

- (4.) If the application is for a claim or other mining privilege requiring to be marked out, it shall be marked out before the application is filed; and unless this rule is complied with the application shall be deemed to be void.
- (5.) The application shall in every case contain an address for service, which shall be in the same district as the office in which the application is filed, and all notices to be served on the applicant shall be deemed to be validly served if served at such address.
- (6.) When filing the application there shall also be lodged with the Registrar 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 requests or the Warden prescribes.
- (7.) The sums to be lodged with the Receiver under paragraph (b) of section 169 of the Mining Act, to abide the disposal of the application, shall, according to the nature of the application, be the sums set forth in the Sixth Schedule hereto, or, in so far as that Schedule does not apply, then such sums as the Warden or the Receiver directs:
- Provided that, in every case where it appears to the Warden or Receiver 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 may either postpone or dismiss the application upon such terms as to costs and otherwise as he thinks fit.
- (8.) The Warden, 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.
- (9.) As soon as practicable after the filing of the application and the lodging of the duplicate originals, the Registrar shall minute thereon the time and place of hearing appointed by the Warden (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.
- (10.) In every case where the application is for the grant of a special claim comprising more than 20 acres, or of a water-race authorizing the diversion of more than ten heads of water, or of a main tail-race, the Warden shall, and in any other case he may in his discretion, but in every case at the applicant's expense, publicly notify the minuted application by advertising a copy thereof not less than twice in one or more newspapers printed and published in or nearest to the locality of the land to which the application relates, or of the Courthouse where the application is to be heard.
- (11.) 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.
- (12.) On the day on which the application is filed, or as soon thereafter as is practicable, the applicant shall post up on the ground, in some conspicuous position, a duplicate original of the minuted application, and shall there maintain the same until the day appointed for the hearing.
- (13.) Such duplicate original shall be posted up and maintained as aforesaid—
- (a.) In the case of a water-race, at each point of intake, and also at the terminal point;
- (b.) In the case of a tail-race, a road, or a tramway, at the starting and terminal points;
- (c.) In the case of a tunnel, at the starting-point.
- (14.) 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 27 in the First Schedule hereto, and by serving on the applicant a duplicate original of such notice.
- (15.) 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.
- (16.) 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.
- (17.) 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, 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.
- (18.) If the applicant does not desire to appear, the declaration referred to in paragraph (7) of section 169 of the Mining Act may be in the form numbered 28 in the First Schedule hereto.
- (19.) 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."
- (20.) If the application is for a license for a mining privilege, the license may be in such one of the forms numbered 29 to 38 in the First Schedule hereto as is applicable, or, if none of those forms be applicable, then in such form as the Warden describes or authorizes:
- Provided that in no case shall the license be for more than one mining privilege.
- (21.) If the application is for a license for a mining privilege, and the land applied for exceeds the maximum area that may lawfully be held, the following provisions shall apply:—
- (a.) At any time before the license is granted, or, if the license has been granted, then at any time before proceedings for forfeiture are instituted, the applicant or licensee, with the consent of the Warden, and upon such terms as to costs, adjournment, re-marking, and otherwise as the Warden thinks fit, may discard the area in excess.
- (b.) If the area in excess is discarded as aforesaid, then the application, or, if the license has been issued, then the license and the register, shall be duly rectified as the Warden directs for the purpose of eliminating the discarded area.
- (22.) For the purpose of hearing and disposing of the application the Warden shall sit alone, and the practice and procedure of the Warden's Court relating to hearings before the Warden and Assessors shall not apply.
- (23.) The appointment and notification by the Warden 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 specifically with respect to specific cases, and may in like manner be made by the Registrar acting under the general instructions of the Warden.

SURVEYS.

34. Regulations for the time being in force, relating to block and section surveys, made under the Surveyors' Institute and Board of Examiners Act, 1908, shall be deemed to be incorporated herewith and shall be read and construed, *mutatis mutandis*, as though they formed part of these regulations, but shall be construed subject to these regulations.

35. Before disposing of any application the Warden in his discretion may order the land to which the application relates to be surveyed, notwithstanding that the area does not exceed 20 acres.

36. In every case where the land to which the application relates is to be surveyed, the surveyor appointed to make the survey shall with all practicable despatch proceed as follows:—

- (1.) He shall duly and carefully survey the ground, and, after making all necessary inquiries, shall furnish to the Chief Surveyor for approval by him or the Chief Draughtsman, and transmission to the Warden, a plan of the ground, together with a report as to—

(a.) Its areas, boundaries, description, and character;

(b.) The likelihood of any watercourse or artificial reservoir within the boundaries being required for,