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[1922.

## TERRITORY OF NEW GUINEA.

No. 30 of 1922.

### AN ORDINANCE

To amend the Mining Ordinance 1922.

**B**E it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *New Guinea Act 1920*, as follows:—

1.—(1.) This Ordinance may be cited as the *Mining Ordinance* Short title and citation.  
(No. 2) 1922.

(2.) The *Mining Ordinance 1922* is, in this Ordinance, referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Mining Ordinances 1922*.

2. This Ordinance shall commence on a day to be fixed by the Commencement.  
Minister by notice in the *Gazette*.

3. After section three of the Principal Ordinance the following Amendment of  
section is inserted:— No. 19 of 1922.

“3A. The Administrator may, by Proclamation published in the *New Guinea Gazette* at any date after the publication by the Minister of the notice fixing the day of commencement of this Ordinance, declare that the *Mining Ordinances 1922*, or such Parts or Sections thereof as are specified in the Proclamation, shall not apply to any area specified in the Proclamation until a date to be subsequently notified by the Administrator in the *New Guinea Gazette*; and after the publication of the Proclamation and until the date so notified the *Mining Ordinances 1922* or any Parts or Sections thereof so specified shall not apply to that area.” Suspension of application of Ordinance to defined areas.

C.15060.

Amendment of  
s. 4 of No. 19  
of 1922.

4. Section four of the Principal Ordinance is amended—

- (a) by omitting from the definition of "Crown land" the words "*Lands Repeal and Adopting Ordinance 1921*," and inserting in their stead the words "*Laws Repeal and Adopting Ordinance 1921*";
- (b) by omitting the definition of "Gold" and inserting in its stead the following definition:—

"Gold" includes—

- (a) platinum, osmium, iridium, and any metal belonging to the platinum group of metals; and
- (b) any earth or substance containing, or having mixed in the substance thereof, or set apart for the purpose of extracting, any gold, platinum, osmium, iridium, or metal belonging to the platinum group of metals."

Amendment of  
No. 19 of 1922.

5. After section one hundred and sixty-one of the Principal Ordinance the following section is inserted:—

Regulations in  
Schedule to  
have effect from  
commencement  
of Ordinance.

"162. The Regulations contained in the Schedule to this Ordinance shall have effect, as from the commencement of this Ordinance, as regulations under this Ordinance, but may be amended or repealed by regulations made in pursuance of section one hundred and fifty-nine of this Ordinance."

Amendment of  
No. 19 of 1922.

6. The Principal Ordinance is amended by adding at the end thereof the following Schedule:—

THE SCHEDULE.

MINING REGULATIONS.

PART I.—PRELIMINARY.

Short title.

1. These Regulations may be cited as the *Mining Regulations 1922*.

Parts.

2. These Regulations are divided into Parts as follows:—

PART I.—Preliminary.

PART II.—Miner's Rights.

PART III.—Licences of Business Sites.

PART IV.—Mining Leases.

Definitions.

3.—(1.) In these Regulations unless the contrary intention appears:—

"Applicant" means a person applying or entitled to apply for a claim, business licence or lease under the Ordinance, and includes a person to whom an interest in an application has been transferred;

"Application" means the application for a claim, business licence or lease under the Ordinance;

"Mining lease" includes a gold mining lease, a mineral lease and a dredging or sluicing lease;

"Mining Regulations" means these Regulations and any regulations amending or in substitution for these Regulations, and for the time being in force;

"The Ordinance" means the *Mining Ordinances 1922*;

"Warden" means a Warden of a gold-field;

and any reference to a form shall be read as a reference to a form in the Schedule to these Regulations.

(2.) Strict compliance with the forms in the Schedule shall not be required, and substantial compliance shall suffice for the purposes of these Regulations.

Appointment  
of agent.

4. An applicant may in Form A appoint an agent for the purposes of these Regulations.

Calculation  
of time.

5.—(1.) Where the last day of any period prescribed or allowed by these Regulations for doing anything falls on a Sunday, or on New Year's Day, Good Friday, Easter Monday, or Christmas Day, the thing may be done on the first day following which is not a Sunday or one of the days mentioned.

(2.) Land shall not be marked out on a Sunday.

6. Where a notice, application, objection, or deposit under the Ordinance or these Regulations is sent by post it shall be deemed to have been given or made at the time at which the letter would be delivered in the ordinary course of post.

Serving  
by post.

## PART II.—MINER'S RIGHTS.

7.—(1.) A miner's right shall be in Form B.

Miner's rights.

(2.) A consolidated miner's right shall be in Form C.

8.—(1.) The holder of a miner's right may take up and work as a claim any land available to be so taken up and worked by fixing in the ground, at each angle of the claim, a post three inches in diameter, standing at least three feet above the surface, and sunk not less than eighteen inches in the ground, and set in "L" trenches three feet long and six inches deep along each boundary line.

Marking  
out of claim.

(2.) When posts cannot be procured or sunk the angles of claims may be marked by stones or iron pegs at least eighteen inches high.

(3.) Any person who takes forcible possession of any claim or share therein, or who commences to work it after his right to take possession thereof has been disputed, shall forfeit all right and title thereto.

9.—(1.) If the holder of a miner's right desires to register a claim he shall, within twenty-eight days after marking out the claim, make an application to the Warden in Form D.

Registration  
of claim.

(2.) Upon receipt of the application the Warden shall deliver to the applicant a certificate in Form E.

(3.) The applicant shall, within fourteen days after the receipt of the certificate, cause a true copy thereof to be posted and kept posted for seven days on some conspicuous part of the ground applied for, and at the Warden's office.

Conditions to be  
complied with.

(4.) If no objection is lodged against the application within that period of seven days, the Warden shall register the applicant as the holder of the claim and issue him a certificate in Form F, but if an objection is lodged within that period, the Warden shall defer registration until the objection has been heard and determined by the Warden's Court, and, if the objection is upheld by that Court, shall proceed no further in the registration of the claim.

10. A registered claim or any share or interest therein may be assigned, transferred, or let, or encumbered in Form G.

Transfer &c.  
of claim.

