

T A S M A N I A



1893.

ANNO QUINQUAGESIMO-SEPTIMO

VICTORIÆ REGINÆ,

No. 24.

AMENDED by Act No. 63
AS PASSED by the Legislative Council

63 No 36
63 " " 39
63 " " 45 deep sinking

Repealed by Act No. 10 of 1894

AN ACT to consolidate and amend the Law A.D. 1893.
relating to Mines and Mining.

[14 November, 1893.]

WHEREAS it is desirable to consolidate and amend the Law PREAMBLE.
relating to Mines and Mining:

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 This Act may be cited as "The Mining Act, 1893." Short title.
- 2 This Act shall come into operation and shall take effect on the First Commencement
day of *March*, 1894. of Act.
- 3 This Act shall be divided into Parts as follows:— Division of Act.
 - Part I.—Preliminary. Sect. 4 to 17.
 - Part II.—Licences and Miners' Rights. Sect. 18 to 33.
 - Part III.—Leases. Sect. 34 to 48.
 - Part IV.—Water Rights and Easements. Sect. 49 to 56.
 - Part V.—Mining Operations. Sect. 57 to 87.
 - Part VI.—Regulation of Mines. Sect. 88 to 115.
 - Part VII.—Drainage of Mines. Sect. 116 to 124.
 - Part VIII.—Deposit of Tailings. Sect. 125 to 128.
 - Part IX.—Holdings for Cultivation. Sect. 129 to 135.

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Part X.—Association of Minerals. Sect. 136 to 142.

Part XI.—Timber Rights. Sect. 143 to 146.

Part XII.—Administration of Justice. Sect. 147 to 169.

Part XIII.—Regulations. Sect. 170 to 171.

Part XIV.—General Provisions. Sect. 172 to 199.

PART I.

PRELIMINARY.

Interpretation.

4 In this Act, and the Regulations made hereunder, if not inconsistent with the context thereof, the following words and terms shall have the respective meanings hereby assigned to them; that is to say:—

“Any former Act” means any Act heretofore in force relating to the leasing or occupation of Crown Lands for mining purposes:

“Claim” means the portion of land which each person or body of persons is entitled to occupy, or to occupy and mine and work, under the authority of this Act or of any former Act, and includes a Water Right and a Mining Easement:

“Commissioner” means one of the Commissioners of Mines:

“Crown Lands” means any lands in *Tasmania* which are or may become vested in the Crown, and have not been and are not dedicated to some public use, and includes all Lands of the Crown, which are or may be occupied for mining, pastoral, or other purposes under any Lease, Licence, or other Right from the Crown:

“Earth” includes any rock, stone, quartz, clay, sand, or soil:

“*Gazette*” means *The Hobart Gazette*:

“Gold” signifies as well any gold as any earth, clay, quartz, stone, or other substance containing gold, or having gold mixed therein, or set apart for the purpose of extracting gold therefrom:

“Inspector of Mines” or “Inspector” means any Inspector of Mines appointed under this Act:

“Lessee” means any person or body of persons to whom a lease has been granted, assigned, or transferred, or in whom any lease is vested under this or any former Act:

“Machinery” shall mean and include steam and other engines, boilers, furnaces, stampers, winding and pumping gear, whims, windlasses, chains, trucks, tramways, tackle, blocks, ropes, tools, and all electric and other appliances of whatsoever kind used in or about a mine or elsewhere for the treatment of mine products or for mining purposes:

“Mine” shall mean and include any claim, place, pit, shaft, drive, level, or other excavation, drift, gutter, deposit, lead, vein, lode, or reef wherein, or whereby, is or shall be, or has been carried on, any operation for or in connection with the purpose of obtaining any gold or mineral by any mode or method, or of stacking, or otherwise storing any substance as containing any gold or mineral, or wherein operations are carried on for the treatment of mine products:

“Mine,” used as a verb, extends to and includes any mode or method whatsoever whereby any earth may be disturbed, removed, carted, carried, washed, sifted, smelted, refined,

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crushed, or otherwise dealt with for the purpose of obtaining any gold or mineral, whether the same may have been previously disturbed or not, as well as the appropriation of such gold or mineral by the finder thereof to his own use:

- “Mineral” means any metal or mineral except gold and the ore of any such metal or mineral:
- “Mining Field” shall mean any Crown Land on which persons are or may be actually engaged in mining for gold or minerals, and also any Mining Field duly proclaimed under this Act:
- “Mining Manager” shall mean the person in charge of and having the control and direction of mining operations in a mine, and registered as hereinafter provided, and also any person under whose immediate direction or control contractors or tributors are working in a mine:
- “Mining partnership” means and includes all partnerships and co-adventures entered into by Two or more persons for mining purposes, not being a registered Company:
- “Mining purposes” means the intention to mine and work land for gold and minerals and the ores of minerals:
- “Mine Owner” and “Owner” means any person who is the immediate proprietor, or lessee, or licensee, or occupier of any mine or any part thereof, and does not include a person who merely receives a royalty, rent, tribute, or fine from a mine, or is merely the proprietor of a mine subject to any lease, grant, or licence for the working thereof; and, in the case of a company incorporated under any Act relating to Mining Companies or Joint Stock Companies, shall include the manager or agent of such Company, and in any other case the person having the management of mining operations carried on in any mine; but any contractor or tributor for the working of any mine or any part thereof, or for doing any specific work therein, shall be subject to this Act in like manner as if he were an owner, but so as not to exempt the owner from any liability:
- “Minister” means the Responsible Minister of the Crown for the time being administering this Act, who shall, when doing or performing any act, matter, or thing hereunder, be styled or called the “Minister of Mines”:
- “Person” includes any body of persons, whether corporate or unincorporate, and also any mining partnership or co-adventure entered into by two or more persons for mining purposes and not registered as a Company:
- “Prescribed” means prescribed by Regulations under this Act:
- “Road” shall mean any road, street, or highway.

5 From and after the commencement of this Act the several Acts mentioned in the Schedule to this Act, to the extent therein mentioned, are hereby repealed; but such repeal shall not affect—

Repeal and saving clause. Schedule.

- i. The past operation of any of the said Acts:
- ii. Anything lawfully done under any Act hereby repealed:
- iii. Any right, title, interest, or privilege acquired or which might have been acquired, or any liability incurred, under any Act hereby repealed or any Regulations made thereunder:
- iv. Any appointment made under any Act hereby repealed:

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v. Any penalty, forfeiture, or other punishment incurred in respect of any offence against any Act hereby repealed or any Regulations made thereunder :

vi. Any suit or other proceeding pending in any Court, or before any Judge, Commissioner, or other person.

Existing rights not affected.

6 Every Miner's Right, Consolidated Miner's Right, Residence Licence, Business Licence, Water Right, Mining Easement, Lease or Licence issued under any former Act, and in force on the day on which this Act comes into operation, shall respectively continue in force, and confer the same rights and privileges, and entail the same obligations and penalties, as if this Act had not been passed; and all questions arising in relation to any such former Act or any title acquired thereunder shall, notwithstanding the repeal of such Act, be determined under such Act and not under this Act; and any such former Act, so far as may be necessary for the determination of such questions, shall be deemed to be unrepealed and in full force.

Proclamations, &c. to continue in force.

7 All Proclamations, appointments, awards, orders, and regulations or rules made under any former Act, and in force on the day on which this Act comes into operation, shall, if not inconsistent with the provisions of this Act, be deemed to have been made under this Act, and shall continue and be in force until respectively amended, altered, or revoked under the provisions of this Act.

Commissioners continued.

8 Every person appointed a Commissioner of Gold fields or Commissioner of Mines under any former Act, and in office when this Act comes into operation, shall continue in office and be deemed to have been appointed a Commissioner of Mines under this Act, and shall be subject to its provisions.

Inspectors continued.

9 Every person appointed an Inspector of Mines under any Act hereby repealed, and in office when this Act comes into operation, shall continue in office, and be deemed to have been appointed an Inspector of Mines under this Act, and shall be subject to its provisions.

Registrars continued.

10 Every person appointed a Registrar of Mines or Registrar of Gold Fields under any former Act, and in office when this Act comes into operation, shall continue in office, and be deemed to have been appointed a Registrar of Mines under this Act, and shall be subject to its provisions.

Proclamations, &c. may apply to whole or part of Colony, and may be altered.

11 Every Proclamation, Regulation, or Order authorised to be made under this Act may be made from time to time, and may be made applicable to the whole of *Tasmania*, or to such portion or portions thereof as may be mentioned in such Proclamation, Regulation, or Order, and may be made applicable to particular classes of claims within such portion or portions, and may be made to apply in any manner partially or generally in relation to matter, person, or place. And in similar manner may from time to time be amended, altered, revoked, or cancelled in part or in whole, either in relation to matter, person, or place.

Secretary for Mines may be appointed.

12 It shall be lawful for the Governor in Council from time to time to appoint such person as he thinks fit as and to be Secretary for Mines,

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who shall by virtue of such appointment be also a Commissioner of Mines under and for the purposes of this Act, and to revoke any such appointment; and the person so appointed shall carry out the duties imposed upon him by this Act, and such other duties as may be assigned to him by the Minister. A.D. 1893.

The person holding the office of "Secretary of Mines" under the appointment of the Governor in Council when this Act comes into operation shall be deemed to have been appointed Secretary for Mines under this Act, and shall be subject to its provisions.

13 It shall be lawful for the Governor in Council from time to time to appoint such person or persons as he sees fit as and to be a Commissioner of Mines or Commissioners of Mines for *Tasmania*, and to revoke any such appointment. Commissioners may be appointed.

14 It shall be lawful for the Governor in Council from time to time to appoint such person or persons as he sees fit as and to be an Inspector of Mines or Inspectors of Mines for *Tasmania* or any part thereof, and to revoke any such appointment. Inspectors of Mines may be appointed.

15 It shall be lawful for the Governor in Council to appoint such person or persons as he sees fit as and to be Registrar of Mines or Registrars of Mines for *Tasmania* or any part thereof, and to revoke any such appointment. Registrars may be appointed.

16 No person appointed as Secretary for Mines, or Commissioner of Mines, or Inspector of Mines, shall during his continuance in office as such be allowed to hold any interest whatever in any mine in *Tasmania*. Officers not allowed to hold interest in mine.

17 The Governor in Council may proclaim such portion of the Crown Lands of the Colony as he sees fit as and to be a Mining Field for the purposes of this Act: and any Gold Field proclaimed under any former Act shall, if such Proclamation remains unrevoked when this Act takes effect, be deemed to have been proclaimed as a Mining Field under this Act. Mining Field may be proclaimed.

PART II.

LICENCES AND MINERS' RIGHTS.

(1.) *Prospectors' Licences.*

18—(1.) Prospectors' Licences, each of which shall be in force until the Thirty-first day of *December* next after the date thereof, may be issued to any person applying for the same upon payment of the sum of Ten Shillings. Prospectors' Licences may be issued.

Provided that when such Prospector's Licence shall be applied for after the Thirtieth day of *June* in any year, the fee payable for such Prospector's Licence for the remaining portion of the year shall be Five Shillings.

(2.) Any such Prospector's Licence may be issued to the Manager of a Mining Partnership, or to the Manager of a duly registered

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Mining Company, or the registered Agent of a Mining Company not registered in *Tasmania* for and on behalf of the said Partnership or Company, as the case may be.

(3.) Every Prospector's Licence shall be in such form, and be subject to such conditions, as may be prescribed.

