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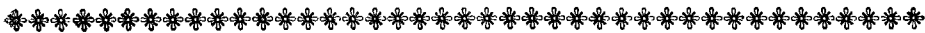


1859.

ANNO VICESIMO-TERTIO

VICTORIÆ REGINÆ,

No. 26.



AN ACT for the Management of auriferous Crown Lands, and for regulating Mining for Gold in *Tasmania*. [23 September, 1859.]

WHEREAS operations are being carried on for obtaining Gold from the Waste Lands of the Crown in this Colony; and it is to be anticipated that, in the event of such operations proving to be remunerative, considerable numbers of persons will congregate at the Gold Fields; and it is expedient that Legislative provision should be made regulating Mining for Gold upon such Lands for the purpose of determining the rights of persons engaged therein and preserving peace and order: Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 In the construction and for the purposes of this Act, if not inconsistent with the context or subject matter, the following Terms shall have the respective meanings hereinafter assigned to them; that is to say,

“Mine,” used as a verb, shall extend to and include any mode or method whatsoever whereby the soil or earth, or any rock or stone, may be disturbed, removed, carted, carried, washed, sifted, smelted, refined, crushed, or otherwise dealt with for the purpose of obtaining Gold, whether the same may have been

PREAMBLE.

Interpretation.

“Mine.”

- previously disturbed or not, as well as the appropriation of such Gold by the finder thereof to his own use :
- “ Mining purposes.” “ Mining purposes” shall mean the purpose of obtaining Gold by any such mode or method :
- “ Gold.” “ Gold” shall signify as well any Gold, as any earth, clay, quartz, stone, or other mineral containing Gold or having Gold mixed therein, or set apart for the purpose of extracting Gold therefrom :
- “ Waste Lands of the Crown.” “ Waste Lands of the Crown” shall mean any Lands in this Colony which are or may become vested in the Crown, and have not been, and are not, dedicated to some Public use, and shall include all Lands of the Crown which are or may be occupied for pastoral purposes under any Lease or Licence from the Crown :
- “ Gold Field.” “ Gold Field” shall mean any part of the Waste Lands of the Crown on which persons are or may be actually engaged in mining for Gold :
- “ Claim.” “ Claim” shall mean the portion of Land which each person or company is entitled to occupy, or to occupy and mine in, under any Miner’s Right, Licence, or Lease issued under the provisions of this Act :
- “ Business.” “ Business” shall mean and include any profession except that of a Medical Practitioner, and any trade, calling, or occupation except that of Mining, and any vending or disposing of any goods, wares, merchandize, or chattels, whether by hawking or in any other manner, except the hawking of milk, butter, vegetables, or other farm or garden produce :
- “ Authorised person.” “ Authorised person” shall mean and include all Ministers of Religion, Medical Practitioners, and Schoolmasters, and any Commissioner appointed under this Act, or Justice of the Peace, and any Clerk, Constable, or other person employed exclusively in the Government Service, and the Servants of such persons respectively residing with and in the actual employment of such persons upon any Gold Field, and all Females and all Children under the age of Fourteen Years who only reside and do not mine for Gold upon any Gold Field :
- “ Mining partnership.” “ Mining partnership” shall mean and include all partnerships and co-adventures entered into by Two or more persons for Mining purposes, not being a Company registered under *The Joint Stock Companies Act*.

Governor empowered to except defined area of Crown Land from operation of Sect. 19 of *The Waste Lands Act*.

2 It shall be lawful for the Governor in Council from time to time, by Proclamation in the *Gazette*, to except any area of the Waste Lands of the Crown described in such Proclamation from the operation of Section 19 of *The Waste Lands Act*, and any such Proclamation from time to time in like manner to revoke as to the whole or any portion of such area ; and as to the area in respect of which any such Proclamation is so revoked, the same may be dealt with as if it had never been included in any such Proclamation.

Applications to purchase auriferous Crown Land may be refused.

3 It shall be lawful for the Commissioner of Crown Lands to decline to accede to any application, or to enter into a contract, for the purchase of Land under Section 19 of *The Waste Lands Act* in any case in which the Land selected is known or supposed to be auriferous ; and the provisions of this Section shall extend to all applications to purchase Land made on or after the 19th day of *May*, 1859.

