

- (2.) The application may be granted in whole or in part, as the Warden in his discretion thinks fit, and, if granted, shall be granted by certificate of reduction in the form numbered in the First Schedule hereto.
- (3.) The certificate shall be registered in the same manner as in the case of a certificate of protection.

87. When disposing of any application for a certificate of reduction, the Warden, for the purpose of determining the extent to which the prescribed number of workmen should be reduced, and the period for which the reduction should be granted, shall not confine himself to merely temporary exigencies, but shall have regard to all the circumstances fairly affecting the matter, including, in the case of a claim to be worked by hydraulic sluicing, the following considerations:—

- (1.) The nature and extent of the claim-holders' water-supply, the cost of procuring it, and the date when it will be fully available.
- (2.) The number of workmen that can be reasonably and advantageously employed, having regard to the nature of the ground and the extent of the water-supply.
- (3.) The extent, if any, to which the proposed reduction, or the period for which it may be granted, would lock up ground that otherwise might be reasonably and advantageously worked.

GENERAL PROVISIONS AS TO MINING PRIVILEGES.

88. The terms, conditions, reservations, and provisions subject to which every mining privilege may be granted and shall be deemed to be held shall in every case include the following:—

- (1.) Every officer or person acting in the administration of this Act, or authorised 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.
- (2.) If default for thirty days is made in the full and punctual payment of any rent, royalty, license-fee, or other money payable to Her Majesty in respect of any mining privilege, the Receiver or any person authorised by him may at any time thereafter, without any previous or other notice or demand, enter on such land, mines, and works, or any of them, and distrain all or any machinery, tools, goods, chattels, and other effects of the licensee there found (excepting nevertheless tools of trade and other personal effects to the total value of £25), and may sell the same, in such manner, at such prices, and on such conditions in all respects as he thinks fit.
- (3.) Such sale may be effected either on the land or elsewhere, and to that end the effects distrained may be removed.
- (4.) Not less than three days' previous notice of the time and place of the sale shall be given by advertisement in a newspaper approved by the Warden.
- (5.) All moneys received in respect of such sale shall be applied in or towards payment—first, of the costs and expenses of the distraint, removal, and sale, such costs to be fixed and assessed by the Warden in case of dispute; secondly, in or towards payment of the rent, royalty, license-fee, or other money in respect whereof the distraint was made; and the surplus, if any, shall be payable to the licensee or other the person entitled thereto.
- (6.) The foregoing right of distraint, removal, and sale may be exercised irrespective of and without prejudice to any other right, remedy, or power conferred by the Mining Act in respect of the non-payment of rent, royalty, license-fee, or other moneys payable to Her Majesty under the license.
- (7.) Except in so far as otherwise specially provided by the Mining Act, the holder of a mining privilege shall not, as such holder—
 - (a.) Have any riparian rights in respect of any watercourse on or adjoining the land comprised in the mining privilege; nor
 - (b.) Have any right or remedy whatsoever against any person in respect of the discharge of tailings, *débris*, or waste water into such watercourse by such person in the lawfully carrying-on of mining operations by him under the provisions of the Mining Act; nor
 - (c.) Have any right or remedy whatsoever which would prevent any person from freely using for the purpose of transit any natural waterway on or adjoining the mining privilege, but so nevertheless that such user does not unduly interfere with any mining operations lawfully carried on in the waterway by the holder of the mining privilege, and also that where such operations are carried on by means of a dredge, and such user cannot conveniently be exercised without removing the dredge or its moorings, the holder of the mining privilege shall remove the same with all reasonable diligence, and at his own cost in all things.
- (8.) The Warden may at any time authorise any Inspector, Assessor, or other person to enter on any mining privilege, or the buildings or works thereon, for any specified purpose.
- (9.) Except in the case of a prospecting license, the term of every license for a mining privilege shall be so fixed as to expire on the 31st day of December.

89. Except where authorised by the Mining Act or these regulations, or the order of the Warden, no person shall—

- (1.) Deposit any earth, stones, tailings, or other substance in the bed of any watercourse so as to obstruct the flow of water therein to the injury of any other person; nor
- (2.) Damage or otherwise interfere with any mining privilege held by any other person, or the buildings, works, or machinery thereon; nor
- (3.) Deposit upon any mining privilege, other than his own, any earth, stones, tailings, or other substance; nor