Privilege
conferred by
Prospector's
Licence.

19 Every Prospector's Licence shall, subject to the provisions of this Act and the Regulations made hereunder, entitle the holder thereof during the continuance of such licence to prospect for Gold and Minerals upon any such area of Crown Lands as may be prescribed; and any discoveries made in the course of such prospecting by the holder of any such licence shall be protected in such manner as may be prescribed.

Discoveries made
by prospecting
parties joint
property of
prospectors.

20 Where any persons jointly contribute towards prospecting for Gold or Minerals, whether such contribution be by way of money, labour, or otherwise, all discoveries made in the course of such prospecting which such persons shall be entitled to take up as a claim under this Act shall be, except when otherwise agreed, the joint property in equal shares of the persons so contributing; and in all proceedings relating to such prospecting or discoveries evidence written or verbal may be received.

(2.) *Reward Claims.*

Discoverer of
Gold or Minerals
may have lease at
a peppercorn rent.

21—(1.) It shall be lawful for the Minister, with the consent of the Governor in Council, subject to the provisions of this Act and any Regulations made hereunder, to grant to any person who shall discover Gold or Minerals, under such circumstances and conditions as may be prescribed, a Lease at a peppercorn rent of any such area of Crown Land as may be prescribed.

(2.) The Minister may refuse to grant such Lease whenever it shall appear to him that the applicant is not justly entitled to the same.

(3.) *Miners' Rights and Consolidated Miners' Rights.*

Interpretation.

22 In this Part of this Act—

“Gold Mining purposes” shall mean the purpose of obtaining gold by any mode or method whatsoever whereby any earth 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 previously disturbed or not, as well as the appropriation of such gold by the finder thereof to his own use.

Miners' Rights
may be issued.

23 It shall be lawful for the Governor in Council to cause documents, to be called Miners' Rights, to be issued in such form as may be prescribed; and every such Miner's Right shall be in force for any period not exceeding Ten years from the date thereof, and shall be granted to any person applying for the same upon the payment of a sum at the rate of Five Shillings for every year for which the same is to be in force: Provided, that where such Miner's Right shall be applied for after the Thirtieth day of *June* in any year, the fee payable for such

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Miner's Right for the remaining portion of the year shall be Two Shillings and Sixpence. A.D. 1893.

Every such Miner's Right shall be deemed to expire on the Thirty-first day of *December* in the year or last year of the period for which it shall have been granted.

Every Miner's Right shall be subject to such conditions, and be issued by such persons, as may be prescribed.

24 It shall be lawful for the Governor in Council to cause other documents to be issued, each of which shall be called a Consolidated Miner's Right, and shall be in force for any period not exceeding Ten years; and any such document shall, on the application of the Manager of any company of persons who shall have agreed to work in partnership any claim or claims registered as may be prescribed, be granted to such Manager, on behalf of the persons who shall from time to time be members of such company or partnership; and such Consolidated Miner's Right shall be in lieu of and shall represent and be of the same force and effect as a number of Miners' Rights granted for the same period of time equal to the number of Miners' Rights by virtue of which the said claim or claims shall have originally been taken possession of, and the same shall be subject to such conditions as may be prescribed, and shall be granted upon payment of a sum at the rate aforesaid multiplied by the number of Miners' Rights which the same is to represent. Consolidated Miners' Rights may be issued.

25 If any person or body of persons who shall be the holder or holders of a Miner's Right or Consolidated Miner's Right shall within One month before the expiration of such Miner's Right or Consolidated Miner's Right make application to the proper officer to take out a new Miner's Right or Consolidated Miner's Right, as the case may be, such officer shall issue to the applicant a new Miner's Right or Consolidated Miner's Right, as the case may be, dated the day following the day of such expiration, upon payment by such applicant of the fee or fees respectively payable under the two immediately preceding Sections. Renewal of Miner's Right or Consolidated Miner's Right.

26 A Miner's Right or Consolidated Miner's Right may be issued to the Manager or Agent of a Mining Partnership, or to the Manager of a duly registered Mining Company, or to the registered Agent of a Mining Company not registered in *Tasmania*, for and on behalf of the said Partnership or Company, as the case may be. Miner's Right may be issued to Manager of Company.

27 No person shall at one time hold more than One Miner's Right, and every person holding a Miner's Right or Consolidated Miner's Right shall produce the same upon demand to a Commissioner, or Registrar, or to any Constable, or to any Bailiff of Crown Lands, or to any other person duly authorised by a Commissioner to demand the same; and if such person shall not produce the same when demanded he shall, upon conviction, be liable to forfeit and pay a penalty not exceeding Five Pounds. No person to hold more than One Miner's Right, and to produce the same on demand.

28 Any person or body of persons who shall be the holder or holders of a Miner's Right or Consolidated Miner's Right shall, subject to the provisions of this Act, and to the Regulations made hereunder, be entitled (except as against Her Majesty)— Privileges conferred by a Miner's Right or Consolidated Miner's Right.

To take possession of, mine, and occupy for gold-mining purposes any Crown Land on any Mining Field, or any other Crown

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Land, except such land in respect of which an application to lease may be pending, and in respect of which the Secretary for Mines shall have given permission to work as provided in Part III. of this Act :

To cut, construct, and use races, dams and reservoirs, roads and tramways which may be required for gold-mining purposes through and upon any Crown Land and any claim or claims :

To take or divert water from any spring, lake, pool, or stream which Her Majesty can lawfully take and divert, and to use such water for gold-mining purposes, and for his or their own domestic purposes :

To cut, construct, and use any tail-race, drain, or other easement through or upon any Crown Lands or any claim or claims :

To take possession of and occupy the surface of any Crown Lands on any Mining Field for the purpose of residence :

To put up and to remove any building or other erection :

To cut timber on and to remove the same, and to remove any stone, clay, or gravel from any Crown Land upon any Mining Field for the purpose of building for himself or themselves any place of residence or business, or for gold-mining purposes :

To cut and remove firewood for his domestic use from any Crown Land upon any Mining Field so as not to interfere with the rights of any lessee :

To take possession of Crown Land and mine thereon for Tin in alluvial deposit in such portions of *Tasmania* as the Governor in Council may from time to time proclaim.

And any person or body of persons so taking up and occupying Crown Land as aforesaid shall, subject as aforesaid, be deemed in law to be possessed (except as against Her Majesty) of such lands so taken up and occupied ; and the property therein, and every share or interest which may be created therein under this Act or the Regulations, shall be deemed a chattel interest ; and the holder or holders of any such land taken up and occupied as aforesaid for gold-mining purposes and for the purpose of residence may transfer, assign, or encumber the same.

Mining under
Residence Areas.

29 Any person or body of persons, being the holder or holders of a Miner's Right or of a Consolidated Miner's Right, may, subject to the provisions of this Act, and of the Regulations made hereunder, mine at such depth below the surface as shall be prescribed under and in any land held under a Residence Licence.

(4.) *Residence Licences.*

Residence
Licences may be
issued.

30—(1.) Residence Licences, each of which shall be in force for any period not exceeding Twenty-one years from the date thereof, may be issued to any person applying for the same, upon payment of a sum at the rate of Ten Shillings for every year for which the same is to be in force : Provided, that where such Residence Licence shall be applied for after the Thirtieth day of *June* in any year the fee payable for such Residence Licence for the remaining portion of the year shall be Five Shillings.

(2.) Every Licence shall be deemed to expire on the Thirty-first day of *December* in the year or last year of the period for which it shall have been granted.

(3.) Any such Residence Licence may be issued to the Manager or Agent of a Mining Partnership, or to the Manager of a duly registered

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Mining Company, or to the registered Agent of a Mining Company not registered in *Tasmania* for and on behalf of the said Partnership or Company, as the case may be. A.D. 1893.

(4.) No person shall at one time hold more than one Residence Licence, and every such Licence shall be in such form and be subject to such other conditions as may be prescribed.

(5.) The holder of a Residence Licence shall produce the same upon demand to a Commissioner, or Registrar, or to any Constable or to any Bailiff of Crown Lands, or to any other person duly authorised by a Commissioner to demand the same; and if such person shall not produce the same when demanded he shall upon conviction be liable to forfeit and pay a penalty not exceeding Five Pounds.

31—(1.) Every Residence Licence shall, subject to the provisions of this Act and of the Regulations made hereunder, entitle the holder thereof during the continuance of such Licence to occupy, for the purpose of residence or of carrying on his business, such an area of Crown Land as may be prescribed, and for the purposes aforesaid to put up any building or other erection, and to remove the same; and every such holder shall, during the continuance of such Licence, be deemed in law to be possessed (except as against Her Majesty) of the surface of the land which he shall occupy by virtue of such Licence, and the property in such land shall be deemed a chattel interest. Privileges conferred by Residence Licence.

(2.) Where any holder of a Residence Licence desires to occupy under such Licence any portion of Crown Land already demised under the provisions of this or any former Act, he shall, before doing so, obtain permission in writing for that purpose from a Commissioner, and pay compensation to the Lessee of such Land for the loss or inconvenience such Lessee may incur by such occupation; and such compensation shall be ascertained by arbitration in such manner as may be prescribed.

32 If any person who shall be the holder of a Residence Licence shall one month before the expiration thereof make application to the proper officer to take out a new Licence, such officer shall, upon payment of the fee hereinbefore provided, issue to the applicant a new Licence dated the day following the day of such expiration. Renewal of Residence Licence.

33 The holder of any Residence Licence may transfer the same to any other person by endorsement thereon signed by him in the presence of and attested by a witness; and another Licence shall be granted to the person named in such endorsement upon production and surrender of such Licence so endorsed, and upon payment of a fee of Two Shillings and Sixpence; and every such last-mentioned Licence shall be dated of the day and at the place of the issuing thereof, and shall be in force for the then unexpired period of the Licence first endorsed as aforesaid. Residence Licence may be transferred.

PART III.

LEASES.

34—(1.) It shall be lawful for the Minister, with the consent of the Governor in Council, to grant to any person a Lease of Crown Land, subject to the provisions of this Act and the Regulations made hereunder, for mining purposes, and for cutting or constructing thereon races, drains, dams, reservoirs, roads, or tramways to be used in Leases may be granted for mining purposes; races, drains, &c.

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connection with such mining purposes, or for erecting thereon any building or machinery to be used for mining purposes, for pumping or raising water from such land, or for any or all of those purposes, and also for residence in connection with any of such purposes.

(2.) Upon the applicant paying in advance the rent of the land applied for, for such period as may be prescribed, the Secretary for Mines may grant to such applicant permission in writing in such form as may be prescribed to erect works on and to remove any Gold or Minerals from the land applied for; and it shall be lawful for the Secretary for Mines to suspend by order under his hand the operation of any such permission in any case where any dispute shall arise in respect of such land subsequent to the issue of such permission.

(3.) If the land applied for contains Gold the lease may be for any term which may be required by the applicant not exceeding Ten years, and the area comprised in such Lease shall not exceed Ten acres.

(4.) If the land applied for contains minerals other than coal, shale, slate, freestone, or limestone, the lease may be for any term which may be required by the applicant not exceeding Twenty-one years, and the area comprised in such lease shall not exceed Eighty acres.

(5.) If the land applied for contains coal, shale, slate, freestone, or limestone, the lease may be for any term which may be required by the applicant not exceeding Twenty-one years, and the area comprised in such lease shall not exceed Three hundred and twenty acres.

