

Amended 628 of '95

— 695 of '98, S. 3

Refd 839, '03



ANNO TRICESIMO SEPTIMO

VICTORIÆ REGINÆ.

A. D. 1873.

No. 18.

An Act to amend the Laws relating to Mining for Gold in the Northern Territory, and for other purposes.

[Assented to, 18th December, 1873.]

WHEREAS it is expedient to amend the Laws relating to Mining for Gold in that portion of the Province of South Australia lying north of the twenty-sixth parallel of south latitude, commonly known as and called "The Northern Territory:" And whereas, it is also expedient to provide for the settlement and final determination of all disputes concerning the rights and claims of persons to auriferous lands in the said Territory—Be it therefore Enacted, by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

1. This Act shall be divided into parts, as follows—

Division of Act.

PART I.—Preliminary:

PART II.—Validation of Acts done and proceedings taken under different Acts and Regulations and provisions for validating titles:

PART III.—Miners' Rights and Mining Leases:

PART IV.—Mining Board and its powers:

PART V.—Wardens, their powers and duties:

PART VI.—General matters.

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PART I.

PART I.—Preliminary:

Commencement of Act.

2. This Act shall come into operation on the first day of March, one thousand eight hundred and seventy-four.

Interpretation clause.

3. In the construction of this Act the following words shall, if not inconsistent with the context or subject-matter, have the respective meanings hereby assigned to them (that is to say)—

The word "Gold" shall signify as well any gold as any rock, stone, quartz, clay, sand, soil, or earth containing gold, or having gold mixed in the substance thereof, or set apart for the purpose of extracting gold therefrom:

The words "To Mine" shall mean to disturb, remove, cart, carry, wash, sift, smelt, refine, crush, or otherwise to deal with any gold, as hereinbefore defined, by any mode or method whatsoever, for gold mining purposes, as hereinbefore defined:

The words "Gold Mining Purposes" shall mean the purpose of obtaining and mining for gold by any mode or method, and of stacking or otherwise storing the same:

The word "Mine" shall mean and include any place, pit, shaft, drive, level, or other excavation, drift, gutter, lead, vein, lode, or reef, wherein, or whereby any operation for, or in connexion with gold mining purposes, as hereinbefore defined is or shall be carried on upon waste lands:

The word "Miner" shall mean any person engaged or interested in any gold mining purpose or operation:

The words "Waste Lands" shall include all lands of the Crown in the Northern Territory not alienated in fee or agreed to be so alienated, and not demised under the provisions of this Act, or of Part III. of "The Northern Territory Land Act, 1872," and not forming claims held under miners' rights, issued under this Act, and also all such lands as having been demised pursuant to this Act, shall have been surrendered or forfeited in manner hereinafter provided, and also all relinquished, abandoned, deserted, or forfeited claims, races, drains, dams, reservoirs, easements, occupied and enjoyed under a miner's right:

The word "Claim" shall mean such a parcel of waste lands as any person in accordance with this Act, or any regulations to be made, as hereinafter provided, shall hereafter take possession of; and be entitled to occupy, for the purpose of seeking gold therein, or any number of such parcels lawfully amalgamated by their owners:

The word "Warden" shall mean one of Her Majesty's wardens of the Gold Fields in the Northern Territory, appointed as hereinafter provided.

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4. From and after the coming into operation of this Act, sections 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 72 and 73 of "The Northern Territory Land Act, 1872," and all rules and regulations made thereunder, shall be and the same are hereby repealed, saving always (except as by this Act is provided) all rights, claims, interests, penalties, and liabilities which have been created, or have accrued, arisen, or been incurred, or have come into existence under or by virtue of the said repealed Act and regulations, or any of them.

PART I.

Repeal.

PART II.—Validation of acts done and proceedings taken under different Acts and regulations, and provisions for validating titles:

PART II.

5. All applications for leases for gold mining purposes of portions of auriferous lands in the Northern Territory, which on or before the twenty-ninth day of November, one thousand eight hundred and seventy-two, were made or purported to be made, pursuant to Act No. 26 of 1870-71, shall entitle the applicants, or their assigns, to all such rights, privileges, and immunities as they would have been entitled to had the said Act and the regulations thereunder not been repealed, anything in "The Northern Territory Land Act, 1872," to the contrary notwithstanding; and such applicants, or their assigns, shall be entitled to have issued to them leases of the portions of land so applied for upon the conditions and for the term of years by the said Act No. 26 of 1870-71, and by the regulations made thereunder in that behalf thereby determined, notwithstanding such applicants or their assigns may not have strictly complied with the regulations heretofore in force, with reference to the employment of labor or the expenditure of capital upon the lands so applied for.

Validation of applications under repealed Act.

6. All persons and companies, and the assigns of every such person and company, who shall have made application for a gold mining lease or leases of lands in the Northern Territory since the twenty-ninth day of November, one thousand eight hundred and seventy-two, and who shall have paid rent in advance therefor to any warden, or to any person in the employment of the Government of the said Province assuming to receive such rent on behalf of such Government, and whether such persons, companies, or their respective assigns were or were not at the time of making such application, or at the time of paying such rent, respectively, the holders of miners' rights, as prescribed by the said Act No. 26 of 1870-71, or by "The Northern Territory Land Act, 1872," shall, and all persons and companies, and the assigns of every such person or company, and whether such persons, companies, or their respective assigns were or were not the holders of miners' rights as aforesaid, and before the coming into operation of this Act, have or shall have become registered under the regulations made under the said Act No. 26 of 1870-71, or under either of the sets of regulations made under "The Northern Territory Land Act, 1872," or under any or either of such regulations, as the holders or owners of any quartz claims, whether prospecting, ordinary, amalgamated, or otherwise, and

Validation of other applications.

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and who shall have complied with either of the sets of regulations made under "The Northern Territory Land Act, 1872," shall, on complying with the provisions of this Act, and the regulations to be made as hereinafter provided, be entitled to a lease or leases, as the case may be, of the quartz claims in respect of which they are so registered, or of the lands for which they have so made application for a gold mining lease, and have so paid rent in advance: And every such lease shall be granted to the persons, companies, or their respective assigns entitled to the same for the term, at the rent, and subject to such conditions as to forfeiture, working, and otherwise as by this Act and by the regulations to be made thereunder are and may be prescribed with respect to gold mining leases applied for after the coming into operation of this Act, and upon and subject to no other terms and conditions whatsoever.

Leases under preceding clause to be considered by Commissioners.

7. No gold mining leases shall be granted under the last preceding section, until applications for the same shall have been made to and considered and determined by the Commission for determining titles to gold claims hereinafter constituted, in manner hereinafter prescribed.

Governor may appoint Commissioners.

8. The Governor in Council may from time to time, as occasion may require, issue a Commission to the Government Resident, the Special Magistrate presiding over the Local Court of Palmerston, and the chief warden for the time being in the said Territory, or to such other fit and proper persons as to him shall seem meet, and thereby nominate and appoint them to be "Commissioners for determining Titles to Gold Claims in the Northern Territory;" and such Government Resident shall be the President of the said Commission, and the said Commissioners, or any two of them, shall have full power and authority to hear and determine, pursuant to this Act, all applications that shall or may be made to them under and by virtue of this Act.

Their powers.

Secretary to Commission.

9. There shall be a secretary to the said Commissioners, who shall be appointed and be removable by the Government Resident, and every such appointment shall be promulgated in as public a manner as the circumstances of the Northern Territory will permit.

Persons and companies to lodge applications and plans within six months, or rights to be barred.

10. All persons and companies claiming gold mining leases, pursuant to section 6, shall, within six months of the time of the coming into operation of this Act, lodge with the said Commissioners an application in writing in the form, and setting forth the particulars required in the First Schedule to this Act, and shall also, within fourteen days after lodging such application, post and keep posted a copy of such application for forty-two days thereafter on some conspicuous part of the portion of waste lands or quartz claims in respect whereof a gold mining lease is so applied for; and every person and company so applying may, at the time of lodging the said application, and shall within twenty-one days thereafter, lodge with the said Commissioners a plan, certified to be correct by and signed by some licensed

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licensed surveyor, drawn to a scale of two chains to the inch, showing the exact position and bearings, to be fixed by reference to some trigonometrical point to be determined by the Government of the said Province, at some convenient place therefor, or by reference to some other claim already surveyed and defined by some other such trigonometrical point and also the boundaries, admeasurements, and the area of such portion of waste lands or quartz claim for which such a lease is sought to be obtained; and all persons and companies claiming under section 6, as aforesaid, whose applications for gold mining leases shall not have been lodged, as by this section is prescribed, within six months from the time of the coming into operation of this Act, shall immediately upon the expiration of such period of six months, absolutely forfeit all right and title to any such gold mining lease, and the right, title, property, interest, and possession of every such person and company in any portion of waste lands, or in any quartz claim which might have formed the subject of an application under this section, shall thenceforth be absolutely and entirely barred and extinguished.

11. Any person or company may, within the forty-two days mentioned in section 10, lodge a notice with the Commissioners of the intention of such person or company to oppose the granting of the gold mining lease forming the subject matter of any such application, and such notice shall be in the form, and shall set forth the particulars, required in the Second Schedule to this Act.

Persons or companies may oppose applications.

12. In case no such notice of opposition shall be lodged as aforesaid, the said Commissioners shall proceed to inquire whether the person or company whose application has been lodged, as hereinbefore provided, is entitled to apply for such lease, and whether such person or company has or have complied with the provisions hereinbefore contained; and in case the Commissioners shall find that such person or company is so entitled, and that such provisions have been complied with, they shall report such facts to the Government Resident, and thereupon the person or company so applying shall be entitled to the absolute exclusion of all other persons and companies whomsoever and whatsoever to a gold mining lease at the rent, for the term, upon the terms, and subject to the conditions and provisions in this Act, and the regulations to be made as hereinafter provided of the portion of waste lands or quartz claims delineated and described in the plan accompanying such application, or of such portion thereof as such Commissioners shall report him or them to be entitled to.

Proceedings of Commissioners when no opposition entered.

13. There shall be paid to the Commissioners, who shall account therefor to the Treasurer of the Province, in respect of proceedings before the Commissioners the several fees specified in the Third Schedule to this Act: Provided that the Commissioners may, in any case in which they shall deem it expedient to do so, order that such fees may be remitted, either in whole or in part.

Fees to be taken.

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Commissioners to meet at places appointed by Commissioners, and their decisions to be pronounced publicly.

Commissioners to summons persons interested and witnesses.

14. The Commissioners shall, from time to time, meet to hear and determine such applications as aforesaid, at such place and at such times as they shall find convenient and necessary, and may from time to time adjourn such hearings; and the final determinations of the Commissioners in every case shall be pronounced publicly with open doors.

15. The Commissioners shall, in every case in which notice of opposition shall have been given as aforesaid, fix a time and place for hearing and determining the application and the opposition, and shall give due notice thereof in writing to the applicant and to the opponent, and also in every such case shall, and in all other cases may, at their discretion, issue summonses in the form contained in the Fourth Schedule to this Act, directed to and requiring all persons having, or appearing to have, any interest in the subject-matter of any such application as aforesaid, and also shall and may issue such summonses to and require any persons therein named to appear before such Commissioners at a day and time to be therein appointed, to give evidence as to all matters and things known to any such persons respecting any application brought before them in manner aforesaid, and to produce in evidence all deeds, instruments, or writings, in the possession, custody, or control of any such persons, which they might by law be compelled to give evidence of, or produce in evidence, in any cause in the Supreme Court of the said Province respecting the like matters, in so far as the evidence of such persons and the production of such deeds, instruments, and writings shall be necessary for the due investigation of any application so depending before the said Commissioners; and all such evidence shall be taken down by the secretary in writing, in the presence of the witnesses respectively giving the same, and shall at the time be signed by them respectively, or in case of their refusing or being unable to sign the same, by the secretary; and all such evidence shall be given on oath, which oath the Commissioners are hereby empowered to administer to every person appearing before them to give evidence; and every person who, after having been sworn, shall give false evidence, shall be guilty of wilful and corrupt perjury, and being thereof duly convicted, shall be liable to the pains and penalties of wilful and corrupt perjury accordingly.

Proceedings when default made in opposition.

16. If any person or company shall have given notice of opposition as hereinbefore provided, and shall make default in prosecuting such opposition at the time and place appointed, the Commissioners shall deal with such application as provided by section 12, and as if such notice of opposition had not been given.

Witnesses not appearing, or refusing to give evidence.

17. Whenever any person who shall have been duly summoned as aforesaid to appear and give evidence, and having been paid or tendered his or her reasonable expenses, and not having any lawful impediment allowed by the Commissioners, shall fail to appear at the time and place specified in such summons, or who, after appearing, shall refuse to be sworn or to answer any question, not being a question necessitating a reply admitting the commission of

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a criminal offence by the person so refusing to answer, or to produce any deed, instrument, or writing which he or she may be lawfully required to produce, or who, without leave obtained from the Commissioners, shall wilfully withdraw from further examination, then, and in every or any such case, the Commissioners shall cause such default or refusal, or wilful withdrawal to be certified in writing, and thereupon it shall be lawful for the person at whose instance, or on whose behalf, such summons as aforesaid was issued, to obtain from any Special Magistrate in the Northern Territory a summons, calling upon such person so making default, refusing, or withdrawing, to appear at the Local Court of Palmerston, at the time specified, summarily to show cause why he or she should not be fined and imprisoned for such default, refusal, or withdrawal; and if such person, having been duly served with such summons, shall fail to show cause for his or her said default, refusal, or withdrawal, to the satisfaction of the said Local Court, it shall be lawful for such Court, on proof of the due service of the summons to give evidence, and of the said summons to show cause, and on production of a copy of the said certificate under the hand of the Commissioners, to grant a warrant to apprehend the person so failing to show cause, and to commit him or her to prison, there to remain without bail until he or she shall submit to be sworn or to answer all such questions, or to produce all such deeds, instruments, or writings as aforesaid, in so far as shall be lawfully required of him or her; and further, to set such fine upon such person as the Court shall think meet, not exceeding Twenty Pounds; and unless the same shall be forthwith paid, to issue its process for levying the amount thereof; and the Court may award to the person at whose instance or on whose behalf the person so fined was summoned, one-half the amount of such fine as and towards the expenses (if any) incurred by such person in so summoning the person so fined.

18. When any application for a gold mining lease as aforesaid shall have been made to the Commissioners, and shall have been opposed as aforesaid, and they shall have heard and investigated the same, they shall pronounce their determination thereon, and shall forthwith report the same to the Government Resident; and the person or company whom they shall determine to be entitled to the subject matter of such application, or to the part thereof to which they shall determine him or them to be entitled, shall be entitled to obtain a lease thereof subject to the provisions of this Act and to the regulations to be made as hereinafter provided; and the estates, titles, claims, and pretensions of all other persons and companies whomsoever and whatsoever thereto shall thenceforth be absolutely barred and extinguished.

Proceedings after
opposition entered.

19. Whenever any person or company in possession of any auriferous lands or quartz claims, whereon such person or company shall have erected any machinery, engines, materials, or plant, shall be declared by the Commissioners to be not entitled to such lands or claims, such person or company may remove so much of the
machinery,

Machinery, &c., on
certificate of warden,
may be removed by
unsuccessful applicant
or opponent.

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machinery, engines, materials, and plant as the warden of the gold district within which such lands or claims may be situated shall certify can be removed without permanently or seriously injuring the lands or claims aforesaid, or the mines thereon, and such removal shall be made within such time as such warden shall allow in that behalf, and the right of any such person or company to any machinery, engines, materials, or plant which shall not be removed within such time as aforesaid, shall thenceforth be absolutely barred and extinguished.

Principles upon which cases to be decided.

20. The Commissioners, in hearing and determining upon applications as aforesaid, whether opposition shall or shall not have been entered as aforesaid, shall be guided by the real justice, good conscience, and merits of the case, without regard to legal forms and solemnities, and shall direct themselves to the best evidence that they can procure, or that is laid before them, whether the same be such evidence as the law would require in similar cases or not; and the fact that any person or company claiming a gold mining lease has not strictly complied with the regulations heretofore from time to time in force respecting the employment of labor or the expenditure of capital upon the land for which any such lease is so claimed, shall not disentitle such person or company to such a lease thereof, provided the Commissioners shall be satisfied that a *bona fide* attempt has been made by such person or company to comply with such regulations; and the determination of any two of the said Commissioners in any case shall be final, and be deemed to be the determination of the Commissioners.

Attorney, counsel, or agent may be heard.

21. Upon the hearing of any such application as aforesaid, any person entitled to be heard thereon may be heard by his attorney, or counsel, or agent.

Secretary to keep register.

