

(g.) Travelling-expenses from surveyor's residence, or from the nearest survey office, whichever is nearer to the area surveyed, 3s. 9d. per mile extra by the cheapest practicable route, one way, provided that such of the travelling-expenses as are incurred for the purposes of two or more surveys shall be equitably apportioned amongst them, and the full scale of travelling-expenses shall, in the case of each such survey, be proportionately reduced. In Otago the post-offices at Naseby and at Clyde shall be deemed to be survey offices for the purpose of this subclause.

(h.) Bush-cutting, 3s. 2d. per chain extra.

(i.) Underground surveys, encroachments, water-races, or other surveys to which the foregoing rates do not apply shall be paid for as follows: Surveyor's fee, £2 10s. for the first day or part of a day, and £1 17s. 6d. for each subsequent day or part of a day; labour extra; mileage as above. Inspections and reports on applications for claims already surveyed, where no theodolite is required: surveyor's fee, £2 12s. 6d.; mileage as above.

(j.) The cost of putting plans on license forms—viz., 13s. 2d. the set—is included in above fee., and when this is done by the Government that amount will be deducted from final payment. Where consolidated plans are placed by draughtsmen of the Survey Department on licenses at the request of the Warden, the fees shall be collected by him and forwarded to the Chief Surveyor.

(k.) Where necessary to reduce size of claims, &c., after survey, the cost on above scale must be deposited before survey is made or license issued.

- (22.) The costs and charges of the survey shall not be payable until the Chief Surveyor furnishes to the Receiver a certificate that the work charged for has been satisfactorily done.
- (23.) Such certificate shall state whether the surveyor who did the work did so as an officer of the Government Survey staff or as a private surveyor.
- (24.) The costs and charges, when ascertained and payable, shall, in the case of an officer of the Government Survey staff, be paid into the Public Account as part of the Consolidated Fund, and, in the case of a private surveyor, be payable as a debt due to him.
- (25.) The moneys deposited with the Receiver in respect of the costs and charges of the survey shall, on the order of the Warden, be applied by the Receiver in manner aforesaid, and the surplus (if any) shall on the like order be paid by the Receiver to the person entitled thereto.
- (26.) In the case of a private surveyor the Receiver, if the Warden so authorizes, may, out of the moneys deposited as aforesaid, make to the surveyor progress-payments as the work proceeds: Provided that in no case shall such progress-payments exceed half the value of the work done, as certified by the Chief Surveyor.

#### RACES AND OTHER MINING PRIVILEGES IN RESPECT OF WATER.

##### Tail-races.

38. It shall be lawful for the Warden from time to time, by order in writing, to authorize any person or persons lawfully engaged in mining operations to use or enlarge for the purpose of such operations any tail-race held by any other person (excepting such portion thereof as may be lawfully be used as a ground sluice for saving gold), subject to the conditions following:—

- (1.) That the person in whose favour the order is made pays to the holder of the tail-race a proportionate share of the original cost of the construction of such tail-race, or a periodical payment in advance as a rent for the use thereof; and also,
- (2.) That if it is proposed to enlarge such tail-race such enlargement shall be at the sole expense of the person in whose favour the order is made, and shall be so carried out as not to unduly interfere with the mining operations of the holder of the tail-race; and also
- (3.) Such other conditions as the Warden thinks equitable.

39. (1.) Where an order pursuant to the foregoing regulations has been made, the person in whose favour it is made shall at all times, on receiving notice in writing from the holder of the tail-race, forthwith assist in clearing the race whenever it is reasonably necessary so to do, and if any such person makes default in so assisting it shall be competent for the holder of the race to clear the same and to recover from the person in default his proportionate share of the cost thereof.

(2.) The proportionate share of the cost of construction, the amount of the rent, the proportionate share of the cost of clearing the race, and any dispute between the parties in respect of the premises shall, if not settled by the parties, be determined by the Warden and two assessors.

(3.) All gold discharged into such tail-race shall belong to the parties in shares to be settled by them, or, in the case of dispute, to be determined by the Warden and two Assessors.

##### Main Tail-races.

40. The application for a main tail-race shall specify the persons by whom and the terms upon which the race is to be used; and at any time during the currency of the license the Warden, on application in that behalf, may by order authorize any other person to use the race, upon such terms as to payment for user, contribution for maintenance, ownership of gold, and otherwise, as are agreed on between the parties, or, failing agreement, as are determined by the Warden and two Assessors.

##### Dams.

41. (1.) Before granting any application for a dam the Warden may order the site thereof to be inspected and reported on by any duly qualified surveyor or engineer, and may order the surveyor or engineer to draw up plans and specifications of the dam, which the Warden, if he thinks fit so to do, may submit to the Inspecting Engineer of the Mines Department for his report thereon.

(2.) After receiving such last-mentioned report, the Warden may from time to time make such orders concerning the construction and maintenance of the dam as he thinks fit, and it shall be the duty of the licensee of the dam to comply therewith.

42. The cost of such inspection and reports, and of preparing such plans and specifications, shall be borne by such persons and in such proportions as the Warden may order.

43. The Warden may, either before or after granting any application for a dam, specify a distance therefrom within which mining or other specified operations shall not be carried on, and may also from time to time vary such specification, on application of either the holder of the dam or any other person *bona fide* carrying on or proposing to carry on mining or other operations in proximity to the dam.

44. On the application of any person or local authority likely to suffer damage or injury by the unfitness, disrepair, or weakness of any dam, the Warden may order the same to be inspected by any duly qualified engineer or surveyor, and, after hearing the holder of the dam and all parties interested, may make such order for the repair or strengthening of the dam, or otherwise, and upon such terms as to costs and otherwise (including the expenses of the inspector) as he thinks fit.

##### General.

45. Where any race is so constructed as to cross any stream from which the holder of the race has no right or license to divert water, and such construction might prejudicially affect the rights of any person, the race shall be well and efficiently constructed either under or over such stream so as not to interfere with the free flow of all the water naturally pertaining thereto, and flowing past the point of intersection.

46. In respect of water-race licenses, the priority of right to water shall, as between licensees diverting water out of the same watercourse, be counted from the precise time and date of marking out the same, which shall in all cases be recorded in the register and on the license: Provided that this clause shall not operate to affect the priority existing in the case of a water-race license granted under the Mining Act in exchange of title under any former Mining Act.

47. (1.) Every water-race license shall have specified therein every point of intake, and no licensee of any water-race shall, without the written order of the Warden (to be applied for as provided in Regulation 33 hereof), alter any point of intake, or use for diverting the water any other race than the race specified in the license.

(2.) Before granting such application the Warden may require all the water which, if it were not diverted, would naturally flow in the watercourse between the said races or points of intake to be gauged for the purpose of determining as nearly as may be the extent to which the volume is increased from natural causes between such races or points of intake, and may require the applicant to surrender as many heads of water as are equal to such increase of volume.

48. The licensee of a water-race shall at all times maintain the race in such condition and with such capacity as to carry the number of sluice-heads authorized to be diverted.

49. The licensee of any mining privilege in respect of water shall not allow any water which he is entitled to divert to run to waste, but, on the contrary, such water shall be *bona fide* taken, diverted, and used in terms of the license, and not otherwise.