11. Where the holder of a miner's right marks off more ground than he is entitled to, the excess area may be marked off at either end or either side of the ground, at the option of a holder of a miner's right who applies to the Warden for the excess area to be included in a registered claim.

Excess area.

12.—(1.) A holder of a claim shall either personally or by a substitute, within fourteen days after registration of the claim, proceed to work, and shall, unless the labour conditions of the claim are suspended, continue to work regularly upon or in connexion with the claim, according to the usual course of efficient mining.

Labour  
conditions.

(2.) Any claim remaining unworked in accordance with the last preceding sub-regulation for seven clear days within any period of twenty-eight days shall, on the application to a Warden for forfeiture by any holder of a miner's right, be liable to forfeiture.

Non-compliance  
with labour  
conditions.

(3.) No claim shall be liable to forfeiture if the holder or the representative of the holder is employed upon any necessary work in connexion with it, or if his absence is caused through sickness, compulsory attendance at a court of justice or a general cessation of work owing to floods or fire or forces over which he has no control.

(4.) If any person who is working for the holder of a claim or a shareholder therein as a miner or workman upon or in connexion with a claim absents himself from the work without the knowledge of the holder of the claim or shareholder therein, the claim or share therein shall not be liable to forfeiture unless it remains unrepresented for fourteen days after notice of the absence has been served, by the holder of a miner's right applying to a Warden for forfeiture of the claim or share, upon the holder of the claim or the shareholder.

(5.) A copy of the notice, with a declaration of the service thereof, shall be lodged at the Warden's office.

(6.) An application for forfeiture shall be heard and determined by the Warden.

### PART III.—LICENCES OF BUSINESS SITES.

Application  
for business  
licence.

13.—(1.) Any person who takes possession of land on a gold-field or mineral field as a business site shall within fourteen days thereafter lodge with the Warden an application in Form H for a business licence of the area.

(2.) On taking possession of the land as a business site the applicant shall erect at each angle of its boundaries a post at least three inches by three inches and not less than three feet above the ground.

(3.) The application shall be accompanied by a plan of the site of which possession is taken.

(4.) The Warden shall upon receipt of the application deliver to the applicant a notice in Form I.

(5.) The applicant shall, within fourteen days after the receipt of the notice, post and keep posted the notice or a copy thereof on the site for a period of seven days and shall at the time of the posting indorse upon the notice or copy the date and hour of posting.

(6.) A business site shall not be situate within twenty feet of a race, water-course, or tenement, other than a business site, unless with the written consent of the holder of the race, water-course, or tenement.

(7.) If no objection to the application is lodged within the period of seven days after the posting up of the notice the Warden shall register the business licence and deliver it to the applicant.

(8.) If an objection is lodged the Warden shall defer registration until the objection has been heard and determined by the Warden's Court and, if the objection is upheld by that Court, shall proceed no further in the registration of the licence.

(9.) A Business Licence\* shall be in Form J.

(10.) If the licensee of a business site builds a store, house, or residence, or a building of any description on a known lead of gold or auriferous quartz reef, his licence shall be liable to be forfeited at the discretion of the Warden.

(11.) A business licence shall not be registered for a greater area than one acre.

### PART IV.—MINING LEASES.

Marking out and  
conditions  
precedent to  
application for  
lease.

14.—(1.) Within fourteen days before application an applicant for a mining lease or his agent shall—

(a) as far as circumstances permit, mark out the land by erecting at each angle of its boundaries a post, at least three inches by three inches, and not less than three feet above the ground;

(b) either before or as soon as each post is erected, affix thereto a metal plate having legibly painted or inscribed thereon the words "Applied for Lease" and the date of marking out, and the name of the applicants or, if more than two, the names of at least two of the applicants;

(c) if a portion only of the surface of the land is required, define such portion by erecting posts painted red, and at least two feet above the ground;

(d) insert in the *New Guinea Gazette* a notice in Form K.

(e) post up a similar notice at the office of the Warden and at the post office which appears to the applicant to be nearest the land by the ordinary road; and

(f) give a similar notice to every person occupying the land and to every person who, to the knowledge of the applicant or his agent, has or claims to have any right to the land, or any part thereof.

(2.) The notice referred to in paragraph (f) of sub-section (1.) of this section may be handed to the person, or left for him with some person at his last known place of abode, or posted in a prepaid registered letter addressed to him at that place.

\* As to Business Licences, see *Mining Ordinances* 1922, ss. 16-22.

† As to form of appointment of agent, see Form A in the Schedule.

15.—(1.) An applicant for a mining lease or his agent shall lodge at the Mines Offices, Rabaul—

Application  
for lease.

- (a) an application (in duplicate) in Form L;
- (b) a copy of the notice published in the *New Guinea Gazette* referred to in the last preceding regulation; and
- (c) a sum of Five pounds.

(2.) The Administrator shall cause to be noted on the application the date on which it was received.

(3.) One duplicate application shall be filed in the Mines Office, Rabaul, and the other forwarded for filing to the Warden.

16. If a post is removed during pendency of the application, the applicant shall replace it.

Posts to be  
maintained.

17. With the approval of the Administrator and on payment of a fee of One pound an applicant may transfer his interest or portion thereof in an application for a lease.

Transfer of  
interest in  
application.

18.—(1.) The applicant shall lodge such sum as the Administrator considers necessary to cover the cost of a \*survey of the land.

Cost of survey.

(2.) The survey fee shall be fixed by the Administrator.

19.—(1.) The Administrator may instruct a Mining Surveyor to survey the land, and to furnish a plan and report in respect thereof.

Survey.

(2.) The Mining Surveyor shall notify the applicant in writing of a day on which to meet him and point out the posts.

(3.) If the Mining Surveyor finds the land is identical with an area surveyed for a mining lease, he shall make an inspection of the land and, without further survey, furnish to the Administrator a copy of the plan of the survey.

(4.) Immediately the survey or inspection is completed the Mining Surveyor shall—

- (a) post up on a conspicuous place on the land; and
- (b) post up on the post-office nearest the land by the ordinary road; and
- (c) forward to the Warden whose office is nearest the land by the ordinary road,

a notice in Form M.

(5.) On receipt of the notice the Warden shall post it up at his office.

