting area shall be granted at a distance of less than 400 yards from any such gold mine.

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

27. 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 which in any case the Warden may think fit to grant, viz. :—

- (a) Outside the limits of a mineral field, 160 acres.
- (b) Within the limits of a mineral field—
  - (i) If distant more than 10 miles from the nearest mine, other than a gold or coal mine, in or upon which mining operations are being carried on at the date of such marking-off, or have been carried on within the period of six months next preceding such date, 40 acres;
  - (ii) If distant not more than 10 miles, but more than 5 miles from such mine, 20 acres;
  - (iii) If distant not more than 5 miles, but not less than 1 mile from such mine, 10 acres.

No such prospecting area shall be granted at a distance of less than 1 mile from any such mine.

### *Extended prospecting areas.*

28.—(1.) The holder of a miner's right who desires to prospect may when marking-off a prospecting area exceed the dimensions set out in Regulations 26 and 27, if special reasons exist which make the ordinary dimensions of a prospecting area insufficient. Such an area shall be called an extended prospecting area and shall except as herein provided be taken up and held in the same way and upon the same conditions as a prospecting area.

(2.) Upon application to the Warden for registration the applicant shall furnish evidence of the special reasons which make the ordinary dimensions of a prospecting area insufficient and thereupon the extended prospecting area shall be provisionally registered.

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(3.) Upon provisional registration the Warden shall submit the application for the extended prospecting area together with the evidence furnished and his recommendation to the Lieutenant-Governor.<sup>(3)</sup>

(4.) If the Lieutenant-Governor<sup>(3)</sup> approves of the application the Warden shall register the extended prospecting area but if the Lieutenant-Governor<sup>(3)</sup> does not approve the provisional registration shall be cancelled by the Warden.

(5.) Pending the decision of the Lieutenant-Governor<sup>(3)</sup> the provisions as to renewal of registration shall apply to the provisional registration.

(6.) The maximum area of an extended prospecting area shall be 640 acres.

*Marking-off and registration of prospecting areas.*

29.—(1.) Every 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.

Such marking 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 seven clear days or such further period as the Warden may determine, subject, however, to the performance of the prescribed labour conditions.

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

(3.) Such registration shall be renewed three monthly:

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

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 such area, or a portion thereof, as a lease or leases or as a claim or claims; and if within thirty clear days or such further time as the Warden may determine from the time of receiving such notice the holder of such prospecting area does not so mark off and apply for such area or a portion thereof as a lease or leases or as a claim or claims such prospecting area shall be forfeited.

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(3) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

(4.) 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:

Provided that upon renewal the Warden may in lieu thereof direct that the certificate or copy thereof be posted and kept posted outside the Warden's Office for the said period of seven clear days or further period or that notice of renewal be published in the *Gazette* or a newspaper published in and circulating throughout the Territory or in both.

*Labour conditions applicable to prospecting area.*

30. Every prospecting area shall be worked by one man at least, on every ordinary working day, commencing on a date not later than seven clear days after the date of marking-off, or, if the area is situated at a considerable distance from the Warden's Office, commencing at such later date as the Warden may determine.

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.

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

*Prospectors to report finding of gold.*

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.

(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 herein-after prescribed, 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 such 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.



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

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 such finding at the Warden's Office.

If default is made in so doing the area shall be liable to forfeiture.

(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.

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

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 two working days after its registration, or such later date as the Warden may in the circumstances determine.

#### SUBDIVISION 2.—ORDINARY REEF CLAIMS.

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

34. 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 50 feet along the supposed line of reef by a width of 400 feet.

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.

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

*Registration of such claim.*

35. With respect to every such reef claim the following particulars shall be registered at the Warden's Office, namely:

- (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.

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.

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### *Labour conditions applicable to such claims.*

36. Until such a reef claim has been proved payable, and whenever it ceases to be payable, it shall only be necessary to employ thereon one man for every 100 feet or part of 100 feet thereof in length along the reef.

When it has been proved payable it shall be necessary to employ thereon one man for every 50 feet or part of 50 feet thereof in length along the reef.

The 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.

No such reef claim shall be deemed to be payable until a crushing has been obtained.

The burden of proof that the claim is not payable shall rest upon the shareholders.

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

37. 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 200 feet by 350 feet.

The width of every such claim shall be marked off at right angles to 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.

Every such claim shall be registered.

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

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

### *Labour conditions for such claims.*

38. All such claims as last aforesaid shall be worked continuously by one man for every 200 feet or part of 200 feet thereof in length along the reef.

### *Amalgamation of ordinary reef claims.*

39.—(1.) When two or more ordinary reef claims are contiguous, such claims 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 such claim respectively.

In the case of claims taken up for the purpose of mining for gold, an amalgamated claim shall not exceed 1,000 feet 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 4,000 feet in length along the supposed course of the lode.

(2.) The application shall be in the following form:—

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., etc.

Miners' Rights.

Names:

Nos.:

Dates:

shares in amalgamated claim.

(3.) When claims are so amalgamated the Warden shall grant a certificate of amalgamation, and shall register the amalgamated claim.

The certificate of amalgamation shall be in the following form:—

CERTIFICATE OF AMALGAMATION OF CLAIMS.

This is to certify that I have this day of 19, at the hour of o'clock, .m., amalgamated as one claim, under the name of, the under-mentioned 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.

(4.) 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.

SUBDIVISION 3.—ALLUVIAL CLAIMS; RIVER AND CREEK GOLD CLAIMS; PUDDLING CLAIMS; AURIFEROUS SANDS CLAIMS.

*Ordinary alluvial claims taken up for gold-mining.*

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

For one holder of a miner's right,	100 feet by 50 feet
For two holders of miners' rights,	200 " 50 "
For three " "	300 " 50 "
For four " "	400 " 50 "

and so on, in the same proportion, for any number of holders of miners' rights, not exceeding ten, without restriction as to the shape of the claim:

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Provided that the claim of each party shall as nearly as circumstances will permit be a rectangular block, no side of which shall be less than 50 feet, if such width is available.

### *Wet alluvial claims taken up for gold-mining.*

41. 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 30 feet 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, viz. :—

For one holder of a miner's right,	100 feet by 100 feet
For two holders of miners' rights,	200 " 100 "
For three " " "	300 " 100 "
For four " " "	400 " 100 "

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

Every such claim shall be registered.

### *Ordinary alluvial claims taken up for other than gold-mining.*

42. 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 300 feet by 300 feet.

Ten such claims and no more may be taken up conjointly.

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. 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 100 feet in the general direction of the course of the stream, with a width of from bank to bank, unless such width exceeds 100 yards, in which case the excess may be claimed by any other holder of a miner's right.

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

All river or creek claims shall be registered.

### *Puddling claims.*

44. A puddling claim, taken up for the purpose of mining for gold, and to be worked in connection 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.

The extent allowed for such a claim shall be double the extent allowed for ordinary alluvial claims, for every man employed on or in connection with the claim or the puddling machine.

As nearly as circumstances will permit every such claim shall be marked as a rectangular block, no side of which shall be less than 100 feet in length.

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

All puddling claims shall be registered.

*Auriferous sands claims.*

45.—(1.) Where auriferous sands, such as tailings or sludges, have been discharged from reduction works and have accumulated in creeks and waterways or on other unoccupied Crown 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 seven 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 20 chains in length, measured in the general direction of the course of such creek or waterway by a width of from bank to bank, or if the width from bank to bank exceeds 3 chains then by a width of 3 chains.

If the claim is not in a creek or waterway the length shall not exceed 20 chains and the width shall be fixed by the Warden, but shall not exceed 3 chains.

No auriferous sands claim held in one block shall exceed 1 mile in length.

For the purposes of this Regulation, no Crown land shall be deemed to be unoccupied if the same is in occupation as a mining tenement or miner's homestead.

(2.) 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 2 miles in length.

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.

Every auriferous sands claim shall be registered.

*Labour condition applicable to alluvial claims, river and creek claims, puddling claims, and auriferous sands claims.*

46. Except as by these Regulations is otherwise expressly provided, every—

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- (a) Alluvial claim;
- (b) River or creek claim;
- (c) Puddling claim;
- (d) Auriferous sands claim,

shall be worked on every ordinary working day (commencing in the case of an alluvial claim not later than two days after it is marked off) by not less than one man 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.

SUBDIVISION 4.—PROSPECTING CLAIMS.

*Prospecting claims for the discovery of gold in reefs.*

47.—(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 1 mile from a reef which is being worked, 150 feet along the line of reef;
- (b) If distant more than 1 mile but not more than 2 miles from such a reef 200 feet along the line of reef;
- (c) If distant more than 2 miles but not more than 10 miles from such a reef 300 feet along the line of reef;
- (d) If distant more than 10 miles but not more than 20 miles from such a reef 500 feet along the line of reef;
- (e) If distant more than 20 miles but less than 40 miles from such a reef 1,000 feet along the line of reef;
- (f) If distant 40 miles or more from such a reef 1,250 feet along the line of reef;
- (g) In all cases the width of the claim shall be 400 feet.

The measurements of distance shall be on the surface of the ground by the nearest practicable route.

The claim shall be measured on the horizontal plane.

(2.) Such prospecting claim shall be in addition to the number of ordinary reef claims to which the party would otherwise be entitled.

(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 ordinary claim shall be deemed to be one tenement.

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.

Every such prospecting claim shall be registered.

In this Regulation the term reef includes a lode.

*Prospecting claims for the discovery of alluvial gold.*

48.—(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, viz. :—

- (a) If distant not less than 10 miles but less than 20 miles from the nearest occupied gold workings of the same description 10 ordinary claims of one man's ground;
- (b) If distant not less than 20 miles, but less than 40 miles from such workings, 20 such claims;
- (c) If distant 40 miles or upwards from such workings, 30 such claims.

Such 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 will permit, provided that no side of the block shall be less than 50 feet, if such distance is available.

(2.) 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.

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.

Every such prospecting claim shall be registered.

SUBDIVISION 5.—EXTENDED CLAIMS.

*Extended claims—reef or alluvial.*

49. 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.

Such extended claim shall not exceed the area of four ordinary claims.

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.

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Ten such claims, and no more, may be allotted to a party of men working conjointly.

Every extended claim shall be registered.

### *Extended claims may be amalgamated.*

50. Extended reef claims, when contiguous, may be amalgamated in the manner prescribed with respect to ordinary reef claims.

No such amalgamated claim shall exceed the dimensions hereinbefore prescribed with respect to extended claims allotted to a party of men working conjointly.

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.

## SUBDIVISION 6.—HYDRAULIC CLAIMS.

### *Hydraulic claims.*

51.—(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.

The extent allowed for such a claim shall not exceed 100 feet frontage to such terrace or hillside, by a width or depth into the terrace or hill of 1,000 feet for each holder of a miner's right who applies therefor.

Every such claim shall be rectangular or as nearly so as circumstances will permit.

Every such claim shall be registered, and shall be continuously worked by not less than one man for every one man's ground.

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

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.