22. The Commissioners shall cause their secretary to keep a register in the form in the Fifth Schedule to this Act, to which register, and to all applications, notices, and documents relating to the matters therein referred to, all persons may at all reasonable times have access without paying any fee, which register, applications, notices, and documents shall, so soon as the duties of the Commissioners shall have terminated, be deposited in the office of the Government Resident.

PART III.

PART III.—Miners' rights and mining leases :

Incapacity to sue without miner's right.

23. No person or company, unless he or they shall be the lessee or lessees under a gold mining lease, shall be entitled to institute proceedings in any Court, or before any warden, to recover possession of any land occupied pursuant to the provisions of this Act, and of the regulations to be made thereunder, or of any share in such land, or to recover any damages for or to restrain the occupation of or encroachment upon such land or any part thereof, or to obtain any relief as tenant in common, joint-tenant, co-partner or co-adventurer in

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in any such land, against his tenant in common, joint-tenant, co-partner, or co-adventurer, unless such person or company shall be the holder of a miner's right, and shall have been such a holder at the time when his alleged title to recover such possession or damages, or to obtain such relief first arose or accrued: Provided always, that nothing in this Act contained shall incapacitate any person or company from enjoying or availing himself or themselves of the provisions contained in Part II. of this Act, notwithstanding such person or company is, or are not, or shall not have been at any time heretofore, the holder or holders of a miner's right.

24. A miner's right as hereinafter defined may be granted by any warden to any person or company upon payment of Ten Shillings, and such right shall be in the form contained in the Sixth Schedule hereto, and may be renewed from year to year upon payment of the annual sum of Ten Shillings; and every such miner's right shall expire on the first day of December in each year, but the holder thereof shall be entitled, on payment of the additional sum of Ten Shillings, at any time during the said month of December to renew such miner's right, which renewed miner's right shall relate back in its operation to the date of the expiry of the miner's right of which it is a renewal.

Miner's right may be granted.

25. Every such miner's right shall, while the same remains in force, entitle the person or company to whom the same is granted to avail himself or themselves of all or any of the provisions of this Act; but without a miner's right no person or company shall be entitled to avail himself or themselves of any of such provisions, unless he or they shall be the lessee or lessees under a gold mining lease.

Effect of miner's right.

26. Any person or company who shall be the holder of any miner's right, subject to the provisions of this Act and to the regulations to be made as hereinafter provided, shall be entitled (except as against Her Majesty)—

Privileges conferred by a miner's right.

- I. To take possession for gold mining purposes of a parcel or of so many parcels of waste land as such regulations shall permit, in such manner, of such quantity and dimensions, and with such boundaries as shall be directed by such regulations, such dimensions and boundaries to be fixed at the time of the taking of such possession, or partially then and partially at some subsequent time as by such regulations shall be directed; and every such parcel shall be from time to time subject to such adjustment as to quantity, dimensions, boundaries, and form as shall be prescribed by such regulations:
- II. And every holder of a miner's right shall, subject as aforesaid, and during such last-mentioned continuance be entitled (but subject to any right which may be obtained by any person under any lease granted by the Government Resident for the cutting, construction, and using of races, tailraces, drains, dams,

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- dams, or reservoirs for gold mining purposes) to cut, construct, and use races, dams, and reservoirs for mining purposes through and upon any waste lands:
- III. And to take or divert water from any spring, lake, pool, or stream, situate or flowing through or adjoining waste lands, and to use such water for mining for gold and for his own domestic purposes:
 - IV. And to use by way of an easement any unoccupied waste lands:
 - v. And every holder of a miner's right shall, during the continuance thereof, and subject as aforesaid, be entitled to occupy on any gold-field for the purpose of residence so much of the waste lands as shall be prescribed by such regulations:
 - VI. And every such holder shall be entitled, for the purposes of the privileges hereby given to him, to put up and at any time to remove any building or other erection; and also to cut for fuel any live or dead timber, and to remove the same, and to strip and remove the bark from any such timber, and also to remove any stone or gravel for gold mining purposes, and in the case of a holder of a miner's right for the purpose of building for himself any place of residence or of business, or for gold mining purposes or otherwise, for his personal use, from any waste lands, not being waste lands described in any Proclamation of the Governor in Council, declaring that no person shall cut or remove such timber, bark, stone, or gravel therefrom, nor being or included in any land proclaimed as a reserve for the preservation and growth of timber:
 - VII. And also to occupy on any gold-field so much of the waste lands as may be prescribed by any regulations as aforesaid, for the purpose of business, and for such purpose to put up, and erect, and remove any building:
 - VIII. And also to make tramways or other roads for the carrying out and in aid of any of the purposes hereinbefore mentioned:
 - IX. And the person or company by whom such parcels of land, or any land occupied for residence as aforesaid shall be so occupied, shall, subject as aforesaid, and during such continuance as aforesaid, be deemed in law to be possessed (except as against Her Majesty only) of such parcels, or of such land, and the property therein:
 - x. And subject as aforesaid, during such continuance as aforesaid, all gold then being in and upon any such parcel, shall (except as against Her Majesty) be the absolute property of the person or persons for the time being in the lawful occupation of such parcel:

XI. And

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xi. And every such parcel shall be called a "Claim."

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27. The person who shall have taken possession of any claim, or the executors or administrators, or the assignee or assignees in insolvency, or the guardian in infancy, or the committee or guardian in lunacy, or the purchaser under an execution of the interests of such person shall, in such manner as the regulations to be made, as hereinafter provided, shall direct, register such claim: Provided that no claim shall be registered unless the person or company applying so to register, shall then be the holder or holders of a miner's right, and shall produce the same to the officer required to register such claim.

Claims may be registered.

28. Alluvial claims, the proper working whereof will necessitate deep sinking, and quartz claims shall be held for one year only by virtue of a miner's right, subject nevertheless to the performance and observance of the provisions of this Act, and of the regulations to be made as hereinafter provided, and the powers, rights, and privileges vested in, and conferred upon, the holders of such miners' rights shall be exercised and enjoyed in respect of such last-mentioned alluvial and quartz claims respectively, for one year only as aforesaid: Provided that the owner of any such claim may obtain the renewal thereof for a further period of one year, on complying with the regulations in that behalf, to be made as hereinafter mentioned.

Deep sinking alluvial claims and quartz claims to be held under miners' rights for one year only.

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29. Any person or company, being the owner or owners of any alluvial claim necessitating deep sinking, or any quartz claim, as in section 28 mentioned, or of any number of contiguous claims not exceeding four, may, at any time during the currency of the period during which such claims respectively may be held, apply in writing to the warden of the gold-fields wherein such claim is situated, for a gold mining lease of such claim or claims, and notice of such application shall be made in the manner provided by the regulations to be made as hereinafter provided.

Holders of deep sinking, alluvial, or quartz claims may apply for leases.

30. Any person or company may give notice in writing of his or their opposition to the granting of any such lease, in manner provided by the regulations to be made as hereinafter provided.

Opposition may be entered.

31. Every such application, every notice thereof, and every notice of opposition, shall set forth such particulars, be accompanied by such plans, and be in such form as may be prescribed by the regulations to be made as hereinafter provided.

Applications, notices, and opposition to conform to regulations.

32. The warden shall appoint a day for hearing every applicant, and the person or company objecting to the applicant's application, and shall duly notify them of such day, and shall proceed to hear and determine the same respectively: and if the person or company so objecting shall not appear, or if the objections shall not, in the opinion of the said warden, be substantiated, the applicant shall be duly certified by the warden that he is, or in case such applicant shall

Hearing of application.

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shall be a company, that they are entitled to a gold mining lease of the land shown in the plan accompanying his or their application, or of such portion of such land as such warden shall certify him or them to be entitled to, or such warden may certify that the person or company who had entered opposition is or are entitled to such lease, and such lease shall be granted accordingly, upon the terms, and subject to the provisions of this Act, and to the regulations to be made as hereinafter provided.

Where no objection entered, lease to be granted of land applied for.

33. In case no notice of objection shall be given, as hereinbefore provided within the period prescribed by the regulations to be made as hereinafter provided, to any application made pursuant to section 29, the applicant shall be entitled, at the expiration of such period, to a gold mining lease of the land shown in the plan accompanying the application thereof, upon the terms and subject to the provisions of this Act and the regulations to be made as hereinafter provided, and such lease shall be granted accordingly.

Leases may be granted for mining, &c.

34. Leases of portions of waste lands may be granted to any person or company for the purpose of cutting and constructing thereon races, drains, dams, reservoirs, or tramways to be used in connexion with gold mining, or for the purpose of erecting thereon any buildings and machinery to be used either for washing, smelting, crushing, or obtaining any gold, or any earth containing any gold, or for pumping or raising water from any land mined, or intended to be mined upon, for any such gold, or for any or all of those purposes, and also for the purposes of residence in connexion with any of such purposes.

Leases to be called "Gold Mining Leases."

35. All leases granted pursuant to this Act for the purpose of mining for gold, or for any of the purposes aforesaid connected with such mining shall be called "Gold Mining Leases," and may be executed by the Government Resident of the Northern Territory in the name and on behalf of Her Majesty.

Land occupied for residence or business may be leased on compensation being paid.

36. A gold mining lease may be made of any land occupied for the purpose of residence, or under a business licence, if the person applying for the lease shall make compensation to the person so residing, or to the holder of such business licence, for any building erected, or other improvements made by him, or any person under whom he derives title to such land, the amount of such compensation to be determined in the manner prescribed by the regulations aforesaid.

Quartz claims, &c., leases of which not applied for within a year, how dealt with.

37. If any person or company holding any alluvial claim, the proper working whereof will necessitate deep sinking, or any quartz claim as provided in section 28, shall neglect to apply for a lease of the same within the period during which such claim may be held under section 28, any person or company, other than such first-mentioned person or company, may, at any time within fourteen days after the expiration of such period, make an application for a lease thereof to the warden of the gold-field wherein such claim may be situated, and thereupon

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thereupon shall be entitled to a lease thereof on the same terms as the person or company who originally took up such claim would have been entitled to: Provided that if there shall be more applications than one received by the said warden within the said period of fourteen days, the person or company to whom such lease shall be granted shall be decided by lot: Provided also, that no person who, in the opinion of the warden, shall have applied collusively with or in the interests of the original holder, shall be allowed to participate in the drawing of such lots.

38. If no applications, as provided in the last preceding section, are received within the said period of fourteen days, the original owners shall be entitled to occupy the said claim for a further period of one year, and so on from year to year, it being competent for any person or company to make application, as provided in such section, within fourteen days from the expiration of any year; and all such applications shall be dealt with in the same manner as applications made at the expiration of the first year.

If no applicant, original owner may occupy for further period.

39. All claims other than those specified in section 28, may be occupied, possessed, and enjoyed, under a miner's right, and it shall not be necessary to take out a gold mining lease to entitle any person or company to occupy, possess, and enjoy the same.

What claims may be held under miner's right.

40. Any warden may cause documents to be issued each of which shall be called a "Business Licence," and which shall be granted to any person applying for the same, upon payment of the sums hereinafter mentioned that is to say—if such person shall apply for a licence for six months, Two Pounds; or if for twelve months, Four Pounds; and every such document shall be in the form in the Seventh Schedule to this Act, and shall be dated of the day and at the place of the issuing thereof, and shall be in force for such of the said periods as shall be named therein, and may, subject to the discretion of such warden, be from time to time renewed upon payment of the like sums, and every business licence shall contain the Christian name and surname, and the occupation and residence of the person in whose favor the same shall be issued.

Business licence to issue.

41. Every business licence shall, subject to the provisions of this Act and the regulations to be made as hereinafter provided, entitle the holder thereof, during the continuance of such licence, to occupy on any gold-field, for the purpose of residence and carrying on his business, so much of the waste lands as shall be fixed by the warden issuing such licence, and for either of the purposes aforesaid to put up any building or other erection and at any time to remove the same; and every such holder shall, during the continuance of such business licence, be deemed in law to be possessed (except as against Her Majesty) of the land which he shall occupy by virtue of such licence, and the property in such land shall be deemed a chattel interest.

Occupation under business licence.

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Business licence may
be transferred.

42. The holder of any such business licence, or of any such business licence as next hereinafter mentioned, shall be entitled to transfer the same respectively to any other person; and, provided such holder shall, in writing under his hand endorsed on the said licence, and signed by him in the presence of and attested by any warden or Justice of the Peace, transfer such licence to any other person, another business licence shall be granted to the person named in such endorsement upon production and surrender of such licence and endorsement and upon payment of the sum of Ten Shillings; and every such last-mentioned business licence shall be dated of the day and at the place of the issuing thereof, and shall be in force for the then unexpired period of the licence first endorsed as aforesaid, and the day when such unexpired period is to end shall be stated in every such new licence, and shall contain the Christian name and surname and the occupation and residence of the person in whose favor the same shall be issued; and every business licence, together with the right and interest thereunder, shall, on the death or insolvency of the holder thereof, devolve on his personal representative or assignee in insolvency.

Amalgamation of
claims.

43. Any number of contiguous claims, not exceeding four, held under miners' rights, and any contiguous parcels of land held under not more than four gold mining leases, may be worked in conjunction as an amalgamated claim, and of such amalgamation the warden of the gold-field wherein the same may be situated, shall give a certificate in the form contained in the Eighth Schedule to this Act, and such amalgamation shall continue for such a period as shall be stated in such certificate.

Effect of amalgama-
tion.

44. From and after the grant of any such certificate of amalgamation of claims, and during the period of such amalgamation the labor to be employed, the capital to be expended upon, and the conditions to be performed and observed with respect to such claims severally, whether imposed by this Act or by the regulations aforesaid, or by the respective leases of such claims, shall be deemed for all purposes to have been so employed, expended, performed, or observed, as the case may be, if the same shall have been employed, expended, performed, or observed upon, or in respect of one only of such amalgamated claims, or of one only of such parcels of land included in any such lease: Provided always that nothing herein contained shall be construed as waiving or dispensing with the payment of rent in respect of all amalgamated claims held under lease as aforesaid.

Ground applied for
under gold mining
lease protected
pending application.

45. Pending the grant or refusal of any application for a gold mining lease under the provisions of this Act, it shall not be lawful to mark out as a claim or include within the boundaries of any claim the land, or any part thereof, described in such application, and no such marking out shall confer any right or title to the said land; and any person who shall enter upon such land for the purpose of marking out the same, shall be deemed to have trespassed thereon.

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46. The pendency of any such last-mentioned application shall begin with the marking out of the land by the applicant and continue until the applicant make default in proceeding with his application in accordance with the regulations, or until the same be granted or refused.

Pendency of application defined.

47. Nothing hereinbefore contained shall be construed as rendering it obligatory to grant any gold mining lease to any person applying for the same, notwithstanding that he may have complied with the regulations in force and applicable thereto; but in case his application shall be refused he shall be informed of the reasons for such refusal, and a lease may be granted notwithstanding that the person applying for the same may not in all respects have complied with such regulations.

Not obligatory to grant leases.

48. The lessees of any land demised pursuant to this Act may surrender the same at any time upon payment of all arrears of rent; subject nevertheless to any fine or penalties which such lessees may have incurred. And whenever any lessees shall so surrender a lease, the machinery, engines, materials, and plant upon the land demised, or so much thereof as the warden of the district wherein the same may be situated shall certify in writing, can be removed without permanently or seriously affecting such land, or the mines, dams, races, or reservoirs thereon, may be so removed within such time as such warden shall allow in that behalf; and the right of such lessees to any machinery, engines, material, or plant which shall not be removed within such time shall thenceforth be absolutely barred and extinguished.

Lessees may surrender, &c., upon terms.

49. It shall be lawful for the Government Resident from time to time to make regulations, not being contrary to the provisions of this Act—

Regulations of Government Resident.

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Prescribing the term of years for which any gold mining lease under this Act may be granted, and the rent to be paid thereunder: Provided that such term shall not exceed twenty-one years, and that such rent shall not be less than Ten Shillings per acre:

The quantity and shape of the land to be demised: Provided that such quantity does not exceed the quantity specified in the regulations contained in the Ninth Schedule hereto:

The manner in which persons desirous of having such leases granted to them shall mark out the land they apply for:

The mode and time of making and investigating and determining applications for and objections to the granting of such leases:

The amount of deposit (if any) to be paid by the applicant and objector respectively as a security for the costs connected with such determination;

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The manner of dealing with cases when two or more applications are made for a lease in respect of the same land or reservoir, race, or dam :

The form of such leases under this Act, the covenants and conditions as to, and the amount of, labor to be employed, and the capital to be expended upon the land demised, and other conditions, stipulations, reservations, and exceptions to be inserted in such leases :

The terms and conditions (if any) to be fulfilled with respect to the amalgamation of any of such leases :

The breaches of the covenants, clauses, or conditions of any such lease which shall work a forfeiture thereof :

The nature and effect of any such forfeiture :

The manner in which the amount of compensation to be paid by any lessees under this Act shall be determined :

And generally for carrying out the provisions of this Act in respect to such leases.

