

course shall be pursued: The Registrar shall, as provided in the regulations, register such transfer, and shall cancel the plan on the special-claim license as to the transferred portion of such claim, and shall issue a new license for such transferred portion (the cost of putting plans thereon to be paid by the transferor), and shall also deliver to the transferor the license for the untransferred balance.

*Special as to Mining Privileges held otherwise than under License.*

77. With respect to the registration of mining privileges held otherwise than under license, whether acquired under the Mining Act or any former Mining Act, the following special provisions shall apply:—

- (1.) The holder who desires to register such mining privilege shall deposit with the Registrar an application in that behalf in the form numbered 49 in the First Schedule hereto.
- (2.) If after inquiry the Registrar is satisfied as to the facts he shall register the mining privilege in manner hereinafter provided; but if he is not so satisfied he shall refer the application to the Warden, who shall decide the matter after making such investigation as he thinks necessary.
- (3.) Registration shall be effected in manner prescribed by clause 75 of these regulations:
 

Provided that the therein-mentioned memorial shall be endorsed on the application, which shall be retained and filed by the Registrar; and also that the precise time of the registration shall be the date and hour at which the application was deposited.
- (4.) Having registered the mining privilege, the Registrar shall issue to the applicant a certificate of registration in the form numbered 50 in the First Schedule hereto.
- (5.) The provisions of clause 76 of these regulations, relating to the production of a license for the purpose of endorsing thereon a memorial of every registered transfer of the mining privilege to which the license relates, or of any interest therein, shall, *mutatis mutandis*, apply to every certificate of registration, whether issued under the Mining Act or any former Mining Act.
- (6.) In the event of the holder of the mining privilege applying for and obtaining the grant of a license therefor, he shall deliver up the certificate of registration to the Registrar, who, before issuing the license, shall file the certificate, and note thereon, as also in the register, the fact that the certificate has been superseded by the license.
- (7.) Priority shall in all cases date from the time of registration.

*Special as to Liens on Mining Privileges.*

78. With respect to liens on mining privileges, and the registration and discharge thereof, the following special provisions shall apply:—

- (1.) The lienee who desires to register his lien in the Warden's Court, as prescribed by sections 228 or 328 of the Mining Act, shall deposit with the Registrar an application in that behalf in the form numbered 51 in the First Schedule hereto.
- (2.) The registration of the lien shall be effected by entering in the register, on the folium allotted to each registered mining privilege to which the lien relates, or, in the case of an unregistered mining privilege on an allotted folium, the word "Lien," together with the registered number, the precise time of registration (being the date and hour at which the application was deposited), and the following particulars as appearing in the application—that is to say: The name of the lienee, the capacity in which he claims (*e.g.*, wages-man, subcontractor, contractor, or partner), the amount of the lien, and, in the case of an unregistered mining privilege, the name and situation of such privilege, and the name of the holder thereof.
- (3.) The Registrar shall also file the application and endorse thereon, under his hand, a memorial of the registration of the lien, the office of registration, and its registration number as appearing in the register.
- (4.) The notice of the registration of the lien to be posted by the Clerk by registered letter to the holder of the mining privileges affected thereby may be in the form numbered 52 in the First Schedule hereto.
- (5.) The discharge of a lien may be effected either by—
  - (i.) An instrument of discharge in the form numbered 53 in the First Schedule hereto; or
  - (ii.) As prescribed in clause (2) of section 230 of the Mining Act.

- (6.) If the discharge is effected by payment into Court the Registrar shall note on the instrument of discharge particulars of payment and date of same, and, if discharged by the filing of the workman's receipt, such receipt shall be attached to the said instrument.
- (7.) The instrument of discharge shall be registered in every case where the lien itself has been registered.

*General as to Registration.*

79. No instrument shall be deposited with the Registrar for registration, nor shall any application for registration be deposited with him, except at his office, being in every case the office of the Court, and during office hours as defined in clause 108 of these regulations.

80. No Registrar shall register any mining privilege or lien, or any instrument purporting to transfer or to in any way deal with or affect any mining privilege, except in manner provided by the Mining Act and these regulations.

81. No Registrar shall register any instrument liable to stamp duty unless the instrument purports to have been duly stamped, but in no case shall any registration be invalidated by reason of any error in this respect.

82. In any case where any mistake is made by the Registrar in any entry in the register or in any memorial he shall rectify the same by a new entry or memorial in such form as may be convenient, specifying the day and hour of the rectification, but not erasing or obliterating the erroneous entry or memorial, and shall give notice of such rectification by registered letter to all persons affected thereby; and for the purpose of such rectification he may require any person to produce any document in his possession for such rectification to be noted thereon.

83. Upon payment of the fee of 8d. per folio of seventy-two words or any part thereof, the Registrar shall furnish to any person applying for the same a certified copy of any registered instrument; and every document purporting to be certified under the hand of the Registrar and the seal of the Court as a certified copy of a registered instrument shall, without proof of his signature, be received in evidence for all purposes for which the original instrument might be put in evidence.

84. There shall be payable in respect of the registration of any instrument a fee of 2s. for each separate registration entry in the register, and in respect of searchers of the register a fee of 1s. in respect of the first title to which the search relates, and 6d. for every additional search made at the same time.

85. The register may be searched as aforesaid at any time during office hours.

*Index-books.*

86. In addition to, but separate from, his register, the Registrar shall keep a numerical index-book, a nominal index-book, and a water-rights index-book.

87. The numerical index-book shall be in the form numbered 54 in the First Schedule hereto, and shall contain, in numerical order of registration, as appearing in the register, the specified particulars of all registrations effected after the coming into operation of the Mining Act.

88. The nominal index-book shall be in the form numbered 55 in the First Schedule hereto, and shall contain, in alphabetical order of surnames of grantors or transferors, as appearing in the register, the specified particulars of all registrations effected after the coming into operation of the Mining Act:

Provided that, in any case where, in respect of any registration, the number of grantors or transferors exceeds one, it shall be sufficient if the nominal index-book contains the name first appearing in the register, together with the words "and another," or "and others," as the case may be.

89. The water-rights index-book shall be in the form numbered 56 in the First Schedule hereto, and shall contain the specified particulars of all water-rights registered before or after the coming into operation of the Mining Act in respect of each specified stream in the district.

90. The index-books shall be compiled from the register, and any person entitled to search the register shall, without further fee, be entitled to search the index-books.

*GENERAL PROVISIONS AS TO MINING PRIVILEGES.*

91. Except where express provision is made to the contrary, the terms, conditions, reservations, and provisions subject to which every mining privilege shall be deemed to be granted and shall be held shall in every case include the following:—

- (1.) Every officer or person acting in the administration of this Act, or authorized by the Minister, the Warden, or an Inspector, shall at all times have full and free right of ingress, egress, and regress in respect of the land comprised in such mining privilege, and the mines and mining-works thereon.