

At least ten clear days notice in writing, of every such intended application shall be given by the applicant or applicants, by affixing the same to some conspicuous part of the ground intended to be affected by such application, and a duplicate of such notice shall be given at the same time, or as near thereto as may be, to the Gold Commissioner.

Necessary Covenants in
a Drainage License.

V. Every such grant or license shall contain covenants by the grantees to construct such drain or drains, and have the same in effective working order, within a time certain to be therein named, and to keep such drain or drains, or such portion or portions thereof as such Commissioner shall from time to time in that behalf prescribe, in thorough working order and repair, and free from all obstructions, and of sufficient size and in all respects proper for efficiently performing the proposed work, with power to the Gold Commissioner from time to time to order any inspection and, on any complaint, to order any necessary repairs or alterations to be done within a reasonable time, to be limited by him; and if not then done by the grantees, that such repairs or alterations may be handed over by the Gold Commissioner for execution to any other person, persons, or company, being Free Miners. And the costs thereof may be levied by the said Gold Commissioner by sale of all or any part of the property of the grantees, including the said tolls (but subject to the conditions of the grant or license under which the same shall be held), and also covenants to make proper Tap-drains, in a reasonable time, from or into any adjacent claims, upon being required so to do by the owners thereof, or any authorized person or persons on their behalf, and on neglect or default so to do to suffice the parties desirous of such Tap-drains to make them themselves, and in which case the parties so making and using such Tap-drains shall only be chargeable with one half the usual rates of drainage toll, or such other proportion of toll as the Gold Commissioner shall in that behalf prescribe, and all such other proper covenants, conditions, and stipulations as may be introduced by such Gold Commissioner into such Grant or License, for ensuring the better construction, maintenance, and repairs of the said drains and drainage works, and for the protection of the owners of adjacent claims.

An agreement for a License to include these Covenants.

VI. And every such agreement as aforesaid, for any such Grant or License as aforesaid, shall be held to include an agreement for such Covenants. And every Grant of a power to enter any lands in the Colony to make drains, shall include a power to enter and make any Tap-drains as aforesaid; but in the case of Tap-drains, only three days previous notice, affixed as aforesaid, shall be required.

Compensation for damage.

VII. The Gold Commissioner alone, or (if desired by either party) with the assistance of a Jury of five Free Miners, which he is hereby authorized to summon for that purpose, may ascertain whether any and what compensation shall be paid for any damage which may be caused by any such entry or construction as aforesaid; and by any order under his hand prescribe by, and to whom, and when the same shall be paid.

Saving of Rights of the Crown.

VIII. Provided nevertheless that nothing herein contained, shall be deemed or construed to affect, limit, or abridge any of the rights of Her Majesty, Her Heirs or Successors in, or to, any of the Crown lands of this Colony.

Saving of rights of way and water.

IX. And no such Grant, or License, or agreement therefor, shall be valid unless the same shall contain a reservation of the public rights of way and water, in such manner, direction, and extent as the Gold Commissioner shall from time to time direct.