And such regulations and the regulations contained in the Ninth Schedule to this Act from time to time to alter, add to, or rescind ; and such regulations may be applicable either to the whole of the Northern Territory or to any part thereof, or to any particular description of land or mode of gold mining : Provided that nothing herein contained shall in any manner authorize the making of any alteration, addition to, or rescission of any regulation contained in the said Ninth Schedule hereto which shall increase in any manner the quantity of land to be demised as prescribed by any such regulation : Provided also that no such alteration, addition, or rescission shall, unless it shall be expressly so declared, affect in any manner any right, title, or interest obtained, or liability, or obligation incurred under any regulations existing previous to such alteration, addition, or rescission : And provided also, that the regulations in the said Ninth Schedule shall be the regulations in force under this section until the same shall be altered, added to, or rescinded, as hereby provided.

Local Court may grant summons calling on lessee to show cause against forfeiture.

50. If the lessee of any gold mining lease shall make default in payment of the rent reserved thereby, or in the performance and observance of any conditions or stipulations contained therein, or to which such lease is subject, the Local Court of Palmerston may, at the instance of the chief warden, grant a summons in the form in the Eighteenth Schedule hereto, calling upon the lessee to show cause, within a time to be by such summons specified, why, upon the grounds set out in such summons, the lease therein referred to should not be declared forfeited ; and every such summons may be served personally, or by leaving the same at the last known place of business or place of abode of the lessee, or by affixing the same to some conspicuous part of the land demised by such lease.

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51. Upon the hearing of any such summons, the parties, or their counsel, or attorneys, shall be heard, by the Local Court of Palmerston in its Full Jurisdiction, and such Court may make such order, and give such directions as to the evidence it will require, as it may deem meet: Provided always, that the parties called upon by such summons shall be required to show that the grounds set out in such summons are unfounded, and to prove that they have complied with the conditions and stipulations contained in or subject to which such lease was granted, and in default of so doing, they shall for all purposes be deemed to have forfeited such lease, and the said Local Court in its Full Jurisdiction may make such order, and award such costs to either party, as the justice of the case may require.

Onus probandi to be on lessees.

52. The Special Magistrate of the said Local Court may, upon the hearing of any such rule, direct an issue of fact to be tried by a Local Court jury, and issues shall be framed by such of the parties as the said Special Magistrate shall direct, and be settled in the same manner as is usual in ordinary actions in the Supreme Court.

Special Magistrate may direct issue to be tried by jury.

53. Upon the finding of the jury the said Local Court in its Full Jurisdiction shall give judgment on the whole case, and may award such sum as it shall seem meet for costs to either party.

Court may give judgment on finding of jury.

54. So soon as the said Local Court in its Full Jurisdiction shall have given judgment declaring the forfeiture of a gold mining lease, such lease shall be void, and the estate and interest of the lessees and of all persons holding under it shall be extinguished as against Her Majesty, Her heirs, and successors.

Effect of judgment.

55. The said Local Court in its Full Jurisdiction may in its discretion instead of declaring a forfeiture impose a fine: Provided always, that the lessee may within fourteen days after the said Local Court shall have imposed such fine elect to allow the lease to be forfeited; and thereupon the Court shall declare such lease forfeited, and the same shall be forfeited accordingly; but if any such lessee shall not so elect he shall be liable to pay the amount of such fine, and payment thereof shall be enforced in the same manner as any other order of the Court for the payment of money may be enforced.

Court may impose fine in lieu of forfeiture.

56. In the event of any lessee whose lease may have been declared forfeited, or the assigns at law or in equity aforesaid of any such lessee, neglecting or refusing to give up possession of the land included in such lease, the clerk of the said Local Court shall, on the application of the chief warden, issue a warrant, in the form or to the effect set forth in the Nineteenth Schedule to this Act; and every constable or bailiff to whom such warrant is directed may forthwith execute the same according to the tenor and exigency thereof, in the same manner as any warrant of possession, or writ of *habere facias possessionem*, may now be executed by virtue of any law existing at the present time in the said Province.

Any unauthorized occupier under agreement which has been revoked, may be dispossessed.

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Jurisdiction of Court
not ousted by claim
of right.

57. The jurisdiction of the said Local Court in its Full Jurisdiction shall not be taken away or deemed to be ousted by any claim of title, question of property, or suggestion of right, whether made *bonâ fide* or otherwise, which may be raised by the lessee, or his assigns at law or in equity, at any such hearing as aforesaid, but all matters relevant to and arising out of the summons to be issued as aforesaid shall be heard and finally determined by such Local Court in its Full Jurisdiction.

Lands comprised in
forfeited leases to be
offered by auction.

58. All lands the lease whereof shall have been forfeited in manner aforesaid, shall be offered by some warden by public auction, and shall be sold to the highest bidder who shall become the purchaser thereof, and the day of sale shall be notified by a written notice of the same being affixed to some conspicuous part of such land, or in such other manner and at such upset price, as may be fixed by any regulations which may be made in manner hereinafter provided in that behalf: Provided always, that the purchaser of any such land may at any time within thirty days after such day of sale become the purchaser of and pay, in addition to the purchase money payable by him, the fair value of any machinery, engines, tools, materials, and plant upon the said land, which the warden of the district wherein the same may be situated, shall certify in writing can be removed without permanently or seriously injuring the mine, water race, dam, or reservoir situated thereon: Provided always, that in case such purchaser shall, within such thirty days refuse or neglect so to purchase the machinery, engines, tools, materials, and plant aforesaid, the same may, within such time as the warden of the gold district wherein the same may be situated shall grant for that purpose, be removed by the lessees who have incurred such forfeiture: And provided always, that nothing herein contained shall authorize the sale or removal of any timber used in supporting the shafts, drives, galleries, or adits of any mine, nor any materials used in the construction of any water race, dam, or reservoir: And any person or company offending against the last preceding proviso, shall forfeit and pay upon conviction for every such offence, a penalty or sum of not more than One Hundred Pounds nor less than Twenty-five Pounds in addition to the amount of injury occasioned by such removal.

Purchaser to have
new lease.

59. The purchaser of any lands, the lease whereof shall have been so forfeited as aforesaid, shall, subject to the provisions of this Act and to the regulations to be made as hereinbefore provided, be entitled to a gold mining lease of such lands.

Value of machinery
to be fixed by
arbitration.

60. The fair value of any machinery, engines, tools, materials, and plant, as in the last preceding section mentioned, shall be fixed by arbitration—one arbitrator to be appointed by the owner of such machinery, engines, tools, materials, and plant, and one by the purchaser of the land the lease whereof has been forfeited, and such two arbitrators shall appoint an umpire; and the purchaser of any land, the lease whereof shall have been so declared forfeited as aforesaid,

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aforesaid, and who shall have also purchased the machinery, engines, tools, materials, and plant, if any thereon, shall not have the lease thereof granted to him until he shall have paid the purchase-money of such machinery, engines, tools, materials and plant.

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Protection of owner of machinery, &c.

61. Any warden on being satisfied that alluvial gold, not being alluvial gold the mining for which shall necessitate deep sinking, exists in payable quantities on any land leased for gold mining purposes pursuant to this Act, may grant special miners' rights subject to the regulations to be made as hereinafter provided, empowering the holders to exercise and enjoy upon the land so leased, subject as aforesaid, the powers and privileges conferred by ordinary miners' rights with respect to land not so leased: Provided that such powers and privileges shall not be exercised and enjoyed upon or in respect of any land within such a distance of any of the workings or machinery upon any land included in any such lease as the warden of the gold district wherein the same may be situated shall determine in each particular case: And provided also, that any such warden may refuse to grant any such licences when, in his opinion, the granting of the same would cause injury or obstruction to such workings and machinery.

Warden may grant special miners' right for working alluvial claims on leased lands.

62. No regulations framed under the powers in that behalf given by this part of this Act, nor any alteration, addition to, or rescision thereof, shall have any force or efficacy until twenty-one days after such regulations, alterations, additions, or rescisions shall have been promulgated in the Northern Territory, in the most public manner that can be devised by the Government Resident; and every such regulation, alteration, variation, addition, or rescision, shall be laid before both Houses of Parliament within three months after the making thereof respectively, if Parliament be then sitting, and if Parliament be not then sitting, then within three months after the then next meeting of Parliament.

Regulations to be published.

PART IV.—Mining Districts and Boards:

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63. The Government Resident from time to time may erect the whole or any portion of the Northern Territory into a mining district or districts, and divide any such district into any number of divisions, and may give to such districts and each of such divisions some distinguishing name, and may define the limits and boundaries of, and also abolish any such district and divisions, and from time to time may alter and vary such limits and boundaries, and from time to time determine the number of members of the mining board hereinafter mentioned of each district.

Creation of mining districts and divisions.

64. Within and for every such district as aforesaid there shall be a mining board, which shall consist of three members, to be appointed from time to time by the Government Resident; such board shall meet for the dispatch of business at such place or places within the said district as the Government Resident shall appoint.

Mining board constituted.

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Duration of board.

65. The chairman of such board shall be elected by, and from among, the members thereof; and every member of such board shall continue in office until his successor shall be elected: but, notwithstanding anything hereinbefore contained, it shall be lawful for the Government Resident to cancel the appointment of any such member, and for any member by writing under his hand to resign his seat at such board, and the same shall thereupon become vacant from the time of the receipt of such writing by the chairman of the board; and such vacancy shall be filled up by the Government Resident.

Mining board to make regulations.

66. Every mining board constituted under this Act, notwithstanding any vacancy therein, shall have power from time to time, but subject to the provisions of this Act, to make regulations for the district for which it shall have been appointed, and to revoke, alter, and amend the same: Provided that such regulations do not affect any right, interest, liability, or obligation existing at the time of the making thereof, and such regulations may be for any of the following purposes—

- i. For regulating their own proceedings:
- ii. For determining what are to be the dimensions and boundaries; and whether to be, at the time of the taking possession or otherwise, completely or partially defined or not; and what the quantity, and form, and the position with respect to any reef, lead or gutter, or otherwise of the land, which, according to the nature of the land or otherwise, may be taken possession of by any person or persons for a claim; and the number of claims which any person, or any two or more persons in conjunction, may take possession of:
- iii. For prescribing the manner in which, and with what rights and obligations any such claim, or any race, drain, dam, or reservoir, cut or constructed, or any water taken or diverted shall be taken possession of, held, used, or enjoyed, and worked, subject however to any right which may have been obtained under any lease granted under this Act, to cut, construct, and use races, drains, dams, and reservoirs, and to take or divert water:
- iv. For determining when and whether, before or after, or partly before and partly after such taking of possession, and under and in reference to what circumstances such dimensions, boundaries, quantity, form, and position are to be ascertained, and whether, and under, and in reference to what circumstances, and how the same, or any of them, are, or is at any time, or from time to time, whether before or after such taking of possession to be altered:
- v. For determining the number of men, or the quantity of machinery to be employed on any claim:
- vi. For determining whether and under what circumstances the holders of miners' rights, who shall by virtue thereof use any

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any water, shall have amongst themselves any priority of supply of such water, and if so, how or according to what system such priority is to be regulated, and when the events upon the order of priority, of which any such priority is to depend, shall be deemed to have occurred:

- VII. For determining the events on which the title to any land occupied by virtue of a business licence, or the title to any claim, race, drain, dam, reservoir, or easement, or to any share in such claim, race, drain, dam, reservoir, or easement, shall become forfeited, and for imposing any penalty on the happening of any one or more of such events in lieu of any such forfeiture, and for determining what shall constitute exemptions from or suspensions of such forfeiture, and what persons shall be entitled to enforce such forfeiture or penalty, and whether there shall be any order of priority of right in any persons to enforce any such forfeiture or penalty, and if so, what shall be such order:
- VIII. For limiting the time within which proceedings for any such forfeiture or penalty must be taken:
- IX. For determining whether, and under what circumstances, any person who shall have obtained an adjudication of any such forfeiture shall, as a condition precedent to his obtaining possession of the forfeited land, claim, race, drain, dam, reservoir, or easement, pay to the person as against whom the same shall be adjudged forfeited, any sum as compensation for any property on, or labor or capital expended upon, such land, claim, race, drain, dam, reservoir, or easement, and for determining the mode in which any such sum shall be ascertained:
- X. For determining what shall constitute relinquished, abandoned, or deserted, as distinguished from forfeited claims, races, drains, dams, reservoirs, easements, or land, or any share therein, and by what person lawfully competent thereto, and in what mode, and under what circumstances, it shall be ascertained whether any particular claim, race, drain, dam, reservoir, easement, or land, or any share therein, is relinquished, abandoned, or deserted within the meaning so determined, and whether, and under what circumstances, any person shall be permitted to relinquish without being liable to any consequences as for the forfeiture of any land occupied under a business licence, or any race, drain, dam, reservoir, or easement, or share therein:
- XI. For determining the extent and form of land and the sites which may be occupied for the purpose of residence, or of residence and business, under this Act:
- XII. For determining the mode in which any land occupied for residence or business under this Act, or any claim, race, drain, dam, reservoir, or easement, or any share or interest therein, which may be transferred or encumbered under this Act,

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Act, may be so assigned, or any lien or encumbrance thereon created, and any such lien or encumbrance assigned or discharged, the rights and obligations of any assignee, lienee, or encumbrancer of or upon any such land, claim, race, drain, dam, reservoir, or easement, and the order of priority of any two or more such lienees or encumbrancers :

- XIII. For providing for the mode of obtaining and effecting the registry of land occupied under this Act for residence or business, or of any claim, race, drain, dam, reservoir, or easement, or any share or interest therein, or lien or encumbrance thereon, and for the registry of the assignment of any such claim, land, race, drain, dam, reservoir, or easement, or of any share or interest therein, or lien or encumbrance thereon, or of the discharge of any such lien or encumbrance, and for the registries of any of such interests, in the case of the death, insolvency, or lunacy of the owners thereof, or of the sale of any of such interests under the decree, judgment, or order of any Court, or the decision of a warden, and for imposing on such registries such reasonable fees as may be necessary for the purpose of defraying the expenses thereof :
- XIV. For enforcing and regulating the drainage of quartz reefs, made, and of lands held under gold mining leases, heretofore or hereafter to be granted, and for imposing such terms and conditions as shall secure the effectual drainage of any reefs or land :
- XV. For determining whether, and under what circumstances, and upon what conditions in cases where any water shall, by means of any appliances for raising or lifting water, be drawn from any land held or occupied under the provisions hereof, for the purpose of mining for gold, the owner for the time being of such land, including in that term a mortgagee in possession, shall pay any sum by way of contribution, whether annual or otherwise, towards the expense of such appliances, and of the working thereof, by means of which such water shall have been so drawn, and for determining the principle upon which the amount of such contribution is to be ascertained, and generally for carrying out the powers by this clause conferred :
- XVI. For regulating the mode in which the rights and privileges of the owners of claims and of races, drains, dams, reservoirs, and easements, and of land occupied under this Act for residence or business, may be exercised or enjoyed ; and for limiting, qualifying, or restricting the exercise and enjoyment of such rights and privileges, and generally for the protection of such owners in the exercise and enjoyment of the rights, privileges, and interests conferred by this Act :
- XVII. For preventing the accumulation, and for effecting the taking away and depositing in some convenient place of the
sludge,

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sludge, tailings, and other waste and refuse matter oozing or flowing from or connected with any land held or occupied under the provisions hereof, and worked by means of puddling, quartz-crushing, or other machines, and of the water used in such claims and suffered to run to waste, and for the making of such main and branch channels as shall be necessary for the purposes aforesaid, and for preventing the allowance of such oozing, flowing, and running to waste from one claim into another with or without any condition for payment of money or otherwise:

- xviii. For the protection from injury and destruction, whether by design or culpable negligence and from unlawful removal of any machinery, and of races, drains, dams, and reservoirs, and of the water therein, and of pegs, posts, fences, and notices, and of any plant or appliances used for or in connexion with mining, and for the protection from obstruction of such races and dams, and of channels, drains, creeks, and rivers used for mining purposes:
- xix. For regulating the mode of construction, and materials, and strength of embankments of dams and reservoirs enjoyed or to be constructed under miners' rights, or leases:
- xx. For the constructing and keeping in repair of suitable bridges or other crossings over races, channels, or drains used for gold mining purposes, cut across roads or thoroughfares, or over such races, channels, or drains over which roads or thoroughfares shall be carried, and for making proper approaches to such bridges or crossings, and for determining the width of such bridges, crossings, and approaches:
- xxi. For the making and keeping in repair and for regulating the width and formation of private ways and passages used for gold mining purposes over claims or races, or any waste lands used or to be used in connexion with gold mining or business carried on under business licences, and for regulating and imposing conditions on the right to change the direction of any such way or passage, and for the protection of the same from injury or obstruction by the leaving of felled timber or other obstructing, or waste, or injurious matter thereon:
- xxii. For determining the distance and enforcing the same at which shafts and other mining workings are to be kept from public and private roads, ways, and passages, and from private land, dwellings, and other buildings:
- xxiii. For the prevention of nuisances in and about residences or places of business held under a miner's right or business licence, and for the cleansing and keeping cleansed the same:
- xxiv. For securing the baling of water from mines so as to prevent injury from such water to any mining workings:

xxv. For

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- XXV. For preventing the defiling or wasting of water used for domestic purposes, and for determining whether any or what waterhole, spring, or other depository of water shall be reserved for domestic use, and the mode of such reservation:
- XXVI. For declaring how, and for the breach of what regulations or otherwise, claims held under miners' rights, whether quartz, alluvial or otherwise, may be forfeited:
- XXVII. For the imposition of such fines, not exceeding Ten Pounds, and the working of such forfeitures as may be deemed requisite for the due enforcement of any regulations to be made pursuant to this section:

And the regulations contained in the Tenth Schedule to this Act shall be the regulations in force under this section and the said Mining Boards shall have full power, from time to time, to revoke, alter, or amend as well all or any of the regulations contained in the said Tenth Schedule, as any regulations to be from time to time made by them, under the powers hereinbefore contained.

