

3. Subject to the provisions of the Mining Act relating to Native ceded land, the qualification of a miner's right shall not be necessary in the cases and for the purposes following, that is to say :—

In the Case of	For the Purposes of
(1.) Any officer under the Mining Act ...	The exercise of his official functions and powers under the Mining Act.
(2.) Any person deriving title to a mining privilege by transmission, or by operation of law	His title, and the exercise of his rights thereunder.
(3.) The mortgagee of a mining privilege ...	His title as mortgagee, and the exercise of his rights under the mortgage.
(4.) The holder of a license for a mining privilege	The exercise of his rights as such holder, and all applications to the Warden or the Court relating to such mining privilege.
(5.) A workman, contractor, or tributer in respect of a mining privilege	The exercise of his rights, liens, and remedies in respect of money owing to him as such workman, contractor, or tributer.

4. With respect to every person who is by law required to have the qualification of a miner's right, the following provisions shall apply :—

- (1.) It shall be his duty to produce the miner's right for inspection whenever requested so to do by the Warden, or any Inspector, or Receiver, or Registrar, or member of the Police Force.
- (2.) It shall at all times lie on him to prove that he has the necessary qualification by producing the miner's right, or satisfactorily accounting for its non-production.

5. (1.) In every case where the qualification of a miner's right is necessary in order to authorise the doing of any of the things referred to in section 64 of the Mining Act or in these regulations, and any person does any of those things without having the necessary qualification, he shall acquire no right by virtue or in respect of the things so done; and, if in any civil proceedings before the Warden or the Warden's Court he fails by reason of not having the necessary qualification, costs shall be given against him :

Provided nevertheless that at any time he may acquire the necessary qualification in the manner and subject to the conditions following, that is to say :—

- (a.) He may apply for such and so many antedated miners' rights as would have conferred the necessary qualification if they had been taken out and issued on the ante-dates specified therein.
- (b.) There shall be payable in respect of each such antedated miner's right the ordinary fee where the date of actual issue is not more than one month later than the ante-date, and in any other case a special fee equal to twice the ordinary fee.
- (c.) On payment of the requisite ordinary or special fee, the antedated miners' rights shall be issued to him, bearing in each case the date of its actual issue, and also the ante-date; and each such miner's right shall, for the purposes of the Mining Act, and any former Mining Act, operate as if it had been actually issued on the ante-date.
- (d.) If the application for the antedated miner's right is made in the course of civil proceedings, it shall be made to the Warden before the decision in the proceedings is given, and shall not be issued unless the applicant not only pays the requisite ordinary or special fee, but also either pays or gives satisfactory security for the payment of such of the costs and expenses incurred by all other parties to the proceedings up to the time of the actual issue of the ante-dated miner's right as will be rendered fruitless by reason of such issue; the amount of such costs to be fixed, if necessary, by the Warden.

(2.) The foregoing provisions of this clause shall, *mutatis mutandis*, apply in the case of a person who, being the holder of a mining privilege under any former Mining Act, has neglected to take out a miner's right as required by such Act.

As to Issue of Miners' Rights by Postmasters.

6. (1.) Miners' rights may be issued and paid for at post-offices appointed by the Governor for the purpose, and such payments shall be deemed as valid as if made to a Receiver of Gold Revenue.

(2.) Receipts arising from the issue of miners' rights at a post-office shall be entered in the post-office cash-book, and treated as part of the balance due on Post Office Account to be remitted by Sub-Postmasters to Chief Postmasters, and by Chief Postmasters to credit of the Post Office Account, and then to be paid to the Colonial Treasurer as goldfields revenue.

(3.) Each Postmaster shall enter every payment on a statement-form headed "Receipts under 'The Mining Act, 1898.'" The name of the person to whom a miner's right is issued, together with his address, and the number and description of the miner's right so issued, shall be entered in the body of the form. A copy of each statement, containing the foregoing particulars, shall be immediately transmitted by the Postmaster who prepares the same to the nearest Receiver of Gold Revenue.

PROSPECTING.

Prospecting Warrants and Licenses.

7. The application for a prospecting warrant or prospecting license may be in such one of the forms numbered 5 to 7 in the First Schedule hereto as is applicable; and the warrant or license may be in such one of the forms numbered 8 to 13 in that Schedule as is applicable.