20.—(1.) Any person who desires to object to the grant of an application, may, between the marking out of the land by applicant and the twelfth day after the Mining Surveyor has posted up on the land the notice in Form M, lodge, in duplicate, with the Administrator, a notice stating the particulars of his objection and shall pay a deposit of Three pounds.

Objection.

(2.) The Administrator shall cause to be noted on the objection the date it was received by him, and shall forthwith cause one copy of the objection to be posted to the applicant.

21.—(1.) If objection to an application is lodged, the Administrator may require the Warden to hold an inquiry.

Procedure  
when objection  
lodged.

(2.) If so required, the Warden shall—

- (a) as soon as practicable give the applicant and the objector at least fourteen days' notice, and hold the inquiry;
- (b) require the applicant and objector to furnish evidence in writing as to compliance or non-compliance with the provisions of the Ordinance; and as to any other matter connected with the application which he thinks proper;
- (c) mark, in the usual way, all documentary evidence produced, and take possession thereof, or of certified copies thereof; and
- (d) forward to the Administrator the evidence (written and documentary) with his observations and opinion thereon.

(3.) The Administrator may require the Warden to—

- (a) supply further particulars ; or
- (b) hold a further inquiry ;

and the provisions of the last preceding sub-regulation shall apply to the further inquiry.

(4.) Any inquiry may be adjourned from time to time by the Warden.

(5.) The applicant or his agent and the objector or his agent shall attend the inquiry, and any further inquiry, and may be heard personally or by counsel or solicitor.

(6.) At any inquiry the attendance of one applicant or objector (if there be more than one) or of his or their agent or agents shall be sufficient.

(7.) The Warden shall note in the evidence the absence of any party and any reason offered therefor.

(8.) The applicant or objector may make a copy of any evidence.

Inquiry though  
objection  
not lodged.

22. Notwithstanding that an objection has not been lodged the Administrator may require the Warden to hold an inquiry in regard to an application, and thereupon as far as practicable the procedure laid down in the last preceding regulation shall be followed.

Compensation.

23. Unless within twenty days after the Mining Surveyor has posted up on the land the notice in Form M, the applicant and any occupier of the land who is entitled, under the Ordinance or the *Land Ordinance* 1922, to compensation, agree as to the compensation to be paid, then, on the complaint of either the applicant or the occupier, the Warden shall hear and determine the complaint.

24.—(1.) The provisions of Part VII. of the Ordinance shall, so far as applicable, apply to the hearing and determination of a complaint under the last preceding regulation.

(2.) The Warden shall forward to the Administrator a copy of each complaint and of his decision thereon.

Application  
may be  
declared  
abandoned.

25. An application may be declared abandoned if the applicant withdraws it, or fails to comply with any statutory requisition made on him in connexion therewith.

Fee for  
preparation of  
lease.

26. The fee for the preparation of a mining lease shall be One pound.

Grant or  
refusal of  
application.

27. Subject to the provisions of the Ordinance the Administrator shall determine—

- (a) the grant or refusal of an application ; and
- (b) the area and shape of the land to be granted ; and
- (c) the exceptions, reservations, covenants, conditions and provisos to be contained in a lease in addition to those set out in the Ordinance.

Applicant  
to execute  
lease.

28.—(1.) The Administrator shall notify the applicant when the lease is ready for execution.

(2.) Each applicant whose application has been granted shall execute the lease, and unless he does so within twenty-one days after notice in the *New Guinea Gazette* that it awaits execution the Administrator may declare it void.

Registration.

(3.) The Administrator shall forward the lease to the Registrar of Titles or other proper officer for registration.

Delivery.

(4.) The lease shall be delivered to the lessee or to his order, or, if more than one lessee, to their order or to such one of the lessees as the Registrar of Titles thinks fit.

Costs.

29. The deposit lodged by any person objecting to the granting of an application or the money lodged by or on behalf of an applicant shall be subject to any order which the Administrator makes for payment thereof of any costs.

Form of  
leases.

30.—(1.) A Gold Mining Lease may be in Form N.

(2.) A Mineral Lease may be in Form N.

(3.) A Dredging or Sluicing Lease may be in Form O.



31.—(1.) A lessee desiring to work and win any metal or mineral, <sup>Additional metal or mineral.</sup> in addition to that specified in a lease, shall apply to the Administrator for a licence.

(2.) If granted, the licence shall be in Form P, with such modifications or additions as are necessary, and shall be at the rent or royalty or both rent and royalty therein specified by the Administrator.

32.—(1.) If an applicant is out of the Territory he may comply with the provisions of the Ordinance, or any part thereof, by his <sup>Power of attorney.</sup> attorney.

(2.) The attorney may be constituted by the execution of a power of attorney in Form Q.

(3.) The power of attorney shall be filed in the office of the Registrar of Titles or other proper officer.

(4.) A certified copy of the power of attorney with the receipt of the Registrar of Titles for the original shall be filed in the Mines Office, Rabaul.

33.—(1.) Any application for the consent of the Administrator— <sup>Transfer.</sup>

(a) to transfer, sublet, or part with the possession of the land, mine, and premises comprised in a lease, or any portion thereof; or

(b) to mortgage, charge, or encumber the same; or

(c) to enter into a contract for the working of the land, mine, and premises or any portion thereof, upon the terms that the working is to be paid for wholly, or in part, out of the gold won, or the value thereof, as the result of the working;

shall be by letter addressed to the Administrator.

(2.) The Administrator may grant or refuse such consent.

(3.) The consent shall be in Form R, and shall be for one lease only.

(4.) A fee of One pound shall be paid for each consent.

(5.) The consent of the Administrator shall not be necessary for a transfer by a person entitled by operation of law to sell or dispose of a lease.

(6.) Each transfer, sub-lease, mortgage, or encumbrance of a lease, or any portion of the premises comprised therein, shall be registered in the office of the Registrar of Titles."

## SCHEDULE.

### FORM A.

#### TERRITORY OF NEW GUINEA.

Reg. 4.

#### Mining Ordinances 1922.

#### APPOINTMENT OF AGENT.

I hereby appoint [name, address, and occupation] my agent for the purposes of these Regulations and in particular to apply in my name

Registration of a Claim  
Business Site  
for Gold Mining Lease of land at  
Mineral Lease  
Dredging and Sluicing Lease  
Witness—

Applicant.