Miners’ Rights may be issued.

4 It shall be lawful for the Governor in Council, subject to the provisions of this Act and the Regulations to be made as hereinafter provided, to cause documents to be issued each of which shall be called

a Miner's Right, and shall be granted to any person applying for the same upon payment of such Fee, if any, not exceeding One Pound as may from time to time be fixed by the Governor in Council.

5 Every Miner's Right shall be in force for the period of Twelve Months from the date thereof, and shall during the said period authorise the holder to mine for Gold upon any of the Waste Lands of the Crown, and to occupy, except as against Her Majesty, for the purpose of residence in connection with the object of Mining so much of the said Lands as may be prescribed under the Regulations or Local Rules to be made as hereinafter mentioned, and, subject to such Regulations or Local Rules, for either of the purposes aforesaid to put up, and at any time to remove, any building or other erection, and also to cut and remove from such Lands, for Mining purposes and for personal use only, any trees growing thereon, and also to cut, construct, and use races and dams for Mining purposes through and upon any Waste Lands of the Crown, and to divert and use for Mining purposes any water which Her Majesty could lawfully divert and use; and every such holder shall during the continuance of such Miner's Right be deemed in Law to be possessed, except as against Her Majesty only, of the Land which is occupied by virtue of such Miner's Right, and the property in such Land and every share and interest therein shall be deemed a chattel interest for all purposes; and during such continuance as aforesaid all Gold then being in and upon his Claim shall, except as against Her Majesty, be deemed in Law to be the absolute personal property of such holder: Provided, that no person shall be entitled by this Act, or under any such Regulation or Local Rule as aforesaid, to occupy for the purpose of residence more than Twenty perches of Land.

Duration and effect of Miners' Rights.

6 Nothing hereinbefore contained shall authorise any such person to occupy as aforesaid any Waste Land of the Crown which has been exempted by the Governor in Council from the operations of Mining, or which is lawfully and *bonâ fide* used as a yard or garden, or for any race or dam, or for any house, out-house, shed, or other building, or to cut or remove from any such Land any trees growing thereon, or to cut or construct any race or dam through or upon any such Land; but nevertheless it shall be lawful for the Governor in Council to authorise the holders of Miners' Rights to occupy under such Miners' Rights, and also to cut and construct races and dams for the purposes aforesaid through or upon any Waste Lands of the Crown which may have been so exempted as aforesaid, subject to such conditions and restrictions as the Governor in Council imposes.

Certain Lands exempted from Mining.

7 It shall be lawful for the Governor in Council, subject to the provisions of this Act and the Regulations to be made as hereinafter provided, to cause Licences to be issued which shall be in force for the period of Twelve Months from the dates thereof respectively, authorising the holder to occupy Waste Lands of the Crown for the purpose of carrying on business upon any Gold Field; and the Fee to be paid for every such Licence shall be such sum, if any, not exceeding Ten Pounds, as may from time to time be fixed by the Governor in Council.

Business Licences may be issued.

/ see Regulation
Sec 571

8 It shall be lawful for the Governor in Council to grant Leases for any term not exceeding Ten Years from the making of any such Lease of any auriferous Waste Lands of the Crown for Mining purposes, and also to grant water-rights and other easements for such purposes, and to fix the amount to be paid by way of rent or royalty for the same respectively: Provided always, that no such Lease shall be granted

Mining Leases may be granted.

until the expiration of One Month after notice of the intention to grant the same has been published in the *Gazette* by the Commissioner of Crown Lands.

Fees payable in advance, and appropriation thereof.

9 All such Fees as aforesaid, and all other Fees herein mentioned, shall be payable in advance, and, if not otherwise directed by this Act, shall be paid to Her Majesty, Her Heirs and Successors, and form part of the Land Fund.

Penalty for Mining or occupying Crown Land without authority.

10 Any person not being the holder of a Miner's Right or of a Lease under this Act who mines for Gold upon any Waste Lands of the Crown, and any person who employs any such unauthorised person so to mine, and any person not being the holder of a Miner's Right, Licence, or Lease duly empowering him in that behalf, and not being an authorised person within the meaning of this Act, who occupies any Waste Lands of the Crown in or becomes resident upon or at any Gold Field, shall incur a penalty not exceeding Ten Pounds.