PART V.PART V.—Wardens, their powers and duties:

Wardens may be appointed.

67. The Government Resident may appoint, in and for the Northern Territory, fit and proper persons to be the chief warden and the wardens of the gold-fields, who shall, within the limits for which they shall be so appointed, have, and exercise the jurisdiction hereinafter mentioned: Provided always, that the several persons who, at the time of the commencement of this Act, shall hold the offices of chief warden and wardens respectively, shall continue and be chief warden and wardens respectively under this Act, and shall so act, without any fresh appointment or commission.

Warden not to be interested in mining venture, nor to adjudicate in any matter in which he has pecuniary interest.

68. No warden shall be interested directly or indirectly in any gold mining enterprise carried on in the Northern Territory, or the part or district thereof in which such warden shall exercise his functions of warden; and if any warden shall adjudicate on any matter in which he shall have directly or indirectly any pecuniary interest, he shall be guilty of a misdemeanor, and shall, on conviction, be liable to fine or imprisonment, or both.

Jurisdiction of Warden.

69. Every warden shall have jurisdiction—

- I. Concerning any waste lands which any person shall be or claim to be entitled to take possession of or occupy, pursuant to this Act and to any regulations to be made thereunder, and the extent and position of the same, or wherein or whereon any person shall be or claim to be entitled to cut, construct, or use any race, drain, dam, or reservoir, for gold mining purposes, and concerning any share or interest therein respectively, and of or in which land, race, drain, dam, or reservoir, any other person shall be or shall claim to be entitled to be in the occupation or possession, or to be entitled

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entitled to search for such metals or minerals, or to cut, construct, or use any such race, drain, dam, or reservoir, or which shall be alleged to have been abandoned or to have been forfeited under some of the regulations to be made as aforesaid, and concerning the title to, or possession, or enjoyment, or recovery thereof by reason of any such abandonment, forfeiture, or otherwise, and concerning any sum claimed in the nature of mesne profits thereof:

- II. Concerning any waste lands or shares or interest therein, which the complainant shall claim to be entitled to take possession of or occupy for business, under a business licence, and concerning any trespass or encroachment on any such land:
- III. Concerning the right which any person shall have or claim to have to the use and enjoyment or sale of any water to which any party shall claim to be entitled, and concerning the right which any person shall have or claim to have to any priority of water taken, diverted, or used, or claim to be taken, diverted, or used, under the provisions of this Act, or pursuant to any such regulations as aforesaid, as against any other person claiming the same:
- IV. Concerning any encroachment or trespass upon any such land, race, drain, dam, or reservoir as aforesaid, and concerning the diversion or abstraction of any water possessed or used under or by virtue of this Act or of any regulations as aforesaid, of which land, race, drain, dam, reservoir, or water, any person shall be and shall claim to be entitled to be in the occupation, possession, use, or enjoyment, for mining purposes, and concerning any unlawful interference therewith or injury thereto, whether wilful, or by negligence, or wrongful omission, causing damage thereto, and whereby mining shall have been hindered or delayed, or any machinery on any such land damaged, or the supply of water, which any person shall be lawfully entitled to, shall be lessened, and concerning the unlawful ouster or exclusion of any person from any share or interest in any such land, race, drain, dam, reservoir, or water, and concerning the damages and compensation for any such encroachment, trespass, ouster, diversion, abstraction, interference, or injury:
- V. Concerning or out of any contract, written or verbal, relating to mining or respecting any such land or water, as aforesaid, or any share or interest therein, and concerning any debt or money due in respect of any such contract:
- VI. Concerning any gold in or to be taken out of any land occupied or held as aforesaid, or out of land in which any person shall be entitled to search for gold, and concerning or out of any contract relating to such gold, or to any money due in respect of the same, or relating to any share or interest therein:

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- VII. Concerning or out of any contract, respecting the using for mining purposes of any such land, race, drain, dam, reservoir, or water as aforesaid, or otherwise in relation to gold mining on waste lands, and concerning any money due in respect of any such contract.
- VIII. Concerning or out of any partnership written or verbal, relating to mining in any waste lands, or for or in relation to the searching for any such gold, or concerning or out of any partnership in any such land, water race, drain, dam, reservoir, gold, or concerning or out of any contract for or in connexion therewith, or for dissolving in the whole or in part any such partnership, or which may arise between tenants in common or joint tenants in relation to any such land or water or in any share or interest therein :
- IX. Concerning disputed or confused boundaries, and fixing the boundaries in dispute, whether there may exist or not, the circumstances required by a Court of Equity to grant a decree for the settlement of boundaries, and for ascertaining such boundaries by such means as shall be found convenient, and deciding about the same, and making and giving all such orders and directions as shall be necessary for the purpose of carrying out such decision :
- X. Generally concerning all questions and disputes in relation to gold mining on waste lands which may arise between persons and companies holding miners' rights or gold mining leases :
- XI. To hear and determine all suits concerning any waste lands or share or interest therein, which the complainant shall claim to be entitled to take possession of and occupy for residence or business, under a business licence, and of which the defendant is, and claims to be entitled to be, in possession :
- XII. And concerning any trespass upon any such land, of which the complainant is in the occupation or possession, and claims to be entitled to possess under such licence :
- XIII. And also to hear and determine all suits which may be brought for the recovery of the amount of any contribution, as ascertained, according to the provisions of any regulation of a mining board, toward the expenses of any appliances for raising or lifting water, or of the working thereof :

Limited in debt or contract to one hundred pounds, and decision to be final.

And such jurisdiction shall extend not only to cases where the litigants shall be the parties originally interested in the causes of suit, but also to cases where the title of any of such litigants shall be derived as assignee or otherwise, from or through any such parties: Provided always, that where any sum of money shall be claimed to be due in respect of a debt, or of a contract, or upon partnership account, or as accruing to the complainant from any mining partnership, adventure, or interest, such jurisdiction shall not extend to cases where such sum shall exceed One Hundred Pounds, and in all cases of debt or contract, the decision of the warden, except as herein provided for, shall be final. 70. The

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70. The wardens shall severally have power to give such judgments or decisions in all cases within the jurisdiction hereby conferred upon them, and to make such orders as may be proper or necessary and as the justice of each case may require, and shall also have power to enforce such judgments, decisions, and orders, in manner hereinafter provided.

Wardens empowered to give judgment and decisions and make orders.

71. Every warden, so long as he shall continue to hold his office, shall have and exercise within the limits of the gold-field or gold-fields of which he may be appointed warden, in addition to the powers and authorities hereby conferred upon him, the same powers and authorities as a Justice of the Peace.

Wardens to exercise powers of Justices of Peace.

72. Any warden may hear and determine any case brought before him with or without written pleadings, and he shall enter the particulars of every decision in every case in the record book hereinafter mentioned.

Wardens may hear case with or without written pleadings.

73. The mode of proceeding in any complaint before the warden, where there shall be written pleadings, and in every other case where the warden shall so direct, shall be as follows:—The person complaining shall lodge a plaint note with the warden, in the form in the Eleventh Schedule to this Act, specifying therein shortly the subject matter of the complaint, and the relief sought to be obtained; and upon receipt of such plaint note the warden with whom the same is lodged shall give notice in the form in the Twelfth Schedule to this Act, to the party complained against of the nature of the relief sought, and the time and place at which the same will be heard and determined; and at the time and place appointed the parties shall attend either in person, or by attorney or counsel, and may call evidence on oath, which oath the warden is hereby authorized to administer, and the warden, having heard the evidence, shall give his decision: Provided that the warden shall have power to adjourn the hearing of such complaint to any other time or place, and may, either at the original hearing, or at any adjournment, proceed in the absence of either party.

Mode of proceeding before warden.

74. On or before the day appointed by the warden in the notice in the last preceding section mentioned, when the pleadings are in writing, the defendant may deliver to the plaintiff and the warden an answer in writing to the said plaint, entitled in the suit, and bearing the number thereof, in separate paragraphs, answering the statements in such plaint, denying, admitting, or qualifying them; and by such answer the defendant shall also set forth the matters of fact, or grounds upon which he intends to rest his defence, and he may thereby insist upon several distinct defences, and may also thereby make a case for, and claim any cross relief which, in connexion with the matters stated by the plaint, he could have obtained by a proceeding instituted by himself.

Answer to be delivered.

75. In hearing and determining any case brought before them pursuant

Warden to be judge of facts as well as of law.

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pursuant to this Act, the wardens shall determine all questions of fact as well as of law.

Decision need not be in writing.

76. It shall not be necessary that any order or decision made by the warden shall be formally drawn up, but the entry of the same in the record book, which he is hereby required to keep for the purpose, in the form contained in the Thirteenth Schedule to this Act, shall be sufficient evidence of the making of any such order, and of the terms thereof, and either party to a suit shall be at liberty to obtain a copy of such record on payment to the warden of a fee of Two Shillings and Sixpence.

Warden may make interlocutory orders.

77. The wardens may make orders for staying proceedings in any case, or for granting time to the complainant or the defendant for proceeding in the prosecution or defence of any such case, and for amending the pleadings at any time, on such terms, as to payment of costs or otherwise, as any such warden may deem proper.

Warden may order inspection, or plan and survey, to be made.

78. If, previous to or during the hearing of any case, it shall appear to the warden that an inspection, or survey, or plan, should respectively be made, in order the more satisfactorily to determine the question at issue between the disputants, the warden may make inspection or order, or cause the same to be made by any other person, or may order either party to cause a survey and plan to be made and produced, and the costs in either case shall, at the hearing, be made costs in the cause.

Summons to witnesses.

79. Any of the parties to any complaint, suit, or proceeding before a warden or to the trial of any issue or question of fact, may obtain at the office of the warden, summonses to witnesses with or without a clause requiring the production of books, deeds, papers, and writings in their possession, or under their control, and such summons shall be in the form contained in the Fourteenth Schedule to this Act.

Witness summoned and failing to appear may be fined.

80. Every witness summoned by a warden to attend the hearing of any case who shall fail to attend without, in the opinion of such warden, a reasonable cause, shall be liable to a fine for every such failure to attend of any sum not exceeding Twenty Pounds, to be imposed by the order of the warden aforesaid.

Warden may non-suit, and grant rehearing.

81. Upon the hearing of any case before any warden, wherein there shall be written pleadings, the warden may non-suit the complainant, and may also, in any such case, order a rehearing upon such terms as he shall think fit, and may in the meantime stay all proceedings.

Warden may order claim not to be worked.

82. Any warden may, in any case heard before him, whenever it shall appear to him proper so to do, order the working of any claim, whether held under a miner's right, or by virtue of a gold mining lease affected by any matter in dispute, to be suspended until such matter

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matter shall have been adjudicated upon, and if any person having been ordered to suspend the working of any claim, shall work the same, he shall be liable on conviction to a penalty of Fifty Pounds, to be imposed by such warden.

83. The warden, upon the hearing of any complaint that any gold has been unlawfully taken or removed from the claim of any person encroached or trespassed upon, and upon proof thereof, of which proof the record aforesaid in the warden's book shall be sufficient evidence, may order any such gold to be summarily seized and delivered to the person encroached or trespassed upon, and may also order the whole or any part of the damages fixed by the warden in respect of such trespass to an amount not exceeding One Hundred Pounds, to be paid by the person so having encroached or trespassed: Provided also, that nothing herein contained shall prejudice the right of any person to resort to any remedy which he may have at law or in equity.

Warden may order gold to be seized.

84. No order, judgment, conviction, or other proceeding of any warden shall be void, vacated, or quashed for want of form.

Decisions not to be quashed for want of form.

85. Notwithstanding the recovery of any penalty under this Act, any person shall be entitled to enforce any civil remedy which he may have by reason of the act or default in respect of which the penalty shall have been recovered.

Recovery of penalty not to bar civil remedy.

86. Whenever in or by any decision before a warden any sum of money shall be awarded by way of debt, damages, or costs, or otherwise, and the same shall not be forthwith paid, such warden or any other warden on production to such other warden of a copy of such decision, signed and certified as a true copy by the warden who shall have the custody of the record book (describing himself as having such custody) in which the minute of such decision shall be entered as hereinbefore directed, on the application of the person entitled to receive such sum, or of any attorney on his behalf, shall grant to the party so applying a warrant under his hand in the form of the Fifteenth Schedule to this Act, and any bailiff of any Local Court to whom such warrant shall be delivered for execution, and all constables and other peace officers within their several jurisdictions shall do and perform all things in respect of such warrant, which such bailiff can or may do and perform in respect of a warrant of execution issued out of a Local Court, in the case of the non-payment of money decreed or ordered to be paid by such Court, and every such bailiff, constable and peace officer may, by virtue of such warrant, seize, take, and dispose of such property as such a bailiff could seize, take, and dispose of by virtue of a warrant issued out of a Local Court, and may and shall pay and deliver to the party to whom the warden shall have granted such warrant any money or bank notes which shall be seized thereunder or a sufficient part thereof, and shall hold any cheques, bills of exchange, promissory notes, bonds, specialities, or other securities for money

Mode of enforcing warden's decision in case of debt, &c.

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which shall have been so seized or taken as a security or securities for the amount directed to be levied by such warrant, or so much thereof as shall not have been otherwise levied or raised for the benefit of the person to whom such warrant shall be granted, who may sue in the name of the party against whom any such warrant shall have issued, or in the name of any person in whose name such party might have sued for the recovery of the sum or sums secured or made payable thereby, when the time of payment shall have arrived, and all powers vested in the person against whom such warrant shall have issued, which such person might legally execute for his own benefit, shall be and are hereby by virtue of such warrant vested in the said bailiff, to be by him executed for the benefit of the party suing out the warrant : Provided that the warden who shall be applied to to issue any such warrant may withhold the issuing of the same, if he shall consider it just or reasonable so to do, until after the expiration of three days from the day on which such decision shall have been made.

On disobedience of orders other than for the payment of money, party may be summoned and committed.

87. In case any person named in any order (not being an order for the payment of money) and intended to be bound thereby, shall disobey the same, it shall be lawful for any person entitled to the benefit thereof, to obtain a summons in the form in the Sixteenth Schedule to this Act, from the warden by whom such order shall have been made, or any other warden, requiring the party so disobeying to appear at such time and place as shall be directed by the said summons, before the same or any other warden, to show cause why he should not be committed to prison for disobedience of such order, and stating in what respect the same has been disobeyed, and such summons may, by order of such warden, be made returnable at any place, before the same or any other warden, but without such order such summons shall be made returnable at the place where, and before the warden by whom, it shall be issued, and such summons shall be served personally, or at such place, or upon such person, or in such other manner as the warden may, by endorsement in writing thereon, under the special circumstance of the case direct; and if the person so summoned shall appear in pursuance of such summons, or shall not appear as required by such summons, and no sufficient excuse shall be shown for his not so appearing, it shall be lawful for the warden before whom such summons shall be returnable, to inquire into the matters mentioned in such summons on affidavit, or on the oath of one, or more than one credible witness, or upon both oath and affidavit; and if it shall appear to such warden that the person so summoned has in fact knowingly disobeyed such order, it shall be lawful for such warden, if under all the circumstances of the case he shall think fit, to order that such person be committed to prison; and thereupon the said warden shall without any previous notice or summons to the person so ordered to be committed, issue a warrant in the form in the Seventeenth Schedule to this Act or to the like effect; and the bailiff of the Local Court of the district in which such order shall have been made, and the constables and peace officers to whom the same shall have been directed,

Seventeenth Schedule.