NOTE.—This authority to be lodged with application.

### FORM B.

#### TERRITORY OF NEW GUINEA.

Reg. 7.

#### Mining Ordinances 1922.

#### MINER'S RIGHT.

No.

Fee—20s. per annum.

Date of Issue.

Place of Issue.

Issued to [name of holder] under the provisions of the Mining Ordinances 1922 to be in force until [insert date].

A.B., Warden.

NOTE.—See ss. 10-15, Mining Ordinances 1922.  
Area that may be occupied must not exceed 40 feet by 40 feet or such area as is prescribed by the Mining Regulations.

Reg. 7.

**FORM C.**  
**TERRITORY OF NEW GUINEA.**  
*Mining Ordinances 1922.*  
**CONSOLIDATED MINER'S RIGHT.**

Fee—20s. per annum for each person represented.

No.

Date of Issue.

Place of Issue.

Issued to [name of company or co-operative body or manager or trustee thereof] under the provisions of the *Mining Ordinances 1922* to be in force until [insert date].

A.B.,

Warden.

NOTE.—See ss. 10–15, *Mining Ordinances 1922*.

Area that may be occupied not to exceed 1,600 square feet for each miner's right represented or such area as is prescribed by the Mining Regulations.

Reg. 9.

**FORM D.**  
**TERRITORY OF NEW GUINEA.**  
*Mining Ordinances 1922.*

**APPLICATION FOR REGISTRATION OF CLAIM.**

I [or We], the undersigned, hereby give notice to the Warden at that I [or We] did on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock, m., mark off a piece of ground situated at \_\_\_\_\_ or thereabouts. And I [or We] hereby make application to the said Warden, and request him to grant to me [or us] registration thereof as a claim under the name of \_\_\_\_\_

(Signed) A.B.

Holder of Miner's Right or  
Agent as case may be.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Reg. 9.

**FORM E.**  
**TERRITORY OF NEW GUINEA.**  
*Mining Ordinances 1922.*  
**CERTIFICATE OF APPLICATION.**

No.

This is to certify that the undermentioned person did this \_\_\_\_\_ day of \_\_\_\_\_ at the hour of \_\_\_\_\_ o'clock m., make application for a piece of ground measuring \_\_\_\_\_ situated \_\_\_\_\_, to be held under the provisions of the *Mining Ordinances 1922* and the Mining Regulations as a claim, and if no valid objection is lodged on or before the \_\_\_\_\_ day of \_\_\_\_\_ I shall grant to the said person registration for the said ground, to be held as a claim under the name of \_\_\_\_\_

Dated at \_\_\_\_\_ this \_\_\_\_\_ day \_\_\_\_\_ 19\_\_\_\_.

A.B.,

Warden.

Name of Applicant and Address

NOTE.—This form must, within fourteen days after the receipt thereof, be posted up on a conspicuous part of the ground applied for and also at the Warden's Office and be kept posted up for seven days.

Reg. 9.

**FORM F.**  
**TERRITORY OF NEW GUINEA.**  
*Mining Ordinances 1922.*

**CERTIFICATE OF REGISTRATION OF A CLAIM.**

I have this day, at the hour of \_\_\_\_\_ o'clock m., registered \_\_\_\_\_ Date \_\_\_\_\_ 19\_\_\_\_  
 of \_\_\_\_\_ as the holder of a \_\_\_\_\_ claim numbered \_\_\_\_\_  
 situate at \_\_\_\_\_ and styled \_\_\_\_\_  
 Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
 Miner's Right \_\_\_\_\_  
 No. \_\_\_\_\_

Warden.

Reg. 10.

**FORM G.**  
**TERRITORY OF NEW GUINEA.**  
*Mining Ordinances 1922.*  
**TRANSFER OF CLAIM.**

I, \_\_\_\_\_ of \_\_\_\_\_ for valuable consideration, do hereby transfer (let on lease, &c., as the case may be) to \_\_\_\_\_ of \_\_\_\_\_ all my right, title, and interest in \_\_\_\_\_ numbered \_\_\_\_\_ and known as \_\_\_\_\_, situated at \_\_\_\_\_, subject to the terms and conditions under which the said \_\_\_\_\_ has been held by me; and I, \_\_\_\_\_, of \_\_\_\_\_, do hereby accept the said transfer subject to the terms and conditions aforesaid.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Signatures.	Miner's Rights.	
	No.	Date.
Transferror		
Witness : Transferee		

The within transfer was registered by me at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock m.

A.B.,

Warden.



FORM H.  
TERRITORY OF NEW GUINEA.  
Mining Ordinances 1922.

Reg. 13.

## APPLICATION FOR REGISTRATION OF LICENCE OF A BUSINESS SITE.

I, the undersigned, have this day, at the hour of \_\_\_\_\_ o'clock taken possession of land as a business site situated at \_\_\_\_\_ having a frontage of \_\_\_\_\_ feet to [road or street] by a depth of \_\_\_\_\_ feet [as shown on attached plan]. [The description must be such as to enable the area to be readily located.]  
I hereby apply to the Warden at \_\_\_\_\_ for a Business Licence of the area.

Dated at \_\_\_\_\_ this day of \_\_\_\_\_ 19 \_\_\_\_\_

[Signature]  
[Date]

FORM I.  
TERRITORY OF NEW GUINEA.  
Mining Ordinances 1922.

Reg. 13.

## NOTICE OF APPLICATION FOR A BUSINESS LICENCE.

[Name of applicant, occupation, and residence] did this day, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ m., apply for a business licence of land situated at \_\_\_\_\_ and having a frontage of \_\_\_\_\_ feet to [street or road] by a depth of \_\_\_\_\_ feet.  
If no objection be lodged with me within seven days from the posting of this notice, I shall register a licence of the site.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_  
Name— \_\_\_\_\_ A.B.,

Warden.

N.B.—This Notice was posted up at the hour of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

FORM J.  
TERRITORY OF NEW GUINEA.  
Mining Ordinances 1922.  
BUSINESS LICENCE.

Reg. 13.