Penalty for Mining on private Land without permission.

11 Any person who mines or employs any person to mine for Gold in any Land belonging to a private individual without the consent of the owner thereof or his duly authorised agent shall incur the like penalty as is mentioned in the last preceding Section.

Commissioners may be appointed.

12 It shall be lawful for the Governor in Council to appoint Officers, to be called Commissioners, who shall have power and authority, subject to the provisions of this Act and the Regulations and Local Rules to be made as hereinafter provided, to determine the extent and position of the Claim to which each person or company is entitled under any Miner's Right, Licence, or Lease issued under the provisions of this Act, and to mark such extent or cause the same to be marked.

Regulations of Governor in Council as to Documents.

13 It shall be lawful for the Governor in Council from time to time to make such Regulations, not being contrary to the provisions of this Act, as appear to be necessary, for prescribing the form of Documents and Leases to be issued under this Act, the modes, times, dates, and places of the issue thereof, and the conditions on which such Leases shall be issued, and such Regulations from time to time to alter, vary, or amend.

Regulations of Governor in Council as to Mining.

14 It shall be lawful for the Governor in Council, subject to the provisions of this Act, from time to time to make such Regulations as may appear to be necessary, for determining the quantity and form of Land which may be occupied for Mining purposes by virtue of any Miner's Right issued under this Act, the events on which the title to any Claim or to any share therein shall become forfeited or be deemed to be abandoned, the mode in which the right to any Land occupied by virtue of any Miner's Right issued under this Act or to any share or interest therein may be assigned, the mode in which Claims shall be worked, the quantity and form of Land and the sites which may be occupied for the purpose of residence or business by virtue of any Miner's Right or Business Licence issued under this Act, for registering Claims or any share or interest in any Claim, for imposing on such registration such reasonable Fee as may be necessary for the purpose of defraying the expenses thereof, for disbursing the said Fees for the purpose last aforesaid, for regulating the mode in which the rights and privileges conferred by any Miner's Right issued under this Act may be exercised or enjoyed, for limiting, qualifying, or restricting the exercise and enjoyment of such rights and privileges, for imposing on the exercise or enjoyment of such rights and privileges when exercised or enjoyed by

means of puddling machines, quartz machines, or other machines such reasonable and periodical Fees as may be necessary for the purpose of clearing and keeping clear the sludge and water channels connected with such machines, for disbursing the said Fees for the purpose last aforesaid, and generally all such Regulations as may be necessary for the protection of the holders of Miners' Rights and Business Licences issued under this Act in the exercise and enjoyment of the rights, privileges, and interest conferred by this Act; and to prescribe such penalty not exceeding Twenty Pounds for breach of any of such Regulations as the Governor in Council thinks fit.

15 All Regulations made by the Governor in Council under the authority of this Act shall be published in the *Gazette*, and shall take effect from the date of such publication, unless otherwise provided in such Regulations.

Regulations to be published in the *Gazette*.

16 The Regulations respecting auriferous Quartz Reefs on Crown Land made by the Governor in Council on the 4th day of *July*, 1859, are hereby confirmed, and shall, subject to the provisions of this Act, continue in force until revoked or altered by any Regulations or Local Rules made under the authority of this Act.

Existing Regulations continued.

17 It shall be lawful for any Commissioner appointed under this Act, or any Justice of the Peace, upon the complaint of any person holding a Miner's Right, or any Licence or Lease under the provisions of this Act, that any other person has encroached upon the Claim of the complainant, to proceed forthwith to the spot for the purpose of investigating the matter of such complaint, and to enquire into the case, and on his own view, or upon the oath of any witness, to determine the same in a summary way; and if it appears to such Commissioner or Justice that the person complained against has so encroached by occupying, mining, or undermining such Claim, or in any other way whatsoever, or that the person complaining has so encroached upon the Claim of the person complained against, it shall be lawful for such Commissioner or Justice to cause the person so found to have encroached as aforesaid, his servants, implements, goods and chattels, to be removed from the Claim so encroached upon.

Persons encroaching may be removed by a Commissioner or Justice.