Provided that the Minister may, with the consent of the Governor in Council, grant to any person a lease of a greater area of land than is provided for by this section, under such circumstances and conditions as may be prescribed.

Privileges conferred by a lease.

35 Any lessee shall, subject to the provisions of this Act and of the Regulations made hereunder, be entitled (except as against Her Majesty) to cut timber on and to remove the same, and to remove any stone, clay, or gravel from any Crown Lands not leased for mining purposes or occupied under Miner's Right, Consolidated Miner's Right, or Residence Licence, for the purpose of building for himself or themselves any place of residence on the leased claim, or for mining purposes thereon, or for the domestic purposes of those engaged in mining thereon.

Mining under Residence Areas and Reserves.

36 Any person or body of persons being the holder or holders of a lease may, subject to the provisions of this Act and of the Regulations made hereunder, mine at such depth below the surface as shall be prescribed under and in any Public Reserve, or any land held under a Residence Licence.

Leases of lands reserved for roads, &c.

37 It shall be lawful for the Minister, with the consent of the Governor in Council, to grant leases for mining purposes, for such period as shall be prescribed not exceeding Twenty-one years, on such terms and conditions, and subject to the provisions of this Act and the Regulations made hereunder, as the Minister sees fit, of—

- i. Any lands reserved by the Governor in Council for roads or other internal communication, whether by land or water :
- ii. Any land reserved along the margin of any river or stream or along the sea shore :
- iii. Any land forming part of the sea shore, and any land below low-water mark adjacent to the sea coasts of *Tasmania* :

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- iv. Any land reserved by the Governor in Council for any public purpose. A.D. 1898.

But no such lease shall extend to the total obstruction of any road or reservation, or the endangering or preventing the use or enjoyment thereof; and every such lease shall contain a clause in the nature of a condition of forfeiture in case of the breach or non-performance of any of the conditions to be contained in such lease.

38 It shall be lawful for the Minister, with the consent of the Governor in Council, at any time to refuse to grant any lease or leases under this Act of— Governor may refuse lease and sell same by auction.

- i. Any Crown Reserve, or of any Crown Lands which shall have been previously exempted from the operation of this or any former Act, or which shall have been previously reserved, or
- ii. Any land which has been, is being, or is about to be, tested by the Minister for mining purposes, or
- iii. Any land which it may appear to the Minister to be undesirable to lease, or
- iv. Any land forming the bed of any river, or lake, or lagoon.

And thereupon the right to a lease or leases of any such land may be put up for sale by public auction, in such areas and at such upset annual rental or rentals as the Minister shall think fit: Provided such upset rental shall not in any such case be less than the annual rental prescribed by this Act; and provided also that notice of such sale shall be given in the *Gazette* and some public newspaper for at least one month previous to such sale.

39—(1.) The amount to be paid by way of rent for any lease under this Act, save as is otherwise hereinbefore provided to the contrary, shall be as follows:— Scale of rent.

- i. For all lands containing Gold, any sum not less than One Pound per acre per annum:
- ii. For all lands containing Coal, Shale, Slate, Freestone, or Limestone, any sum not less than Two Shillings and Sixpence per acre per annum:
- iii. For all lands containing any other Minerals, any sum not less than Five Shillings per acre per annum.

(2.) The rent for every lease under this or any former Act shall, except as hereinafter mentioned, be payable on the First day of *July* in every year; and in the event of any such lease expiring on a day other than the First day of *July* in any year, a proportionate part of such rent shall be paid on the First day of *July* immediately preceding the expiration of such lease for the then unexpired portion thereof.

(3.) Whenever the rent for a lease under any former Act shall next fall due after the commencement of this Act on a day other than the First day of *July* in the same year, a proportionate part of such rent shall be paid in advance for the period between such day and the First day of *July* next after such day; and where any lease shall be hereafter granted after the First day of *July* in any year, then a proportionate part of the rent for such lease shall be paid in advance for the period ending on the Thirtieth day of the month of *June* following the date of such lease.

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Form of lease.

40—(1.) Every lease granted under this Act shall be in such form and to such effect, and shall contain such reservations, covenants, provisoes, and particulars as shall be prescribed, or with such modifications thereof or additions thereto as the circumstances of the case may require, and as the Minister may think proper to be inserted therein.

(2.) Each lease shall be by deed and shall be in duplicate, one part whereof shall be signed, sealed, and delivered by the Minister, and the other part shall be signed, sealed, and delivered by the lessee, and shall bind such lessee, his executors, administrators, and assigns, to occupy, mine, and work the land described therein under and subject to the conditions and stipulations and grounds of forfeiture set forth therein.

Amalgamation of claims and consolidation of leases.

41—(1.) In any case in which it is made to appear to the satisfaction of the Governor in Council that greater facilities for the working of adjoining claims for which applications for leases have been made would be ensured by the issue of one lease for the whole of the said claims, or where lessees shall apply to surrender any leases of lands contiguous to each other in order to have a new lease granted to them or their assigns, of the whole of the lands included in their respective leases, it shall be lawful for the Governor in Council, subject as herein mentioned, to authorise the grant of one lease for the whole of the said claims, or to grant such application for a new lease or some modification thereof, and to fix the term of the new lease, or refuse the same, as may appear necessary and expedient.

(2.) When the land comprised in any such consolidated or new lease shall be leased for the purpose of mining for Gold, the area comprised in such consolidated or new lease shall not exceed in the whole Thirty acres of land.

(3.) When the land comprised in any such consolidated or new lease shall be leased for the purpose of mining for Minerals, the area comprised in such consolidated or new lease shall not exceed in the whole One hundred and sixty acres of land.

(4.) Where a new lease is granted in lieu of leases which have been surrendered, such new lease shall be for a term not exceeding the number of years for which the surrendered leases might have been granted in the first instance.

(5.) Every such consolidated lease shall be granted upon payment of such fee for each claim included therein as may be prescribed, and shall be subject to the provisions of this Act, and the lessee shall be entitled to all the rights, easements, and privileges of the original lessees, but so far only as the same are incident or appurtenant to the original claims included in such consolidated lease respectively.

Lease may be transferred.

42 Any lessee may, upon payment of all such fees as may be prescribed, transfer or assign his interest in the lease to any other person, who shall for all purposes be deemed to be the lessee of the land described in such lease; and such transfer or assignment shall be by deed, and in such form as may be prescribed; and a copy thereof shall be deposited in the Office of the Secretary for Mines, and no assignment or transfer shall be binding on the Minister until such assignment or transfer has been registered in the said Office and a copy of the same shall have been so deposited.

Leases may be declared void in certain events.

43 It shall be lawful for the Governor in Council, on the application of the Minister, to declare any lease issued under this or any former Act to be void and forfeited—

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- (a.) If the rent is not paid yearly in advance to the Treasurer ; A.D. 1893.
- (b.) If the conditions of the lease with respect to the employment of labour or expenditure of money, as the case may be, have not been complied with :
- (c.) If the lessee permits any portion of the land to be occupied for other than mining purposes without the permission in writing of the Minister : but nothing herein contained shall prevent the said lessee from allowing any and every miner employed by such lessee on such land to occupy, at a peppercorn rent, a portion of such land for the purpose of residence, garden, yard, and other conveniences, not exceeding in any case one acre, or from depasturing cattle used in connection with the working or mining of such land :
- (d.) If the lessee is convicted of having feloniously stolen or severed with intent to steal any gold or mineral from or under any land not leased to or owned by him.

No lease shall be declared void and forfeited under this Section until Thirty days' notice of the intention of the Minister to apply to have such lease declared void and forfeited has been given in the *Gazette*, and also to such lessee in such manner and form as may be prescribed.

44 When any person is possessed of or holds more than one area of land which might be included in a consolidated lease, and shall employ on any one or more of such areas the same number of men as would be required to fulfil the conditions of his lease in respect of each separate area, or shall expend on any one or more of such areas the full amount of money which would be required to fulfil such conditions in respect of each separate area, the same shall be deemed and taken to be a performance and fulfilment of such conditions on each such separate area. Fulfilment of conditions as to separate areas.

45 When any lease is declared void and forfeited by the Governor in Council there shall be published in the *Gazette*, under the hand of the Minister, a notice to the effect that such lease has been declared by the Governor in Council to be void and forfeited, and such notice shall be conclusive evidence that such lease has been lawfully declared void and forfeited, and thereupon the land described in such lease may be dealt with as if no lease had been granted of such land, or such land may be put up for lease by auction or otherwise dealt with as the Minister sees fit. Notice of voidance of lease to be published.

46—(1.) Notwithstanding anything contained in any former Act or any lease granted thereunder, any lessee shall be entitled to a renewal of his lease, upon the expiration thereof either by effluxion of time or by surrender, for a further period not exceeding the number of years for which such lease might have been granted in the first instance, upon such terms and conditions and subject to the payment of such rent, not exceeding five times the rent previously paid by such lessee, as the Governor in Council shall think fit to impose, subject to the provisions of this Act and the Regulations made hereunder. Lessee entitled to renewal of lease.

(2.) Before the Governor in Council shall fix the amount of rent to be paid by any lessee upon a renewal of his lease under this Section, the Minister shall nominate and appoint Three Commissioners to assess the amount of rent which ought, in their opinion, to be paid by such lessee, and such Commissioners shall report to the Minister accordingly.

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Lessee may
determine lease.

47 Every lessee shall have power to determine the lease on giving at the expiration of any year of the term of the said lease Six calendar months' notice in writing to the Minister, and upon payment of rent in advance equal to the period embraced in such notice.

Disposal of
buildings, &c.
when lease
forfeited.

48 Upon the publication of any notice of forfeiture of any lease as is hereinbefore provided, all buildings, mining plant, and machinery erected and being on the land described in the lease which has been declared void and forfeited under the provisions of this Act or any former Act shall vest in Her Majesty, but may be removed therefrom by the late lessee or any person interested in such lease, with the consent of the Governor in Council.

The provisions of this Section shall be applicable to all buildings, mining plant, and machinery erected and being on the land described in any lease which has been declared void and forfeited before the commencement of this Act, notwithstanding anything to the contrary contained in any former Act.

PART IV.

WATER RIGHTS AND EASEMENTS.

Grant of Water
Rights.

49 It shall be lawful for the Minister, with the consent of the Governor in Council, to grant to any person for such term as may be prescribed, not exceeding Twenty-one years, subject to the provisions of this Act and to the Regulations made hereunder, a licence (in this Act called a Water Right), which shall authorise such person, his executors, administrators, and assigns (except as against Her Majesty), to take or divert water which Her Majesty may lawfully take and divert from any spring, lake, pool, or stream situate or flowing upon or through or bounded by any Crown lands, in such manner as shall be prescribed by such Water Right and Regulations, in order to supply water for mining purposes to such person or any other person who may be engaged in mining or for the domestic purposes of such person.

Any person to whom any such Water Right shall be granted may take or divert such water; and for that purpose may cut, construct, and use races, drains, dams, and reservoirs through and upon any Crown lands, and from time to time may deepen, widen, cleanse, repair, or otherwise improve any race, drain, dam, or reservoir cut or constructed through or upon any Crown lands; and such Water Right, and the property and interest in any race, drain, dam, or reservoir cut or constructed by virtue thereof, shall be deemed to be a chattel interest.

Provided, that nothing herein contained shall be construed to affect or prejudice the existing rights of any person to the reasonable use of the water flowing in a natural bed or channel through or along the margin of land belonging to or occupied by him, or naturally deposited within such land.