Fee £5 per annum.

No.  
Date of Issue.  
Date of Expiration.  
Place of Issue.

[Name of applicant, occupation and residence] having paid the prescribed fee in that behalf is authorized to occupy the Crown land indicated hereunder within a gold-field or mineral-field for the purpose of residence and carrying on his business subject to the provisions of the Mining Ordinances 1922 and the Mining Regulations.

## Description of the land licensed.

This licence will be in force for \_\_\_\_\_ year from the date hereof.

A.B.,  
Warden.

The area that may be occupied shall not exceed one acre.

A business licence shall, subject to the provisions of the Mining Ordinances 1922 and the Mining Regulations, entitle the holder thereof during its continuance—

- (a) to occupy within the limits of any gold-field or mineral field for the purpose of residence and carrying on his business the area of Crown lands licensed;
- (b) for either of the purposes aforesaid to put up any building or other erection thereon and at any time to remove the same; and
- (c) to hold in lawful possession (except as against the Crown) the surface only of the land so occupied.

NOTE.—As to Business Licences, see ss. 16-22 of the Mining Ordinances 1922.

[To be printed on back of licence.]

## APPLICATION FOR TRANSFER.

To the Warden at \_\_\_\_\_

I desire to transfer all my right title and interest in the within licence to \_\_\_\_\_ to enable him to take out a new licence in lieu of this licence for the unexpired period thereof.

S. 19. of Mining  
Ordinances  
1922.

Witness—

Signature of Licencee.

NOTE.—A fee of 10s. must be paid on issue of new licence.

FORM K.  
TERRITORY OF NEW GUINEA.  
Mining Ordinances 1922.

Reg. 14.

## NOTICE OF APPLICATION FOR A MINING LEASE.

Within fourteen days from the\* \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

I shall lodge with the Administrator, Rabaul, an application for a Lease, the particulars of which are:—

Name [in full] and address of each applicant—

Name by which mine will be known—

Area— \_\_\_\_\_ † acres.

Whether on or below the surface, or both—

Full description and precise locality of the land—

Name of each owner and each occupier of the land, } Owner—  
so far as applicant has been able to learn. } Occupier—

Whether the boundaries of the land include any river, creek, deposit of permanent water, spring, or artificial reservoir—

Nature of proposed mining operations—

Term required—

Estimated expenditure—£

Metal or mineral to be worked—

Quartz or alluviums—

General remarks—

[Signature of Applicant.]  
[Place and date.]

\* Insert date of marking out.

† Maximum area, 50 acres gold-mining lease; 160 acres mineral lease; 240 acres dredging and sluicing lease.

Reg. 15.

FORM L.  
TERRITORY OF NEW GUINEA.  
*Mining Ordinances 1922.*  
APPLICATION FOR MINING LEASE.

To the Administrator.

I hereby apply for a lease, the particulars of which are :—

We Name [in full] and address of each applicant—

Name by which mine will be known—

Area— about acres.

Whether on or below the surface, or both—

Full description and precise locality of the land—

Name of each owner and each occupier of the land, so far as applicant has been able to learn. Owners— Occupiers—

Whether the boundaries of the land include any river, creek, deposit of permanent water, spring, or artificial reservoir—

Nature of proposed mining operations—

Term required—

Estimated expenditure— £

Metal or mineral to be worked—

Quartz or alluviums—

General remarks—

[Signature of Applicant.]

[Place and date.]

NOTE.—This application to be lodged in duplicate, with application fee of £5, half-year's rent, and survey fee, at the Mines Office, Rabaul.

Reg. 19.

FORM M.  
TERRITORY OF NEW GUINEA.  
*Mining Ordinances 1922.*  
Survey Notice.

In the matter of an application by of for a  
Gold Mining Mineral Lease No. of about acres of land at  
Dredging or Sluicing  
declared to have been marked out on the day of  
19 at about the hour of

I have this day completed a survey [or an inspection\*] of the said land and furnished a plan thereof to the Administrator and a copy of this notice is posted thereon.

Objection to the grant of the application may be lodged at the Mines Office Rabaul, not later than twelve days from the date hereof. Fee—£3.

Dated the day of 19

Mining Surveyor.

As to posting up of notices see s. 18 (4) of this Ordinance.

\* In case land is already surveyed.

Reg. 30.

FORM N.  
TERRITORY OF NEW GUINEA.  
*Mining Ordinances 1922.*  
GOLD MINING LEASE.  
MINERAL

Crown Land.

Entered in the Register Book,  
Vol.

Fol.

Registrar of Titles.  
in the

This Indenture made the day of year of our Lord One thousand nine hundred and between the Administrator of the one part and of (hereinafter called the "lessee" which expression shall where the context so admits include h heirs, executors, administrators, successors and assigns) of the other part Witnesseth that in consideration of the royalty of one per centum of the gold won payable as prescribed by regulations under the *Mining Ordinances 1922*, or as the Administrator may direct, and the rent, hereinafter reserved and of the covenants and provisos hereinafter contained the Administrator doth by these presents demise and grant unto the lessee all th piece of land on the plan hereon indorsed or hereunto annexed

Including in such demise and grant during their continuance the rights and liberties following :—

- (1) To search work mine for and win for the lessee's own use and benefit the on or in the land demised ; and
- (2) For or incidental to the purposes aforesaid on the land demised—
  - (a) To cut and construct races drains dams reservoirs roads and tramways ; and
  - (b) To erect offices buildings and machinery ; and machinery for pumping or raising water ; and
  - (c) To erect dwellings and allow the same to be used by employees for the purpose of residence.

But nevertheless excepting and reserving to the Crown—

- (a) such part or parts of the land demised as shall properly support any land now occupied under a miner's right or under a business licence; and
- (b) where the area demised exceeds six acres such part or parts not exceeding one-half thereof over and above six acres for business and residence purposes; and
- (c) and to all persons with or without horses carts or carriages at all times free rights of ingress egress and regress over and along the surface of the land demised not being actually worked or used for the purposes of this demise; and
- (d) and to all persons duly licensed in that behalf the right at all times to remove or treat any tailings standing upon the land demised, or to take carry away and use any sand stone gravel clay or earth and timber live or dead now on in or under the said land.