## SUBDIVISION 7.—DREDGING CLAIMS.

### *Circumstances under which dredging claims may be granted.*

52. The Warden may, upon the application of the holder of a miner's right, grant a dredging claim of the land applied for or any part thereof for dredging for gold or any other mineral on Crown



land which is alluvial ground, but only under the circumstances following, and not otherwise, viz. :—

- (a) When the ground applied for has previously been worked and abandoned; or
- (b) When the known poverty of such ground warrants such grant; or
- (c) When such ground is only suitable for dredging on account of its excessive wetness or on account of the costliness of the appliances required to work it; or
- (d) Where the difficulty of access to such ground in the opinion of the Director of Mines warrants such grant.

*Claim for dredging in river, etc.*

53. The Warden may, upon the application of a holder of a miner's right, grant a dredging claim for dredging for gold or any other mineral on Crown land which may consist of the bed and banks of any river or either of them and of land adjacent thereto.

The area comprised in any one claim shall not exceed three hundred acres, and the length of the claim along the course of the river shall not exceed six miles.

*Claim for dredging under ocean.*

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

The area comprised in any one such claim shall not exceed three hundred acres, and the length of the claim along the foreshore shall not exceed six miles.

*Claim for dredging in lake.*

55. The Warden may, upon the application of a holder of a miner's right, grant a dredging claim for dredging for gold or any other mineral on Crown land which may consist of the bed of a lake, and land adjoining thereto.

The area comprised in any one such claim shall not exceed three hundred acres.

*Dredging claims—larger areas.*

56. Notwithstanding the provisions of the last three preceding Regulations if any application for a dredging claim is made thereunder for an area or length exceeding that specified therein respectively the Warden shall submit the application for the approval of the Lieutenant-Governor<sup>(3)</sup> with his recommendation thereon; and the

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(3) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

Lieutenant-Governor<sup>(3)</sup> if in his opinion the circumstances of the particular case warrant his so doing, may approve of the granting of the application for the greater area or length applied for or any part thereof; and the Warden may thereupon grant a dredging claim of the area or length so approved.

57. Notwithstanding anything in these Regulations elsewhere contained an applicant for an area larger than permitted under the provisions of Regulations 53, 54, and 55 of these Regulations need not deposit with the application the rent and survey fees payable in respect of so much of the area applied for as is in excess of the area permitted under the aforesaid Regulations.

The Lieutenant-Governor<sup>(3)</sup> in dealing with the recommendations of the Warden may make special conditions as to the payment of the said rent and survey fees and may limit the time for which exemption from the fulfilment of the labour and machinery conditions may be granted.

*Facts to be determined by the Warden.*

58. The Warden shall in each case have power to determine what shall be deemed to constitute—

- (a) The banks of a river or lake;
- (b) The foreshore;
- (c) The length or breadth of a lake.

*Amalgamated claims.*

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

(2.) Upon application to the Director of Mines, supported by such evidence as he may require in that behalf made by the holders of dredging claims and upon payment of the prescribed fee, the Director of Mines may amalgamate into one amalgamated dredging claim any number of such claims, whether contiguous or not, which are wholly contained within the limits of a circle having a diameter of twenty miles. Every application under this provision shall be lodged with the Warden, by whom it shall be transmitted to the Director of Mines.

(3.) In no case shall an amalgamated claim exceed in area the maximum area which may be granted as one dredging claim, unless the application therefor is submitted by the Warden with his recommendation thereon to the Lieutenant-Governor<sup>(3)</sup> and the Lieutenant-Governor<sup>(3)</sup> approves such amalgamation.

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(3) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

(4.) An amalgamated dredging claim shall be deemed to be a tenement distinct from the claims which it comprised and, subject to the provisions of Regulation 64, the conditions applicable to a claim of an area equal to such amalgamated claim shall apply thereto.

(5.) The application for amalgamation of dredging claims shall be in the following form:—

APPLICATION FOR AMALGAMATION OF CLAIMS.

We, the undersigned, being the registered holders of dredging claims named and numbered \_\_\_\_\_, and situated at \_\_\_\_\_, hereby make application to the Warden to amalgamate the aforesaid as one claim, under the name of \_\_\_\_\_

(Signed) A.B., etc.

Miners' Rights:  
Name:

Nos.:

Dates:

(6.) When the claims are so amalgamated the Warden shall grant a certificate of amalgamation and shall register the amalgamated claim.

The certificate of amalgamation of dredging claims shall be in the following form:—

CERTIFICATE OF AMALGAMATION OF CLAIMS.

This is to certify that I have this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock, \_\_\_\_\_ m., amalgamated as one claim, under the name of \_\_\_\_\_, the under-mentioned 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.

*Marking, application, surveys, etc., of dredging claims.*

60.—(1.) Every area intended to be included in an application for a dredging claim shall be marked out by the erection of squared boundary posts at least four inches in diameter, standing at least three feet above the surface, and sunk at least eighteen inches in the ground.

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 hereinafter provided.

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

Provided however that no such area shall be marked out in such a way as to completely enclose within its boundaries another claim.

(2.) When the applicant desires to register as a dredging claim an area marked as aforesaid he shall, within seven days after such marking, make an application to the Warden in that behalf in the

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form prescribed in Regulation 14 and upon receipt of such application the Warden shall deliver to the applicant a certificate in the following form, except when the application is lodged pursuant to Regulation 52 (d) of these Regulations in which case the Warden shall defer issuing the certificate until notification to him of the opinion of the Director of Mines:—

CERTIFICATE OF APPLICATION.

No. \_\_\_\_\_  
 This is to certify that the under-mentioned person did this \_\_\_\_\_ day  
 of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock, \_\_\_\_\_ m.,  
 make application for a Dredging Claim \_\_\_\_\_ in area situated  
 \_\_\_\_\_, to be held under the provisions of *The Mining Act of 1898*(2)  
 (Queensland Adopted) and the Regulations made and established thereunder,  
 and if no valid objection is lodged on or before the \_\_\_\_\_ day  
 of \_\_\_\_\_, 19\_\_\_\_, I may grant to the said person registration for the  
 said claim under the name of \_\_\_\_\_  
 Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
 C.D., \_\_\_\_\_  
 Warden.

NOTE.—A copy of this certificate must, within \_\_\_\_\_ 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.

Each application shall be accompanied by such description and  
 sketch plan, approximately defining the position of the land applied  
 for, as to the Warden shall seem satisfactory and the prescribed sur-  
 vey fee shall be lodged herewith<sup>(3A)</sup>.

The applicant shall, within seven 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: Provided that the Warden may upon application if the cir-  
 cumstances so require extend any or all of such periods of seven days:  
 Provided further that the Warden may upon like conditions dispense  
 with the posting of the true copy of the certificate as aforesaid and  
 direct such other mode of publication in lieu thereof as he thinks fit.

The applicant shall make and lodge at the Warden's Office a  
 declaration in the following form, or suitably amended to accord with  
 any extension of time or dispensing with posting granted or approved  
 by the Warden:—

DECLARATION.

I, \_\_\_\_\_, do Declare that a true copy of the certificate  
 No. \_\_\_\_\_, granted to me on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
 was on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, 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.

If no objection is lodged against such application within the time  
 limited, the Warden may register the applicant as the provisional

(2) Repealed and replaced in the Territory of Papua by the *Mining Ordinance*,  
 1937-1939.

(3A) The word "herewith" appeared in the original Regulations as published in Papua  
*Govt. Gaz. Semble*, "therewith" was intended.

holder of the dredging claim, and thereupon the same 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.

(3.) After such application has been lodged and granted, and until a survey of the dredging 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 such application in lawful occupation of the ground shall be deemed to be a trespass or encroachment.

(4.) After the Warden has granted the application he shall forward it to the Director of Mines with a request for a survey of the area.

The Director of Mines will arrange for a surveyor as soon as circumstances will permit.

The plan and surveyor's description of a dredging claim shall in every case be executed in accordance with the general directions of the Director of Mines.

When the survey is completed the Director of Mines, or if instructed by him, the surveyor, will forward a copy of the plan and surveyor's description to the Warden for filing in his 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.

(5.) Upon the receipt of the plan and description, 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 fourteen days from the date of the posting of such notice.

Any holder of a miner's right who claims to be interested in the land comprised in the survey may, within the period of fourteen days from the date of the posting as aforesaid, or such other time as the Warden may fix, lodge at the Warden's Office a notice of objection to such survey, specifying therein the grounds of his objection thereto.

If no such objection 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 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.

(6.) When the description and sketch plan accompanying an application for a dredging 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.

(7.) No provision of the Regulations requiring a claim to be a rectangular block, or as near thereto as circumstances will permit, shall apply to any dredging claim, but every dredging claim shall be of such shape as is most conformable to the natural features of the ground, and as the Warden approves after survey.

(8.) The fees payable in respect of the survey of dredging claims shall be the fees prescribed in the Schedule hereto.

*Conditions of occupation applicable to dredging claims.*

61. Any single or amalgamated dredging claim in the bed of a river, that may be granted under these Regulations, shall be taken and held subject to the conditions that any person who may at the time of granting such dredging 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 claim, be restrained from discharging the tailings, waste water, or debris from his tenement or homestead into such river; and the holder of such dredging claim shall have no right of action against any such person for so discharging tailings, water, or debris into such river, anything in these Regulations to the contrary notwithstanding.

*Entry and work on adjoining claim.*

62. When, for the purpose of enabling the holder of a dredging claim to work his ground to the full extent at or near the boundaries thereof, it may become necessary for him to enter upon any dredging 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 said ground, subject, however, to the following conditions:—

- (a) He shall before making such entry give to the holder of the adjoining claim or tenement and to the Warden at least fourteen days' notice in writing of his intention so to do;
- (b) 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 that may be sustained by him in consequence of such entry and work.

*Labour conditions applicable to dredging claims.*

63. For the period of six months after the grant of a dredging claim the holder shall not be required to employ any men or machinery upon or in connection therewith; such period of six months may be extended by the Warden for a further period not exceeding six months.

After the expiration of such period of six months, the holder of every such dredging claim shall employ continuously upon such claim not less than three men for every one hundred acres or fraction of one hundred acres in area of such claim, or, in the alternative, shall keep continuously employed thereon, and fully manned, machinery of a value of not less than One thousand pounds for every One hundred acres or fraction of One hundred acres in area of such claim, unless in either case partial or total exemption from labour conditions has been granted by the Warden:

Provided that the value of the machinery shall in no case be less than Three thousand pounds.

Failure to comply with the labour and machinery 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, unless partial or total exemption from labour and machinery conditions on such claim has been granted by the Warden.

Notwithstanding anything to the contrary contained in the 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 and machinery conditions of a dredging claim for any period not exceeding six months.

*Labour conditions—amalgamated claims.*

64. Dredging claims may be amalgamated notwithstanding that with respect to all or any of them the period of six months after the grant thereof has not expired, and in such case the labour conditions aforesaid shall successively be observed as and when such period expires with respect to each such dredging claim until the maximum labour conditions applicable to a dredging claim of an area equal to such amalgamated dredging claim are being complied with.

## MINING—

### *Rent of dredging claims; registration.*

65.—(1.) The holder of every single or amalgamated dredging claim shall pay to the Warden rent at the rate of Six pounds for every mile or fraction of a mile in length of such claim or part thereof which comprises ground in a river-bed and Two shillings and six pence for every acre of such claim which is ground not comprised in a river-bed.