Governor
empowered to
exempt water
from operation of
the said Act.

50 It shall be lawful for the Governor in Council, by notice published in the *Gazette*, to exempt from the operation of this Act any water which Her Majesty may lawfully take and divert from any spring, lake, pool, or stream situate or flowing upon or through, or bounded by any Crown Lands.

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51 It shall be lawful for the Minister, with the consent of the Governor in Council, to grant to any person for such term as may be prescribed, not exceeding Twenty-one years, subject to the provisions of this Act and to the Regulations made hereunder, a licence (in this Act called a Mining Easement) which shall authorise such person, his executors, administrators, and assigns (except as against Her Majesty), for the more convenient and advantageous working of the land occupied by him or them, to cut, excavate, sink, erect, build, make, or construct, occupy, and use drains, tailraces, sludge channels, tunnels, shafts, buildings, tramways, machinery sites, roads, wires, poles, or other works for mining purposes as he or they require, in, through, and upon any Crown Lands, and from time to time to repair, improve, or alter any such works: and such Mining Easement, and the property and interest in any works made or constructed by virtue thereof, shall be deemed to be a chattel interest.

Provided that nothing herein contained shall be construed to affect or prejudice the existing rights of any person to the reasonable use of any Mining Easements, or to the reasonably convenient and efficient working of the ground belonging to or occupied by him.

Provided that it shall be lawful for the Minister, with the consent of the Governor in Council, to grant to any person who occupies any land for mining purposes other than Crown land a Mining Easement in accordance with the provisions of this Section.

52 Every Water Right or Mining Easement shall be in such form, and be granted subject to the payment of such rent, and be subject to such conditions, and be liable to forfeiture in such manner, as may be prescribed

53 If the holder of any Water Right or Mining Easement shall by virtue thereof enter upon any land demised for mining purposes, he shall make compensation for any injury or damage occasioned by such entry, and by the cutting and constructing of any races, dams, or reservoirs, tail-races, sludge-channels, or tunnels, shafts, buildings, tramways, machinery sites, roads, or other works on any such land; and such compensation shall be ascertained and settled in such manner as may be prescribed.

54—(1.) Subject to the provisions of this Act or to any Regulations made hereunder, it shall be lawful for any person for mining purposes—

- i. To take water from any stream flowing by or through any private land, or from any natural lake bounded thereby; or
- ii. To construct any race or other work through or upon any private land;

(2.) Whenever any person desires to take water or construct any race or other work he shall serve upon the owner or occupier of such land notice of his intention so to do, and such notice shall describe with all reasonable accuracy the mode in which such water is proposed to be taken and the proposed course and direction of such race or the nature of such work, and such notice shall be in such form as may be prescribed.

(3.) Any such person may, for the purpose merely of surveying and taking levels, after giving not less than Twenty-four hours' nor more than Seven days' notice, enter upon such private land without the previous consent of such owner or occupier.

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Grant of Mining Easements.

Form, &c. of Water Right and Mining Easement.

Holder of Water Right or Mining Easement to make compensation.

Person desiring to take water from, or to carry race through, private land, to give notice.

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Compensation
to be paid.
21 Vict. No. 11.

55 Before any water shall be taken from any stream flowing by or through any private lands, or from any natural lake bounded thereby, or any such race or work shall be constructed through or upon any private lands, the owner or occupier thereof shall be entitled to such compensation for any injury or damage which may be caused by taking such water, or by the construction of such race or work, as shall be determined by agreement between the parties, and such compensation shall be paid to such owner or occupier by the parties taking such water or constructing such race or work before they take such water or construct such race or work; and if such compensation shall not be fixed by agreement within One month after the service of such notice, then such compensation shall be determined by arbitration in the mode prescribed by *The Lands Clauses Act*, and for such purposes Sections Fourteen to Thirty-seven, both inclusive, of the said last-mentioned Act shall be incorporated herewith; and the person desiring to take such water or construct such race or work shall be deemed to be the Promoter of the undertaking for the purposes of the said Sections.

Commissioner to
determine mode
in which race to
be carried through
land of another
person.

56—(1.) It shall be lawful for a Commissioner, upon the application of any person interested, from time to time to order and determine the mode and direction in which any race or other work shall be carried or constructed, or in which water shall be conveyed through, over, or across any land, so as to cause as little interference as the Commissioner may deem practicable with the profitable working of such land; and it shall be lawful for the Commissioner to authorise or order such deviation or alteration, or such deviations or alterations, in any such race or other work as he may think fit for the convenience of the owner of such race or other work, or for the protection of the rights of the occupier of the land through, over, across, or upon which any such race or other work may be made or constructed; and every such order may be rescinded or varied as the Commissioner thinks fit, upon the application of either party.

(2.) Whenever a Commissioner shall authorise or order any deviation or alteration in any such race or other work, the cost of making such deviation or alteration shall be borne by the person interested in the claim affected thereby which shall have been applied for subsequently to any other claim also affected by such deviation or alteration.

PART V.

MINING OPERATIONS.

(1.) *Mining under Roads, &c.*

Meaning of
"Trustees" in
next two
Sections.

57 For the purposes of the next Two Sections the expression "Trustees" means the Trustees of a Road District, or a Main Road District Board, or a Town Board, or, where there is no Road District or Main Road District Board or Town Board, then the persons or body of persons having the care and management of roads, and where there are no such persons or body of persons, then the Commissioner of Main Roads.

Mining upon or
under public
roads.

58 The holder of a Lease, Miner's Right, or a Consolidated Miner's Right under this Act or any former Act may mine upon or under any road, provided that he obtains permission in writing from

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the Trustees having the care of such road; and such permission shall authorise him so to mine, upon such terms and conditions and subject to such restrictions as they see fit; and such Trustees shall, before they grant such permission, enquire and determine whether such mining can be carried on without injury to adjoining property, or substantial injury or obstruction to such road; and such Trustees may, if they see fit, refuse any such permission.

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59 It shall be lawful for such Trustees, upon the application of the holder of any Lease, Miner's Right, or Consolidated Miner's Right issued under this Act or any former Act, and upon the report of any Engineer or Surveyor that a sluice-box, tramway, culvert, or other work can be laid or constructed on or under any such road, without any substantial injury to, or obstruction of, the traffic thereon, and that such sluice-box, tramway, culvert, or other work is necessary for the due and proper working of any mine, or for the conveyance of water for mining purposes, by order in writing made after inspection by some officer of such Trustees, or other person duly appointed by such Trustees of the road mentioned in such report, subject to the rights of occupiers of adjoining or contiguous lands, to allow such sluice-box, tramway, culvert, or other work to be laid or constructed by the holder of any such Lease, Miner's Right, or Consolidated Miner's Right, provided that such works shall be so constructed as not to substantially injure such road or obstruct the traffic thereon.

Trustees may allow sluice-boxes, tramways, and culverts under public roads.

If after the construction of any such sluice-box, tramway, culvert, or other work under such order, it is made to appear to such Trustees that the same does so injure such road or obstruct the traffic thereon, it shall be lawful for such Trustees to order that the obstruction be removed, and if after Seven days from the date of notice of such order having been given to the holder of any such Lease, Miner's Right, or Consolidated Miner's Right the obstruction caused by such sluice-box, tramway, culvert, or other work is not removed or remedied, the same shall be deemed a nuisance, and the person who obtained the said first-mentioned order, or the then owner or occupier, shall be liable to a penalty not exceeding Twenty Pounds.

Any Justice may, upon proof of the said last-mentioned order and of the disobedience thereof, order the said nuisance to be abated; and any person authorised by the Trustees or such Justice may enter the premises to which the order to abate the nuisance relates, and remove or abate such nuisance, and do whatever may be necessary in execution of such order, and charge the cost to the person who obtained the said first-mentioned order, or the then owner or occupier.

(2.) Purchase of Lands.

60 The Minister may, if the Governor in Council approves, purchase, acquire, and take such land as the Governor in Council may deem necessary for the purposes of Public Tailings Areas and Sludge Channels, and for the purpose of diverting water; and any such land so purchased, acquired, or taken by the Minister shall, for the purposes of this Act, be and be deemed to be Crown Lands, and shall be subject to all the provisions of this Act.

Power to Minister to purchase lands.

61 The Minister, his Officers and workmen, may at all reasonable times in the daytime, upon giving Twenty-four hours' previous notice

Power to enter upon lands.

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in writing to the owner or occupier of any land which is proposed to be taken for the purposes of this Act, enter into and upon such land for the purpose of surveying or valuing the same.

21 Vict. No. 11.
incorporated.

62. *The Lands Clauses Act* shall, except as hereby expressly varied, be incorporated with this Part of this Act; but—

- i. There shall not be incorporated with this Act the Sections and provisions of the said Act hereinafter mentioned; that is to say,—Section Eight, whereby it is provided that the capital is to be subscribed before the compulsory powers are to be put in force; Section Nine, whereby it is provided that the certificate of the Justices shall be evidence that the capital had been subscribed; Section Twenty-three, whereby the mode in which the costs of arbitration are to be borne is prescribed:

- ii. In the construction of this Act and the said incorporated Act this Act shall be deemed to be the Special Act and the Minister shall be deemed to be “the Promoter of the undertaking.”

Notices.
21 Vict. No. 11.

63. Any notice required to be given by or on behalf of the Queen or the Governor in Council by virtue of the provisions of *The Lands Clauses Act* or this Act shall be sufficient if signed by the Minister.

Costs of Arbitration,
how to be borne.

21 Vict. No. 11.

64. If the Minister, before any steps are taken under *The Lands Clauses Act* to acquire and take any land under the provisions of this Act, offers in writing to pay to the person entitled to receive the same compensation for such land, then if such person refuses to accept the same and to convey the land so required, and a reference to arbitration takes place under *The Lands Clauses Act*, and the Arbitrators or Umpire award a sum not exceeding the amount of compensation so offered, all the costs of the reference, arbitration, and award shall be paid by such person, and payment thereof may be enforced by action in any Court of competent jurisdiction on a count for money paid at the request of such person.

Defrayment of
cost.

65. The purchase money of any land purchased, acquired, or taken by the Minister under the provisions of this Part of this Act, and all moneys to be expended by the Minister under and for the purposes of this Part of this Act, shall be appropriated out of moneys provided by Parliament for that purpose.

Right to extend
mining operations
into alienated
portions of leased
land.

66. In every case in which any portion of the land held under any Lease granted under the provisions of this Act or any former Act has been granted, or shall hereafter be granted by the Crown during the continuance of the Lease under which the said land is held, to any person other than the Lessee of the said land, to be held by such other person in fee simple or for any lesser estate therein, it shall be lawful for the Lessee of the said land, during the continuance of the said Lease or of any renewal thereof, to extend into such granted portion as aforesaid of the said land, at a depth of not less than Fifty feet from the surface thereof, the excavations and other mining operations carried on under the powers conferred by the said Lease or any renewal thereof on any other portion of the said land, and to remove from such

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granted portion as aforesaid of the said land at such depth as aforesaid all metals and minerals which the Lessee is empowered by the said Lease or any renewal thereof to remove from the said land, as freely as if such granted portion as aforesaid of the said land had never been granted as aforesaid. A.D. 1893.