To hold the land and premises hereby demised with the appurtenances (subject nevertheless to such rights interests and authorities as are lawfully subsisting therein at the date of these presents) unto the said lessee from the date hereof for the term of years next ensuing for the purpose of mining thereon and therein for together with the rights and liberties hereinbefore expressly granted but for no other purpose Yielding and paying therefor unto the Crown during the said term \*[a royalty of one per centum of the gold won payable as prescribed by regulations under the *Mining Ordinances 1922* or as the Administrator may direct and also] the yearly rent of by equal half-yearly payments of each to be made in advance the first payment to be made on the day and date hereof and the next payment on the day of next and the succeeding payments respectively to be made on the same days in each succeeding year clear of all rates taxes and assessments to which the said land and premises are now or at any time during the said term may be subject or liable.

And the said lessee do hereby for heirs executors administrators successors and assigns covenant with the Administrator in manner following (that is to say):—

1. That the said lessee will during the said term pay clear of all deductions the royalty of one per centum of the gold won payable as prescribed by regulations under the *Mining Ordinances 1922* or as the Administrator may direct and the rent hereby reserved at the times and in manner hereinbefore appointed for payment thereof.
2. And will erect and keep erected during the said term posts not less than two feet six inches high above the ground and painted white with the number of the lease painted legibly thereon so as to define the boundary-lines and angles of the land demised and so that each post shall be visible from those nearest to it on each side.
3. And will before commencing to sink any shaft on the land demised or to use any shaft already sunk thereon deposit with the Administrator such deposit (if any) as he may fix by way of guarantee that before any such shaft is abandoned it will be securely covered to the satisfaction of a Mining Inspector.
4. And will securely cover any such shaft before abandoning the same and if the lessee fails so to do the Administrator may cause such covering to be done and the cost thereof shall be paid out of the sum (if any) deposited as aforesaid.
5. And will make construct and work the mine in a fair skilful and workmanlike manner according to the mode of working mines of a similar character.
6. And unless prevented by unavoidable accident or during the execution of repairs or on account of any other cause which the Administrator deems sufficient will employ continuously in the construction of the works or in mining operations on or under the said land or for the supply of water for such operations during the first month of the said term and during the usual hours of labour able and competent workmen and miners at the least and during the remainder of the said term not fewer than such miners and workmen.
7. And will during the said term effectually drain the mine and pump out all water likely to cause injury thereto or which would prevent or interfere with the working thereof and will in due course pay to the corporation person or persons entitled any contribution legally claimable by it him or them under the provisions of any law for the time being in force relating to the drainage of mines in respect of any services connected with the drainage or drawing of water from any mine on the land hereby demised rendered by such corporation person or persons.
8. And will make such provision for the disposal of the silt sludge detritus dirt waste or refuse of or from the said mine or any works connected therewith so that the same will not flow or find its way into any water channels leading into or from the storage works of any public body or so as to injure or interfere with any land set apart for water supply purposes or become an inconvenience nuisance or obstruction to any roads ways rivers creeks or private or Crown lands or in any manner occasion any public or private damage or inconvenience.
9. And if required by the Administrator during the said term will make and deliver to him true and proper plans and sections certified by a duly authorized Mining Surveyor of the shafts drives levels and underground workings of the mine.
10. And will during the said term compensate the occupier or occupiers or lessee or lessees from the Crown of any adjoining land in respect of any damage which may be sustained by him or them by the working of the mine or the carrying on of the works thereof or by any other works connected therewith such compensation to be determined by the Administrator or other person authorized by him so to do.
11. And will at all times during the said term keep and preserve the said mine and premises in good repair and condition and at the end or other sooner determination of the said term will deliver up peaceable possession thereof and of all and singular the premises hereby demised to the Crown or to some officer authorized to receive possession thereof.

\* Words in brackets may be omitted from Mineral Lease.



28. \*That the lessee shall for a first and second breach of any of the covenants herein contained pay such fine or penalty not exceeding One hundred pounds as the Administrator, in his discretion, may impose and that in the event of the non-payment of any such penalty or on the commission of any further breach of the said covenant the lease may if the Administrator thinks fit be forfeited.]

29. And lastly that if the lessee at any time during the said term fails to use the land *bona fide* for the purpose for which it has been demised or if and whenever the said royalty or rent is in arrear for seven days after the time appointed for payment thereof whether the same has been legally demanded or not or if and whenever there is a breach of or non-compliance with the covenants and provisos herein contained by the lessee the Administrator may declare these presents void.

In witness whereof the Administrator has caused the seal of the said Territory to be affixed to this demise and also set his hand and the lessee has also set his hand and seal.

THE SCHEDULE WITHIN REFERRED TO.

Administrator.  
(SEAL)

Signed sealed and delivered by the above-named lessee in the presence of

(SEAL)

FORM O.  
TERRITORY OF NEW GUINEA.

Reg. 30.

Mining Ordinances 1922.

DREDGING OR SLUICING LEASE—GOLD OR MINERALS—CROWN LAND.

Entered in the Register Book,  
Vol.

Fol.

Registrar of Titles.

This instrument made this \_\_\_\_\_ day of \_\_\_\_\_ between \_\_\_\_\_ of the one part

and \_\_\_\_\_ of \_\_\_\_\_ (hereinafter called the "lessee" which expression shall where the context so admits include his heirs, executors, administrators, successors, and assigns) of the other part Witnesseth that in consideration of a royalty of one per centum of the gold won payable as prescribed by regulations under the *Mining Ordinances 1922* or as the Administrator may direct and the rent hereinafter reserved and of the covenants and provisos hereinafter contained the Administrator doth by these presents demise and grant unto the lessee all the surface and to a depth of \_\_\_\_\_ feet below the surface of that piece of land delineated on the plan hereon indorsed or hereunto annexed and thereon coloured

Including in such demise and grant during their continuance the rights and liberties following:—

- (1) To search work mine for and win by hydraulic sluicing with a pump sluice or with a jet elevator or by gravitation or by bucket dredging (or by any other method specified) for the lessee's own use and benefit the [gold or minerals named as the case may be] on or in the land demised; and
- (2) For or incidental to the purposes aforesaid on the land demised—
  - (a) to cut and construct excavations races drains dams reservoirs roads and tramways; and
  - (b) to erect offices buildings and machinery; and
  - (c) to erect dwellings and allow the same to be used by employees for the purpose of residence.