(2.) Such rent shall be payable in advance at the time of making the application, and thereafter the annual rent shall be payable in advance 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 December next following.

(3.) Until a survey of the dredging claim has been made the rent shall be computed on the estimated length or acreage as approved by the Warden. After the claim has been surveyed the rent shall be computed on the actual length or acreage and previous payments of rent shall be adjusted in accordance with such actual length or acreage.

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

Provided that—

(a) Within a period of ninety days after the rent became due such 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;

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

(5.) Every dredging claim shall be registered.

### *Obstructing navigation.*

66. No dredging machinery or plant shall be used in such a way as to injure or obstruct the navigation of any dredging water that forms a waterway.

### *Special provisions as to dredges.*

67.—(1.) Every dredge used for mining purposes shall be kept provided with safety appliances, as follows:—



*Mining Regulations, 1935.*

- (a) A life-buoy, a light-line, and a boat-hook, near the bow of the dredge;
- (b) A life-buoy, a light-line, and a boat-hook, near the stern of the dredge;
- (c) A boat containing a light-line and a boat-hook.

(2.) In every case where the Warden notifies the owner or manager of the dredge that the stream at which it is worked is deep or swift-flowing, then, in addition to the foregoing appliances, the dredge shall be kept provided with not less than two boats, each of which must be furnished with a life-buoy, a light-line, and a boat-hook. Life-belts shall also be provided.

(3.) All safety appliances shall be kept in conspicuous places within easy reach, and when damaged or lost shall be immediately renewed.

(4.) The well-hole of every dredge shall be fenced or covered over as far as reasonably practicable, and where such fencing or covering is not practicable, a moveable gangway of not less than 2 feet 6 inches wide, and fitted with a substantial hand-rail at side, shall be provided and used by persons for crossing the well-hole.

(5.) No person shall step on the buckets or chain when in motion.

(6.) All exposed gearing, belting or machinery shall be kept fenced to the satisfaction of the Warden.

(7.) On any dredge which is not entirely covered in, the sides of the uncovered portion of the hull shall be fitted with stanchions not more than eight feet apart, and also with two substantial hand-rails or tightly-stretched wires or chain<sup>(3B)</sup>, the lower rail, wire or chain not being more than 10 inches above the deck, and these may be made moveable for the purpose of taking coal and material on board the dredge, but shall be kept in position at all other times.

(8.) Every dredge working close to a bank shall be provided with a gangway not less than 2 feet 6 inches wide, and of sufficient length to reach from the dredge to the bank. Such gangway shall be provided with a substantial hand-rail at each side, and secured to the deck of the dredge in such a manner as to prevent it being upset.

(9.) A copy of this Regulation shall be kept posted in a conspicuous place on every dredge, and shall be renewed as often as torn or defaced.

(10.) It shall be the duty of the owner and manager of the dredge to faithfully comply with the foregoing rules, and if they fail or neglect so to do they shall be severally guilty of a breach of this Regulation.

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(3B) The word "chain" appeared in the original Regulations as published in Papua Govt. Gaz. *Semble*, "chains" was intended.

## MINING—

SUBDIVISION 8.—MACHINE AREAS; AREAS FOR ERECTION OF FURNACES; AREAS FOR STACKING TAILINGS; MARKET-GARDEN AREAS; BUSINESS AND RESIDENCE AREAS.

### *Machine Areas.*

68.—(1.) Every 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.

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.

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.

If no valid objection is lodged, the Warden may grant permission to occupy an area not exceeding 5 acres.

Every such permission to occupy shall be registered.

(2.) 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.

If the holder desires to obtain an extension of the time within which he must 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.

Every such extension shall be registered.

(3.) 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:

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

### *Areas for the erection of furnaces.*

69. Under the same conditions as to mode of application, payment of rent, use and occupation, and subject to the same liability to cancellation as are prescribed with reference to machine areas,

the Warden may grant permission to occupy an area not exceeding 10 acres for the erection of furnaces thereon to be used in connection with mining for minerals other than gold.

Every such permission to occupy shall be registered.

*Areas for stacking tailings.*

70.—(1.) Application 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.

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.

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.

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 5 acres.

Every such permission to occupy shall be registered.

(2.) The Warden may, on application to him 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 licensee, 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 goldfield 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 5 acres for such purpose.

The area shall be marked; 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.

The application shall be accompanied by a deposit of the prescribed survey fee, and rent.

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 5 acres.

## MINING—

(2.) 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; every such cultivated portion shall be securely fenced.

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

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

### *Rents.*

72.—(1.) The annual rent payable in respect of a machine area, an area for the erection of furnaces, an area for stacking tailings, and a market-garden area, respectively, shall be One pound for every acre or part of an acre comprised in the area thereof; such rent shall be payable in advance at the time of making the application, and thereafter the annual rent shall be payable in advance 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 shall be equal to the rent for the period from the date of application up to the thirty-first day of December next following.

(2.) 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 such 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;

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

### *Business and residence areas.*

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 goldfield or mineral field, for the purpose of business, an area of land not exceeding half an acre, the frontage of which to any main thoroughfare, creek or water-hole shall not exceed 132 feet in length, and the depth of which shall not exceed 165 feet.

*Mining Regulations, 1935.*

Every such area shall be registered.

Before making such registration the Warden may request the Director of Mines to order a survey of the area, and if required the applicant shall pay the sum of One guinea in advance for such survey.

(2.) 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.

(3.) No such area shall be subdivided.

(4.) The provisions of the *Fencing Ordinance, 1912*, shall apply to all holdings under the provisions of this Regulation.

(5.) A business licence shall be in the following form:—

BUSINESS LICENCE.

No.

Fee—Two pounds per annum.

Papua

(For \_\_\_\_\_ year .)

[Name of Applicant] having duly paid the prescribed fee in that behalf, is authorized to occupy Crown land for the purpose of residence and carrying on business upon any goldfield or mineral field subject to the provisions of *The Mining Act of 1898*(2) (Queensland Adopted) and all Regulations in force for the time being thereunder.

This licence will be in force for \_\_\_\_\_ year from the date hereof and no longer.

C.D.,  
Warden.

Date of issue:

Place of issue:

Date of expiration:

(6.) 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 one-quarter of an acre, the frontage of which shall not exceed 66 feet in length and the depth of which shall not exceed 165 feet.

The holder of a miner's right shall not be allowed to hold more than one residence area on the same goldfield or mineral field.

(7.) 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.

*Registration of business and residence areas as exempt  
from occupation.*

74. 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

(2) Repealed and replaced in the Territory of Papua by the *Mining Ordinance, 1937-1939.*

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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.

Such registration may from time to time be renewed.

*Survey by mining surveyor.*

75. Upon receipt of instructions from the Director of Mines given at the request of 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.

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.

PART IV.—WATER-RIGHTS.

*Mode of application.*

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 connection therewith, shall give notice to that effect to the Warden, and furnish therewith a sketch plan to the satisfaction of the Warden.

Copies of such notice 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 race, and on the site of any proposed dam or reservoir.

(2.) The notice shall be in the following form:—

NOTICE OF APPLICATION FOR WATER-RIGHT.

I, the undersigned, hereby give notice that it is my intention, after the expiration of seven clear days from the date of this notice, to make application to the Warden at \_\_\_\_\_ for registration of a water-right to [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 sluice-heads required, the number of dams, if any, in which 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: \_\_\_\_\_

(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.

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

Upon the grant and registration of a water-right, the applicant shall be entitled to a certificate in the following form:—

CERTIFICATE OF WATER-RIGHT.

This is to certify that the under-mentioned 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:

(5.) The Warden may upon application if the circumstances so require extend any or all of the above-mentioned periods of seven days and may upon like conditions dispense with the posting of the true copy of the certificate as aforesaid and may direct such other mode of publication in lieu thereof as he thinks fit.

*Interpretation.*

77A. For the purpose of Part IV of these Regulations the term "Race" includes a pipe-line; and "cut a race" includes the erection of a pipe-line.

Ad. by S.R.  
1935, No. 14,  
p. 1.

*Heads of water—how gauged.*

78. A box sluice-head shall be a body of water 1 inch by 12 inches.

A ground sluice-head shall be a body of water 3 inches by 12 inches, and shall be gauged in the following manner:—A box 6 feet in length and 12 inches in width, with a scale of inches marked on the inner side at the lower end, shall be placed at the head of the race, having a fall not exceeding 6 inches 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 1 mile, the width of the box may be increased half-an-inch for each mile.

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 he finds have been or may be affected.

*Quantity of water taken and left running.*

79. 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.

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

In case of failure of water supply, the person last registered shall forego his right during such 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 such river is diverted from its natural course.

*Right to cut race.*

81. 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.

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.

*Repair of race.*

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 such race to be turned off until the defective portion is made good or the nuisance is abated.

*Protection to race.*

83. Except as is otherwise expressly provided by these Regulations, no person shall sink or drive or cut timber within a distance of 10 feet, or, if the Warden so orders, within a distance of 20 feet, from any occupied race unless with the consent of the holder of such race.

*Exemption from use of race.*

84. 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 seven clear days prior to the hearing of the application.



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

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.

Every such exemption and renewal thereof shall be registered.

*Right to sell water.*

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.

*Chattel interest.*

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.

*Recovery of charges for water supplied.*

87. The holder of a water-right 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. A holder of a miner's right who constructs a race for the conveyance of water to any goldfield 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—

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

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. 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.

No person who hires water from the holder of a water-right shall have any claim to such water after it has passed his works but such water shall revert to the original holder of the water-right.

MINING—

*Unlawful use or pollution of water.*

90. No person shall—

- (a) take water from any race, dam or reservoir without the consent of the holder thereof; or
- (b) permit sludge or other noxious matter to flow into or otherwise pollute the water therein; or
- (c) injure the banks of any race, dam or reservoir or the works connected therewith.

*Right to water, when to terminate.*

91. The right to any water under any water-right 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. 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.

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

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

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

*Dams or reservoirs.*

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. Such application shall describe with sufficient accuracy the site and capacity, in gallons, 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.

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

(2.) If no valid objection is lodged during that 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.

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.

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

*Water for domestic purposes.*

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

Any person who pollutes such water shall be liable to a penalty not exceeding Fifty pounds or to be imprisoned for any period not exceeding Six months.

(2.) 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 50 feet by 50 feet, 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.

Every such area shall be registered.

*Local authorities.*

95. No water-right shall be granted which is on any land under the control of any Local Authority until the application therefor has been submitted to such Authority.

*Cancellation.*

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

- (a) which is not being bona fide used for the purposes 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 for any injury which he sustains by reason of such cancellation. Such compensation shall be determined in manner prescribed by the *Lands Acquisition Ordinance, 1914*, for determining the amount of compensation payable for land taken under that Ordinance.

MINING—

*Resumption.*

97. 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.*

98. A person who desires to obtain a mining lease shall make application to the Warden for the same in the following form:—

APPLICATION FOR MINING LEASE.

Pursuant to the provisions of *The Mining Act of 1898* (2) (Queensland Adopted) and of the Regulations established thereunder, I [or We] the undersigned do hereby apply for a lease of \_\_\_\_\_ situated \_\_\_\_\_ (and more particularly described in the annexed Schedule and the plan and description herewith), for the purpose of mining for \_\_\_\_\_, and I [or We] hereby tender the sum of \_\_\_\_\_ as deposit, in accordance with the existing Regulations.