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directed, and the keeper of the gaol to whom such warrant shall be directed, shall respectively execute and obey the said warrant, and all constables and other peace officers within their several jurisdictions shall aid and assist in the execution of the same.

88. Whenever any person shall be in custody under any such warrant as last aforesaid, it shall be lawful for the officer in whose custody such person may be on receiving an order for that purpose under the hand of the warden, by whom such order of commitment shall have been made, or of the Judge of the Supreme Court from time to time to bring such person before such warden or Judge, and it shall be lawful for such warden or Judge either verbally or otherwise to remand such person to his former custody, or, if it shall appear to such warden or Judge that such person has either performed the order for disobedience of which such person shall have been committed, or has paid to the person obtaining such order of commitment, or to the warden by whom such order of commitment was made, full compensation for the breach of such part of the order as can no longer be performed, together with all costs subsequent to the pronouncing of such order, including the costs of obtaining the commitment, or that otherwise under the special circumstances of the case it would be proper so to do, verbally or otherwise to order the person so in custody to be forthwith discharged on such condition as to the performance of so much of the order as then remains to be, and is capable of, being performed as such Judge or warden shall direct, and such person shall be discharged accordingly; or it shall be lawful for such warden or Judge on being satisfied of the matters aforesaid instead of causing the person so in custody to be brought before him by order under his hand, directed to such officer, to order the immediate discharge of such person, who shall be discharged accordingly.

Prisoner may be discharged on performance.

89. Any such order of commitment as last aforesaid may, if the special circumstances of the case shall appear to any such warden to warrant it, be made by such warden *ex parte*, and without notice, on proof by affidavit only of the wilful disobedience of the order, for the disobeying of which such order of commitment shall be applied for, and upon such *ex parte* order being made under the hand of the said warden such warrant as aforesaid may be issued, and the person ordered to be committed may be dealt with as if an order of commitment had been made as hereinbefore directed.

Order may be *ex parte*.

90. Whenever any warden is empowered or required by this Act to cause any act to be performed, and the mode of performing such act is not otherwise expressly provided for, it shall be lawful for any person verbally authorized by such warden and in his presence, or for any peace officer or constable authorized in writing under the hand of such warden, to perform such act; and all peace officers and constables shall, if thereunto required, aid and assist any warden or person authorized as aforesaid in the performance of his duty under this Act.

Mode of enforcing warden's order where not specially provided for.

91. Whenever

*The Northern Territory Gold Mining Act.—1873.***PART V.**

Warden to enforce certain orders.

91. Whenever a warden shall order that possession of any land, race, drain, dam, reservoir, or water, or of any gold, or of any share or interest therein respectively, shall be delivered or restored to any party to any proceeding had or taken before any warden, then the warden making such order shall, and he is hereby required to cause possession thereof to be delivered or restored to such party, and, if necessary for that purpose, to cause to be removed from any land, race, dam, reservoir, or water, any other person, his servants, goods, and chattels, and all constables and other peace officers shall assist him in doing so.

Chief warden to make rules for conduct of contentious business.

92. The chief warden shall from time to time make such regulations as he may think necessary for the orderly transaction of the contentious business brought before the wardens, and such regulations from time to time may repeal, alter, and vary as occasion may require.

Constables and Peace Officers to assist Warden.

93. All constables and peace officers shall, within their several localities, aid and assist the wardens in the execution of their duties, as imposed by this Act.

Appeals.

94. Any person dissatisfied with any judgment, decision, or order of any warden, may appeal therefrom to the Local Court of Palmerston of Full Jurisdiction, and every such appeal shall be in the form of a case to be agreed upon by both parties or their attorneys, and if they cannot agree, the warden, whose decision shall be appealed against, shall settle the case, and the same when agreed to or settled, shall be signed by such warden, who shall transmit the same to the said Court, and such Court may either order a new trial upon such terms as it thinks fit, or direct the warden to vary his judgment, decision, or order, or may order judgment to be entered by the warden for either party, and may also make such order as to costs as the Court may deem expedient.

Appeal to be commenced by notice to be given within ten days.

95. No appeal shall be prosecuted or allowed, unless notice thereof, in writing, be given by the appellant to the respondent, and to the warden whose judgment, decision, or order is appealed against, and to the successful party or his attorney, and unless the appellant shall deposit within such ten days the sum of Twenty Pounds with the clerk of the said Local Court, to abide the costs of such appeal.

Notice of appeal to operate as stay of proceedings.

96. Giving such notice of appeal to the warden shall operate as a stay of proceedings until the appeal is abandoned, dismissed for want of prosecution, or decided.

PART VI.—General Matters:

Recovery of penalties.

97. All fines and pecuniary penalties imposed by this Act, or by any regulations made pursuant to the power in that behalf hereinbefore contained, the means of recovery or enforcement whereof shall not have been otherwise provided for, shall and may be enforced by and before two or more Justices of the Peace in a summary manner.

98. After

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Mode of enforcing
decision after appeal.

98. After any appeal against the decision of any warden shall have been determined, if such appeal shall be dismissed, it shall be lawful for any warden to proceed to enforce such decision in the same manner as he might have done if no such appeal had been brought; and, in case any such decision shall be varied upon appeal, the decision so varied shall be deemed to be the decision of the warden whose decision shall have been appealed against, and it shall be lawful for any warden to proceed to enforce the decision as so varied in the same manner as if it had been the original decision and no such appeal had been brought: Provided always, that in case the court of appeal shall order that possession of any land, race, drain, dam, reservoir, or water, or of any gold, or of any share or interest therein respectively, shall be delivered or restored to any party to the appeal, then it shall be lawful for any warden, and he is hereby required to cause possession thereof to be delivered or restored to such party, and, if necessary, for that purpose to cause to be removed from any such land, race, dam, reservoir, or water, any other person, his servants, goods, and chattels, and all constables and other peace officers shall assist him in doing so.

Assault on warden
and other officers.

99. Any person who shall assault, obstruct, or resist any warden or any person duly authorized by any warden so to do in performing any act authorized hereby, or who shall assault, resist, or obstruct any bailiff or other officer, or any clerk or assistant of such bailiff or officer, or any other person in the performance of his duty, or in the exercise of his powers under this Act, or any person who, after being removed by any warden under the provisions of this Act from any claim or other place, shall forcibly or clandestinely retake, or retain, or endeavor to retake or retain possession thereof, or of any portion thereof, or of any share therein, or who, after any decision of a warden that a complainant is entitled to use for mining purposes, or to divert any water (such decision not having been altered on rehearing or reversed on appeal), shall resist such complainant or his agents in such use or diversion, or who upon or in consequence of the decision of any warden or assessors against him, shall assault or threaten to assault any person in whose favor such decision shall have been made, shall, on conviction thereof before any two Justices, forfeit any sum not exceeding Fifty Pounds, and, in default of payment, shall be liable to be imprisoned for any period not exceeding six months.

Protection of wardens
and officers.

100. All actions and prosecutions to be commenced against any person acting in the execution of this Act, for anything done in pursuance thereof, shall be commenced within three months after the fact committed, and not otherwise; and notice in writing of such action, and the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such
action

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PART VI.

action brought, or if a sufficient sum of money has been paid into Court after such action brought by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined; or if upon demurrer, or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy therefor as any defendant hath by law in other cases.

Short title.

101. This Act may be cited for all purposes as "The Northern Territory Gold Mining Act."

In the name and on behalf of Her Majesty I hereby assent to
this Act.

A. MUSGRAVE, Governor.

The Northern Territory Gold Mining Act.--1873.

SCHEDULES REFERRED TO.

THE FIRST SCHEDULE.

To the Commissioners for determining Titles to Gold Claims in the Northern Territory.

Pursuant to "The Northern Territory Gold Mining Act."

We [or I, as the case may be], the undersigned, hereby apply for a gold mining lease [or leases] of that portion [or those portions] of the waste lands in the Northern Territory, containing [here state quantity], and situated at [here describe locality], as delineated and described in the plan hereto annexed [or to be deposited by us [or me] with you as directed by such Act].

And we [or I] claim such lease by virtue of [here state fully the applicant's title].

The person [or persons] in possession of such portion [or portions] of waste lands is [or are] [here state Christian and surname, residence, and business of every person in possession and occupation of the land claimed].

And we [or I] intend to produce the following documents [here describe shortly nature of documentary evidence], and to call the following persons [here give Christian and surname, residence, and business of all witnesses] in support of our [or my] claim to such lease.

We [or I] have in all things complied with the said Act.

Dated the day of , 187 .

Signature of claimants.

Residences.

Occupations.

THE SECOND SCHEDULE.

To the Commissioners for determining Titles to Gold Claims in the Northern Territory.

We [or I] the undersigned, pursuant to "The Northern Territory Gold Mining Act," hereby give notice that we [or I] intend to oppose the granting of the application of [here state names, residence, and business of applicants] for a gold mining lease [or leases] of that portion [or portions] of Waste Lands in the Northern Territory, described in application No. of 187 [or describe smaller portion if opposed] and delineated in the plan accompanying each application.

And we [or I] oppose the granting of such lease [or leases] on the grounds [here set out grounds fully].

The following documents [here describe shortly nature of documentary evidence] will be produced, and the following persons [here give Christian and surname, residence, and business of all witnesses] will be called in support of our [or my] opposition.

We [or I] have in all things complied with the said Act.

Dated the day of 187

Signatures.

Residences.

Occupations.

THE THIRD SCHEDULE.

	£	s.	d.
Filing application for lease.....	1	0	0
Filing notice of opposition.....	20	0	0
Summons, containing not more than four witnesses' names.	0	5	0
For taking evidence of each witness.....	0	5	0
For every seventy-two words after first five folios.	0	1	0
Certificate of refusal, withdrawal, or default of a witness.	1	0	0
Final report of the Commissioners when application opposed	5	0	0
Final report of the Commissioners when unopposed	1	0	0

THE

The Northern Territory Gold Mining Act.—1873.

THE FOURTH SCHEDULE.

SOUTH [Royal Arms] AUSTRALIA.

To [here insert not exceeding four names of applicants, opponents, or witnesses, as the case may be]—

You are hereby severally summoned to appear before “The Commissioners for determining titles to Gold Claims in the Northern Territory,” at on the _____ day of _____, 187____, at _____ of the clock in the forenoon; then and there to give such evidence, and produce such documentary evidence as you may have in your custody, possession, or control, touching or affecting the rights of certain persons to a gold mining lease [or leases] of claim [or claims] number _____, situated at [state locality] now in the possession of [give Christian and surname, residence, and business of occupant or occupants]: And in default of your obeying this summons, you may be fined a sum of money not exceeding Twenty Pounds.

Dated the _____ day of _____, 187____, Secretary to the said Commissioners.

THE FIFTH SCHEDULE.

Register of Applications and Notices of Opposition filed with Commissioners for determining Titles to Gold Claims in the Northern Territory, and of dealings with the same.

No. of Application or Opposition.	State of Application or Opposition.	Applicant.			Opponent.			Particulars of Land for which Lease applied and Locality thereof.	Particulars of Land, Lease whereof opposed, and Locality.	Particulars of Commissioner's Report, specifying Names of Persons to whom Leases may be granted.
		Names.	Address.	Business.	Names.	Address.	Business.			

THE SIXTH SCHEDULE.

MINER'S RIGHT.

SOUTH [Royal Arms] AUSTRALIA.

THE NORTHERN TERRITORY.

No. _____ [Insert here sum paid for the Miner's Right].

District and place in which issued

District and place in which issued
Date

Date

MINER'S RIGHT.

Name

Issued to _____, of _____, under the provisions of “The Northern Territory Gold Mining Act;” to be in force until the first day of December, 187____.

To be in force until

THE

The Northern Territory

THE SEVENTH SCHEDULE

BUSINESS LICENCE.	§§§§§	SOUTH [Roya.
	§§§§§	THE NORTHERN TERRITORY.
No.	§§§§§	No. [Insert sum paid for the Business Licence.]
£	§§§§§	District and place in which issued
District in which issued	§§§§§	Date
Date	§§§§§	[Insert here whether for six or twelve months.]
Name	§§§§§	BUSINESS LICENCE.
To be in force until the	§§§§§	Issued to , of , under
day of 187 .	§§§§§	the provisions of "The Northern Territory Gold Mining Act;" to be in force until the
	§§§§§	day of , 187 .

THE EIGHTH SCHEDULE.

<i>Amalgamation of Claims</i>	§§§§§	SOUTH [Royal Arms] AUSTRALIA.
	§§§§§	THE NORTHERN TERRITORY.
No.	§§§§§	No. <i>Certificate of Amalgamation of Claims.</i>
District and place within which situated	§§§§§	I hereby certify that the owners of contiguous
To whom Certificate given	§§§§§	claims, Nos. , situated at
Duration of amalgamation	§§§§§	have this day amalgamated them as one claim for
Date	§§§§§	the period of , from the day of 187 .
	§§§§§	Dated 187 . Warden.

THE NINTH SCHEDULE.

Regulations respecting the application for gold mining leases, opposition thereto, and the terms and conditions of granting such leases.

1. In the construction of the regulations in this Schedule the words "the warden" shall mean the warden of the gold district wherein the land or the interest therein forming the subject referred to by any such regulations shall be situated, unless such meaning shall be inconsistent with the subject matter or context.
2. The quantity of land for which one gold mining lease may be granted, pursuant to the Act, shall not exceed forty acres.
3. There shall be employed, and kept continuously employed, at least two men on every ten acres, or portion of ten acres, of land contained in any such lease, who shall work the same subject to the regulations hereinafter contained.
4. At least One Hundred and Fifty Pounds for and upon every ten acres, or portion of ten acres, of land contained in any lease shall be expended in *bona fide* testing, working, and developing every area of land contained in any such lease, in every year of the term thereby granted.
5. Every person who shall be desirous of obtaining a lease, shall do the following things :—
 - (i.) Erect posts not less than two feet six inches above the ground, painted white, as far as circumstances and occupiers will permit, to define the boundaries and angles of the land, having the words "applied for lease," and the name of applicant, or (if more than two) the first two applicants, legibly painted thereon, such posts to be kept so erected and painted until the termination of the proceedings under these regulations.
 - (ii.) Within seven days thereafter, deliver to the warden of the gold district wherein the land is situated an application in duplicate in the following form :—

[Place and

To
 , Esquire,
 Government Resident.

Sir—I [or we] being the registered holder of [Quartz Claim No. , or as the case may be] and having complied with the regulation Gold Mining Leases, hereby apply for a lease, the particulars of which are hereunder set forth, together with a plan of the land for which is sought and I [or we] agree that I [or we] will execute such lease upon the basis therein stated, or upon such basis as you may by law determine I [or we] have the honor to be, Sir,

Your most obedient servant,

[Name and Address in full

Name in full of applicant or applicants, and style under which it is intended that the business shall be carried on.	Full address of each applicant.	Extent of ground applied for, and whether held under miner's right or otherwise.	Name of each person who (if any) is occupying the land applied for.	Minimum number of men to be employed.	(1) Precise locality. (2) Term for which lease required.	Amount of money proposed to be expended, and in what manner the land is to be worked.	Whether the boundaries of the land applied for will include any river, creek, deposit of permanent water, spring or artificial reservoir, public road, or subject to any and what rights (not of occupiers).	General Remarks.
						£ s. d.		

N.B.—The day and hour of the receipt by the warden of this application is to be endorsed thereon.

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(III.) Give to every person occupying or having any part thereof, a similar notice.

6. Every such application shall be delivered to the warden, accompanied by a plan of the land, a lease whereof is thereby applied for, in respect with the requirements of the plan mentioned in Section 5, together with the receipt for the deposit and the said consent of occupiers (if any): And thereupon, or as soon as practicable, the warden shall enter, or cause to be entered, in a book kept for the purpose, a note of such application, numbered in order, and the day and hour when the same was left with him, and shall endorse a similar note on both such duplicate applications.

7. Where the applicant shall be the registered owner of any claim held under section 28 of the Act, he shall be entitled to a lease thereof on proving to the satisfaction of the warden that he has, during the time he has held such claim under a miner's right, complied with the provisions of the Act and regulations as to the employment of labor, and otherwise.

8. When the land, a lease whereof is applied for, has not been held under a miner's right, leases shall be granted according to priority of application; and the priority of application shall be determined according to the time at which each application shall have been received as endorsed on the applications.