But nevertheless excepting and reserving to the Crown—

- (a) such part or parts of the land demised as shall properly support any land now occupied under a miner's right or under a business licence; and
- (b) and to all persons with or without horses carts and carriages at all times the free right of ingress egress and regress over and along the surface of the land demised but not being actually worked or used for the purposes of this demise; and
- (c) and all persons duly licensed in that behalf the right at all times to remove or treat any tailings standing upon the land demised, or to take carry away and use any sand stone gravel clay or earth and timber live or dead now on in or under the said land.

To hold the land and premises hereby demised with the appurtenances (subject nevertheless to such rights interests and authorities as are lawfully subsisting therein at the date of these presents) unto the said lessee from the date hereof for the term of \_\_\_\_\_ years next ensuing for the purpose of mining as aforesaid thereon and therein for \_\_\_\_\_ together with the rights and liberties hereinbefore expressly granted but for no other purpose Yielding and paying therefor during the said term one per centum of the gold won payable as prescribed by regulations made under the *Mining Ordinances 1922* or as the Administrator may direct and also the yearly rent of \_\_\_\_\_ by equal half-yearly payments of \_\_\_\_\_ each to be made in advance the first payment to be made on the day of the date hereof and the next payment on the \_\_\_\_\_ day of \_\_\_\_\_ next and the succeeding payments respectively to be made on the same days in each succeeding year clear of all rates taxes and assessments to which the said land and premises are now or at any time during the said term may be subject or liable.

And the said lessee do hereby for his heirs executors administrators successors and assigns covenant in manner following (that is to say):—

1. That the said lessee will during the said term pay clear of all deductions the royalty and the rent hereby reserved at the times and in manner hereinbefore appointed for payment thereof.

\* This condition may be omitted from Gold Mining Leases.

2. And will erect and keep erected during the said term posts not less than two feet six inches high above the ground and painted white with the number of the lease painted legibly thereon or otherwise inscribed thereon as is prescribed by regulations under the *Mining Ordinances* 1922 so as to define the boundary-lines and angles of the land demised and so that each post shall be visible from those nearest to it on each side.

3. And unless prevented by unavoidable accident or during the execution of repairs or on account of any other cause which the Administrator deems sufficient will employ continuously in the construction of the works or in dredging operations on or in the said land or for the supply of water for such operations during the first month of the said term and during the usual hours of labour able and competent workmen and miners at the least and during the remainder of the said term not fewer than such miners and workmen.

4. And will carry on dredging operations on or in the said land in such a manner that no water or sludge produced from or consequent on such dredging operations and discharged into any river stream water-course water-way creek or gully (hereinafter referred to as "the water-course") or into any lake or reservoir shall at a point where such water or sludge leaves the said land or any land used in connexion with such dredging operations or if the lessee shall be dredging in the water-course and water is flowing therein then at a point a quarter of a mile along such water-course and below the site of the dredge—

(a) contain any poisonous matter in the total proportion of more than fifty grains to one gallon or any noxious matter in such quantity as to be injurious or detrimental to the public health; or

(b) hold in suspension or solution any earth or mineral substance in the total proportion of more than eight hundred grains to one gallon.

5. And will make such provision for the disposal of the silt sludge detritus dirt waste or refuse produced from or consequent on such dredging operations that the same will not flow or find its way into any water channels leading into or from the storage works of any public body or so as to injure or interfere with any land set apart for water supply purposes or become an inconvenience nuisance or obstruction to any roads ways rivers creeks or private or Crown lands or in any manner occasion any public or private damage or inconvenience.

6. And if required by the Administrator will erect and keep in repair a substantial wall or fence round any excavation made during the said term on the land demised so as to prevent accidental access thereto and when the Administrator or other person authorized by him in that behalf considers any such excavation unnecessary and shall by certificate under his hand notify the fact then will fill up the same.

7. And will during the said term compensate the occupier or occupiers or lessee or lessees from the Crown of any adjoining land in respect of any damage which may be sustained by him or them in connexion with or incidental to the said operations on the land hereby demised such compensation to be determined as is prescribed by regulations under the *Mining Ordinances* 1922.

8. And at the end or other sooner determination of the said term will deliver up peaceable possession of the land and of all and singular the premises hereby demised to some officer authorized to receive possession thereof.

9. And will permit the Chief Mining Surveyor or other person authorized by the Administrator with all proper assistants at all reasonable times during the said term quietly to enter into and upon every part of the said land and premises and to survey and examine the state and condition thereof.

10. And will at all times afford the public free access to the water-course for the purpose of watering stock and of obtaining water for domestic and other purposes.

11. And will provide suitable approaches to the water-course before interfering with existing approaches.

12. And will if required by a district officer or other authorized person provide to his satisfaction proper fords and other similar crossing places in the water-course before interfering with existing provision.

13. And will not carry on the said operations in such a manner as to cause any damage or injury to any works without the consent in writing of the owner occupier company corporation municipal council trust water supply or other body or of the Crown to whomsoever they belong.

14. And will observe perform fulfil and be bound by the reservations stipulations covenants and provisos which are contained in the Schedule hereto.

15. And will not prevent any person who holds a right or privilege under the *Mining Ordinances* 1922 or any amendment thereof from exercising the same.

16. And will not use or occupy nor permit to be used or occupied the said land other than for the purpose of exercising the rights and liberties hereinbefore expressly granted or for the pasturage of stock of or as garden ground for the employees aforesaid.

17. And will not cut any timber on the Crown lands hereby demised before obtaining a licence permit or authority under the *Timber Ordinance* 1922 so to do.

18. And will not cut down ring-bark or burn any of the trees growing within the boundaries of any timber reservation or timber reserve any portion of which is within the boundaries of the land hereby demised nor in any way injure the same nor the soil in which they are growing except in so far as may be necessary to remove any impediment to the dredging of the said land and shall pay for any trees so cut down ring-barked or burnt such fees and charges as would be payable if such timber reservation or timber reserve or any portion thereof was not included in this demise.