[If the application is made by an association or company, state here the constitution of the association or company by which the ground will be worked, the number of shares, and the names of the shareholders.]

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
(Signed) \_\_\_\_\_ A.B.

SCHEDULE.

Situation and boundaries of the ground applied for.	Area.	The term or period for which the ground is required.

*Marking out land applied for.*

99.—(1.) Before making application for a mining lease, the intending applicant, or some person duly authorized on his behalf, shall mark out the land by fixing in the ground a post four inches in diameter standing at least three feet above the surface, and sunk not less than eighteen inches in the ground; provided that when posts cannot be procured or sunk the land may be marked by stones at least eighteen inches high. 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.

(2.) The application shall be made within seven clear days after such marking, or within such further period as the Warden may upon application in a particular case direct, and the Warden shall there-

(2) Repealed and replaced in the Territory of Papua by the *Mining Ordinance, 1937-1939.*

*Mining Regulations, 1935.*

upon record the application and deliver to the applicant a certificate in the following form:—

CERTIFICATE OF APPLICATION FOR MINING LEASE.

This is to certify that \_\_\_\_\_ the under-mentioned person  
has [or have] made application this day for a lease under the *Mining Regulations*  
for ground known as \_\_\_\_\_, containing \_\_\_\_\_ acres,  
\_\_\_\_\_ roods, \_\_\_\_\_ perches, commencing \_\_\_\_\_  
Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_  
C.D.,  
Warden.

The applicant shall, within seven clear days after the receipt of such certificate or within such further time as the Warden may direct in any particular case, cause a true copy thereof to be posted at or near to the datum point on the land applied for, and at the Warden's Office.

Such certificate shall remain posted for thirty days prior to the hearing of the application by the Warden:

Provided that the Warden may upon application in a particular case dispense with the posting of the true copy of the certificate as aforesaid and direct such other mode of publication in lieu thereof as he thinks fit.

(3.) The application shall be heard by the Warden within forty days after the receipt thereof, or at such later day as the Warden may appoint, and every objection lodged thereto shall be heard on the same day, except when the survey has been deferred pursuant to the powers conferred by Regulation 104 in which case every objection other than those arising out of the survey shall be heard as aforesaid.

*Mode of application.*

100. Each application shall—

- (a) Specify the name of the lode or reef; and
- (b) Be accompanied by a description and sketch plan sufficiently defining the position of the land applied for.

*Moving starting points after survey of contiguous land.*

101. 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.

*Area and shape of ground applied for as mining leasehold.*

102. The area of the ground applied for as a mining leasehold shall in no case exceed that allowed by the Act.

## MINING—

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

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;
- (c) A lease of land for the purpose of cutting and constructing thereon water-races or tramways to be used in connection with mining may be applied for in any shape approved by the Director of Mines, but the width of the area so applied for shall not be less than fifteen feet.

### *Survey of mining leases.*

103. After the Warden has delivered a certificate of application to the applicant the Warden shall forward the application to the Director of Mines with a request for a survey of the land applied for.

The Director will arrange for a survey to be made as soon as circumstances will permit by a mining surveyor or a licensed surveyor approved by him.

The surveyor's plan, field book and description showing the boundaries of the land so originally surveyed and marked by the surveyors shall be lodged by the surveyor with the Director of Mines.

The plan and surveyor's description of a mining leasehold shall in every case be executed in accordance with the general directions of the Director of Mines.

When the survey is completed the Director of Mines, or, if instructed by him, the surveyor will forward a copy of the plan and surveyors description to the Warden for filing in his office.

104. The Director of Mines may defer his instructions for survey until the Warden has heard the application and has notified him as set out in Regulation 108.

### *Deposit of rent and survey fees.*

105. Money deposited for rent with an application for a mining lease shall be forfeited if the application after being approved or approved subject to survey is not proceeded with.

Money deposited for survey fees with an application for a mining lease shall not be returnable after survey, but if the application is

withdrawn or is forfeited before survey the money so deposited shall be returned.

*Rent and term of mining leases.*

**106.**—(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.

Rent becomes due from the time when the term of the lease commences.

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.

(2.) 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 follow upon the breach by a lessee of a mining lease of any of the covenants contained in the lease.

*Warden to record and report on applications for mining leases.*

**107.** If the Director of Mines has not deferred his instructions for survey pursuant to Regulation 104 the Warden shall upon receipt of the surveyor's plan and description of the land comprised in the application proceed as soon as practicable to hear the application and any objections thereto.

Thereafter he shall report to the Director of Mines whether in his opinion the application should be approved or not.

All evidence taken at any such hearing shall be forwarded to the Director of Mines together with the aforesaid report.

**108.** When the Warden hears an application for a mining lease the survey of which has been deferred pursuant to Regulation 104 he shall deal with all objections lodged except such as arise out of survey and shall forward to the Director of Mines all the evidence taken together with his recommendation that the application be rejected or be approved subject to survey.

**109.** Any application for a mining lease may be approved subject to survey.

**110.** All evidence upon the hearing of an application for a mining lease shall be on oath.

## MINING—

111. If the Director of Mines has approved of an application for a mining lease subject to survey the Warden shall upon receipt of the surveyor's plan and description post a notice outside his office that the said plan and description may be inspected without fee upon application at the Warden's Office by any party interested and that any objection to the granting of the lease arising out of the survey must be lodged at the Warden's Office within a period of 30 days of the date of the posting of the said notice.

If no objection is lodged within the said period the Warden shall advise the Director of Mines accordingly.

If any objection is lodged as aforesaid the Warden shall hear the objection upon not less than two clear days notice to the parties concerned.

The evidence taken upon such hearing shall be sent by the Warden together with his recommendation thereon to the Director of Mines.

### *Union of leases.*

112. When two or more mining leases are united under the provisions of Section Forty-two of the Act, 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.

### *Labour conditions of land held under application for mining lease.*

113.—(1.) The labour conditions of land held under application for a mining lease shall be the same as those prescribed by the Act with respect to land held under mining lease.

When an application for a mining lease has been approved subject to survey labour conditions shall commence at a date not later than seven days after notification to the applicant that his application has been so approved.

When no objection is lodged against an application for a lease, work shall commence at a date not later than seven days after the hearing of the application; in all other cases work shall commence at a date not later than seven days after notice has been given to the applicant that a lease will be granted.

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



*Preferent right to lease upon surrender.*

114. A lessee under, or an applicant for, a mining lease may apply to the Director of Mines through the Warden to be allowed to surrender his rights under such lease or application, on condition that he may have a preferent right for seven clear days after receipt of notice of the acceptance of such surrender to take up the land comprised in such lease or application, or any portion thereof as a claim, or to apply for a lease thereof in some different shape.

If the Director of Mines accepts such surrender, the applicant shall have such preferent right.

*Conditional surrenders.*

115. When the lessee under, or applicant for, a mining lease withdraws or surrenders such application or lease conditionally upon an application for a new lease being granted to him, he shall, until such withdrawal or surrender has been accepted continue to fulfil the labour conditions in respect of the application or lease withdrawn or surrendered, and shall put on such additional men as may be required to represent any additional area included in the application for a new lease.

*Exemption for three months or less.*

116.—(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 three months.

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.

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.

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

(3.) The Warden may, without fee, grant immediate exemption from work for a period not exceeding fourteen days upon sufficient cause being shown, such as a breakdown of machinery, or an influx of water.

Such immediate exemption shall not affect any existing partial exemption.

(4.) Every such exemption shall be registered.

## MINING—

### *Exemption for six months.*

117.—(1.) A lessee under, or an applicant for, a mining lease may apply through the Warden to the Director of Mines for exemption or partial exemption from work for a period not exceeding Six months.

Such application shall state the grounds on which it is made, and seven clear days' notice thereof shall be given by notices posted on the leasehold and at the Warden's Office, and shall be advertised in some newspaper generally circulating in the neighbourhood: Provided that the Warden may upon application if the circumstances in a particular case so require dispense with the posting of the said notices on the leasehold as aforesaid and may direct such other mode of publication in lieu thereof as he thinks fit.

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 Director of Mines together with his report recommending the Director of Mines to grant, or to grant on conditions as to bailing, or otherwise, or to refuse the exemption applied for.

Such report shall be read to the applicant and objectors, if any.

The Director of Mines may grant the exemption upon such conditions as to bailing, or otherwise, as he thinks proper and upon payment of the prescribed fee.

(2.) 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.

(3.) Evidence for the purpose of this Regulation may be taken either orally or by Statutory Declaration under the provisions of the *Oaths Ordinance*, 1912.<sup>(4)</sup>

(4.) Every such exemption shall be registered.

### *Certificate of breach of labour conditions.*

118. 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 Director of Mines.

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

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(4) Now the *Oaths Ordinance*, 1912-1927.

*Forfeiture of mining lease.*

119. 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.

Every such application for forfeiture shall be accompanied by a deposit of Ten pounds to abide the decision of the Director of Mines, 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.

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.

*Transfer of mining lease.*

120. A mining lease, or share therein, or any interest in an application for such lease, may be transferred by writing in the following form:—

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 \_\_\_\_\_ acres, \_\_\_\_\_ roods, \_\_\_\_\_ perches, 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 Department of Mines, and at the Office of the Warden at \_\_\_\_\_ accordingly.

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:

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

Every such transfer shall be registered.

## MINING—

### *Registration of mining lease.*

121. A book shall be kept at the Warden's Office to be called a "Register of Mining Leaseholds," in which shall be entered—

- (a) The date of application;
- (b) The name of reef;
- (c) The number of the lease;
- (d) The date on which the instrument of lease was issued;
- (e) The names of all lessees;
- (f) The share each lessee holds;
- (g) All transfers made;
- (h) All encumbrances upon lessees' shares; and
- (i) All exemptions granted or cancelled.

Notifications of all such entries shall from time to time be made to the Director of Mines.

### *Excavation near railway prohibited.*

122. A lessee under, or an applicant for, a mining lease shall not make any excavation within a distance of forty feet in a horizontal direction or of fifty feet in a vertical direction from any embankment, cutting, bridge, pier, culvert, drain, or other work on a railway passing over or near to the lands comprised therein without special permission from the Director of Mines.

## PART VI.—LIENS AND MORTGAGES.

### *Liens.*

123. 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 the following form, with such variations and additions, if any, as circumstances may require:—

#### LIEN TICKET.

No. \_\_\_\_\_ Fee—Five 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, etc., state further advances, if any,] do hereby covenant with the said \_\_\_\_\_ as follows:—

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].

*Mining Regulations, 1935.*

And for the better securing to the said \_\_\_\_\_, the payment of the moneys hereby secured, I do hereby give 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: \_\_\_\_\_

Witness: \_\_\_\_\_ Signed \_\_\_\_\_ {A.B., Lienor. {E.F., Lienee.

The within lien was registered by me \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock, \_\_\_\_\_ m.

C.D.,  
Warden.

*Registration of lien.*

124. 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.

*Priority of liens.*

125. 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.

