

35. When filing the application there shall also be lodged with the Mining Registrar or Commissioner, by or on behalf of the applicant, such number of duplicate originals thereof, being in no case less than two nor more than five, as the Registrar or the Commissioner may require.

36. The sums to be lodged with the Receiver under paragraph (b) of subsection (1) of section 8 of the said Act, to abide the disposal of the application, shall, according to the nature of the application, be the sums set forth in Form 13 in the Schedule hereto, or, in so far as that form does not apply, then such sums as the Warden or the Commissioner directs:

Provided that, in every case where it appears to the Warden or Commissioner that the sums so lodged are insufficient, the applicant shall forthwith, after demand in writing by the Receiver, lodge such further sum as is specified in the demand; and if such demand is not complied with the Warden or Commissioner may either postpone or dismiss the application, upon such terms as to costs and otherwise as he thinks fit.

37. The Warden or Commissioner, before disposing of the application, shall satisfy himself that the sums lodged as aforesaid are sufficient to pay all fees and other charges in respect whereof the lodgment has been made, and they shall be applied in payment thereof accordingly, and the surplus (if any) shall be returned to the person entitled thereto.

38. As soon as practicable after the filing of the application and the lodging of the duplicate originals, the Registrar or Commissioner shall minute thereon the time and place of hearing appointed by the Warden or Commissioner (such time being not less than the sixteenth day after the day of the filing of the application), and, for public information, shall affix one of the duplicates, or an abstract of its subject-matter, in a conspicuous place outside the Courthouse where the application is to be heard.

39. On the day on which the application is filed, or as soon thereafter as is practicable, the applicant shall notify every person who to his knowledge is in occupation of the land, or any part of the land, comprised in the application, or has any estate or interest therein, or any interest which will be obviously affected by the grant of the application, by posting to him at his last-known place of business or abode a registered letter containing a copy of the minuted application or of the advertisement thereof, or by delivering such copy to him personally.

40. On the day on which the application is filed, or as soon thereafter as is practicable, the applicant shall post up on the ground applied for, in some conspicuous position, a duplicate original of the minuted application, and shall there maintain the same until the day appointed for the hearing.

41. If any person desires to object to the application he shall, by himself, his solicitor, or registered agent, not later than three days before the time appointed for the hearing, give notice thereof by filing in the Registrar's office a notice in the form numbered 11 in the Schedule hereto, and by serving on the applicant a duplicate original of such notice.

42. Such notice shall in every case contain an address for service, which shall be in the same district as the office in which the notice is filed, and all notices to be served on the objector shall be deemed to be validly served if served at such address.

43. At any stage of the proceedings the Warden may require the applicant to furnish a sketch-plan of the land to which the application relates, and also may allow the application to be amended in any particular upon such terms as to notices, adjournment, costs, and otherwise as he thinks fit.

44. If any case where, in respect of any application or objection, the foregoing provisions relating to the time or mode of giving, posting up, maintaining, or serving any notice are not duly complied with, the Warden or Commissioner, if satisfied that such non-compliance is not wilful, may in his discretion waive the same, or extend the time, upon such terms as to notices, adjournment, costs, and otherwise as he thinks fit.

45. If the applicant does not desire to appear, the declaration referred to in paragraph (p) of subsection (1) of section 8 of the said Act shall be in the form numbered 12 in the Schedule hereto.

46. All applications shall be numbered consecutively by the Registrar according to the order of time in which they are filed, and he shall record them in the same order and with the same numbers in a book to be called the "Application Record-book."

47. The appointment and notification by the Warden or Commissioner as to the time and place for the hearing of any application, or for the holding of any preliminary inquiry, may be made by him in such manner as he thinks fit, either generally with respect to all cases in a given Courthouse or specially with respect to specific cases, and may in like manner be made by the Registrar acting under the general instructions of the Warden.

MARKING-OUT.

48. The marking-out by the person who desires and is qualified to take up a lease or prospecting license shall be done by marking out the same at the boundaries of the land in manner following:—

- (a.) At every angle or corner of each boundary-line, or as near thereto as is practicable, there shall be erected pegs of substantial material, standing not less than 2 ft. above the surface of the ground, and being not less than 3 in. square, or, in the case of a round peg, being not less than 3 in. in diameter.
- (b.) If pegs are not available, there may be used in lieu thereof cairns of stones or mounds of earth, having in each case a height of not less than 2 ft., and a diameter at the base of not less than 18 in.
- (c.) The direction of the boundary line on each side of each peg shall be indicated with reasonable clearness by a trench, having a length of at least 5 ft. along the boundary line on each side of the peg, and a depth and breadth of at least 6 in. :
Provided that if trenches cannot conveniently be cut, the direction of the boundary-line may be indicated by substantially fixed finger-posts, or by tree-blazing, or in any other manner reasonably sufficient for the purpose.
- (d.) The pegs, cairns, or mounds shall bear or have affixed thereto some one distinguishing mark.
- (e.) In the case of a sea-beach lease or prospecting license it shall not be necessary to mark it out below high-water mark.
- (f.) When the boundary of the mining privilege is on the bank or in the bed of a watercourse, then, in so far as it is not practicable to mark such boundary by means of pegs, cairns, mounds, tree-blazing, or trenches, it shall be sufficient if in lieu thereof arrow-headed marks (thus \blacktriangle) are cut or clearly indicated upon trees, rocks, or other fixed natural objects above high-flood mark, at every corner or angle of each boundary-line, or as near thereto as practicable, each such arrow-headed mark being not less than 1 ft. in length, and each of the lines composing it being not less than 2 in. broad.
- (g.) In addition to such arrow-headed marks there shall also be cut or clearly indicated at every corner or angle of each boundary-line the distinguishing mark.
- (h.) In every case where it is not practicable to mark out the boundary on the actual boundary-lines, the marks actually used shall indicate with approximate correctness the situation of the actual boundary-lines, and their distance from such marks.
- (i.) The marking-out shall in every case be maintained until the mining privilege is duly taken up, or the application therefor is finally disposed of.
- (j.) The land shall be marked out before the application is filed, and unless this rule is complied with the application shall be deemed to be void.

OFFICE HOURS.

49. (1.) The office of the Court or of the Commissioner shall be open to the public every day from 10 a.m. to 1 p.m., and from 2 p.m. to 4 p.m., except on Saturdays, Sundays, and holidays. On Saturdays the office shall be open to the public from 10 a.m. to 12 noon, and on Sundays and holidays the office shall be closed:

Provided that when the clerk has to attend more offices than one he shall keep his office open on such days and hours as the Warden from time to time appoints.

(2.) A notice of the office hours shall be kept posted in some conspicuous place in and outside the office.

HOLIDAYS.

50. The following days shall be holidays in the Warden's Court and offices thereof, and in the Commissioner's office—that is to say, the days from Good Friday to Easter Tuesday (inclusive), the days from Christmas Eve to 3rd January (inclusive), and all statutory holidays; and in each district the anniversary of the foundation of its province.

CONDUCT OF PERSONS EMPLOYED IN MINES.

Storage, &c., of Explosives.

51. It shall be the duty of the manager and underviewer to carry out and to the best of their ability enforce the provisions of every regulation in force under the said Act regulating the supply, use, and storage of explosives, and it shall be the duty of all persons employed in or about the mine to comply with the provisions of the said regulations, and the Explosives and Dangerous Goods Act, 1908.