18 It shall be lawful for any such complainant or person complained of, or for such Commissioner or Justice, previous to the hearing of any such complaint, to require that Two persons holding Miners' Rights or a Lease under this Act shall assist such Commissioner or Justice as Assessors, and thereupon such Commissioner or Justice shall select Two persons duly qualified from amongst those who are present and ready to attend and be sworn as such Assessors, or shall summon any number not exceeding Four persons duly qualified as aforesaid, and shall select Two from amongst those who may attend at the time appointed, and shall administer to such persons as may attend and be selected, whether summoned or not, an oath to the effect that such persons severally will well and truly enquire into the matter of the complaint then submitted and a true finding and decision give according to the evidence, and such persons so sworn shall be and act as Assessors, and such Commissioner or Justice and Assessors shall hear and determine every such complaint of encroachment, and shall also find whether any and what Gold has been unlawfully or improperly removed from such Claim, and whether any and what damage has been sustained by such encroachment, and the decision of a majority consisting of such Commissioner or Justice and One Assessor shall be binding.

Assessors may be called in.

Finding of Commissioner or Justice and Assessors.

Gold abstracted and damages awarded may be recovered.

19 It shall be lawful for such Commissioner or Justice and Assessors upon the hearing of any complaint as aforesaid, or for such Commissioner and any One Justice, or for any Two or more Justices upon proof of any Gold having been removed as aforesaid, of which any such finding as aforesaid shall be sufficient evidence, to cause any Gold which may have been taken or removed from such Claim to be summarily seized and delivered to the person encroached upon, and also to order any damages ascertained as aforesaid, not exceeding in amount Fifty Pounds, to be paid by the person so having encroached or trespassed, and in case of non-payment thereof to cause the same to be recovered by distress and sale of the goods and chattels of such person in the manner prescribed by Law for the recovery of any sum adjudged by Justices of the Peace as a pecuniary penalty or compensation: Provided, that no person shall be imprisoned for default in payment of any such damages for a longer period than Three Months.

If Assessors do not attend, Commissioner or Justice may adjourn.

In case the required number of Assessors do not attend adjourned meeting, the Commissioner or Justice may proceed.

20 In the event of the non-attendance of the requisite number of Assessors at the appointed time, the Commissioner or Justice present shall if required by either party adjourn the hearing of the complaint; and if at the time to which the same has been adjourned there is not a sufficient number of Assessors in attendance after due summons, such Commissioner or Justice may proceed to hear and decide with One such Assessor if One is in attendance, or without any Assessor if none is present; and the acts and decision of the said Commissioner or Justice and such Assessor as is in attendance, or of such Commissioner or Justice alone if no Assessor is in attendance, shall be as valid and effectual as if the regular number had been in attendance and had acted with such Commissioner or Justice: Provided, that during such adjournment as aforesaid the Commissioner or Justice may order the working of the Claim alleged to have been encroached upon to be suspended.

Fees may be demanded.

21 Previously to the entertaining of any complaint as aforesaid, such Commissioner or Justice shall demand and receive from the complainant a Fee of One Pound, and until such Fee has been paid such Commissioner or Justice shall refuse to attend to any such complaint: Provided, that if the decision is against the person complained of, such person may be ordered to repay such Fee to the complainant, and the determination by whom the Fee is to be paid shall, in every case, form part of the decision of such Commissioner or Justice, or such Commissioner or Justice and Assessors, as the case may be, and such Fee may be recovered as herein directed in regard to any compensation awarded to any complainant.

Penalty for non-attendance, &c., as Assessor.

22 If any person holding a Miner's Right or a Lease issued under the provisions of this Act, having been duly summoned, disobeys such summons and fails to attend at such time and place as may be named therein, or duly attends but refuses to be sworn as aforesaid, it shall be lawful for such Commissioner or Justice upon proof that such person was duly summoned, or upon such person refusing to be sworn, unless some reasonable cause for such non-attendance or refusal is made to appear to such Commissioner or Justice, to inflict a penalty not exceeding Five Pounds, which penalty may be levied in a summary way; and for the purpose of enforcing payment of any such penalty, the Commissioner shall have the powers of a Justice of the Peace; and every such person who attends in obedience to any such summons, and is

sworn to act as Assessor, shall be entitled to demand and receive the sum of Five Shillings for the hearing of every such complaint, which shall be paid by such of the parties as the Commissioner or Justice, with or without Assessors, as the case may be, may determine and order to pay the same.