## 19. And will not—

- (a) transfer sublet or part with the possession of the land and premises hereby demised or any part thereof; or
- (b) mortgage charge or encumber the same; or
- (c) in regard thereto let the same or any part thereof on tribute; or
- (d) enter into a contract for the working of the said land or premises or any portion thereof upon the terms that such working is to be paid for wholly or in part of the value thereof as the result of such working

without the consent of the Administrator first had and obtained.

Provided always and it is hereby agreed and declared in manner following :—

20. That if the land and premises hereby demised or any part thereof are before the date of these presents leased or licensed under any Ordinance of the Territory the lessee shall not be entitled to any compensation on that account.

21. That the Chief Mining Inspector or other officer authorized by the Administrator may by order in writing direct that such engineering or other works whether of masonry or otherwise be constructed and erected as in his opinion are required for the support of the surface of any land adjoining the land demised or as a precaution against any contingent damage to any road or street immediately adjacent thereto and as are specified in such order and the lessee shall upon receipt of such order forthwith proceed and with all convenient speed continue until the same is completed to execute at the lessee's cost to the satisfaction of the said Chief Mining Inspector or other officer aforesaid all such works as are so specified.

22. That all persons duly licensed in that behalf by the Crown may take carry away and use any sand stone gravel clay earth or live or dead timber on in upon or under the land demised.

23. That if at any time during the said term any part or parts of the said land be required for sale or a railway road canal aqueduct water-course reservoir or any public purpose the Administrator may cause such part or parts to be set out and thereupon the same shall cease to be included in the lands hereby demised and re-entry may be made in the manner prescribed by the *Mining Ordinances 1922* and regulations thereunder and the lessee shall not be entitled to any abatement of rent or any compensation whatever in respect of the land so set out.

24. If the lessee proves to the satisfaction of the Administrator that on account of any cause which the Administrator deems sufficient the lessee is unable to employ the number of men hereby covenanted to be employed the Administrator may either wholly or partially by order in writing from time to time waive and dispense with compliance with the covenant for the employment of workmen and miners for any period not exceeding six calendar months.

25. That so far as applicable the provisions of the *Mining Ordinances 1922* and all regulations thereunder are embodied and incorporated herein and the said lessee hereby covenants to observe fulfil and perform the same.

26. That the lessee shall on the due performance and observance of the covenants conditions and provisos herein contained be entitled to a renewal from time to time of this lease for a period at each renewal not exceeding twenty-one years from the expiration of this lease or any renewal thereof at the rent for the time being chargeable by law and subject to the covenants conditions and provisos prescribed by regulations under the *Mining Ordinances 1922* for the time being in force relating to such lease and to such other covenants conditions and provisos as to the Administrator seem fit.

27. That the lessee shall for a first and second breach of any of the covenants herein contained pay such fine or penalty not exceeding One hundred pounds as the Administrator in his discretion may impose and that in the event of the non-payment of any such penalty or on the commission of any further breach of the said covenant the lease may if the Administrator thinks fit be forfeited.

28. And that if the lessee at any time during the said term fails to use the land *bonâ fide* for the purpose for which it has been demised or if and whenever the said royalty or rent is in arrear for one month after the time appointed for payment thereof whether the same has been legally demanded or not or if and whenever there is a breach of or non-compliance with the covenants and provisos herein contained by the lessee the Administrator may declare these presents void.

In witness whereof the Administrator has caused the seal of the said Territory to be affixed to this demise and has also set his hand and the lessee has also set his hand and seal.

THE SCHEDULE WITHIN REFERRED TO.

Administrator.

(SEAL)

Signed sealed and delivered by the above-named lessee in the presence of—

(SEAL)

## FORM P.

## TERRITORY OF NEW GUINEA.

Reg. 31.

*Mining Ordinances 1922.*

## LICENCE TO WORK ADDITIONAL METAL OR MINERAL.

## Gold Mining

I hereby authorize the legal holder of Mineral Lease No. to Dredging and Sluicing

work and win in and from the land and mine comprised in such lease, the in addition to the therein mentioned, from the for the residue of the term thereof, [at the half-yearly rental of ] commencing from the day of 19, and subject to the exceptions, reservations, covenants, conditions, and provisos of the said lease, except in so far as they are inconsistent with the condition of this licence and to special conditions mentioned in the schedule hereto.

Administrator.

## SCHEDULE.

(Royalty to be included if payable.)

## FORM Q.

## TERRITORY OF NEW GUINEA.

Mining Ordinances 1922.

## POWER OF ATTORNEY.

Reg. 32.

I We hereby make, nominate, constitute, and appoint, and in my our place or stead put of to be my our true and lawful attorney for me us

and in my our name to apply for a Gold Mining Mineral Lease of about acres of Dredging and Sluicing

land at and in my our name to enter into all such covenants and agreements as I we shall be required to enter into before the application for such lease is granted by the Administrator, and generally for me us and in my our name to do, execute, and perform all such other acts, deeds, and things as may be necessary or may be required to be done, executed or performed in and about the application for, execution, and delivery of such lease; and for me us and in my our name to ask, demand, and sue for any sum or sums of money which may hereafter become due to me us in connexion with such application or lease, and on receipt of such sum or sums of money to give good, valid, and effectual receipts for the same; and I we do hereby ratify and confirm all and whatsoever the said shall lawfully do, or cause to be done, in or about the premises by virtue of this power.

Given under my our hand and seal this day of 19

Witness—

(SEAL.)

NOTE.—This Form to be used only if applicant is out of the Territory.

## FORM R.

## TERRITORY OF NEW GUINEA.

Mining Ordinances 1922.

## CONSENT TO TRANSFER OR MORTGAGE.

Reg. 33

I consent to Gold Mining Mineral Lease No. being transferred to Dredging or Sluicing of mortgaged to

The said lease is entered at the Office of Titles in the Register Book, Vol. Fol.

Mines Office,  
Rabaul,

19

Administrator.

Dated the fourth day of October, One thousand nine hundred and twenty-two.

FORSTER,  
Governor-General.

By His Excellency's Command,  
J. EARLE,  
for Prime Minister.