67 It shall be lawful for the holder of any Lease granted under the provisions of this Act or any former Act to serve upon the owner or occupier of any private land a notice in writing that the person giving such notice is desirous of occupying any portion of the said land as a Tailings Area or a Machinery Site, or for constructing thereon any tramway, or tail-race, or sludge-channel, or reservoir, or other similar work to be used in connection with any mining operations then being carried on by such person under the provisions of any such Lease as aforesaid; and such person shall, upon the service of such notice as aforesaid upon the owner or occupier of the said land, subject to the provisions and terms hereinafter mentioned, be entitled to obtain possession of and occupy for any of the purposes aforesaid in connection with such mining operations as aforesaid, during the continuance of the Lease under which such mining operations as aforesaid are being carried on, the portion of land described in such notice as aforesaid: Provided, that the land described in any such notice as aforesaid shall not in any case exceed Thirty acres in area. Tailings Area, &c.

68 It shall be lawful for a Commissioner, upon the application of any person interested in any land to be occupied under the provisions of the immediately preceding Section, from time to time to determine in a summary manner any dispute that may arise between any such person and the person desirous of occupying any such land as to the right of such person as last aforesaid to occupy such land under the provisions of this Part of this Act; and the Commissioner shall, in every case, have power to determine the area of land reasonably required in respect of any lease held by the person desirous of occupying such land under this Part of this Act, and the position thereof in regard to any adjacent land, which any person may be desirous of occupying under this Part of this Act; and it shall be lawful for the Commissioner to authorise or order such alteration or deviation in the area or position of any such land as he may think fit for the protection of the rights of the occupier or owner of such land; and every such Order may from time to time be rescinded or varied as the Commissioner thinks fit, upon the application of either party. Commissioner to determine area and position of land.

69 Before any land described in any such notice as aforesaid shall be occupied for any of the purposes aforesaid under this Part of this Act, the owner and occupier shall respectively be paid such compensation for the loss of the use and occupation of such land as shall be determined by agreement between the parties; and if such compensation shall not be fixed by agreement between the parties within One month after service of such notice as aforesaid, then such compensation shall be determined by arbitration in the mode prescribed by *The Lands Clauses Act*, and for such purpose Sections Fourteen to Thirty-seven, both inclusive, of the said Act shall be held to be incorporated herewith, and the person desiring to take such land as aforesaid shall be deemed to be "the Promoter of the undertaking" for the purpose of the said Sections of the said Act. Mode of procedure to obtain possession of a Tailings Area, &c.

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Dissatisfied party
may appeal to a
Judge of the
Supreme Court.

70 If either party to any arbitration under this Part of this Act is dissatisfied with the award of the arbitrators or the umpire appointed to determine the amount of compensation, the dissatisfied party, when the amount of compensation awarded by the arbitrators or the umpire exceeds One hundred Pounds, may appeal from the award of the arbitrators or the umpire, as the case may be, to a Judge of the Supreme Court, and may have the amount of compensation fixed by a Judge of the said Court, in the manner hereinafter provided.

Procedure upon
appeal.

71 If the dissatisfied party desires to appeal from the award of the arbitrators or umpire as aforesaid, he shall, within Fourteen days after the delivery to him of such award or a copy thereof, give notice in writing to the other party of his intention to appeal, and shall, within One month after the service of such notice upon the opposite party, prosecute such appeal in accordance with such Rules as may be made by the Judges of the Supreme Court; and the amount of compensation to be paid in such case shall be ascertained by a Judge of the Supreme Court in such manner as he deems advisable, and subject to such conditions as such Judge sees fit to impose, and the Judge may also, in his discretion, make any Order as to the person by whom the costs of the appeal shall be borne:

Provided that a Judge of the Supreme Court may, upon what he shall deem sufficient cause, allow an appeal under this Part of this Act to be prosecuted after the expiration of the time hereinbefore allowed for that purpose; but no appeal shall be allowed after the expiration of Three months after the service of notice of intention to appeal.

Award not to be
made a Rule of
Court until
Judge determines
matter in dispute.

72 Where the dissatisfied party gives such notice of appeal as aforesaid, then the award given by the arbitrators or the umpire shall not be made a Rule of Court until a Judge of the Supreme Court, by an Order in writing under his hand, determines the matter in dispute, or the time hereinbefore allowed for prosecuting the appeal has expired.

Judges may
make Rules.

73 It shall be lawful for the Judges of the Supreme Court to frame and make Rules determining the nature of the proceedings which shall be taken for carrying out any appeal to a Judge of such Court under this Part of this Act, but such Rules shall have no force or effect until the same are published in the *Gazette*.

Certain land not
to be available
under this Act.

74 Notwithstanding anything hereinbefore contained, no land upon which any dwelling-house or the outbuildings used therewith, or any factory or substantial building of any kind is erected, or which constitutes the yard or curtilage or ornamental or other garden attached to any dwelling-house or homestead, or which is required for the proper working of any factory, or which is not distant more than One hundred yards from any dwelling-house or homestead, or which is any road, shall be available under this Part of this Act for any of the purposes aforesaid, and no such land shall be affected by service on the owner or occupier thereof of any such notice as aforesaid.

(3.) *Support of adjoining Lands.*

Interpretation.

75 In this Part of this Act, "Lessee" includes the owner or occupier of any private land.

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76 Where any lessee is unable to mine up to the boundary of the land leased by him without injuriously affecting the land occupied by an adjoining lessee, it shall be lawful for such first lessee to give to the other notice in the prescribed form requiring him to treat for the sale of the right to remove so much of the land as may be required to enable him to mine up to his boundary.

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Lessee may give notice to take adjoining land.

77—(1.) In the event of the giver and receiver of any notice mentioned in the immediately preceding Section failing to agree as to the amount of compensation to be paid for such land within Thirty days after the service of such notice, then the matter shall be referred to the arbitration of Four Assessors appointed as hereinafter mentioned, and a Commissioner of Mines to be nominated by the Minister for that purpose.

If parties cannot agree matter to be referred to arbitration.

(2.) The giver of any notice as aforesaid may, upon the expiration of Thirty days from the day on which such notice was served, call upon the other party to the arbitration to appoint Two Assessors for such arbitration, and shall at the same time notify to such other party the names of the Two Assessors appointed by himself, and shall also call upon the Minister to nominate a Commissioner for such arbitration.

(3.) If the other party fails or neglects for a period of Fourteen days after having been required so to do, to appoint Two Assessors for such arbitration, the Two Assessors appointed by the party giving the notice and the Commissioner nominated by the Minister may proceed to hear and determine the matter, and the award of any two of them shall be final.

(4.) Every award made by the Assessors and Commissioner shall be registered in the Office of the Secretary for Mines, and shall be final and binding on the parties and the persons claiming under them respectively.

78 The Assessors and Commissioners shall have power to decide—

Powers of Assessors.

- i. The extent of ground to be taken :
- ii. By whom ground to be removed :
- iii. How and by what means compensation is to be ascertained.
In estimating compensation Arbitrators to consider—
 - (a) Amount of surface taken and value thereof ;
 - (b) Value of gold and minerals removed and how to be ascertained :
 - (c) And whether the work authorised will be detrimental to the future working of the Claim :
- iv. To whom and in what proportion same to be payable, and at what periods :
- v. How and by whom the costs of arbitration are to be borne.
Costs to be ascertained by Arbitrators and included in award.

79 If it is made to appear to the Commissioner that any differences have arisen in carrying out the provisions of any award, the Commissioner may summon the same Four Assessors to decide any such difference, and their award upon the matter in dispute shall have the same force and effect as if the matters therein referred to had been included in the original award.

Differences arising under award may be settled by arbitration.

And any such subsequent award shall be registered in the Office of the Secretary for Mines in the same manner as the original award.

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Vacancy may
be filled up.Works may be
inspected by party
to award.Accounts of
minerals to be
kept.Copies to be sent
to Secretary for
Mines and other
party to
arbitration.Commissioner
may order
payment.Enforcement of
Commissioner's
order.Certified order to
be a charge on
property of mine
owner.

80 If any Assessor at any time refuses to act, or is incapable of acting, or dies, or is absent from *Tasmania*, the party who appointed him may appoint a new Assessor in his place.

81 When any land is being mined or any gold or minerals are being treated in pursuance of any award made under this Part of this Act by one of the parties to any such award, it shall be lawful for the other party, or such other person as he may from time to time appoint, to enter at all reasonable times upon the land so mined, or into any building used for the purpose of treating any such gold or minerals.

82—(1.) In order to ascertain the value of the gold and minerals removed under any award, the gold and minerals so removed shall be mined and treated and kept distinct from other gold or minerals from the adjoining land; and full and true accounts of all gold and minerals so removed, and the cost of mining and reducing the same, shall be kept and be verified by statutory declaration by the lessees, their manager or agent, and such accounts shall be open at all reasonable hours for inspection by the other party to the arbitration or by such person as the Minister or he may from time to time appoint in writing.

(2.) A copy of all such accounts for each month verified as aforesaid shall be forwarded within Seven days after the expiration of every month to the Secretary for Mines and the other party to the arbitration respectively, and thereupon any money which such accounts shall show to be payable shall be paid by the person liable to pay the same to such other person to whom the same shall be due.

(3.) If any such money shall remain unpaid for a period of Fourteen days after the expiration of any month a Commissioner may, upon the application of the person entitled to receive the money, make an order for the payment of the same.

83 Whenever any sum of money or portion of any sum of money ordered to be paid by any order of a Commissioner under this Part of this Act shall remain unsatisfied in whole or in part, and whether after previous executions or not, for Fourteen days or for a longer period from the date of such order, the Commissioner who shall have made such order, or any other Commissioner to whom a certified copy of the said order shall be produced, shall, on the application of the person claiming to be entitled to the moneys in such order, or any attorney in his behalf, grant to the party so applying a certificate in such form as may be prescribed or to the like effect; and it shall be lawful for the party obtaining such certificate or his attorney to file such certificate with the Registrar of the Supreme Court, and thereupon execution may issue, and all such proceedings be had and taken to enforce payment of the moneys mentioned in such order as upon a decree or order of the Supreme Court.

84 Whenever and so soon as any order of a Commissioner made under this Part of this Act shall have been filed with the Registrar of the Supreme Court, the moneys directed in such order to be paid shall, so long as any part thereof remains unpaid and unsatisfied, become and be a charge, subject to prior encumbrances, upon the estate or interest of the person ordered to pay the same, in the Crown land or private lands occupied or used for mining purposes by such

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person, and upon all plant and machinery thereon and all property of such person, in such land, plant, and machinery; and the Commissioner by whom such order shall have been made, or any other Commissioner to whom a certified copy of such order shall be produced, may by his order restrain the sale or other disposal or transfer of such interest in the land, plant, machinery, or property until such moneys have been paid; but this provision shall not be deemed in any way to lessen the right of seizure and sale of such land, plant, machinery, and property under any execution issued for the realization of the moneys ordered in such Commissioner's order to be paid or contributed.

A.D. 1883.
Commissioner may restrain sale of such property until moneys paid.

85 The remedies provided in the two last preceding Sections shall be in addition to and not in derogation of any of the remedies given in or by any other Section of this Act, and shall not be construed to in any way lessen or take away any of the jurisdiction, power, or remedies created or given in or by such last-mentioned Section.

Remedies in this division to be cumulative.

(4a) *Miscellaneous.*

86 The Governor in Council may, from time to time by Proclamation published in the *Gazette*, declare that any of the provisions of this Act shall apply to mining for diamonds and any other precious stones, and may also define the portion or portions of *Tasmania* wherein any such Proclamation shall take effect, and may make such regulations for such mining as may be requisite.

Act may be proclaimed in force as to precious stones.