23 Complaints of disturbance or infringement of rights to the use of water for Mining purposes may be heard and determined in like manner, as nearly as may be, as is hereinbefore provided in respect of complaints relating to encroachments; and the Commissioner or Justice, with or without Assessors, as the case may be, is hereby empowered to make such order and direct such proceedings as may be deemed necessary for remedying such disturbance or infringement.

Disturbance of water rights.

24 Any person who insults, assaults, obstructs, or resists any Commissioner or Justice, or any person duly authorised by any Commissioner or Justice to enter any Claim or Land or to perform any other act, or any other person in the performance of his duty or in the exercise of his powers under this Act, or who, after being removed by any Commissioner or Justice under the provisions of this Act from any Claim or other place, forcibly or clandestinely retakes or retains, or endeavours to retake or retain, possession thereof or of any portion thereof or of any share therein, or who upon or in consequence of any decision under this Act of any competent authority assaults or threatens to assault any person in whose favour such decision has been made, shall incur a penalty not exceeding Fifty Pounds.

Assault on Commissioner and other offences.

25 Upon Petition of not less than One hundred persons holding Miners' Rights or Leases under this Act at any Gold Field, and having held such Miners' Rights or Leases for not less than Three Months preceding the date of such Petition, it shall be lawful for the Governor in Council, by Proclamation, to declare such Gold Field to be a District for the purpose of forming a Local Court with the powers and authority hereinafter described, and to declare the name and define the limits of such District; and, from time to time, in like manner to vary and alter such limits; and after the publication of any such Proclamation the locality so described shall be and become a Gold Field District for the purposes of this Act.

Gold Field Districts may be proclaimed for purposes of Local Courts.

26 Every such Local Court shall consist of Ten Members to be elected as hereinafter directed, who shall be persons holding Miners' Rights or Leases under this Act.

Constitution of Local Courts.

27 For the purpose of holding the first election of the Members of any such Local Court, the Governor is hereby authorised to appoint a fit person to act as Chairman; and every election after the first shall be held by and before the Chairman for the time being of the Court.

Governor to appoint Chairman for purposes of first Elections of Members of Local Courts.

28 The Chairman shall name a place and time by public notification in such manner as may seem to him most desirable, which place shall be some convenient locality within the limits of the Gold Field District, and the time some day not less than Seven days nor more than Fourteen days from the date of the first publication of such notice, when and where a Public Meeting will be held of persons residing within such Gold Field District and holding Miners' Rights or Leases under this Act, for the purpose of electing Ten persons holding Miners' Rights or Leases under this Act as and to be Members of the Local

Election of Members of Local Courts.

Court; and at the time and place mentioned the Chairman shall attend and preside at such Meeting; and upon the name of any person qualified as aforesaid being proposed and seconded by persons also qualified as aforesaid as a Member of such Local Court such name shall be submitted to the Meeting, and if the Meeting signifies its approval of such name such person shall be declared by the Chairman to be duly elected a Member of such Court, and if such Meeting signifies its disapproval of such name such person shall be declared to be rejected, and so on until Ten persons qualified as aforesaid have been duly elected; and if any dispute or doubt arises as to the decision of such Meeting in any particular case, the said Chairman shall proceed by the best means available to him, either by dividing the Meeting into Two parts—those for the proposition and those against it—or otherwise to ascertain which side has the majority, and the decision of the Chairman shall be final, who in case of equality shall have a casting vote but otherwise shall not vote: Provided, that in case of any such doubt or dispute as aforesaid it shall be competent for the Chairman or any person qualified as aforesaid to demand the production of the Miner's Right or Lease under this Act of any person voting or speaking at such Meeting, and if such person cannot produce either of such before-mentioned documents his vote or voice shall not be considered at such Meeting.

Chairman to be elected.

29 The persons so elected shall elect One of their body as and to be the Chairman of the Local Court, and whenever the Office of Chairman becomes vacant the Members of such Local Court shall elect some other Member of the Court to be Chairman in his stead.

Duration of Office.