*Effect of lien.*

126.—(1.) Every lien registered as aforesaid 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, etc., inserted in lien.*

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

MINING—

*Provisions, etc., implied in lien.*

128. 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:—

*Firstly*—Stipulations to the effect following, namely:—

That during the continuance of the security the lienee may at the lienor's expense do all such acts and things as may be necessary for the preservation or protection of the property comprised in the lien ticket and of the title there-to when the lienor 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 lienor's miner's right and licences, if any.

*Secondly*—Powers to the effect following, namely:—

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—

- (a) 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.

- (b) Cause the property comprised in the lien ticket to be sold by public auction after having advertised his intention of so doing in some newspaper generally circulating in the neighbourhood, or by such other means as the Warden directs and after having posted a copy of such advertisement on a conspicuous part of the mining tenement and at the Warden's Office not less than seven 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—

- (i) The lienee shall at such auction be at liberty to bid for and purchase the property or any part thereof;

- (ii) 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;
- (iii) 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 on behalf of the persons interested—that is to say, 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.

*Addition of lienees' expenses to security.*

**129.** 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.

*Transfer to purchaser on sale by lienee.*

**130.** 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 such transfer to the purchaser named therein.

*Resumption of property subject to lien.*

**131.** 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.

*Redemption.*

**132.** 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.*

**133.** 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.

## MINING—

### *Mortgage of mining lease.*

134. A mining lease may be charged or made security for the payment of money or the discharge of any liability.

When a mining lease is intended to be so charged, the lessee shall execute a memorandum of mortgage in the following form, with such variations and additions, if any, as circumstances may require.

#### MEMORANDUM OF MORTGAGE.

I, \_\_\_\_\_, of \_\_\_\_\_, being the registered lessee of [describe the holding and number of the lease] under the provisions of Part IV of *The Mining Act of 1898*<sup>(2)</sup> (Queensland Adopted) in consideration of the sum of £ \_\_\_\_\_ lent to me by [or due by me to] \_\_\_\_\_ of \_\_\_\_\_ [and in consideration, etc., state further advances, if any], hereby mortgage the said lease 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 [etc.,] or any of them, I authorize the said \_\_\_\_\_ to sell the said lease in accordance with the provisions of the Regulations in force for the time being under the said Act.

In witness whereof I have hereto signed my name, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. (Signed) A.B.  
Signed by the above-named \_\_\_\_\_ as mortgagor, }  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, }  
in my presence.

### *Registration of mortgage.*

135. Every such memorandum of mortgage shall be in duplicate, and one original shall be registered at the Warden's Office.

### *Priority of mortgages.*

136. In the case of several mortgages of the same lease they shall take priority according to the dates of their production for registration.

### *Effect of mortgage.*

137. 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.

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.

### *Provisions, etc., inserted in mortgage.*

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

### *Provisions, etc., implied in mortgage.*

139. Except as is otherwise expressly provided by the mortgage and without prejudice to any further or other covenants, provisions,

<sup>(2)</sup> Repealed and replaced in the Territory of Papua by the *Mining Ordinance, 1937-1939.*



stipulations, agreements, and powers therein contained, there shall be deemed to be included and implied in every such mortgage—

*Firstly*—Stipulations to the effect following, namely:—

That during the continuance of the security the mortgagee may at the mortgagor's expense do all such acts and things as may be 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.

*Secondly*—Powers to the effect following, namely:—

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—

- (a) 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.

- (b) Cause the property comprised in the mortgage to be sold by public auction after having advertised his intention of so doing in the *Gazette* and in some newspaper generally circulating in the neighbourhood, or by such other means as the Warden may direct, and after having posted a copy of such advertisement 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, or interest which at the time of default made by him the mortgagor has in any earth the produce of the leasehold.

Provided that—

- (i) The mortgagee shall at such auction be at liberty to bid for and purchase the property or any part thereof;

- (ii) 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;
- (iii) 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 on behalf of the persons interested—that is to say, 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 mortgagees' expenses to security.*

140. 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.*

141. 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 mineral lease the consent, in writing, of the Director of Mines to the transfer, the Warden shall register such transfer to the purchaser named therein.

*Redemption.*

142. 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.*

143. 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.

*Transfer of lien or mortgage.*

144. A lien or mortgage may be transferred by means of a transfer in the following form, with such variations and additions, if any, as circumstances may require.

*Mining Regulations, 1935.*

TRANSFER.

I, \_\_\_\_\_, of \_\_\_\_\_, being registered as the holder of lien numbered \_\_\_\_\_ on \_\_\_\_\_ [or mortgagee 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 mortgagee].  
Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Witness:

Miners' rights:

Lienee [or mortgagee]:

Transferee:

No.:

No.:

Date:

Date:

(Signed): E.F., Lienee (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.

*Registration and effect of transfer.*

145. 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.

PART VII.—MINING TENEMENTS GENERALLY.

*Duty to point out boundary posts and marks.*

146. Every 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.

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 liable to a penalty not exceeding Fifty pounds, or to be imprisoned for any period not exceeding Six months.

*Registration of mining tenements.*

147. 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 may be prescribed.

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.

MINING—

*Neglect of officials, etc.*

148. 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 or applicant for any such tenement, if such holder or applicant proves that the non-performance as aforesaid was caused by the neglect or default of the Mining Registrar or Warden, or by any circumstances over which he himself had no control.

*Continuous work.*

149. Ground shall be deemed to be continuously worked if eight 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).

*Resumption of work during currency of exemption.*

150. 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.

*Quarterly statement of operations.*

151. The owner or manager of every mine for which registration is required shall within the first ten days of every quarter furnish the Director of Mines through the Warden with a statement in duplicate of the work done in or in connection with such mine during the preceding three months. Such statement shall be in the following form:—

QUARTERLY STATEMENT OF OPERATIONS.

I, \_\_\_\_\_, of \_\_\_\_\_, being [*the owner or manager as the case may be*] of the mine known as \_\_\_\_\_, at \_\_\_\_\_, do state that the following work has been done in or in connection with the said mine during the three months ending the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, namely:—

Number of men employed	Europeans,	Natives.
Amount of Development:—		
(a) sinking		feet.
(b) driving and cross cutting		feet.
(c) dredging		feet.
(d) other development		feet.
(e) material raised		
(f) gold recovered	ounces, valued at	
(g) other minerals, giving name, weight and value.		

I hereby certify that the above is a true statement of the particulars therein set forth.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
 \_\_\_\_\_  
*Owner or Manager.*

Any owner or manager who neglects or refuses to furnish such statement shall be liable to a penalty not exceeding Five pounds for the first offence and not exceeding Ten pounds for the second or any subsequent offence.

*Mining Regulations, 1935.*

*Monthly statement of gold or other mineral.*

152.—(1.) The owner or manager of every crushing mill or place for the reduction of auriferous or other ores shall forward to the Warden on or before the fourth day of each month, a statement of the quantity of material treated and the gold or other mineral produced from each parcel thereof during the preceding month.

Such statement shall be in the following form:—

MONTHLY STATEMENT OF GOLD OR OTHER MINERAL.

I, \_\_\_\_\_, of \_\_\_\_\_, being [*the owner or manager, as the case may be*] of a crushing mill [*or place for the reduction of auriferous or other ores, as the case may be*], situated at \_\_\_\_\_, do state that the following material was treated by me during the month ending \_\_\_\_\_, 19\_\_\_\_, and that the yield of gold [*or other mineral, as the case may be*] obtained therefrom was as herein stated, viz.:—

Mine from which Material Obtained.	Quantity of Material Treated.	Yield of Gold or other Mineral therefrom.	Estimated Value.
Gross Total			

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
(Signed) \_\_\_\_\_ A.B.

Every such owner or manager who neglects or refuses to furnish such statement shall be liable to a penalty not exceeding Ten pounds for the first offence, and not exceeding Fifty pounds for the second or any subsequent offence.

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

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

*Ore Exported.*

153.—(1.) The owner or manager of every mineral lease shall lodge with the Warden on or before the fourth day of each month a statement of the quantity of ore exported during the preceding month. The statement shall be in the following form:—

MONTHLY STATEMENT OF ORE EXPORTED.

I, \_\_\_\_\_, of \_\_\_\_\_, being [*the owner or manager*] of a mineral lease situated at \_\_\_\_\_, and known as \_\_\_\_\_, do state that the following ore was exported by me during the month ending \_\_\_\_\_, 19\_\_\_\_:—

MINING—

Quantity of ore exported in each consignment and stating nature of ore.	Date of exportation.	Names and addresses of consignees.	Estimated quantity of gold per ton of ore, stating how estimate is arrived at.	Estimated value of ore exclusive of gold, stating how estimate is arrived at.	Estimated value of gold, stating how estimate is arrived at.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed) \_\_\_\_\_ A.B.

(2.) The said owner or manager shall lodge with the statement on account of royalty a sum equal to one per centum on the value of the gold as therein estimated.

(3.) Within three months after the date of exportation if the ore is consigned to Australia, or within six months after the date of exportation if the ore is consigned elsewhere, or in either case within such extended period as the Director of Mines may permit, the owner or manager shall file a Statutory Declaration with the Warden therein stating the amount and value of the gold actually contained in each consignment, and shall attach to and verify by such declaration a true copy of the smelter returns for each consignment, and shall produce the original of such returns to the Warden at the time of filing the declaration for his inspection.

(4.) Royalty at the rate aforesaid shall be paid by the owner or manager upon the value of the gold shown by the declaration to be in excess of the estimate contained in the statement, and if the said value as shown by the declaration is less than that of the estimate contained in the statement a sum of one per centum of the amount of the difference shall be returned to the owner or manager; but no return of any such amount shall be made if the declaration is not filed within the periods hereinbefore provided or the permitted extension thereof.

(5.) Every such owner or manager shall keep a book which shall contain a true record of all ore exported and of all gold or other mineral recovered therefrom and the value thereof under separate headings. Such book shall be produced by the owner or manager to, and shall be open to the inspection of, the Warden or any officer appointed by him.

(6.) Every owner or manager who commits a breach of any of the provisions of this Regulation shall be liable to a penalty not exceeding Fifty pounds, or, in default of payment, to be imprisoned for any period not exceeding Six months.

*Transfers.*

154.—(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 the following form:—

*Mining Regulations, 1935.*

TRANSFER OF CLAIM, ETC.

Fee—Five shillings.

No. \_\_\_\_\_, 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.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.  
(Signature of Transferor) } (Number of miners'  
(Signature of Transferee) } rights 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.

(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 the following form:—

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.

(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 the manner prescribed.

*Removal of props or timber, or obstruction of ventilation,  
without consent.*

155.—(1.) The holder of a mining tenement shall not remove any props or timber of any kind in the mining tenement the removal of which may make the workings of his own or of any mining tenement unsafe or inaccessible.

(2.) Whenever the underground workings of two or more mining tenements communicate with each other so as to afford the means of ventilation, such ventilation shall not be obstructed by the holder of any mining tenement without the consent of an inspector of mines.

*Fencing of shafts and cuttings.*

156.—(1.) The holder of a mining tenement shall at all times keep all shafts and open cuttings therein securely logged up or fenced.