Repealed by 63 Vict. No. 39

87—(1.) The Minister may from time to time grant to any person for any period not exceeding Three years a Licence to work for gold or minerals the bed of any River, Stream, or Lake situate or flowing upon or through or bounded by Crown Land, at such rental and upon such terms and conditions as he thinks fit, and the Minister may from time to time renew such Licence.

Minister may grant Licence to work bed of river.

(2.) The Minister may, if he thinks fit, submit the right to a Licence or Licences to work the bed of any such River, Stream, or Lake for sale by public auction in such areas and at such upset rental or rentals as he thinks fit; provided that notice of such sale shall be given in the *Gazette* and some newspaper generally circulated in the district for at least One month previous to such sale.

PART VI.

REGULATION OF MINES.

88 Nothing in this Act contained shall be deemed to abridge or annul any of the provisions of "The Inspection of Machinery Act, 1889," or any Act amending the same; nor to affect the duties of any Inspectors appointed under the said Act in relation to the inspection in mines of machinery and boilers coming within the operation of the said Act.

Provisions of 53 Vict. No. 12 not affected.

89 The Governor in Council may, subject to the provisions of this Act, from time to time make, alter, amend, and revoke Regulations for all or any of the purposes following:—

Regulations.

1. For regulating the duties and functions of Inspectors of Mines:

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- ii. For providing for the safety of all persons working in or on mines, and for regulating the proper working of mines to ensure such safety and the prevention of accidents :
- iii. For prescribing terms and conditions for the issue of certificates of competency for the office of Mining Manager of a Mine : regulating the examinations to be held with respect to the necessary knowledge and experience in working mines of persons applying for such certificates ; and appointing a Board of Examiners to conduct such examinations :
- iv. For prescribing conditions as to the manner in which the surveys of the underground workings of mines required in accordance with this Part of this Act shall be effected, and as to the scale to which the plans and sections referred to in the same Section shall be drawn, and as to the terms on which the copies of plans and sections required by the said Section to be furnished to the Inspector of Mines will be accepted as satisfactory :
- v. And generally for facilitating and more effectually carrying into execution the objects of this Part of this Act, especially in cases where no provision, or no sufficient provision is made for the same :
- vi. Every Regulation made under this Part of this Act may be made to apply generally to all mining districts within the Colony, or to any particular district or districts only.

Every Regulation made under this Part of this Act shall be published in the *Gazette*, and from and after the date of such publication shall have the force of law, as if the same had been enacted in this Act.

Every person committing any breach, whether by way of omission or commission, of any Regulation made under this Part of this Act, shall be guilty of an offence against this Act.

Powers of Inspectors.

90 An Inspector under this Act shall have power to do all or any of the following things ; namely—

- i. To make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act relating to matters above ground or below ground are complied with :
- ii. To enter, inspect, and examine any mine and every part thereof, at all reasonable times by day and night, but so as not to unnecessarily impede or obstruct the working of the said mine :
- iii. To examine into and make inquiry respecting the state and condition of any mine or any part thereof, and the ventilation of the mine, and the sufficiency of the special rules (if any) for the time being in force in the mine, and all matters and things connected with or relating to the safety of the persons employed in or about the mine or any mine contiguous thereto :
- iv. To exercise such other powers as may be necessary for carrying this Act into effect.

Every person who wilfully obstructs any Inspector in the execution of his duty under this Act, and every owner of a mine who refuses or

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neglects to furnish to such Inspector the means necessary for making any entry, inspection, examination, or enquiry under this Act in relation to such mine, shall be guilty of an offence against this Act. A.D. 1893.

91 Every mine-owner shall appoint and continue to have a manager who shall be deemed the mining manager of the mine; and the name and address of such manager for the time being shall be notified by him in writing to the Inspector of Mines, and registered by him; and no person shall be so appointed who has not the management of the mining operations carried on by such owner. In the event of such mining manager ceasing to be in his employment, the said owner shall forthwith give notice of the same in writing to the said Inspector. Mining Manager to be appointed and name registered.

It shall be the duty of every mining manager to enforce to the best of his power the observance of the provisions of this Act by all persons employed in or about the mine of which he has charge; and no agreement with the contractors or tributors or others will be allowed to relieve him of the responsibility of having all work in and about the mine carried on in a safe manner, and in accordance with this Act.

92 No boy under the age of Fourteen years, and no girl or woman of any age, shall be employed in or be allowed to be, for the purpose of employment, in any mine. Employment of women and children in mines.

93 No person under the age of Eighteen years shall be employed as lander or bracedman at any time at a brace over any shaft. No person under the age of Eighteen years shall be employed for more than Forty-eight hours in any week exclusive of the time allowed for meals, nor more than Eight hours in any day except in cases of emergency. Age of person employed at mine.

But no person shall be deemed guilty of an offence against this Act for a contravention of that part of this Section relating to the time for which persons shall not be employed, if he prove before any two Justices, not being interested in any mine in which such person or persons are employed, that there were special circumstances to render such contravention necessary for the proper working of the mine, and that such contravention was not injurious to the workmen employed in the mine.

94 No person in charge of steam machinery used in connection with any mine, or for the treatment of the products of any mine, shall be employed for more than Eight consecutive hours at any time; such period of Eight hours shall be exclusive of any time occupied in raising steam, and in drawing fires and exhausting steam in connection with the machinery in the charge of such person, and exclusive of meal hours, and of any time in which such person is employed in case of breakage or other emergency. Limit of period of employment in charge of machinery.

Every person in charge as aforesaid who is guilty of negligence, by which any property is destroyed or damaged, shall be guilty of an offence against this Act.

95 No person whose sight or hearing is defective, or who is subject to fits or any other infirmity likely to interfere with the efficient discharge of his duties, shall be allowed to have charge of machinery by means of which persons are raised from or lowered into any mine. Any such person who accepts such charge, and every other person who employs any such person as aforesaid, shall be guilty of an offence. Certain persons not to have charge of machinery.

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against this Act. Also any person who is in a state of intoxication while in such charge shall be guilty of an offence against this Act.

Notice of accident to be given to Inspector of Mines.

96 The mine manager of every mine shall, within Twenty-four hours after the occurrence of any accident attended with serious injury to any person, give notice thereof to the Inspector of Mines; and any mining manager who shall wilfully omit to give such notice shall be deemed guilty of an offence against this Act. Any portion of a mine where an accident occurs shall not be interfered with until inspected by the Inspector or by a Coroner's Jury, unless with the view of saving life or preventing further injury.

Plans of underground operations to be furnished.

97 Every mine-owner shall have and preserve accurate plans and sections showing the position of all the underground workings in his mine drawn from actual surveys effected in accordance with Regulations made under this Act by a duly authorised surveyor or by a mining manager who holds a certificate of competency under this Act; and at intervals of not more than Six months all additional underground workings and extensions of workings made since the previous surveys were effected shall be surveyed as aforesaid and delineated upon the said plans and sections, and no underground workings shall be filled up or allowed to fall into disrepair until they have been so surveyed. Before any mine having underground workings is abandoned for any period exceeding Seven days the survey thereof shall be completed, and certified copies of plans and sections as aforesaid, showing all the workings up to the date of abandonment, shall be sent to the Inspector of Mines within One month after such date.

During the month of *January* in every year the owner of any mine shall, when required by the Minister, furnish to the Inspector of Mines certified copies of the aforesaid plans and sections, showing as far as possible all the underground workings that have been effected in his mine up to the thirty-first day of *December* immediately preceding the said month of *January*; but if at any time previously such copies of plans and sections have been already furnished by the said owner, then it shall only be necessary for him to supply copies of plans and sections of such workings and extensions of workings as have been effected since such time.

All copies of plans and sections shall show a connection to some permanent mark on the surface of the ground.

All copies of plans and sections may be inspected by any person or persons duly authorised by writing under the hand of the Minister.

If any owner shall fail to comply with the provisions of this Section he shall be deemed guilty of an offence against this Act.

If plans not complete, Minister may order new survey.

98 If upon the receipt of any such plan or section as aforesaid the Inspector of Mines has reason to believe that the same is an incorrect or incomplete plan or section of the underground workings of any such mine, the Minister may, if he sees fit, cause a check survey to be made of the underground workings of such mine; and if upon the making of any such check survey the plan or section furnished as aforesaid is proved to be incorrect or incomplete in any material respect, of which incorrectness or incompleteness the Minister shall be sole judge, the owner of such mine shall pay the cost of making such check survey and all expenses incurred in connection therewith; and such costs and expenses shall be recoverable from such owner as a debt due to Her Majesty.

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99 In every case where at the time of the passing of this Act vertical or overhanging ladders were used in connection with the shaft of any mine, securely fixed platforms shall be constructed at intervals of not more than Thirty feet from each other in such shaft, and such ladders shall have sufficient spaces for foot-holds of not less than Six inches; but in no case shall new vertical or overhanging ladders be constructed either in substitution for old ones or otherwise. Every person who contravenes or does not comply with this Section within a reasonable time after the passing hereof shall be guilty of an offence against this Act.

A.D. 1893.
Shafts with vertical or overhanging ladders to have platforms.

100 If in any respect which is not provided against by any express provision of this Act, or by any special rule, any Inspector find any mine or any part thereof, or any matter, thing, or practice in or connected with any such mine, to be dangerous or defective, so as in his opinion to threaten or tend to the bodily injury of any person, such Inspector may give notice in writing thereof to the owner and manager of the mine, and shall state in such notice the particulars in which he considers such mine, or any part thereof, or any matter, thing, or practice to be dangerous or defective, and shall require the same to be remedied; and unless the same be forthwith remedied the Inspector shall also report the same to the Minister.

Notice to be given by Inspectors of causes of danger not provided for by the rules.

If the owner of the mine objects to remedy the matter complained of in the notice, he may, within Twenty days after the receipt of such notice, send his objection in writing, stating the grounds thereof, to the Minister; and thereupon the matter shall be determined by arbitration in manner provided by this Act; and the date of the receipt of such objection shall be deemed to be the date of the reference.

If the owner fails to comply either with the requisition of the notice, where no objection is sent within the time aforesaid, or with the award made on arbitration, within Twenty days after the expiration of the time for objection or the time of making of the award (as the case may be), he shall be guilty of an offence against this Act, and the notice and award shall respectively be deemed to be written notice of such offence.

Provided that the Court, if satisfied that the owner has taken active measures for complying with the notice or award, but has not, with reasonable diligence been able to complete the works, may adjourn any proceedings taken before them for punishing such offence, and if the works are completed within a reasonable time no penalty shall be inflicted.

No person shall be precluded by any agreement from doing such acts as may be necessary to comply with the provisions of this Section, or be liable under any contract to any penalty or forfeiture for doing such acts.

Arbitration.

101 With respect to arbitrations under this Part of this Act, the following provisions shall have effect:—

Provisions as to arbitrations.

