

SEC. III.—Whereas it is expedient better to define the rights of registered free miners in their claims, it is hereby declared, enacted, and proclaimed;

Definition of Miners' Rights in a Claim.

That clause 7, of the Golds Fields Act, 1859, is hereby repealed.

Every free miner shall, save as against Her Majesty, have, during the continuance of his certificate, the exclusive right to take the gold and auriferous soil upon or within the claim for the time being duly held registered and *bona fide* not colourably worked by him and the exclusive right of entry on the claim for the purpose of working or carrying away such gold or auriferous soil, or any part thereof. And also as far as may be necessary for the convenient and minerlike working and security of his flumes and property of every description, and for a residence—but he shall have no surface rights therein for any other purpose, save as next hereinafter mentioned, unless specially granted.

SEC. IV.—In addition to the above rights, every registered free miner shall be entitled to the use of so much of the water flowing naturally through or past his claim as shall in the opinion of the Gold Commissioner be necessary for the due working thereof.

One record covers necessary Water and Claim.

SEC. V.—Where application is intended to be made for the exclusive grant of any surplus water to be taken from any creek or other locality, every such applicant shall in addition to the existing requirements affix a written notice of all the particulars of his application upon some conspicuous part of the premises to be affected by the proposed grant, for not less than 5 days before recording the same.

Exclusive Water privileges; preliminary notice.

The Gold Commissioner, upon protest being entered or for reasonable cause, shall have power to refuse or modify such application or grant either partially or entirely, as to him shall seem just and reasonable.

Power to Gold Commissioner to modify the grant.

Every exclusive grant of a ditch or a water privilege in occupied or unoccupied creeks, shall be subject to the rights of such registered free miners as shall then be working, or shall thereafter work, in the locality from which it is proposed to take such water.

Saving of future Miners' Rights to Water.

SEC. VI.—Whereas it is expedient to confer additional power for enforcing penalties recoverable for infraction of the Gold Laws under Section 40 of the Gold Fields' Act;

Gold penalties recoverable by Distress.

It is hereby declared, enacted, and proclaimed that such penalties may if deemed proper, be ordered to be recovered by sale and distress to be levied forthwith, or at any convenient interval after conviction and nonpayment within so many hours, or such longer time as shall be allowed by distress and sale of any claim or ditch or any personal property whatsoever of the person on whom such penalty may have been imposed.

SEC. VII.—Every copy of or extract from any record or register under or by virtue of this Act, or the Gold Field's Act, 1859, or any other Act which shall be made in relation to gold mines or gold fields or any of the Rules and Regulations made in pursuance thereof respectively required to be kept by any Gold Commissioner and certi-

Certificate copy of any Gold record to be evidence.