9. Any person objecting to any application being granted shall, within twenty-one days from the delivery of the notice to the warden, lodge with the warden and leave for the applicant, or, if more than two, for any two named in the application, at his or their address stated in the said notice, a statement in writing of the grounds of his objections. And no particular form of objection shall be necessary, so that it clearly appears whose application is objected to, and the grounds thereof, and the address of the objector, which shall be his address for all the purposes of these regulations.

10. Within four days after the expiration of the twenty-one days for lodging objections, whether any objections shall have been lodged or not, the warden shall give to the applicant and objectors (if any), four clear days' notice of the first Court to be holden to inquire into such application and the objections (if any), and he shall accordingly hold such Court at the time and place appointed in such notice. If there are more than two applicants in any one application, notice to any two named in the application shall be sufficient.

11. The warden shall at such first Court, which shall be continued from day to day until the adjournment hereinafter mentioned—

Require evidence (to be reduced into writing by him), from the applicant, that the requirements of Regulation No. 5 have been complied with by the applicant, and if not complied with, in what respects, and under what circumstances; and as to any other matter or thing connected with such application as he shall think proper; and if objections have been lodged, he shall proceed to inquire into the matters of such objections, and shall take down in writing all oral testimony given by or on behalf of the applicant and objectors with reference to such objections, and all matters and things connected therewith, and mark in the usual way all documentary evidence produced, and shall take possession thereof, or of a certified copy thereof; and after the applicant and objectors have concluded the evidence aforesaid, the warden shall then adjourn the Court.

12. On the expiration of the three clear days after the adjournment of the Court, the warden shall transmit to the Government Resident the application, plan, objections (if any), evidence written and documentary, and all other writings relating to the application, with his observations and opinion thereon.

13. The Government Resident shall, as soon as practicable after receiving the particulars aforesaid, notify to the warden whether or not the particulars so transmitted are sufficient, and whenever the Government Resident shall notify that the same are sufficient, the warden shall immediately on the receipt of such notification post at the place where the first Court was held, a notice to the effect that the Court in the matter of such application is closed.

14. In case the Government Resident shall be of opinion that the particulars transmitted to him are not sufficient, he may—

- (i.) Require a further plan or report, or both, as to the land, or any part thereof, and as to any other matters or things the Government Resident may think proper, connected with the application, to be made by the warden, or
- (ii.) Direct the warden to hold an adjourned Court for inquiry as to the application and objections (if any), and as to any matters and things connected therewith, such matters and things to be specified in the direction to hold the Court.

15. Any

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ed with notice of any adjourned Court or not, may
 Resident, as soon as practicable after he shall have satisfied
 aforesaid that the requirements of the regulations and the pro-
 Act have been complied with, and on consideration of all the circum-
 stances connected therewith, shall refuse such application or grant the same as he shall
 see fit: Provided that in granting such application it shall be lawful for the Govern-
 ment Resident to determine whether the whole or what part of the land shall be
 included in such lease, and to define the same accordingly, and also to alter as he sees
 fit any of the other terms proposed in the application.

17. Nothing herein contained shall be construed to limit the power of the Govern-
 ment Resident to refuse to grant any lease, as provided by section 47 of the Act.

18. If the Government Resident shall refuse to grant a lease the application shall
 be deemed to be abandoned, and such abandonment shall take effect from the date
 of such refusal.

19. The refusal of the Government Resident to grant any such lease, shall be
 promulgated by him in as public a manner as he can devise.

20. If the Government Resident shall determine to grant a lease of the land, or
 any part thereof, such lease will be forwarded to the warden, who, on the receipt
 thereof, shall notify such fact to the applicant.

21. Before executing the said lease the applicant shall pay to such person as
 the Government Resident may appoint, the sum of One Pound as a fee for the
 preparation of the lease, and shall also pay the year's rent then due as reserved
 in the said lease, and shall produce receipts of such payments to the warden
 before executing the lease; and unless so produced, and in those cases provided
 for by section 36 of the Act, unless regulation No. 30 has also been complied with,
 and in those cases provided for by sections 58, 59, and 60 of the Act, unless section
 60 has been complied with, the warden shall not allow such lease to be executed;
 but the applicant shall, after complying with the requirements aforesaid, be permitted
 by the warden to execute the lease.

22. Every successful applicant for a lease shall execute the same; and such lease
 shall be delivered to the applicant, or if more than one applicant, to such of them who
 execute the lease as the warden shall think fit.

23. The applicant shall execute the lease within fourteen days after the receipt
 from the warden of the above-mentioned notification that he has received the same,
 and after that time the applicant shall not be allowed to execute the lease unless by
 the permission of the Government Resident; but in no case shall the applicant execute
 the lease after the expiration of twenty-one days after the last-mentioned notification,
 and the lease shall thereupon be deemed void.

24. The lease to be issued to the applicant shall be in the form, and to the effect,
 and shall contain the reservations, covenants, and provisions next hereinafter con-
 tained, or with such modifications and additions as the circumstances of the case may
 require or as the Government Resident may think proper.

This Indenture, made the _____ day of _____, A.D. 18____, between
 Her Most Gracious Majesty Queen Victoria of the one part, and _____

hereafter called the lessee, of the other part Witnesseth, that in consideration of
 the rents hereinafter reserved, and of the covenants and provisions hereinafter contained, Her Majesty
 doth by these presents grant and demise to the lessee, his executors, administrators, and assigns,
 all the piece of land particularly described in the First Schedule hereto, and delineated with its admea-
 surements, boundaries, and bearings, and colored yellow on the map hereon endorsed or hereunto
 annexed, and all mines of gold, and other minerals or metals, in, on, and under the land hereinafter
 called "the said mine," together with all and singular, the shafts, levels, drifts, works, ways, fixtures,
 erections, liberties, easements, advantages, and appurtenances which are now or at any time during the
 lease hereby granted, may be held, occupied, or enjoyed therewith, for the purpose of mining on the
 said land for gold, and other minerals and metals, and also with full power for the said lessee, his
 executors, administrators, and assigns, and his and their agents and workmen, to dig, sink, drive, make,
 and use excavations, pits, shafts, levels, water courses, and other works necessary for working, mining,
 and raising the gold in, on, or under the said land, and to take and appropriate the same during the
 term hereby granted, and to make and construct on the said land races, drains, dams, reservoirs, roads,
 and tramways; and also to erect all buildings, engines, furnaces, pumps, machinery, and things neces-
 sary for the purpose of mining and obtaining the gold, and other minerals and metals, in or under the
 said land, and for effectually carrying on the works of the said mine; and also to erect on the said
 land such offices, cottages, and dwelling-houses, for the use of the persons and workmen employed in
 the said mine and works as the said lessee, his executors, administrators, or assigns shall think proper.
 To hold the said land, mine, and premises, with the appurtenances, unto the said lessee, his executors,
 administrators, and assigns, from the date hereof, for the term of twenty-one years next ensuing, for
 the purpose of mining for gold, and other minerals and metals, and for no other purpose, yielding
 and paying therefor, yearly and every year, unto Her Majesty, Her heirs, and successors, during
 the said term, the yearly rent of _____ by yearly payments of _____ each, to be made in
 advance; the first payment to be made on the day of the date hereof, and the next payment on the day

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day of next, and the succeeding payments respectively to be made on the same days in each succeeding year, clear of rates, taxes, and assessments to which the said land, mine, and premises are now, or at any time during the said term may be, subject or liable: Provided always, and it is hereby agreed, that if the said yearly rent shall be in arrear for twenty-one days after the same shall have become payable, or if any other sum of money hereby covenanted to be paid shall be in arrear twenty-one days after the time appointed for payment thereof, whether such rent or sum of money shall have been legally demanded or not, the Government Resident may, by himself or his agents, enter upon the said land, and seize and distrain all gold and rock or earth containing gold actually gotten, and all machinery, apparatus, tools, waggons, carts, carriages, engines, plant (live and dead), and all other goods, chattels, and effects whatsoever in, upon, and about the said land and premises; and every distress then made may take away, sell, and dispose of, as in cases of distress for rent reserved in common leases, and out of the moneys arising thereby retain so much as shall be sufficient to satisfy the said arrears and other payments, and which shall at the time of such sale be unpaid, and all expenses incurred by him or them; and, if any surplus, the said to be paid to the said lessee, his executors, administrators, or assigns. And the said lessee doth hereby for himself, his heirs, executors, administrators, and assigns, covenant with Her Majesty, Her heirs and successors, in manner following, that is to say:—

- I. That the said lessee, his executors, administrators, and assigns shall and will, during the said terms, pay unto Her Majesty, Her heirs and successors, the rent hereby reserved at the times and in manner hereinbefore appointed for payment thereof, clear of all deductions:
- II. And also shall and will construct and work the said mines in a skilful and workmanlike manner.
- III. And also shall and will employ, and keep continuously employed, in the construction of the works, or in mining operations in or under the said land, during the said term, and during the usual hours of labor, able and competent workmen and miners at the least, unless prevented by inevitable accident or during the execution of repairs, or unless the said lessee shall have obtained leave to suspend working and operations as provided by the regulations for the time being in force in the Northern Territory:
- IV. And also shall and will during the said term effectually drain the said mine and pump out all water likely to cause injury thereto, or which would prevent or interfere with the working thereof; and if the said mine shall be affected, or liable to be affected, by the same flow or body of water as any other mine or mines contiguous thereto, shall and will contribute with the lessee or lessees, or owner or owners of such other mine or mines, a reasonable proportion of the machinery and labor necessary to free and keep free such mine or mines from water to a workable extent, or if the said mine shall be kept free from water to a workable extent, whether wholly or partially by means of the machinery and labor of a contiguous mine or mines, then shall and will pay for and on behalf of the lessee or lessees, owner or owners of such contiguous mine or mines, a reasonable proportion of the expenses of such machinery and labor, the Government Resident or Mining Board for the time being to depute some efficient person who shall have access to and inspection of all such mines, to determine when the said mine is so freed or kept free, wholly or partially from water, and what are the reasonable proportions of the expenses aforesaid, and to whom, and when the same are to be paid, such decision to be final and conclusive on all parties:
- V. And shall and will make such provision for the disposal of the detritus, dirt, waste, workings, or refuse of the said mine, so that the same shall not be an inconvenience, nuisance, or obstruction to any roads, ways, rivers, creeks, or private or waste lands, or in any manner occasion any public or private damage or inconvenience:
- VI. And also shall and will make such provisions for decency, and the observance of sanitary regulations as the Government Resident or Mining Board for the time being shall approve of or direct.
- VII. And also shall and will erect and keep erected during the said term posts not less than two feet six inches high above the ground, and painted white, so as accurately to define the boundary line and angles of the said land, and so that each post shall be visible from those nearest to it on each side:
- VIII. And also shall and will, if required by the Government Resident or Mining Board, erect and keep in repair a substantial wall or fence round each of the shafts at any time during the said term open on any part of the said land, or used for the purpose of the said mine, so as effectually to prevent all accidental access thereto; and when the Government Resident for the time being, or other person authorized in that behalf shall consider any such shaft unnecessary, and shall, by certificate under his hand, notify the same, then shall and will effectually fill up and substantially enclose the same:
- IX. And also shall and will as often as required so to do during the said term make and deliver to the Mining Board for the time being, or other officer appointed for that purpose, all such true and proper plans and sections, returns, statistics, and particulars, made up to the last day of the month preceding the month in which such requirement shall be made of the workings and operations of the said mine as shall be in accordance with the directions from time to time issued by the Government Resident, to be accompanied with a statutory declaration of the truth and correctness thereof, by the lessee of the said mine, his executors, administrators, or assigns, or such other person as the said Government Resident shall direct:
- X. And shall not nor will use or occupy or permit to be used or occupied the said land for other than mining purposes or for pasturage, or as garden ground for the persons employed in, on, or about the same:
- XI. And shall not nor will cut any timber on the said land except for the mining operations hereby authorized, and for the domestic purposes of those residing on the said land:
- XII. And also shall and will permit the wardens or any person authorized by any warden with all proper assistants, at all reasonable times during the said term, quietly and peaceably to enter into and upon the said land, mine, and premises, to survey and examine the state and condition thereof, and for the purposes aforesaid to descend all pits and shafts, and to use all roads, ways, engines, ropes, machinery, gear, labor, and other things in or on the said land and mine, which shall be deemed necessary by him, without making any compensation for the same, so nevertheless that in so doing no unnecessary interference is caused with the carrying on of the said mining works:

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shall or shall not lodge an objection under Regulation 9, shall be compensated by the applicant for any buildings or improvements or both, erected and put up or made by him or some one under whom he claims, on the land previous to the application, and unless the applicant and such claimant shall agree in the amount of such compensation, the claimant shall send in a claim to the warden, who shall determine the same, and also as to whether the claimant is in lawful occupation of the land or any part thereof, under this Act, at such time and place as he shall appoint, of which one clear day's notice shall be given to the applicant and claimant, and notice of any such agreement shall be given by the claimant to the warden, and in case he shall not give such notice, he shall not be entitled to the benefit of this Regulation.

28. The warden shall at such time and place (whether or not the applicant and claimant, or one or neither of them attend, proceed to inquire into and determine the matter of the claim, and shall as soon as practicable thereafter make his decision in respect of such claimants as shall appear to him to be entitled to compensation, and such award shall be in the form next hereinafter contained, and shall be delivered by the warden to the claimant.

In the matter of the application of the undernamed parties for a lease under "The Northern Territory Gold Mining Act," and of compensation to be paid to A.B., of (*description and residence*).

I, C.D., warden of the gold fields, do award and determine that the amount of compensation to be paid by the undernamed party [*or parties*] to the said A.B. for the building [*or buildings or improvements*], erected [*or made*] by him on the land occupied by him for the purpose of residence, is _____ pounds, if such land, or any part thereof, shall be included in the lease which has been applied for by the undernamed parties. Dated _____ 187 .

E. F., } Parties liable to pay compensation.
G. H., }

C.D., Warden.

29. The warden shall not allow the applicant, and the applicant shall not be entitled to execute the lease, as provided by these regulations, unless and until the warden has been satisfied that the applicant has paid, or satisfied, or tendered the compensation agreed or awarded (as the case may be) to be paid to such claimants as shall occupy the land, or any part thereof, contained in the proposed lease.

30. Any applicant may at any time withdraw his application by giving notice to the warden that he so withdraws, and thereupon, or in case of his death, the application shall be deemed to be adandoned.

THE TENTH SCHEDULE.

Regulations of Mining Board.

1. In the construction of these regulations, the following words shall have the following meanings, except when the context or subject matter is inconsistent therewith:—

"Claim" shall mean a parcel of land of any of the shapes and dimensions specified by the next following regulation, which, by this Act or by any regulations made thereunder, a miner may take possession of, or take possession of and register, or take possession of and apply for a lease of:

"Miner" shall mean the holder of a miner's right:

"The warden" shall mean the warden of the gold district wherein the claim respecting which these regulations apply shall be situated.

2. The following parcels of Waste Lands shall be and be deemed to be claims of the dimensions and character next hereinafter set forth, viz. :—

ALLUVIAL CLAIMS.

i. One hundred yards by fifty yards of ground, less than half a mile and not less than one hundred yards from any officially-known payable claims; one hundred yards by one hundred yards of ground, half a mile or more from any officially-known payable claim, or two hundred and fifty yards by two hundred and fifty yards of ground, two miles or more from any officially-known payable claim; or five hundred yards by five hundred yards of ground, five miles or more from any officially-known payable claim, shall be and be called "A prospector's protective claim."

ii. Thirty yards by thirty yards of ground, less than half a mile and not less than one

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one hundred yards from any officially-known payable claim; or fifty yards by fifty yards of ground, half a mile or more from any officially-known payable claim; or one hundred yards by one hundred yards of ground, two miles or more from any officially-known payable claim; or two hundred yards by two hundred yards of ground, five miles or more from any officially-known payable claim, shall be and be called "A prospector's working claim."

- III. Any claim not exceeding forty feet in depth, shall be of an area of the following dimensions, viz. :—One hundred and sixty feet by seventy-five feet for one man :

When the sinking exceeds forty feet in depth, any area which in its dimensions shall not exceed—Two hundred and fifty feet by two hundred and fifty feet for two men :

And so on, in like proportion (that is to say—in the proportion of ninety feet square for each person), for any number of persons who shall take possession of and hold such claims conjointly. And such claim shall be and be called "An alluvial ordinary claim."

- IV. "An ordinary river, creek, or bank sluicing claim," which includes the bed of the river or creek, shall not exceed the following dimensions, viz. :—
One hundred yards in the direction of the course of the stream, with the width of thirty yards on each side of the stream, for one man.
- V. "A bank sluicing claim" which does not include the bed of the river or creek, and does not exceed forty feet in depth, shall not exceed the following dimensions, viz. :—One hundred yards by one hundred yards for one man.
- VI. "A cement claim," that is, a claim containing cement requiring to be crushed for the purpose of obtaining gold therefrom, shall be of an area of not exceeding fifteen yards by ten yards for each person.