- I. The parties to an arbitration under this Act shall be the owner of the mine on the one hand and an Inspector of Mines on behalf of the Minister, on the other:
- II. Each of the parties to the arbitration may, within Twenty-one days after the date of the reference, appoint an arbitrator:

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- iii. No person shall act as arbitrator or umpire under this Act who is employed in or in the management of or is interested in the mine to which the arbitration relates :
- iv. The appointment of an arbitrator under this Section shall be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and shall not be revoked without the consent of such other party :
- v. The death, removal, or other change in any of the parties to the arbitration shall not affect the proceedings under this Section :
- vi. If within the said Twenty-one days either of the parties fail to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in such case the award of the single arbitrator shall be final :
- vii. If before an award has been made any arbitrator appointed by either party dies or becomes incapable to act, or for Fourteen days refuses or neglects to act, the party by whom such arbitrator was appointed may appoint some other person to act in his place ; and if he fails to do so within Fourteen days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matters in difference, and in such case the award of such single arbitrator shall be final :
- viii. In either of the foregoing cases where an arbitrator is empowered to act singly upon one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded to the arbitration, appoint an arbitrator, who shall then act as if no failure had been made :
- ix. If the arbitrators fail to make their award within Twenty-one days after the day on which the last of them was appointed or within such extended time (if any) as may have been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as hereinafter mentioned :
- x. The arbitrators, before they enter upon the matters referred to them, shall appoint by writing under their hands an umpire to decide on points on which they may differ :
- xi. If the umpire dies or becomes incapable to act before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place :
- xii. If the arbitrators fail or refuse, or for Seven days after the request of either party neglect to appoint an umpire, then on the application of either party an umpire shall be appointed by any Two Justices of the Peace :
- xiii. The decision of every umpire on the matters referred to him shall be final :
- xiv. If a single arbitrator fails to make his award within Twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place :
- xv. The arbitrators and their umpire, or any of them, may summon and examine the parties and such witnesses as

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- may be deemed necessary, and for the purposes of such examination may administer an oath to such parties or witnesses; they may also consult any counsel, engineer, or scientific person whom they think it expedient to consult: A.D. 1893.
- xvi. The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Minister, and, together with the costs of the arbitration and award, shall be paid by the parties or one of them as the award may direct. Such costs may be taxed by the Taxing Officer of the Supreme Court, who, on the written application of either of the parties, shall ascertain and certify the proper amount of such costs. The amount, if any, payable by the Minister shall be paid out of the Consolidated Revenue Fund. The amount, if any, payable by the owner may, in the event of non-payment, be recovered in the same manner as penalties under this Act:
- xvii. Every person who is appointed an arbitrator or umpire under this Section shall be a practical mining engineer, or a person accustomed to the working of mines, but when an award has been made under this Section the arbitrator or umpire who made the same shall be deemed to have been duly qualified as provided by this Section.

General Rules.

102 The following General Rules shall, so far as may be reasonably practicable, be observed in every mine:— General Rules.

- i. An adequate amount of ventilation shall be constantly produced in every mine to such an extent that the shafts, winzes, sumps, levels, underground stables, and working-places of such mine, and the travelling roads to and from such working-places, shall be in a sufficient state of ventilation for working and passing therein. Ventilation.
- ii. Gunpowder, or other explosive or inflammable substance, shall only be used in a mine as hereunder provided (that is to say):— Gunpowder and blasting.
 - (a) It shall not be stored in the mine in any quantity exceeding what would be required for use during Six working days for the purposes of the mine: And if stored in the mine it shall be kept in a drive or chamber separated by a door fixed across such drive at least Thirty feet from any travelling road.
 - (b) It shall not be taken for use into the workings of the mine except in a securely covered case or canister containing not more than eight pounds.
 - (c) A workman shall not have in use at one time in any one place more than one of such cases or canisters.
 - (d) No person shall enter with a naked light a powder magazine or any excavation in a mine where powder or other explosive or inflammable substance is stored.
 - (e) Detonators for blasting shall be kept on the surface of the ground in a covered box, but not in the same magazine with nitro-glycerine compounds. Not

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more than Fifty detonators shall be kept in any mine at one time and these shall be kept in a covered box in a drive or chamber set apart for storing explosives as hereinbefore provided, and only taken out in such quantities as required for immediate use. Cartridges shall not be primed with detonators except for immediate use. Detonators shall not on any pretence whatever be placed near any travelling road, pass, or working face.

- (f) No iron or steel pricker shall be used in blasting in any mine, and no iron or steel tool shall be used in tamping or ramming, and no iron or steel pricker or tamping-bar shall be taken into any mine.
- (g) A charge of gunpowder which has missed fire may be drawn by a copper pricker; but in no case shall an iron or steel tool be used for the purpose of drawing or drilling out such charge. A charge of any nitro-glycerine compound shall not be drawn from a hole or have its tamping removed on any pretence. A charge of any explosive which has missed fire shall not be visited until Thirty minutes shall have elapsed from the time of lighting the fuse thereof; but this shall not apply to charges fired by an electric current.
- (h) No person under the age of Eighteen years shall charge a hole with explosives, or fire any charge of explosives.
- (i) No drill-hole shall be bored in any remaining portion of a hole in which a charge of nitro-glycerine compound has been previously exploded.
- (k) Nitro-glycerine compounds shall not be used in a frozen state: when in such frozen state they shall be thoroughly thawed or softened previous to use in a dry vessel heated by warm water of a temperature not higher than 130° Fahrenheit.
- (l) In all cases where the fumes arising from the explosion of any nitro-glycerine compound cannot be effectively dispersed by ventilation or spray of water from the mine, such fumes shall be neutralised or rendered innocuous by the person in charge of the blasting operations by the use of a spray of solution of sulphate of iron before the miners are permitted to return to the sites of such blasting operations.

Owners of mines or persons employing miners in blasting with nitro-glycerine compounds shall supply such miners with proper and safe means of thawing such compounds, and with the means of producing sprays of solution of sulphate of iron.

- III. Every underground plane on which persons travel which is self-acting or worked by an engine, windlass, or gin shall be provided (if exceeding Thirty yards in length) with some proper means of signalling between the stopping.

Man-holes in self-acting or engine planes.

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- places and the ends of the plane, and shall be provided in every case, at intervals of not more than Twenty yards, with sufficient man-holes for places of refuge.
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- iv. Every road on which persons travel underground where the produce of the mine in transit exceeds Ten tons in any one hour over any part thereof, and where the load is drawn by a horse or other animal, shall be provided at intervals of not more than One hundred yards with sufficient spaces for places of refuge, each of which spaces shall be of sufficient length and of at least Three feet in width between the waggons running on the tramroad and the side of the road. Spaces in horse-roads.
- v. Every man-hole and space for a place of refuge shall be constantly kept clear, and no person shall place anything in a man-hole or such space so as to prevent access thereto. Keeping spaces clear.
- vi. The top and all entrances between the top and bottom of every working or pumping shaft shall be properly and securely fenced or securely covered, but this provision shall not be taken to forbid the temporary removal of any fence or cover for the purpose of repairs or other operations if proper precautions are used; and every abandoned or disused shaft shall be fenced or securely covered in by the occupiers of the land upon which such disused shaft is situate, and its position indicated on the surface by a post with a notice thereon affixed. Fencing of entrance to shafts.
- vii. When a fence or cover has been temporarily removed from any entrance to a shaft to admit of the performance of ordinary mining operations, a strong horizontal bar shall be securely fixed across such entrance not less than Three nor more than Four feet from the floor of the brace, chamber, or drive, as the case may be. Protection when fencing removed.
- viii. Where the natural strata are not safe every working or pumping shaft shall be securely cased, lined, or otherwise made secure, for which purpose an ample supply of sound, good timber shall be kept on the ground ready for immediate use. Securing of shafts.
- ix. When a shaft is being sunk in rock formation and blasting operations are necessary, short cross-drives or manholes shall be formed at depths of every Two hundred feet for use by miners as places of refuge during the occurrence of blasts, and access to such manholes from the bottom of the shaft shall be provided by the use of suitable ladders. Man-holes in shafts.
- x. Every drive and every excavation of any kind in connection with the working of a mine shall be securely protected and made safe for persons employed therein. Drive and excavation to be protected.
- xi. Suitable lights shall be provided for the use of miners when travelling in the main drives of any alluvial mine; and the upper entrance to every winze, rise, or jump-up in any mine while open or unfenced shall be illuminated by a fixed light. Lights to be provided.
- xii. Where one portion of a shaft is used for the ascent and descent of persons by ladders or a man-engine and another portion of the same shaft is used for raising material, the first mentioned portion shall be cased or otherwise securely fenced off from the last-mentioned portion. Division of shaft.
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Signalling.

Every person to
know signals.Engine-driver to
see shaft.Signals to be
clear and distinct.Drives in alluvial
mines to be pro-
vided with proper
signals. *see p. 35*

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Protection to per-
sons ascending or
descending shaft.No person to
leave moving
cage.How to descend
shaft.

xiii. Every working shaft in which a cage is used and every division of such shaft in which persons are raised and lowered, and every shaft in which appliances worked by steam or other machinery are used, shall be provided with guides and some proper means of communicating distinct and definite signals from the bottom of the shaft, and from every entrance for the time being in work between the top and the bottom of the shaft, to the top and thence to the engine-room, and from the engine-room and top to the bottom of the shaft and to every entrance for the time being in work between the top and the bottom of the shaft; and no verbal signals or communications shall be made up or down a shaft exceeding Fifty yards in depth in which cages are used, except through speaking tubes or telephones in the pump compartment of such shaft.

xiv. Every person employed in a mine shall make himself acquainted with the system of signals used in such mine. A line or some other appliance shall be provided in each shaft to admit of danger signals being communicated to the engine-driver from any portion of such shaft.

xv. A clear view shall be kept for the engine-driver between his station and the shaft at the surface brace.

xvi. All methods of signalling in mines to indicate that men or material are to be raised or lowered in shafts shall be clear and distinct, and shall be posted and maintained in a clear and legible form on framed boards, one of which shall be placed in each chamber or entrance to the shaft, and one at the brace at or near the top of the shaft, and one in the view of the person in charge of the machine used for lowering or raising persons or material in such shafts.

Such methods shall be in accordance with such code as may from time to time be prescribed; and any neglect to carry out such methods shall be an offence against this Part of this Act.

xvii. Wherever any underground work is being performed in ~~alluvial~~ mines at greater distances than Two hundred feet from the shafts, proper means shall be provided for communicating along the lower drives of such mines distinct and definite signals to and from the plats at the bottom of the shafts, and to and from such places in which men may be at work.

xviii. A cage shall have a sufficient cover overhead when used for lowering or raising persons in any working shaft; such cage-cover shall be at least Six feet Six inches above the floor of the cage, and shall be constructed of iron not less than one quarter of an inch thick, and shall be fitted with sloping sides and securely hung on hinges so as to be readily lifted upward by persons within the cage. Wherever practicable, all persons working in shafts shall be protected overhead from falls of material down such shaft by means of a roof or other suitable appliance.

xix. No person shall get off or on a cage while it is in motion.

xx. A proper ladder or footway shall be provided in every shaft of Fifty feet or more in depth in which a whim, whip, or windlass is used, and in every working pit or shaft

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where no machinery is used, for lowering or raising persons employed therein; and no person shall ascend or descend in any shaft except by means of ladders, or in a man-engine, or in a safety-cage, unless for the purpose of effecting repairs to the shaft, or in case of emergency. Any person contravening this rule shall be deemed guilty of an offence against this Act.