30 The Ten persons so elected as aforesaid shall continue Members of such Local Court for the period of Twelve Months from the date of such election unless they sooner retire or cease to be Members as hereinafter provided; and Five of such Members shall form a quorum, and the acts of such quorum shall be deemed to be the acts of the whole Court; and in the absence of the Chairman it shall be lawful for the Members present to appoint an Acting Chairman, who, during such absence, may exercise the powers of Chairman; and in all proceedings the decision of the majority shall be the decision of such Court, and in case of an equality of votes the Chairman shall have an additional or casting vote.

Quorum.

Acting Chairman.

Vacancies how caused and how filled.

31 If any Member of such Court absents himself from the Meetings of such Court for Four Weeks consecutively, or sends in his resignation in writing addressed to the Chairman, or in any way becomes incapacitated from attending such Court, such person shall cease to be a Member of such Court, and the Chairman shall call a Public Meeting of persons qualified as aforesaid for the purpose of electing some person to fill the vacancy thus caused, and at such Meeting the same proceedings, as nearly as may be, shall be had and taken as is herein directed to be had and taken at the first election of Members of such Court: Provided, that so long as there is a quorum any vacancy or deficiency in the number of Members of such Court shall not affect the proceedings thereof.

Yearly Election.

32 Fourteen days before the termination of the Twelve Months for which the Members of such Court were elected, the Chairman shall publicly notify a time when, and place where, a Public Meeting will be held for the purpose of electing Ten persons, being qualified as aforesaid, to serve for the ensuing Twelve Months as Members of the

Local Court in place of the Members whose period of Office will have expired; and at such Meeting the Chairman shall preside, and the same proceedings shall be had and taken, and the same provisions apply and be applicable, as are hereinbefore set forth in regard to the first election of Members of such Court; and the Members then elected shall be Members for the Twelve Months ensuing the date upon which the first elected Members retire; and so on every succeeding Twelve Months: Provided, that any Member retiring as aforesaid at the expiration of any Twelve Months shall, if otherwise qualified, be eligible to be re-elected: Provided also, that the omission to convene or hold any such Meeting at the particular time hereinbefore directed shall not prevent such Chairman, notwithstanding his period of Office may have expired, from convening such Meeting at a later period and acting as Chairman at such Meeting, or such later Meeting from proceeding to such election.

33 Every Local Court may appoint a Clerk; and shall have power to make Local Rules touching the Sittings and Proceedings of such Court, and all matters in respect of the Gold Field District for which the Court is established, as to which the Governor in Council is empowered to make Regulations by Section 14 of this Act; and upon the establishment of any Local Court the power of the Governor in Council to make such Regulations shall cease in respect of such Gold Field District, but all such Regulations theretofore made by the Governor in Council and then subsisting shall continue in force in such District until repealed or altered by any Local Rules as aforesaid; and no Local Rule shall be in force until it has received the assent of the Governor in Council and been published in the *Gazette*.

Local Court may appoint a Clerk and make Local Rules.

34 Every Local Court may take cognizance of any breach, whether of omission or commission, of the Regulations made by the Governor in Council under Section 14 of this Act, or of the Local Rules made by such Court as aforesaid, and may punish every such breach by the infliction in the case of a breach of any such Regulations of the prescribed penalty, and in the case of a breach of any such Local Rule, of a penalty not exceeding Ten Pounds for the first offence, and Twenty Pounds for any second or subsequent offence.

Breaches of Regulations and Local Rules may be enquired into by Local Courts.

35 It shall be lawful for the Chairman of any such Local Court upon complaint made by the holder of a Miner's Right, Lease, or Licence under this Act, that he is or has been whilst such holder engaged in a Mining partnership, and that a balance is due to him on account thereof, or upon the application of any such holder engaged in a Mining partnership that the same may be dissolved, and that the sums respectively due to the several members thereof may be ascertained and paid, to issue process to procure or compel the appearance before such Court of such members of the said partnership as appear to be necessary, and upon such appearance, or in default thereof after such process to procure and compel the same as aforesaid, or in the absence of such members of the said partnership as do not appear to be necessary parties to such case, it shall be lawful for such Court to inquire into and hear such complaint or application, and to order that such partnership shall be dissolved, and to ascertain and determine the amount to be paid by any one member to any other member or members thereof, and to order that such amount so determined, together with reasonable costs, shall be paid, or to make such other

Court may entertain partnership questions.

order as to such Court seems meet, provided that the amount payable to any one partner does not exceed Fifty Pounds.