QUARTZ CLAIMS.

- VII. An area not exceeding four hundred yards in length by five hundred yards in width of any quartz reef not less than seven hundred yards from the nearest occupied quartz claim, shall be and be called "A prospecting quartz claim."
- VIII. "An ordinary quartz claim" shall not exceed two hundred yards in length on the supposed course of the reef, by a width of not exceeding two hundred and fifty yards across such course.

3. Any person taking possession, in manner hereinafter provided, of a "prospector's protective claim," or a "prospecting quartz claim," may provisionally occupy and work the same until the discovery of gold in payable quantities, or until the discovery of an auriferous lode or quartz reef therein respectively, or until the same respectively have been forfeited or abandoned.

4. Upon the warden being satisfied of the discovery of gold in payable quantities, or of an auriferous lode or quartz reef, upon any of the lastly hereinbefore-mentioned claims, the title to provisional occupation of the prospectors shall cease, and they shall be entitled in lieu thereof to a claim, in accordance with the following scale :

A prospector holding a pro- spector's protective claim	{ shall be entitled, if he prove to the warden that he is the dis- coverer, to	{ A prospective working claim, as specified in Regulation No. 2.
A prospector holding a pro- specting quartz claim	{ shall be entitled, if he prove to the warden that he is the dis- coverer, to	{ An area not exceeding four hundred yards in length on the supposed course of the reef by a width of not exceeding two hundred and fifty yards across such course.

if notice of such discovery be given by the discoverers within fourteen days thereafter to the warden.

5. When any person discovers gold in payable quantities, or an auriferous lode or a quartz reef, at the respective distances mentioned in paragraphs I, II, and VII of regulation No. 2, such person, although not the occupier of any claim of the nature of the claims defined in such last-mentioned paragraphs, on giving notice to the warden of the discovery within fourteen days thereafter, shall be entitled to one of the claims, as the case may be, mentioned in regulation No. 4.

MINERS' RIGHTS.

6. Upon the renewal of a miner's right and upon the production of the old and new miner's right, the warden shall, upon application therefor, substitute in the register of registered claims the number and date of the new miner's right, for the number and date of the old miner's right, and shall also endorse on the new miner's right the date of the original registration, and such registration shall be effected free of charge.

7. When

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7. When any person loses his miner's right, upon such person making a statutory declaration before a Justice of the Peace, whereby he, to the satisfaction of the wardens, accounts for such loss, the warden may issue to such person a certificate exempting him for the period unexpired of such miner's right, from the production of same, and such certificate during such period shall be of the same force and effect as a miner's right, and every such statutory declaration shall be filed with the warden.

SPECIAL MINER'S RIGHTS, UNDER SECTION 61 OF THE ACT.

8. Any miner may apply to the Warden for a special miner's right, under section 61 of "The Northern Territory Gold Mining Act," authorizing such miner to search for, dig, and work alluvial shallow sinking gold.

9. The warden, upon receiving such application, shall give notice to the lessee of the land whereupon such miner proposes so to search, dig, and work, that such application has been made, and that he has appointed a day, to be named in such notice, for the hearing of such application and the objections of the lessee thereto.

10. Upon the hearing of such application and objection, the warden shall refuse or grant the application, and if he grant the same shall issue to the applicant a special miner's right, which shall be subject to such special conditions as the circumstances of each case may, in the opinion of the warden, necessitate or render desirable, or as the Mining Board may, from time to time, by regulation impose, and every such special miner's right shall be registered by the warden.

11. Every claim held under special miner's right shall, subject to such special conditions (if any) imposed in respect thereof, be subject in all things to the ordinary regulations respecting ordinary alluvial claims.

MODE OF TAKING POSSESSION OF CLAIMS.

12. Any person desirous of taking possession of a claim shall completely and accurately define the same at the time of taking possession thereof; and, for the purpose of taking possession, shall fix a post, not less than three inches in diameter, and not less than three feet above the ground, and a cut \vee trench, not less than six inches deep and six feet long at each corner, or at each angle, of every such claim, and such posts and trenches shall be kept erected and well defined by the holders of the claim during their occupancy.

UNREGISTERED CLAIMS.

13. The owners of alluvial shallow sinking claims shall not be required to register the same.

14. Within forty-eight hours from the day of taking possession of any claim the owners of such claim shall *bonâ fide* proceed to work, and shall continue to work upon such claim by themselves or their agents or servants, according to the usual practice of efficient mining; and for the purpose of this regulation, efficient mining shall mean the employment of such appliances and such a number of men as, taking into account all the circumstances of the mine, the warden shall consider to be necessary at the various stages of the work to explore and develop the mine with reasonable expedition: Provided that in any and every case the minimum number of men employed shall be two men for and in respect of every claim.

15. Not more than four claims of the class by these regulations not required to be registered shall, upon the application in writing signed by the holders thereof, to the warden, be amalgamated by him as one claim, for some period of time to be fixed by him, and stated in the certificate of registration, and he shall record the same in the Register of Amalgamated Claims, and shall issue to the holders a certificate of such registration: And after such amalgamation, and during the period thereof, work done upon any one of the four claims so amalgamated shall, for the purposes of the regulation No. 14, be deemed to be a compliance therewith, and to be a working of the whole of such claims: And the forms of application for amalgamation and registration thereof shall, as nearly as the circumstances will permit, be the same as set forth in regulation No. 28.

16. The warden may exempt the holder of any claim, not required by these Regulations to be registered, from working the same for any period not exceeding three months, and may from time to time extend such exemption; and the application therefor and the certificate thereof shall, as nearly as the circumstances of the case will admit, be the same as set forth in Regulation No. 30.

REGISTERED CLAIMS.

17. No person shall have any title, estate, or interest in any alluvial claims (other than alluvial shallow sinking claims) or in any quartz claims, except quartz claims held under a gold mining lease, until such claims shall be registered, except for the period elapsing between the date of any application to register such claim, and the date of actual registration as hereinafter provided.

18. The

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date the order, direction, or decree of some competent court or some warden restrain me from so doing.
 Dated at _____ day of _____, 18____, unless prior to that day of _____ next, register such _____ Warden.

And the period of such notice to be fixed for such registration shall not be less than seven clear days from the date thereof; and unless the warden shall before the day so fixed as aforesaid receive from some competent court or from a warden, an order, decree, or direction, restraining him from making such registration, or notice of objection as hereinafter mentioned, he shall after the full expiration of the time named in such notice, proceed forthwith to register such claim in a proper book or books to be by him kept for that purpose, by entering therein full particulars of the nature, extent, position, and locality of the claim, the names in full of the applicants, and by drawing or delineating upon the face of such register a copy of the plan which shall be delivered to him; but in case by the plan so delivered to the warden it shall appear that the claim delineated thereupon encroach upon or interfere with the rights of any person other than the applicant, or in case any order, decree, or direction of some competent court or some warden shall be served upon him directing him not to register such claim, he shall refuse so to do until he shall receive an order, direction, or decree as aforesaid, directing or permitting him so to register.

23. The boundaries of every claim shall, before registration thereof, be completely and accurately defined and delineated upon the plan mentioned in regulation No. 22 aforesaid.

24. Any person desirous of objecting to a claim being registered as aforesaid shall give notice to the warden, in writing, that he so objects, and shall state therein the grounds of such objection, and such notice shall be given within seven days after the notice of application shall have been given by the warden.

25. The warden shall, as soon as conveniently, fix a day for hearing the application and objections, and thereof give reasonable notice to the parties thereto respectively, and upon the day fixed proceed to hear and determine the application and objections.

26. As soon as the registration of any claim shall have been completed, the warden so completing the same shall give a certificate in the following form:—

This is to certify that I have this day, at the hour of _____ of the clock, in the _____ noon,
 registered the name of _____, of _____, as the owner of a
 _____, situated at _____,
 Given under my hand this _____ day of _____, 18____, _____ Warden.

27. Within forty-eight hours from the day of taking possession of any claim in respect whereof they shall apply to be registered, the owners of such claim shall *bond fide* proceed to work, and shall continue to work upon such claim by themselves or their agents or servants, according to the usual practice of efficient mining; and for the purpose of this regulation, efficient mining shall mean the employment of such appliances and such a number of men as, taking into account all the circumstances of the mine, the warden shall consider to be necessary at the various stages of the work to explore and develop the mine with reasonable expedition: Provided that in any and every case the minimum number of men employed shall be two men for and in respect of every claim.

28. Upon the application of the owners of not more than four claims in the following form:—

The _____ day of _____ 18____
 We, the undersigned, being the registered holders of the _____ claims numbered respectively
 and situated at _____ hereby request the warden of the _____ Gold
 Fields to amalgamate the claims aforesaid as one claim, under the style of _____ under
 miners' rights. _____ (Signatures.)

signed by the persons interested therein, the warden shall forthwith amalgamate such claims as one claim, and shall record such amalgamation upon the register relating to such claims, which he is hereby required to keep under the proper date, and shall issue to the holders of the claims so amalgamated a certificate in the following form:—

This is to certify that I have this day, at the hour of _____ of the clock in the _____ noon,
 amalgamated as one claim, known by the style of _____, the undermentioned claims, that is
 to say, Nos. _____,
 Given under my hand this _____ day of _____ 18____, _____ Warden.

After such amalgamation, work in accordance with the provisions of regulation No. 27, done upon any one of such claims, shall, for the purposes of the said last-mentioned regulation, be deemed to be a compliance therewith and to be a working of the whole of such claims.

29. Ground,

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29. Ground, which having been occupied or held under miners' rights, shall have been unworked and unoccupied for ten days, except claims, the working whereof shall have been suspended by leave of the warden, shall be deemed to be, and shall be treated as ground absolutely deserted and abandoned, and may, by the holders of miner's rights be taken possession of for gold mining purposes, in the same manner as ground not previously held or occupied under miner's rights.

30. The owner of any quartz claim or claims necessitating, in the opinion of the warden, deep sinking, on which three months' *bond fide* work or upwards has been done, shall be entitled to be exempted from working the same for a period of three months from the date on which such *bond fide* work ceased; and the owner of any claim which has been in *bond fide* work for any period less than three months, and not less than one month, shall be entitled to similar exemption for a length of time equal to that during which his claim was in work: Provided that the said owner shall within three days of the commencement of such period of exemption lodge with the warden an application in the following form:—

To
I [or we]
from working claim No.
under the provisions of regulation No.
Dated

Warden of the
of
situated at
day of

Gold District.
hereby apply for
and known as

months' exemption

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And the warden shall thereupon issue to the aforesaid owner a certificate of such exemption in the following form:—

I,
Warden of the
noon, registered the claim No.
under regulation No.
unworked is good and sufficient, the owners thereof are hereby protected for a period of
months from fine or forfeiture for non-performance of work.
Dated the

Gold District, have this day, at the hour of
situated at and known as
and provided the reason or causes assigned for holding the claims
Warden.

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And such owner as aforesaid at the termination of the time named in his exemption certificate, may make application to the warden to have the time extended for a further period equal to that originally given in any such certificate; and the warden may, at his discretion, issue a certificate for such further exemption.

REGULATIONS AFFECTING REGISTERED AND UNREGISTERED CLAIMS.

31. A claim shall be considered as effectively and continuously worked when six hours *bond fide* work is performed thereon, or in connection therewith by the compliment of men required by these regulations on every working day except Saturday, and except the fourteen days commencing and immediately after the twenty-second day of December in every year, when four hours work only will be a compliance with the regulations as to working: Provided always, that all operations connected with the extraction of gold, or the preparation and erection of machinery or other requisite appliances, shall be deemed to be working the claim, though carried on at a distance therefrom, and the proof of having complied with the regulation requiring working be upon the claimholder.

32. No person shall remove the props or timbering of any shafts, drives, or galleries of any mine or claim, the removal of which, in the opinion of a warden, may endanger the working of other mines or claims.

33. No person shall remove slabs from out of any abandoned shaft, without filling up such shaft as the slabs are removed.

34. No person shall undermine any land upon which any steam-engine or machinery is erected, without the consent of the person to whom such machinery belongs.

35. Where the underground works of two or more claims or mines communicate with each other so as to afford the means of ventilation, such ventilation shall not be obstructed by the owners of any one of such claims or mines without the written consent of the owners of all the claims affected.

36. Any miner who sinks a shaft or makes an excavation upon his claim in search of auriferous quartz within fifty feet of any public road or ordinary crossing place, shall substantially fence or embank in such shaft or excavation to the height of at least four feet, and maintain the same during the occupancy of such claim.

37. No person shall have power to prevent public traffic across any part of a claim other than that upon which machinery or buildings have been erected.

38. Any quartz claim unworked for three calendar months from the date on which *bond fide* work ceased in such claim, or from the date of expiration of period of exemption, shall be deemed to be abandoned, and any miner may make application to the warden to declare the said claim abandoned, and on such declaration of abandonment being made may take possession thereof without being called upon to pay any compensation or to give any notice whatever to previous owner.

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BUSINESS AND RESIDENCE SITES.

39. Any warden may, on payment to him of a fee of one pound, grant to any person applying for the same a business licence which shall be in force for three months from the date thereof, and which shall authorize the holder to occupy, for the purpose of carrying on business thereon, an area not exceeding one quarter of an acre, to be approved by the warden.

40. The holder of any business site shall define the same by erecting a substantial post at each corner thereof immediately on taking possession, and shall keep such posts erected during his occupation thereof.

41. Any holder of a miner's right shall be entitled to occupy for the purpose of residence an area not exceeding a quarter of an acre, to be approved by the warden.

42. Every holder of a business or residence site fronting a street or thoroughfare shall keep the same in such a state of cleanliness so as not to become a nuisance to his neighbours or the public; and shall make and maintain the necessary drains, and keep them clear and free from all obstructions.

43. Any area of land held for residence or under a business licence, which shall have been unoccupied for a period of one month may be forfeited, and any person being the holder of a miner's right, or a business licence and miner's right, as the case may be, who shall have obtained from some warden an order, giving him possession of such residence or business area, shall be entitled to register himself as owner thereof, and upon production to the warden of the miner's right, or business licence and miner's right, as the case may be, and the order aforesaid, he shall register such person accordingly forthwith: Provided always, that it shall be competent for the warden before whom application is made for possession of such residence or business area, to inflict in lieu of forfeiture a penalty not exceeding Five Pounds.

MACHINERY, &c.

44. Any holder of a miner's right shall be entitled to hold and occupy an area of ground on which to erect, for the extraction of gold, machinery, a sludge dam, and a dam for the storage of water (not being water unlawfully diverted from the usual course of a running stream).

- i. All applications for dams, machinery sites, and puddling claims, must be made in writing to the warden, notice of which application must be exhibited by the applicants for seven clear days on the ground applied for, after which, should no valid objection be made by any person, the same shall be registered by the warden, according to the form following, respectively, as the case may require:—

No. _____ 18 .
 Certified that I have this day duly registered _____ for a
 site, consisting of _____, situated at _____,
 _____, Warden.

No. _____ 18 .
 Certified that I have this day duly registered _____ for a puddling claim, situated
 at _____,
 _____, Warden.

- ii. The area for the site of machinery for quartz crushing shall not exceed four acres.
- iii. Puddling claims of thirty yards by thirty yards for each miner may be granted in old ground; no party to exceed four miners.
- iv. Cessation of occupation of dams, machinery sites, or puddling claims for four consecutive weeks shall be deemed a forfeiture of the right by these regulations granted thereto.
- v. Except by permission of the warden, the embankments of all dams having a storage capacity of more than five hundred thousand gallons, constructed for the purpose of storing water, shall be formed of earth, with or without a facing of other material, and shall be of the following dimensions, and according to the following scale, viz.:—The base of the embankment shall be four feet wide in addition to five feet for every foot it is in height. The front of the embankment shall have a slope not less than three feet for every foot it is in height, and the back shall have a slope of not less than two feet for every foot in height. The top of the embankment when finished shall not be less than four feet in width. There shall also be a by-wash formed at least four feet below the level of the top of the embankment, which shall not be less than eight feet wide; and if the storage capacity of the reservoir exceed one million gallons, then the width of the by-wash shall not be less than twelve feet.

TRANSFERS.

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TRANSFERS.

45. All transfers of claim must be made in the following form, and no transferee of any claim shall be entitled to hold such claim for a longer period than the term of which the miner's right by virtue whereof such claim is held was granted, unless he shall obtain a fresh miner's right, and again register such claim; and no transfer shall be valid unless in the said form and until the same is registered with the warden.