## MINING—

If he abandons such tenement, he shall, before abandoning the same, fill up all shafts and open cuttings then existing thereon, or shall have the same securely fenced.

(2.) Any person who throws down or removes any fence, timber, or any material placed for such purpose, or wilfully injures or destroys any shaft, drive, or any other workings in a mine so as to prevent or impede the workings of such mine or of any adjacent ground, shall be liable to a penalty not exceeding Fifty pounds, or to be imprisoned for any period not exceeding Six months.

(3.) Any person who fails to comply with the provisions of this Regulation shall be liable to a penalty not exceeding Fifty pounds.

### *Roads, etc., across tenements.*

157. 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.

### *Prohibition of injury to claims or roads.*

158. No person shall wilfully cause or permit 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:

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

### *Felling trees across roads.*

159. Any person who, on any goldfield 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 liable to a penalty not exceeding Five pounds, or in default of payment to be imprisoned for any period not exceeding Seven days.

### *Interference with roads and water.*

160.—(1.) Unless expressly authorized by the Warden so to do, no person shall sink any shaft, or disturb the surface of the ground, or erect any works, or deposit 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.

(2.) No person shall undermine any highway in such a manner as to endanger the public safety.



*Mining Regulations, 1935.*

*Appointment of agents.*

161. Any person who holds any share or interest in any mining tenement, may in the event of his being absent for a longer period than fourteen days from the goldfield or mineral field on which such share or interest is held, appoint an agent, by writing, in the following form, with such variations and additions, if any, as circumstances may require:—

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.

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

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 as aforesaid. 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 such 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.*

162. 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.

Or 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.

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.*

163. 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 time, as the Warden orders.

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

*Accidents.*

164. In every case of fatal or serious injury, the Warden shall cause an inquiry to be held, in accordance with Section Two hundred and nine of the Act, into the nature and cause of the accident, and may issue his summons for the attendance of witnesses thereat. But no witness shall be compelled to attend such inquiry to whom payment or tender of his expenses upon the prescribed scale has not been made.

In every case of fatal injury twenty-four hours' notice at least of the time at which such inquiry will be held shall be given to the wife or nearest of kindred of the deceased, provided that such wife or nearest of kindred can be found on the goldfield or mineral field on which the accident occurred; and in every case of serious injury like notice shall be given to such person resident upon the goldfield or mineral field as the injured person may name.

Any person to whom such notice is sent shall be entitled to be present at the inquiry and represent the person killed or injured.

The Warden shall forward to the Director of Mines a copy of the evidence taken at such inquiry, with his report thereon.

*Cleanliness.*

165. All mining tenements shall be kept in a proper state of cleanliness by the holder or occupier.

On complaint being made that any such tenement is not so kept, the Warden may make such order as he thinks proper for the observance of decency and the protection of the public health.

*Compensation in certain cases.*

166. Unless it is by these Regulations otherwise expressly provided, any mining tenement which is in actual occupation under the provisions of the Act 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 by deposit to compensate the holder thereof any loss<sup>(4A)</sup> or injury to the improvements thereon, or to the beneficial enjoyment thereof, that may be sustained by him in consequence of such mining.

(4A) The words "thereof any loss" appeared in the Regulations as published in Papua Govt. Gaz. *Semble*, "thereof for any loss" was intended.

No holder of a miner's right intending to mine on such tenement shall commence work until such security has been given.

On the giving of such security the Warden may remove the occupant.

This Regulation does not apply to the land comprised in a mining lease or an application therefor.

*Compensation in case of resumption.*

167. Except as by the Act or these Regulations is otherwise expressly provided, when a mining tenement or part thereof is resumed, the amount of compensation to which the holder thereof is entitled shall be determined in the manner prescribed by the *Lands Acquisition Ordinance, 1914*, for determining the amount of compensation payable for land taken under that Ordinance.

*Compensation generally.*

168.—(1.) When by the Act 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.

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 such 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.

(2.) An application for arbitration under this Regulation shall be made within forty-eight hours after the decision of the case by the Warden; otherwise it shall not be entertained.

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

*Declaration of loss of miner's right, certificate of registration, lien ticket, or transfer certificate.*

169.—(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 the following form:—

MINING—

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.

(2.) Upon payment of the prescribed fee, he shall thereupon be entitled to receive a certificate of such loss in the following form:—

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.

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

*Lost lease instruments.*

170. Upon application to the Director of Mines supported by a Declaration upon oath that a lease instrument has been lost or destroyed, the Director of Mines may, if he is satisfied with the Declaration, cause a notice to be published of his intention to issue an Official Copy of the said lease instrument at a date not sooner than thirty days after the publication of the said notice.

Upon issue of the Official Copy, the Director of Mines shall cause the copy to bear a notation of the reason for its issue and shall cause a similar notation to be made on the Crown's copy of the said instrument.

The fee and cost shall be as prescribed in the Schedule to these Regulations.

*False representation.*

171. 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.

*Form of certificate.*

172. A certificate of registration shall be in the following form:—

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.

*Mining Regulations, 1935.*

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

*Form of objection.*

173. An objection to any registration shall be in the following form:—

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.

Received at the Warden's Office \_\_\_\_\_, this \_\_\_\_\_ day  
of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock, \_\_\_\_\_ .m.  
C.D.,  
(Signed) \_\_\_\_\_  
Warden or Mining Registrar.

*Powers of Mining Registrar.*

174. In addition to the powers conferred on him by the Act and these Regulations a Mining Registrar shall have power to deal with all non-contentious business. In particular and without limiting the effect of the foregoing provision he may in the absence of the Warden through sickness or other cause if no objection is lodged, 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.

*Charging order.*

175. 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.

*Declarations of trust.*

176. Declarations of trust may be lodged at the Warden's Office and registered. Such declarations shall be in the following form or to the like effect:—

## MINING—

### 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 Director 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—

### PART VIII.—MINERS' HOMESTEAD LEASES.

#### *Application for miners' homestead leases.*

177. Applications for leases under Part VIII. of the Act shall be in the following form:—

#### APPLICATION FOR MINER'S HOMESTEAD LEASE.

Received this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock, \_\_\_\_\_ m.

C.D.,

Warden or Mining Registrar.

I, \_\_\_\_\_, of \_\_\_\_\_, being the holder of miner's right No. \_\_\_\_\_, resident on the \_\_\_\_\_ Gold [or Mineral] Field, and being of the full age of eighteen years, do hereby apply for a lease, under Part VIII of *The Mining Act of 1898*<sup>(2)</sup> (Queensland Adopted) of the lands described in the schedule hereunto annexed, situated on the \_\_\_\_\_ field, comprising an area of \_\_\_\_\_ acres, \_\_\_\_\_ roods, \_\_\_\_\_ perches, and I deposit herewith the sum of \_\_\_\_\_ pounds, and \_\_\_\_\_ shillings, being the amount of one \_\_\_\_\_ year's rent of the land applied for, together with the prescribed survey fee.

(Signed) A.B.

I have this day received from \_\_\_\_\_, the sum of \_\_\_\_\_, being the amount of rent and survey fee due on the above application numbered \_\_\_\_\_

Place: \_\_\_\_\_ Date: \_\_\_\_\_

C.D.,

Warden or Mining Registrar.

Description of land applied for: \_\_\_\_\_

#### *Notices of objection.*

178. Every notice of objection to an application for a miner's homestead lease shall be in the following form:—

#### OBJECTION TO APPLICATION FOR MINER'S HOMESTEAD LEASE.

I, the undersigned do hereby give notice that I object to the application for miner's homestead No. \_\_\_\_\_, by \_\_\_\_\_, for the following reasons:

(Signed) A.B.

Received at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock, \_\_\_\_\_ m.

C.D.,

Warden or Mining Registrar.

#### *Register of transfer.*

179. The Warden shall keep a register in which he shall record every transfer of a miner's homestead lease or any part thereof.

<sup>(2)</sup> Repealed and replaced in the Territory of Papua by the *Mining Ordinance, 1937-1939.*

*Mining Regulations, 1935.*

*Form of transfer.*

180.—(1.) A transfer of a miner's homestead lease made under the provisions of Section Eighty-seven of the Act shall be in the following form:—

TRANSFER OF MINER'S HOMESTEAD LEASE.

Know all men by these presents, that I, \_\_\_\_\_, lessee of the miner's homestead No. \_\_\_\_\_, on the \_\_\_\_\_ field, containing \_\_\_\_\_ acres, \_\_\_\_\_ roods, \_\_\_\_\_ perches, do hereby transfer and assign all my right, title, and interest in the said lease to \_\_\_\_\_, and I hereby request that this transfer may be registered in the office of the Warden for the above-mentioned field.

Fee—Ten shillings.

In witness whereof, I have hereto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

[L.S.] (Signature of Transferor.)  
(Signature of Transferee.)

Signed, sealed, and delivered by the said \_\_\_\_\_, in my presence—  
(Signature of Witness.)

(2.) Every transfer of part of a miner's homestead lease under the provisions of Section Eighty-nine of the Act shall be in the following form:—

TRANSFER OF PART OF MINER'S HOMESTEAD LEASE.

Know all men by these presents, that I, \_\_\_\_\_, lessee of the miner's homestead No. \_\_\_\_\_, on the \_\_\_\_\_ field, containing \_\_\_\_\_ acres, \_\_\_\_\_ roods, \_\_\_\_\_ perches, do hereby transfer and assign all my right, title, and interest in and to such part of the said homestead as is particularly described in the certified plan and description contained in the schedule hereto \_\_\_\_\_, and I hereby request that this transfer may be registered in the office of the Warden for the above-mentioned field.

Fee—Ten shillings.

SCHEDULE.

PLAN AND DESCRIPTION.

In witness whereof, I have hereto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

[L.S.] (Signature of Transferor.)  
(Signature of Transferee.)

Signed, sealed, and delivered by the said \_\_\_\_\_, in my presence—  
(Signature of Witness.)

*Form of certificate of transfer.*

181. Every certificate of transfer of a miner's homestead lease shall be in the following form:—

CERTIFICATE OF TRANSFER OF MINER'S HOMESTEAD LEASE.

This is to certify that I have this day recorded the under-mentioned transfer.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

C.D.,  
Warden.

The miner's homestead comprised in the within written lease.

Area transferred:

Transferor:

Transferee:

Description of land transferred:

## MINING—

### *Reduction of transferor's rent on transfer of part.*

182. When the transfer of any part of a miner's homestead made under the provisions of Section Eighty-nine of the Act has been recorded, the original lessee thereof shall thereafter be entitled to a proportionate reduction of the annual rent payable by him in respect thereof.

### *Liability of transferee for payment of rent of part transferred.*

183. Any person to whom a part of any miner's homestead has been transferred shall, from the date of the recording of such transfer, be liable to pay the annual rent of the part so transferred to him and shall hold such part subject to all the conditions contained in the original lease of the miner's homestead.

### *Nominal rent of part transferred after endorsement.*

184. When a lease of a miner's homestead has been endorsed under the provisions of Section Eighty-five of the Act, and part of such homestead has been transferred, the annual rent payable in respect of the part so transferred shall be the sum of One shilling and no more, and such rent shall be payable on the thirty-first day of December in every year, if demanded.