Powers of Local Court.

36 The Chairman of every such Local Court shall have power to summon witnesses and to administer an oath to any such witness ; and also to commit for any period not exceeding Fourteen days any person refusing to be sworn, or committing any other contempt in such Court ; and also to issue a Warrant to compel the attendance of any necessary witnesses ; and no proceedings in such Court shall be quashed for want of form ; and such Court shall have power to award reasonable costs to either party in any matter brought before such Court ; and the orders or awards of such Court shall and may be carried out or enforced by the Chairman of such Court in the manner in which Justices of the Peace are now by Law authorised to enforce any order made in any Court of Petty Sessions.

Stealing Gold.

37 If any person steals or severs with intent to steal any Gold from any Claim or from any Land comprised in any Lease granted under this Act every such offender shall be guilty of felony and being convicted thereof, shall be liable to be punished in the same manner as in cases of simple larceny.

Forgery of mining Documents or Leases.

38 If any person forges or alters any Document or Lease authorised to be issued under this Act, or uses or utters any such forged or altered Document or Lease knowing the same to be forged or altered with intent in any of the cases aforesaid to defeat the provisions of this Act, or to defraud, he shall be guilty of a misdemeanor, and shall on conviction before the Supreme Court be subject to imprisonment for any period not exceeding Three Years, with or without hard labour, at the discretion of the Court.

Penalty for concealing Royalty.

39 If the holder of any Lease issued under the provisions of this Act by any fraudulent device or contrivance defrauds or attempts to defraud Her Majesty of any Gold or money payable or reserved by such Lease, or with such intent as aforesaid conceals or makes a false statement as to the amount of any Gold procured by him, such person shall be guilty of a misdemeanor, and shall on conviction thereof before the Supreme Court be subject to fine and imprisonment at the discretion of the Court.

Punishment of fraud on partners.

40 If any person with intent to defraud his co-partner, co-adventurer, joint tenant or tenant in common in any Claim, or in any share or interest in any Claim, secretly keeps back or conceals any Gold found in or taken from such Claim, every such person shall be guilty of felony, and being convicted thereof shall be liable to be punished in the same way as if he had feloniously stolen the same.

Witness must answer questions which may criminate.

41 No person shall, in any civil Suit, Action, or proceeding, be permitted to refuse to answer any question which is relevant and material to the matter in issue on the ground that he may criminate himself under the last preceding Section, but no answer given by any such person shall be given in evidence upon the trial of any Information for any offence committed under such Section.

Regulations and Local Rules to be

42 Every Regulation made by the Governor in Council, and Local Rule made by any Local Court under the authority of this Act, shall

be laid before the Legislative Council and House of Assembly within Fourteen days from the making thereof or of the Governor's assent thereto, as the case may be, if Parliament is then in Session, and if not, then within Fourteen days after the commencement of the next Session thereof. laid before Legislature.

43 All proceedings for any infringement of any of the provisions of this Act, or of any of the Regulations established by the Governor in Council as aforesaid, the hearing and determining of which is not herein otherwise specially provided for, shall be had and taken by or before any Two or more Justices of the Peace in a summary way in the mode prescribed by *The Magistrates Summary Procedure Act*; and no such proceeding shall be removed by *Certiorari* or otherwise into the Supreme Court. Summary proceeding for offences. 19 Vict. No. 8.

44 Any person ordered or adjudged to forfeit or pay any penalty, damages, compensation, or forfeiture amounting to Ten Pounds or upwards, who feels himself aggrieved by the judgment of the Local Court, or Commissioner, Justice, or Justices, with or without Assessors, adjudicating, or before whom he was convicted, may appeal therefrom in the mode prescribed by *The Appeals Regulation Act*. Appeal. 19 Vict. No. 10.

45 Nothing in this Act contained shall be deemed to abridge or control the Royal Prerogative. Saves Royal Prerogative.

46 This Act shall commence and take effect on the First day of *October*, 1859. Commencement of Act.

47 In referring to this Act it shall be sufficient to use the expression *The Gold Fields Regulation Act*, 1859. Short title.

