

35. The notice of sale of such delinquent's interest, or such part thereof as shall suffice to pay the amount of indebtedness, with interest and costs as aforesaid, shall be published by advertisement in some newspaper published in the district, for ten days prior to the day of sale, and if there be no newspaper published in the district, then notices of such sale shall be posted for the same length of time, in the vicinity of the claim or interest to be sold, and at the Court house nearest thereto. Such sale shall be by public auction to the bidder offering to pay the amount due for the smallest portion of said claim or interest. The purchaser at such sale on payment of the purchase money, shall acquire all the right, title and interest of the delinquent, in and to the interest sold, and shall be entitled to the immediate possession thereof.

Notice of Sale.

36. The following part of clause (7) seven of the Gold Fields' Act, 1859, shall be deemed to have been never repealed, that is to say,

No one recognized except a free miner in a claim.

No person shall be recognized as having any right or interest in or to any claim or ditch, or any of the gold therein, unless he shall be, or in case of disputed ownership, unless he shall have been at the time of the dispute arising, a free miner.

37. Clause 3 of the Proclamation of 25th day of March, 1863, is hereby repealed, and the following provisions be substituted in lieu thereof:

Miners record covers only unappropriated water.

In addition to the above rights, every registered free miner shall be entitled to the use of so much of the water naturally flowing through or past his claim, and not already lawfully appropriated, as shall in the opinion of the Gold Commissioner be necessary for the due working thereof.

38. It shall be lawful for the Gold Commissioner previous to recording a claim or interest therein or other matter, to demand from the applicant the production of his free miner's certificate, and upon his refusal or neglect to produce the same, to refuse to record such claim, interest, or other matter.

Production of free miner's certificate before record.

39. For every record which the Gold Commissioner shall be called upon to make whether of leave of absence granted or any matter or thing whatever, relating to mining, and for which a special fee shall not have been provided by any law, rate or regulation in that behalf in force for the time being, the Gold Commissioner shall charge a registration fee of ten shillings and sixpence, but for every search of a record only four shillings and two pence.

General fee on recording mining matter.

40. No distinguishing number shall hereafter be required, or be deemed to have been ever required, for or in respect to any claim, any existing law or rule to the contrary notwithstanding.

Distinguishing number of claims abolished.

41. All gold found in any gold mine in the Colony, shall be deemed and taken to be ore of gold, within the meaning of the statute.

Gold in claim to be ore of gold.

42. No claim located and recorded in any district within 14 days after the claims therein shall have been laid over by the Gold Commissioner till the ensuing season or other specific date, shall be allowed or deemed to be so laid over, unless so much work shall have been *bonâ fide* expended thereon by the holders thereof, as shall in the opinion of the Gold Commissioner fairly entitle him to have such claim laid over.

Claims recorded in the close season when laid over.

43. Every free miner shall be allowed three days in which to record his claim by pre-emption after the same shall have been located, if such claim shall be within 10 miles of the Gold Commissioner's office, if more than ten miles from it then one additional day shall be allowed for every additional ten miles or fraction of ten miles, as the case may be.

Three days' grace for every 10 miles before record.

44. Every adult free miner shall be allowed to hold two claims by pre-emption, viz: one quartz claim and one other claim and no more at the same time, but by purchase may hold any number or amount of claims or interests therein, which have been once duly located and registered, subject to the laws for the time being regulating the same. And every adult free miner may lawfully sell; mortgage, transmit, or dispose of any number of claims or interests therein, lawfully held or acquired by him, whether by pre-emption or purchase.

Limits claims by pre-emption to two claims.

45. The amount of interest which a free miner has in his claim shall, save as against Her Majesty, Her Heirs, and Successors, be deemed and taken to be a chattel interest equivalent to a lease for a year, renewable at the end of the first and every subsequent year, subject to the conditions as to forfeiture, working, representation, registration, and otherwise, for the time being in force with respect to such claim or interest under any Law or Rule regulating the same.

What is a miner's interest in a claim.

Provided that every forfeiture of a claim under any such Law or Rule shall be absolute, any Rule or Law or equity to the contrary notwithstanding.

Forfeiture absolute.