## PART IX.—DRAINAGE AREAS.

### *Mode of distinguishing different drainage areas.*

185. Drainage areas constituted under Part XII of the Act shall be distinguished by some distinctive name.

### *Qualification of members.*

186. No person shall be eligible for election as a member of a Drainage Board unless he is an owner or part owner or director of, or shareholder in, some mine situated within the boundaries of the drainage area under the control of such board, or a shareholder in a registered mining company holding any mine, claim, or mining lease within such drainage area.

### *Time for holding elections and duration in office of board.*

187.—(1.) The first Drainage Board for a drainage area shall be elected as soon as practicable after the constitution of the area, and thereafter the board shall be elected annually on the third Saturday in the month of January in each year.

(2.) Members shall continue to hold office and to act until their successors are elected, and shall, if otherwise qualified, be eligible for re-election.



*Qualification of voters.*

188. The persons entitled to vote at the election of members of a Drainage Board shall be the representatives of the different mines situated within the boundaries of the drainage area under the control of such board.

Such representatives shall be appointed by writing signed by the owners or directors of each mine, or by some manager or other person duly authorized to act for that purpose on their behalf, and such appointment may be at any time cancelled and a fresh appointment made.

*First election—Warden to be Returning Officer.*

189. When a drainage area is constituted, the Warden shall, for the purpose of conducting the election of the first Drainage Board for such area, be the Returning Officer, and perform all the duties and exercise all the powers of a Returning Officer in connection with such election.

*Preparation of voter's roll.*

190. Upon receipt of the Proclamation constituting a drainage area, the Warden, as such Returning Officer, shall forthwith compile a list of all mines within the limits of the drainage area, and shall publish such list by causing it to be affixed to the notice-board at the Warden's Office, and also to be advertised in some newspaper generally circulating in such area, together with a notice requiring the owners of each of the said mines forthwith to appoint some person to act and vote as the representative of such mine, and to notify such appointment to him, in writing, on or before a certain day prior to the day fixed by him for the nomination of candidates for election as members of the Drainage Board for such area.

Upon receipt of the said notices of appointment of representatives, the Returning Officer shall compile therefrom a list of persons entitled to vote at the election, and shall place opposite to each voter's name the name of the mine in respect of which he is appointed to vote.

Such list shall be the voter's roll for the election.

*Appointment of day of nomination.*

191. The Warden, as such Returning Officer, shall fix a day, not less than fourteen days nor more than twenty-eight days after the receipt by him of the Proclamation constituting a drainage area, on which day, between the hours of nine o'clock in the morning and four o'clock in the afternoon, he will, at his office, receive nominations of persons nominated as candidates for election as members of the first Drainage Board for the area.

MINING—

*Notice of nomination day.*

192. The Returning Officer shall make public the date fixed by him for the nomination of candidates for election as members of the Drainage Board by causing to be affixed to the notice board at the Warden's Office, and to be published in some newspaper generally circulating in the area, at least seven days before the date of nomination, a notice in the following form:—

NOTICE OF ELECTION.

[Name.] Drainage Area.

I hereby give notice that nominations of candidates for election as members of the Drainage Board for the above-named drainage area will be received by me, at my office, between the hours of 9 a.m., and 4 p.m., on

C.D.,

Warden [or Returning Officer].

Dated . . . . ., 19 . . . . .

*Nomination.*

193. Any person who is qualified to vote at the election of members of the Drainage Board may nominate a candidate for election by lodging at the Warden's Office, within the time therefor appointed, a nomination paper in the following form:—

NOMINATION PAPER.

[Name.] Drainage Area.

I, . . . . ., hereby nominate A.B., as a candidate for election as a member of the board of the above-named drainage area.

Dated this . . . . . day of . . . . .

(Signed) . . . . ., 19 . . . . .  
A.B.

*Opening of nomination papers.*

194. On the day appointed for the nomination of candidates, at four o'clock in the afternoon, the Returning Officer shall attend at the Warden's Office, and shall there open the nomination papers, and shall declare the names of the candidates nominated and of the persons by whom each candidate is nominated.

*Declaration of election when only required number nominated.*

195. If the number of candidates nominated does not exceed the number of members to be elected, the Returning Officer shall then and there declare such candidates to be duly elected.

*Announcement of poll when more than required number nominated.*

196. If the number of candidates nominated exceeds the number of members to be elected the Returning Officer shall then and there announce that a poll will be taken at the Warden's Office, on a day fixed by him, not later than seven days after the date of nomination.

*Mining Regulations, 1935.*

*Retirement of candidates before poll.*

197. Any candidate may retire before the day fixed for the taking of the poll by giving to the Returning Officer a notice, in writing, signed by himself, stating that he withdraws his name from the list of candidates, and if by any such retirement of a candidate or candidates the number nominated is reduced to a number not exceeding the number of members to be elected, the Returning Officer shall declare the remaining candidates to be duly elected, and no poll shall be taken.

*Attendance by Returning Officer at polling place. Scrutineers.*

198. When a poll is to be taken the Returning Officer shall attend at the Warden's Office, from ten o'clock in the forenoon until four o'clock in the afternoon on the day appointed, for the purpose of receiving votes.

Any candidate may by writing under his hand appoint a scrutineer on his behalf in connection with the election.

*Mode of Voting.*

199. Each voter on the roll shall be entitled to vote for the whole number of candidates to be elected, or for any less number, and shall record his vote by delivering to the Returning Officer a list in writing and signed by himself of the candidates for whom he votes.

*Examination of voting papers at close of poll.*

200. When the poll has closed at four o'clock in the afternoon, the Returning Officer shall examine the voting papers and count the number of votes received by each candidate, and shall then declare the candidates who have received the greatest number of votes to be duly elected:

Provided that the candidates or their scrutineers may, if they so wish, together with the Returning Officer, inspect the voting papers before the declaration of the result of the poll.

*Returning Officer's casting vote.*

201. If at the polling an equal number of votes is recorded for any two or more candidates, the Returning Officer shall by his casting vote determine the candidate who shall be elected.

*Appointment of Returning Officer.*

202. The board shall appoint one of its members or officers to act as Returning Officer at the annual election in each year after the first election, and such Returning Officer shall perform the duties hereinbefore prescribed with respect to the election.

## MINING—

### *Time and place of meeting.*

203. The board shall meet at such time and place as it may from time to time by resolution determine, and may, if requested in writing by one or more members, at any time summon a special meeting.

### *Quorum of board.*

204. At the meetings of the board three members shall form a quorum.

### *Appointment of chairman.*

205. The board shall, at its first meeting, elect one of their number to be the chairman of the board, and such chairman shall, in all divisions of the board, have a casting as well as a deliberate vote:

Provided that, if at any meeting of the board the chairman is absent, the board shall appoint a deputy to act as chairman at such meeting; and such deputy chairman shall, at such meeting, in the absence of the chairman, have a casting vote in any division.

The chairman shall at all times have power to appoint a deputy chairman in the event of his absence, or if from any other cause he is unable to act.

### *Seal of board.*

206. The board shall have a common seal, which shall be kept and used in such manner as the board may by resolution determine.

### *Office of board.*

207. The board may appoint a certain place to be the office of the board, and may make all rates or assessments payable at such office.

### *Appointment of officers.*

208. The board may from time to time appoint a clerk, and such surveyors, valuers, collectors, and other officers as it thinks proper and necessary, and from time to time remove any such officers and appoint others in the room of any so removed.

### *Vacation of seat.*

209. If a member fails to attend the meetings of the board for a period of three consecutive calendar months he shall be deemed to have vacated his seat.

### *Filling of vacant seats.*

210. If a member dies, resigns, or vacates his seat on the board, the board shall appoint some qualified person to take the place of

such member, and such person shall, during the remainder of the year, have the same rights and powers as if he had been elected a member of the board.

*Estimates framed.*

211. It shall be the duty of the board, during the month of February in each year, to make an estimate of the amount required to defray all costs and charges for drainage purposes.

*Prohibition of operations, compulsory bailing, etc.*

212. When the urgency of the case requires that immediate action shall be taken to avert a common danger, the following provisions shall take effect:—

(1) The chairman may, by writing under his hand, order that for such time as the board deems expedient, any mine situated within the drainage area shall cease to carry on all or any operations, and that all flood-gates or other appliances erected in or upon such mine, whether by the Drainage Board or otherwise, shall be closed or otherwise secured or fixed in such manner as the chairman directs.

(2) The chairman may, by writing under his hand, order that the water shall be bailed from any mine situated within the drainage area, and that any obstruction of any kind whatsoever which hinders or is likely to hinder the board in viewing, repairing, or dealing with any dam, gate, door, or other appliance existing in or upon such mine shall be removed.

(3) The owners, manager, engine-drivers, and all other persons for the time being working in or upon or in connection with such mine shall do all such acts and things as the chairman directs for those purposes, and shall do and execute all orders given by any person appointed by the chairman to oversee the carrying out of such orders.

Any owner, manager, engine-driver, or other person as aforesaid who refuses or neglects to carry out any order of the chairman, or of any such overseer, shall be liable to a penalty not exceeding Fifty pounds, and in default of payment of such penalty to be imprisoned for any period not exceeding Six months, or to be imprisoned for any period not exceeding Six months without the option of a penalty.

(4) For the purpose of this Regulation the expression "chairman" includes a deputy chairman or chairman for the time being elected at a duly constituted meeting of the board.

*Removal of machinery or appliances. Penalty.*

213. No owner, mortgagee, or lienee of any mine, or director of a company owning any mine, situated within the drainage area, or liquidator of such company, shall cause or permit any driving mach-

inery or other appliance used for descending or ascending such mine, or any pumping machinery, to be removed from such mine without giving fourteen days' notice to the board of his intention to so remove such machinery or appliance:

Provided that, if in any case the board is of opinion that such period of fourteen days is not sufficient notice of such removal as aforesaid, the Warden, on the application of the board, may fix a time, and, if necessary, extend the time mentioned in the said notice.

Every such owner, mortgagee, lienee, director, liquidator, or other person having possession of or control over such machinery or appliance who causes or permits such machinery or appliance to be so removed shall be liable to a penalty not exceeding Fifty pounds, and in default of payment of such penalty to be imprisoned for any period not exceeding Six months.

*Hindering officers of board. Penalty.*

214. Any person who hinders, obstructs, or otherwise interferes with any officer of the board in the exercise of any of the powers conferred by the Act or these Regulations shall be liable to a penalty not exceeding Fifty pounds, and in default of payment of such penalty to be imprisoned for any period not exceeding Six months.

PART X.—JUDICIAL PROCEEDINGS.

*Plaint.*

215. In all civil cases the proceedings shall, unless with the consent of both parties as provided by Section One hundred and thirteen of the Act, be commenced by a plaint in the following form, or as near thereto as circumstances will permit:—

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 \_\_\_\_\_

To the defendant.

A.B.,  
 Plaintiff.

*Nature of plaint.*

216. The plaint 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.

*Particulars of demand.*

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

*Time for filing plaint.*

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

*Copies of particulars.*

219. 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.

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

220. 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.

*Issue of summons.*

221. Upon the filing of the plaint the Warden or Mining Registrar shall issue a summons in the following form:

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 plaint].