I, _____ do hereby transfer to _____ of _____ my _____
 in _____, situated _____, for and in consideration of _____ and
 subject to all the conditions under which it has hitherto been held; and I, _____, of _____
 _____, do hereby accept the same, subject to all the conditions aforesaid.

Witness—
 Transferor—
 Transferee—

46. The transferee under every transfer shall without delay, register the same with the Warden according to the following form.

No. _____
 Certified that I have this day duly registered transfer from _____, of _____, of _____,
 to _____, of _____, claim situated at _____,
 Dated _____ 18 _____, Warden.

WATER-RIGHTS.

47. The word "race" shall mean an artificial channel for conveying water. The word "tail race" shall mean a race or channel for the purpose of draining any claim or claims, or for carrying off the water used for sluicing, puddling, or other mining purposes. The word "dam" or "reservoir" shall mean a place where water is stored or retained by artificial embankments. Every such race, tail race, dam, or reservoir shall be a claim within the meaning of these regulations.

And the words "right" or "water right" shall mean the privilege of diverting and using water from any creek or river.

48. Any person desirous of securing water for mining purposes from any creek, river, or other sources which may be lawfully diverted by constructing a race or watercourse, may, by virtue of his miner's right, construct such water-race for such purpose, subject to the conditions hereinafter provided, viz.—

The applicant shall post up and maintain for a period of fourteen consecutive days, on some conspicuous part of the place to which it is intended to direct the water, a written notice in the following form:

I [*or we*] hereby give notice that, after the expiration of fourteen days, I [*or we*] will apply for the registration of [*state what*] to the Warden of this District; and such [*race*] it is proposed, shall commence at _____ and terminate at _____
 Dated the _____ day of _____ 18 _____

—Gold District.

Signatures—
 Addresses—

and shall also post up a copy of said notice at the office of the warden of the district in which said race will terminate. The applicant shall further mark out the course of proposed race, with substantial pegs, standing at least three feet above the surface of the ground, situated at about forty yards apart through its entire length. After the lapse of fourteen clear days from the date of posting said notice, the applicant shall (if no objections to the construction of said race have been lodged within that time), register said race with the warden in a book to be kept for that purpose, in the following form:—

—District.

Reg. No.

I hereby certify that I have this day registered the undermentioned for a water-right, as described below, and that the said party are now duly in possession of the same, together with the claim or claims held in connexion therewith:—

Names of Applicants.	Point of commencement of race.	Point of termination of race.	Extent and precise situation of claim held in connexion therewith.

Dated _____ 18 _____, Warden.

whereupon a licensed surveyor will, at the expense of the applicant, make a survey

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survey of the ground so marked out, and a plan of the same, and on making such plan he shall connect the same with some previously surveyed claim or trigonometrical point, so as to secure its identity; and such plan shall be delivered by the applicant to the warden within _____ days after lodging his said application.

49. Any person objecting to the construction and registration of such race, dam, or reservoir, shall lodge such objection in writing with the warden, stating the grounds of the objection, and the name of the person so objecting, and any such objection shall be made within fourteen days from the posting of the said notice at the warden's office; a copy of the objection shall also be lodged with the applicant at his address, and all applications and objections shall be heard and determined by the warden after notice to all persons as provided by Regulation No. 25.

50. All races or water rights shall have placed, as hereinafter described, a box for the purpose of gauging or measuring the quantity of water flowing through such race or watercourse, such gauge-box shall be six feet long, twelve inches wide, and six inches in depth in the inner measurement, with an opening of an uniform depth of three inches across the bottom. The box shall be fixed level with the race, the lower edge of which race shall be level with the lower edge of the box for a distance of not less than twelve feet immediately above it; and in races running more than one sluice-head of water, the box shall be increased in width twelve inches for every additional head of water the race may be permitted to carry. The gauge-box shall be placed immediately below the place where the race receives its last supply, and the quantity of water flowing through such aperture above-described, shall for the purposes of this regulation be considered a sluice-head.

51. The quantity of water or number of sluice heads for any race or watercourse shall be in proportion to the number of miners forming the party or company constructing or being in possession of any race, that is to say in proportion to the number of miners duly registered for such race, and shall be determined by the following scale, viz. :—

1 or 2 miners	1 sluice head.
4 "	2 "
7 "	3 "

But in no case shall any party be registered for more than three sluice heads of water.

52. The right to any water shall take precedence according to the date of registration; and if at any time the water shall become insufficient to supply all the races cut from the same river, creek, or stream, the party or company being last registered shall cease to enjoy such right during such deficiency of water as against any antecedent right.

53. Any person occupying a race for the conveyance of water for mining purposes shall be entitled to a width of ten feet on each side of such race, measuring from the centre thereof: Provided always, that where the depth of a cutting exceeds twelve feet, or when a tunnel is required, the width shall be twenty feet on each side of such race, measuring from the centre thereof.

54. Any person shall be entitled to cut or construct any race, tail-race, or drain for mining purposes, through any claim or claims held by any other person, or under, over, or across any other race, tail-race, or drain: Provided always, that such first-mentioned race, tail-race, or drain, be cut, constructed, timbered, framed, and formed in such a manner as not to injure the claim, race, tail-race, or drain, through or across which it may be cut or constructed.

55. Any person may extend his race or watercourse beyond the point for which he was originally registered, or make any alteration or deviation therein, in accordance with the provisions of this regulation: Provided that no such extension or alteration shall interfere with any registered right obtained by any other person prior to the application for said alteration or extension.

56. In all river beds or main creeks from which water is diverted for mining purposes, there shall be left running at least one sluice-head of water for general use, and in all tributary creeks from which water is diverted for mining purposes, there shall be left running in its natural channel a quantity of water not less than half a sluice-head.

57. No miner shall shift the head or heads of his water race so as to prejudice the right of any person to diminish the supply of water to which such last-mentioned person may be entitled.

58. All mining claims for sluicing purposes may be held unworked for any time during which there may be an insufficient supply of water if registered with the warden

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warden who shall on registering the same give a certificate of such registration in the following form :—

Mining District

Locality.	Nature of Claim.	Name and Address of Holder.	How long Worked since last Exemption.	Date of stopping work.	Exemption required for how long from date of stopping work.	If required on special grounds, such as flooding, state them.	Remarks.

I certify that the above particulars are correct.

Dated at _____ this _____ day of _____ 18 _____ Signature of holder.

Received the above memorial this _____ day of _____ 18 _____, and I certify that the within-named parties are exempted from working the within-named claim until the _____ day of _____ Warden.

a notice of which shall be kept posted on the claim during such exemption.

59. Any miner who may be desirous of constructing a dam or reservoir for gold washing purposes, other than in connexion with a puddling machine, may construct such dam or reservoir for such purpose, and he shall be deemed to possess an exclusive right to all water therein collected and conserved.

60. Such dam or reservoir may be constructed and held for the due and efficient working of any claim occupied in new workings, or in any partially worked or abandoned ground: Provided—

That the intended site of such dam or reservoir shall be marked out at each angle with pegs or posts not less than three inches in diameter and standing at least three feet from the surface of the ground:

That the applicant shall post up at the warden's office, and shall also post up and maintain for a period of seven consecutive days on some conspicuous place within the intended site of such dam or reservoir, a notice in the following form :—

_____ District.

I [*or we*] hereby give notice, that it is my [*or our*] intention to construct and register a dam (reservoir) on the site marked by me [*or us*] in _____ (Gully), and that any person objecting to the issue of the said registration must lodge his objection, in writing, with the warden of this district, and with me [*or us*] within seven days from this date.

Dated this _____ day of _____, 18 _____.

 _____ } Names and addresses of applicants.

That no such dam or reservoir shall be constructed within one hundred yards of the nearest water right (without the written consent of the owner of such water privilege), such distance to be computed from the nearest peg of such water privilege to the nearest peg of the proposed site:

That upon the expiration of seven clear days after posting said notice, the applicant shall

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shall register said dam or reservoir with the warden, in a book to be kept for that purpose in the following form :—

Mining District.

Registered No.

I hereby certify that I have this day registered [*names and addresses*] for a dam (reservoir), the particulars of which are hereunder stated; and that the said [*names*] [*is or are*] now duly in possession of the same.

Locality.	Name of Applicants.	Precise Description of Situation.

Dated

18

Warden,
of

District.

Which registration shall be deemed conclusive evidence of legal possession.

Provided that such dam or reservoir shall in no way injure or interfere with any pre-existing water privilege, and shall be substantially constructed to the prescribed height, and shall not exceed one-half of an acre in area :

Provided also, any miner who may have become legally entitled to construct a dam or reservoir under this regulation, shall construct the same within three months from the date of registration, under a penalty of forfeiting his right to occupy such dam or reservoir.

61. Any person objecting to the construction and registration of such lastly hereinbefore mentioned dam or reservoir, shall, within seven days from the date of the notice as described, lodge in writing with the warden, and with the applicant at the address stated in such notice, a notice objecting to such registration, and stating the grounds of his objections; and all such applications and objections shall be heard and determined by the warden.

62. Any person being registered as the owner of a race, dam, reservoir, or water right may apply for and obtain a lease thereof in manner hereinbefore provided by the Ninth Schedule, and subject to such special conditions as the Government Resident may impose.

FORFEITURE.

63. The warden may, at any Warden's Court, forfeit and declare forfeited any claims which shall not have been continuously worked as prescribed by the regulations for the time being in force in the Northern Territory, unless work upon such claims shall have been suspended by the warden in manner from time to time prescribed by the regulations in force in the Northern Territory.

64. Alluvial shallow sinking claims may be forfeited by the warden of the gold-fields, wherein the same may be situated, if the same be not regularly worked, and if one man be not constantly employed on every such claim within twelve hours after taking possession thereof: Provided that the warden may, upon the first application to forfeit the same in lieu of ordering a forfeiture, inflict a fine of not exceeding fifty pounds.

65. When the owner of any claim forfeits his title thereto, or to any part thereof, through the nonfulfilment of any of the provisions of the regulations contained in this Schedule, his subsequent fulfilment thereof shall redeem his title to such claim, or any portion thereof, which may have become so forfeited, if no proceedings have been commenced during the existence of the cause of forfeiture by any other person to obtain possession of such claim, or portion thereof.

66. No person shall forfeit his claim or his interest therein if employed away from the claim at any necessary work in connexion therewith, or if his absence be caused through attendance at a Court of Justice or Warden's Court, through rain or floods, causing a general cessation of work in the locality where such rain falls or floods occur, for polling for Members of Parliament, or on any public holidays.

67. No miner holding a claim, or portion thereof, or share or interest therein, who

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employs hired labor to work the same, shall be deemed to have forfeited or abandoned his right, title, or interest in the same through any neglect, absence, or omission on the part of any workmen thereon employed by him: Provided such neglect, absence, or omission shall be without the knowledge of the owner; and further, no claim or portion of a claim shall be declared forfeited or be deemed to be abandoned where the same is *bond fide* worked by the number of miners required by these regulations on tribute, that is to say—where a portion of the gross or net proceeds of the claim, as the case may be, is agreed upon to be returned by the tributor or tributors to the owner or owners of the claim, by way of tribute, rent or royalty. And the owner or owners of such claim shall be deemed to be working the same in a *bond fide* manner, as much as if they employed hired workmen for that purpose, and shall enjoy all the rights, privileges, and exemptions contained in the regulations now in force: Provided always, that if, after seven days' notice in writing of such neglect, absence, or omission being given to such miner, either personally or by leaving the same at his last known place of residence, or in the event of the owner or owners being absent and not to be found, and such notice having been advertised in one or more newspapers circulating in the locality in which the claim is situated, such neglect, absence, or omission be continued, such miner shall be deemed to have abandoned his claim, or portion of claim, or share, or interest therein, as the case may be.

PENALTIES.

68. In addition to any penalty or forfeiture imposed by the Act for any breach of any of the foregoing regulations, every such breach shall render the offender liable to a penalty of not more than Twenty Pounds, at the discretion of the warden.

FEES.

69. The following fees shall be charged in respect of the matters hereinafter specified:

	£	s.	d.
For registration of claim	0	1	0
“ “ amalgamation	0	1	0
“ “ suspension	0	1	0
“ “ dams and machinery sites (per annum)	2	0	0
“ “ puddling claims	0	1	0
“ “ business site (per annum)	1	0	0
“ “ residence site	0	1	0
Transfers (each)	0	2	6
Registration thereof	0	1	0

THE ELEVENTH SCHEDULE.

On the _____ day of _____ 18 ____
 A.B. of _____ [if more than one plaintiff mention them all with their
places of abode so far as known] the plaintiff by C.D. his attorney [or in person] sues
 E.F. of _____ [if more than one defendant mention them all
 with their places of abode so far as known] and says—

1. That, &c.
2. That, &c.

[Set forth the subject-matter of the plaintiff's case in paragraphs and then conclude as follows]

The plaintiff therefore prays [setting forth the relief sought] or such other or further relief as shall be just.

NOTE.—The amount sought to be recovered so far as the demand is pecuniary is _____ pounds.

THE TWELFTH SCHEDULE.

Plaint No. _____

To [insert names of all the defendants], of _____

You are hereby summoned to appear before me, or some other warden, at _____, on the _____ day of _____ next, at _____ o'clock in the _____ of the same day precisely, to answer the complaint of A.B. of [insert names of all the plaintiffs], by which complaint he seeks [here insert nature of relief sought].

You may have a summons to compel the attendance of any witness, or for the production of any books or documents, by applying at my office.

Bring this summons with you when you come to my office.

Given under my hand this _____ day of _____ 18 ____

C.D., Warden.
 THE

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THE THIRTEENTH SCHEDULE.

No. of Complaint.	Date of Complaint.	Plaintiff.		Defendant.		Nature of Relief sought.	Amount of pecuniary Demand.	Decision.	Date when and Name of Person to whom Certificate of Decision given.	Date of Order (if any) made in Suit.	Memo- randum.	Date of Notice of Appeal (if any) received by Warden.	General Remarks and Observations by Warden.
		Name.	Address.	Name.	Address.								

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THE FOURTEENTH SCHEDULE.

PLAINT No. .

To

You are hereby required to attend before me, or some other warden, at
 on the day of at the hour of of the clock in the
 noon, to give evidence in a cause wherein plaintiff, and
 defendant, and to continue in attendance until such cause is disposed of, and there to
 have and produce and all other books, papers, and writings, and other
 documents relating to the said action which may be in your custody, possession, or
 power. In default of your attendance you will be liable to a penalty of Twenty
 Pounds.

Dated this day of 187 Warden.

THE FIFTEENTH SCHEDULE.

PLAINT No. .

To the Bailiff of the Local Court of , and to all peace officers and constables.

These are to command you to seize and take the goods, chattels, personal money,
 bank notes, cheques, bills of exchange, promissory notes, bonds, specialities, or secu-
 rities or security for money belonging to O.B. (except the wearing apparel and bedding
 of himself or his family and the implements of his trade to the value of Ten Pounds,
 which are to that extent protected from such seizure); and if within the space of
 twenty-four hours next after such seizure the said O.B. shall not pay to you the sum
 of which A.T. lately before C.D., a warden, recovered against him and
 also for this warrant, together with the costs and charges of such seizure
 and of keeping possession, you must retain the said money and bank notes for the
 purpose of satisfying the said several sums, and the said costs and charges; but if
 the said several sums, costs, and charges shall not be thereby satisfied, you must forth-
 with sell the said goods and chattels (except as aforesaid), for the purpose of levying
 and raising the same, together with the expenses of such sale; and if the said sums,
 costs, charges, and expenses shall not be thereby levied and raised, you shall hold
 the said cheques, bills of exchange, promissory notes, bonds, specialities, and secu-
 rities, as a security or securities for the said sums, costs, charges, and expenses, or so
 much thereof as shall not have been otherwise levied or raised for the benefit of the
 said A.T.

Given under my hand this day of C.D., Warden.

THE SIXTEENTH SCHEDULE.

PLAINT No.

To A.B., of

Whereas E.F., Esquire, a warden, did on the day of , 187 ,
 order that [*state the thing decreed or ordered to be done, and in what respects the
 decree or order has been disobeyed*] and you a person named in such order and
 intended to be bound thereby, have disobeyed the same and the same now remains
 disobeyed.

These are therefore to require you to appear personally before the said warden
 (or any other warden) at , on the day of , at
 o'clock in the noon, to show cause why you should not be committed to prison
 for disobedience of such decree or order.

Given under my hand this day of E.F., Warden.
 (L.S.)

THE SEVENTEENTH SCHEDULE.

PLAINT No.

To the bailiff of the Local Court of , to all peace officers and constables,
 and to the keeper of the gaol at

These are to command you the said bailiff, peace officers, and constables, to take
 and to convey him to the said gaol, and to deliver him to the said
 keeper