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.

[If you desire to have the said complaint heard before assessors, you are entitled to have it so heard upon payment of the necessary fees].

[This paragraph is to be inserted only in cases which can be heard before the Warden sitting with assessors].

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.

Such summons may be made returnable at any time fixed by the Warden.

MINING—

*Service of summonses.*

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

*Successive summonses.*

223. 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 a plaint after the expiration of six months from the date of the filing thereof.

*Notice of defence.*

224. When it is the intention of the defendant to dispute the right of the plaintiff to the relief sought, 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.

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:

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.*

225. 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.

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.*

226. The notice of defence shall be in the following form:—

NOTICE OF DEFENCE.

In the Warden's Court at

A.B. v. G.H.

Take notice that I intend to dispute 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 plaint*]. The defendant therefore prays that [*proceed as in plaint*].

Dated this                      day of                      , 19                      G.H.,  
Defendant.

To the above-named plaintiff.



Witnesses.

227. 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 the following form, or as near thereto as circumstances will permit:—

SUBPENA.

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 Ten pounds, 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.

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.

Assessors.

228. When parties are empowered to require assessors, notice of demand of a trial by assessors shall be made in writing to the Warden or Mining Registrar two clear days before the day of hearing.

Thereupon the Warden or Mining Registrar shall issue a summons in the following form:—

SUMMONS TO ASSESSORS.

In the Warden's Court at

A.B. v. G.H.

You are hereby summoned to appear and serve as an assessor in this Court at \_\_\_\_\_, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, at the hour of \_\_\_\_\_, in the \_\_\_\_\_ noon, upon the trial of the above cause, and in default of your attendance you will be liable to a fine not exceeding Five pounds.

Given under the seal of the Court, this \_\_\_\_\_

day of \_\_\_\_\_, 19 \_\_\_\_\_

C.D.,

Warden or Mining Registrar.

To \_\_\_\_\_,

of \_\_\_\_\_

Non-appearance of plaintiff.

229. If at 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 in his discretion award the costs in the same manner and to the same amount as if the case had been tried.

MINING—

*Default in payment of judgment debt.*

230. 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 be issued for the whole amount of judgment and costs then remaining unsatisfied.

*Warrants of execution.*

231. Every 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 the following form, or as near thereto as circumstances will permit:—

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 forthwith 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 .. .. .	:	:	:
	<hr/>		
	£	:	:
	<hr/>		

*Notice and date of sale.*

232. 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.

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 days at least before the day appointed for such sale.

*Sale in execution.*

233. All 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.

*Appeal before payment over of proceeds.*

234. 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.

*Applications for quashing orders.*

235. Applications under Section One hundred and thirty-nine of the Act shall be made within the time and in the manner prescribed in the case of similar appeals from justices.

*Security for costs of appeal.*

236. Within the time specified by Section One hundred and forty-one of the Act, the appellant shall give security to the satisfaction of the Warden by bond with one or two sureties, or by deposit of the sum of Fifty pounds or such less sum as to the Warden may seem reasonable to cover the costs of appeal in the event of the judgment being upheld wholly or partially.

Such bond or deposit shall be available to the opposite party as a security for the payment of any moneys which may be payable under the order made on appeal.

*Entry of judgment on appeal.*

237. 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.

*Judgment in detinue.*

238. 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.

## MINING—

But 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.

### *Form of judgment.*

239. Every judgment shall be drawn up in the following form:—

#### 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.

### *Form of order authorizing entry on adjacent mining tenement.*

240. Every order authorizing entry on an adjacent mining tenement shall be in the following form:—

#### 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 Act of 1898*(2) (Queensland Adopted)], 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.

### *Forms in injunction.*

241.—(1.) Every notice of application for an injunction shall be in the following form:—

#### 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.

(2) Repealed and replaced in the Territory of Papua by the *Mining Ordinance, 1937-1939.*

(2.) Every injunction shall be drawn up in the following form:—

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, etc.,] to carry on  
the works thereon and to pay the expenses thereof out of the receipts therefrom,  
and to pay the unexpended balance on<sup>(5)</sup> such receipts into this Court weekly*].  
Given under the seal of the Court this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

C.D.,  
Warden.

*Scale of fees.*

242. The fees to be charged for processes issued out of the Warden's Court shall be in accordance with the scale prescribed in the Schedule hereto annexed.

All such 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.

*Costs of witnesses.*

243. The Warden shall in each case direct what number of witnesses are to be allowed on taxation of costs between party and party.

Allowances for witnesses' expenses shall in no case exceed the rates prescribed by the scale in the Schedule hereto annexed.

*Taxation of costs.*

244. The Warden shall be guided in the taxation of costs by the scale of fees in like cases in Small Debts Courts.

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.*

245. Except in the cases hereinafter specially provided for, 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

(5) The words "balance on" appeared in the Regulations as published in Papua Govt. Gaz. *Semble*, "balance of" was intended.

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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 or miner's homestead, 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, bracman, 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;
- (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.

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.

*Form of affidavit of service.*

246. The affidavit of service of a document shall be in the following form:—

AFFIDAVIT OF SERVICE.

In the Warden's Court at  
 Between A.B., plaintiff, and G.H., defendant.  
 I, \_\_\_\_\_, of \_\_\_\_\_, in the Territory of Papua,  
 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\_\_\_\_.  
 C.D.,  
 Warden or Mining Registrar.

*Form of order fining assessor.*

247. An order fining an assessor for non-attendance shall be in the following form:—

*Mining Regulations, 1935.*

ORDER FINING ASSESSOR FOR NON-ATTENDANCE.

In the Warden's Court at

A.B. v. G.H.

Whereas \_\_\_\_\_, of \_\_\_\_\_, was duly summoned to appear and serve this day as an assessor in this Court upon the trial of the above cause; and whereas he has neglected without sufficient cause shown to appear and serve as an assessor at this Court: It is hereby ordered that he shall forthwith pay to the Warden of this Court a fine of £ \_\_\_\_\_ for such neglect.

Given under the seal of the Court this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

By the Court, \_\_\_\_\_ C.D.,  
Warden or Mining Registrar.

*Adoption of practice and procedure of the Court.*

248. 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 Small Debts Courts shall, as far as possible, be adopted.

PART XI.—GENERAL.

*Examination of register.*

249. Any registered shareholder of a mining tenement or other holding, or any registered licensee or mortgagee of any such tenement or holding, may, upon application at the Warden's Office, and without fee, examine the register, so far as it relates thereto.

Any person may examine the register at the Warden's Office of any mining tenements or other holdings upon payment of the prescribed fee.

*Candidates for examination as mining manager and as engine-driver shall pay a fee.*

250.—(1.) Every person who desires to become a mining manager, before presenting himself as a candidate for examination by the Board of Examiners as provided by Section One hundred and ninety-nine of the Act, shall pay to the Warden the fee prescribed in the Schedule hereto.

(2.) Every person who desires to qualify himself as an engine-driver, before presenting himself as a candidate for examination by the Board of Examiners as provided by Section Two hundred and twenty-two of the Act, shall pay to the Warden the fee prescribed in the Schedule hereto.

*Penalties for breach of Regulations.*

251. 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 Six months.

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*Forms.*

252. The forms prescribed by these Regulations, or forms to the like effect, may be used, with such variations or additions as may be agreed upon by the parties or as circumstances may require:

And notwithstanding anything in these Regulations to the contrary, contracts or agreements for the sale or other disposition (including liens, mortgages, and leases) of mining tenements, or any share or interest therein, may be made by owners, lienees, mortgagees, and other persons in respect of such mining tenements in the same manner as such contracts or agreements may be made for the sale or other disposition of other personal property:

Provided that no unregistered estate, interest, security, contract, or agreement shall prevail against any subsequent purchaser in good faith and for valuable consideration registered under the provisions of the Act or these Regulations.

THE SCHEDULE.

SCALE OF FEES FOR—

<i>Exemption of—</i>	£	s.	d.
(a) Claim—from labour—for a period exceeding one month ..	0	10	0
(b) Machine area or area for the erection of furnaces—from use—for a period exceeding one month .. .. .	0	10	0
(c) Business area or residence area—from occupation—on each occasion and for each renewal .. .. .	0	2	6
(d) Water-right—from use .. .. .	0	10	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
 <i>Transfer of—</i>			
(a) Claim or share therein, machine area, area for the erection of furnaces, area for stacking tailings, market-garden area, business area, residence area, water-right, and all other mining tenements except leaseholds or shares therein	0	5	0
(b) Mining leasehold or share therein .. .. .	1	0	0
(c) Lien or mortgage .. .. .	0	5	0
<i>Union of mining leaseholds</i> .. .. .	10	0	0
 <i>Registration of—</i>			
Appointment of agent, power of attorney or other authority or declaration of trust .. .. .	0	2	6
Amalgamation of claims, consolidation of dredging claims, lien, mortgage, rules and agreements, or stacked earth ..	0	5	0
Cancellation of lien or mortgage .. .. .	0	1	0
 <i>Declaration of loss of—</i>			
Any document other than a miner's right .. .. .	0	5	0
When official copy of lease instrument applied for, the cost of the advertisement and in addition .. .. .	1	0	0
 <i>Survey—</i>			
Of land applied for as a mining leasehold, machine area, area for erecting furnaces, area for stacking tailings, market-garden area, or dredging areas—			
If not more than one acre .. .. .	2	0	0
If more than one acre, but not more than five acres ..	3	10	0
If more than five acres, but not more than ten acres ..	5	0	0
If more than ten acres, but not more than fifteen acres	6	10	0



*Mining Regulations, 1935.*

	£.	s.	d.
If more than fifteen acres, but not more than twenty acres .. .. .	7	10	0
If more than twenty acres, but not more than twenty-five acres .. .. .	8	10	0
If more than twenty-five acres, but not more than thirty acres .. .. .	9	0	0
If more than thirty acres, but not more than forty acres ..	9	10	0
If more than forty acres, and up to fifty acres ..	10	0	0
And for every additional ten acres .. .. .	0	10	0
<i>Examination of registers—</i>			
For each entry examined .. .. .	0	2	6
<i>Judicial proceedings—</i>			
For every information or plaint .. .. .	0	1	6
For every summons .. .. .	0	1	0
For every copy .. .. .	0	0	0(6)
For every notice of defence .. .. .	0	1	0
For every order of Warden .. .. .	0	1	0
For every execution .. .. .	0	2	0
For every declaration filed .. .. .	0	2	0
For every injunction .. .. .	0	5	0
<i>Bailiffs' services—</i>			
For every service of summons or subpoena .. .. .	0	2	6
Possession money, per diem, if in actual possession ..	0	10	0
Mileage one way on all processes served by bailiff (exclusive of first mile), per mile .. .. .	0	1	0
For every levy .. .. .	0	5	0
<i>Witnesses' expenses—</i>			
Professional men, per diem .. .. .	1	1	0
All others, per diem .. .. .	0	10	0
Mileage for every mile after first two miles, one way only ..	0	1	0
<i>Examination fee—</i>			
Mine manager .. .. .	2	2	0
Engine-driver .. .. .	1	1	0

(6) The figures "0 0 0" appeared in the Regulations as published in *Papua Govt. Gaz.*

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