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- XXI.** Whenever it is found necessary to raise or lower any person in a shaft of Fifty feet or more in depth without using the safety-cage, he may be securely stayed to the rope employed for lowering or raising in such shaft by a strap or other fastening passing round the body under the arms, and such method of staying may be used by every person who finds it necessary in the execution of his duty to descend or ascend a shaft on top of the cage-covers; and in all such cases the necessary straps or other fastenings shall be provided by the mine-owners. Person in shaft to be securely stayed.
- XXII.** Whenever any shaft of Fifty feet or more in depth is the sole means of entrance into or egress from any part of a mine, it shall be provided with a proper ladder-way, in addition to any safety-cage or other machine for raising or lowering men that may be used therein. Shaft to have proper appliances.
- XXIII.** A ladder permanently used for the ascent or descent of persons in the mine shall not be fixed in a vertical or overhanging position unless in shafts used exclusively for pumping, and shall be inclined at the most convenient angle which the space in which the ladder is fixed allows, and every such ladder shall have substantial platforms at intervals of not more than Thirty feet; and a suitable fixture for a hand-grip shall be placed above such ladder for the use of persons ascending or descending by it. Inclination of ladders.
- XXIV.** Before any rope or chain is used in the shaft of a mine it shall be tested and proved to be equal to carrying twice the weight of the ordinary load, and in mines where men are lowered or raised in shafts, the ropes and chains used for such purposes shall be periodically tested at intervals of not more than Three months to carry twice the weight of the ordinary load. The dates and results of such tests shall be recorded in a book kept by the mining manager, and such book shall, on demand, be open to perusal by any Inspector under this Act. Chains, &c. to be tested.
- XXV.** There shall be on the drum of every machine used for lowering or raising persons such flanges or horns, and also if such drum is conical such other appliances as may be sufficient to prevent the rope from slipping. Slipping of rope on drum.
- XXVI.** There shall be attached to every machine worked by steam, water, or mechanical power, and used for lowering or raising persons an adequate brake, and also a proper indicator (in addition to any mark on the rope) which shows to the person who works the machine the position of the cage or load in the shaft. Brake.
- XXVII.** Every cage used in a mine shall be fitted with special and suitable appliances to prevent its sudden fall down a shaft, and also to prevent it coming into contact with the poppet-heads. Cages to have suitable appliances.

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Catches to be affixed to skids.

xxviii. Spring catches, or automatic or self-acting doors or tumblers of a suitable kind shall be affixed to the skids or guides below the poppet-heads of every shaft in which the cage is used, to prevent the fall of such cage down the shaft when detached from the rope or chain by over-winding.

Safety-cage to be tested.

xxix. Before any safety-cage be first used it shall be tested in the presence of an Inspector of Mines or an Inspector of Machinery to show that it is in working order; and no such cage shall be used unless and until an Inspector as aforesaid gives a certificate to the effect that such cage is in fit working order and condition.

Speed of winding machinery.

xxx. When men are being lowered or raised in any shaft by means of machinery the rate of speed for the descent or ascent of such men shall not exceed within One hundred feet of the surface of a mine Two hundred feet in each minute of time, and shall not in any other part of a shaft exceed Five hundred feet in each minute of time.

Dressing-room.

xxxi. If more than twelve persons are ordinarily employed in the mine below ground in one shift, sufficient accommodation shall be provided above ground near the principal entrance of the mine, and not in the engine-house or boiler-house, for enabling the persons employed in the mine to conveniently dry and change their dresses; and in no case shall men be allowed to change their dresses upon a boiler.

Person in charge of machinery.

xxxii. No person under the age of Eighteen years shall be placed in charge of or have the control of any steam engine or boiler used in connection with the working of any mine. No person in charge of steam machinery in connection with the working of any mine shall, under any pretext whatever, unless relieved by a competent person for that purpose, absent himself or cease to have continual supervision of such machinery during the time it is used in working the mine.

At every shaft where machinery is used for winding purposes a braceman shall be kept in constant attendance on miners during the time they are engaged in sinking such shaft.

Fencing machinery.

xxxiii. Every fly-wheel and all exposed or dangerous parts of the machinery, and every tramway constructed on an elevated platform, used in or about the mine, shall be and be kept securely fenced, except tramways worked by ropes.

Gauges to boilers and safety-valve.

xxxiv. Every steam boiler shall be provided with a proper steam-gauge and water-gauge, to show respectively the pressure of steam and the height of water in the boiler, and with a proper safety-valve; and at least once in every Six months, or oftener if required, every boiler shall be thoroughly cleansed.

Smoke not allowed to escape.

xxxv. The smoke from every boiler for generating steam, and from every furnace used in any part of the underground workings of a mine, shall not be allowed to escape into any part of such workings, nor in any manner other than by means of an air-tight flue conducting such smoke directly from the boiler or furnace into a vertical shaft cut in the rock up to the surface of the ground to the open air, or built up to

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the surface as aforesaid with bricks and cement in manner as to be completely air-tight. A.D. 1893.

- xxxvi. No person shall wilfully damage or without proper authority remove or render useless any fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, ladder, platform, steam-gauge, water-gauge, safety-valve, or other appliance or thing provided in any mine in compliance with this Act; and no person shall after any shaft shall have become disused for mining purposes wilfully damage or render useless such shaft by the removal of any fencing, covering, casing, lining, ladder, platform, or other appliance provided in such shaft without the consent of a Commissioner. Wilful damage. Protection of abandoned shafts.
- xxxvii. In every working in a mine approaching a place likely to contain a dangerous accumulation of water, or of fire-damp, boring-rods shall be kept and used for the purpose of perforating the ground Ten feet in advance of, or near or at any angle from such working; and no drive, gallery, or other excavation shall be made within a dangerous distance of such accumulation of water or fire-damp. Boring-rods to be used.
- xxxviii. In every mine which in the opinion of the Inspector is liable to an inundation or inburst of water, such additional rises, chambers, drives, and other workings, or any of them, shall be constructed as may seem necessary and as may be directed by the Inspector for the escape of workmen from the lower workings, or to ensure their safety in every such mine during the period of any inundation or inburst of water in such mine. Mines liable to be flooded to be provided with escape drives.
- xxxix. Ladders, and, when necessary, convenient platforms connected therewith, shall be provided in each rise, jump-up, or passage giving access to workings at a higher or lower level in a mine. Ladders to be provided in jump-ups.
- xl. The mining manager of every mine, or some competent person or persons appointed by him for such purpose, shall once at least in every week examine the state of all ropes, safety appliances, or gear connected with the cages or shafts of the mine; and shall once in each week carefully examine the buildings, machinery, shafts, levels, planes, and all places used in the working of such mines; and shall record in writing, in a book to be kept for that purpose, his opinion as to their condition and safety, and any repairs and any alterations required to ensure greater safety to the persons employed in the working of such mine; and such book shall on demand be open to perusal by any Inspector under this Act or "The Inspection of Machinery Act, 1889," or any Commissioner; and every such rope, safety appliance, or gear, if condemned by any Inspector of Mines or Inspector of Machinery, shall be forthwith removed or made fit. Mining manager in charge of a mine to inspect. 53 Vict. No. 12.
- xli. The books mentioned in these Rules or a copy thereof, and a copy of this Act, shall be kept at the office at the mine, or, if there is no office, at some convenient place near the mine; and any Inspector under this Act or "The Inspec-

Books to be open to inspection.

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tion of Machinery Act, 1889," or any Commissioner, and any person employed in the mine, may at all reasonable times inspect and take copies from any such books or extracts from such Act.

Any person employed in or about a mine who contravenes or fails to comply with any of these Rules shall be guilty of an offence against this Act: and any mining manager or person in charge of or giving orders or directions relating to the carrying on of any mining operations in a mine who contravenes or does not comply with any of these Rules, or who allows them to be contravened or not complied with by any person employed under him, shall be guilty of an offence against this Act, unless he proves that he had taken all reasonable means to prevent such contravention or non-compliance.

A printed copy of these Rules shall be posted in the office and on a building or board in some conspicuous place in connection with every mine, and be preserved in a legible condition.

Special Rules.

Special Rules.

103 The owner of any mine may, if he think fit, transmit to the Inspector of Mines, for approval by the Minister, Rules (referred to in this Act as Special Rules) for the conduct and guidance of the persons acting in the management of such mine or employed in or about the same, so as to prevent dangerous accidents, and to provide for the safety and proper discipline of the persons employed in or about the mine, and such Special Rules, when established, shall be signed by the Inspector at the time such Rules are established, and shall be observed in and about every such mine in the same manner as if they were enacted in this Act.

If any person who is bound to observe the Special Rules established for any mine, acts in contravention of or fails to comply with any of such Special Rules, he shall be guilty of an offence against this Part of this Act, and also the owner and the mining manager of such mine shall each be guilty of an offence against this Part of this Act unless he proves that he had taken all reasonable means by publishing and to the best of his power enforcing the said Rules as regulations for the working of the mine to prevent such contravention or non-compliance.

Miscellaneous.

*Employés to
inform employers
of breaches of Act.*

104 Every person employed in or about any mine shall satisfy himself of the safety of any tubs, chains, tackle, windlass, ropes, or other appliances he may use before commencing and whilst at work, and in case of any defect or insecurity he shall cease to use anything unsafe; and every such person who shall witness in or about any such mine any circumstance, matter, or thing which may be likely to produce therein danger of any kind, and every person who may be notified by any such person of any such circumstance, matter, or thing, shall notify the same to the person (if any) under whose immediate directions or control he may be, otherwise he shall be guilty of an offence against this Act; and every such person in sub-charge of and employed in mining operations in any part of a mine shall, on changing his shift, inform the person appointed to relieve him of the state of the workings in the part of the mine in which he has been employed, otherwise he shall be guilty of an offence against this Part of this Act.

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105 Immediately upon any miner working in a mine making a complaint under this Act to an Inspector, it shall be the duty of the Inspector to make inquiry into the matter of such complaint, and to take such other steps as he may deem necessary to investigate the matter.

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Inspector to hold enquiry on hearing complaint.

106 If any person employed in or about any mine suffers any injury in person or is killed owing to the non-observance in such mine of any of the provisions of this Act, such non-observance not being due to the negligence of the person so injured or killed, or owing in any way to the negligence of the owner of such mine, the person so injured or his personal representatives or the personal representatives of the person so killed may recover from the owner compensation by way of damages as for a tort committed by such owner; and the amount of such compensation with the costs of recovering the same when determined shall constitute a charge on the mine and mining plant in or about which such person was so employed. Nothing in this Section contained shall take away from any person any right to take proceedings in respect of a claim for compensation in any Court of competent jurisdiction.

Employer to compensate employé injured through non-observance of this Act.

107—(1.) Any person having a personal interest in or employed in or in the management of any mine in which any accident has occurred which may have caused the death of any person shall not be qualified to serve as a jurymen on any jury empanelled at a Coroner's Inquest on the body of any such person whose death may have been caused as aforesaid.

Jury at Coroners' Inquests.

(2.) It shall be the duty of the Coroner, before swearing any Jury on any such Inquest as aforesaid, to inquire if any of such Jury are disqualified from serving as such under this Section.

(3.) Whenever it is practicable, at least one-half of the Jury on all Inquests as aforesaid shall be miners.

108 Every person who contravenes or does not comply with any of the provisions of this Part of this Act, or who is guilty of negligence, either by himself, his agent, or servants, by which any person is injured or killed, shall be deemed guilty of an offence against this Part of this Act.

What is an offence against this Act.

109 Every person who is guilty of an offence against this Part of this Act shall be liable to a penalty not exceeding, if he is the owner, mining manager, or person in charge of or giving orders or directions relating to the carrying on of any mining operations in any mine, Fifty Pounds, and if he is any other person, Ten Pounds for each offence. The imposition of such a penalty shall not bar the right of action of any person injured or his personal representatives under this Act or otherwise.

Penalty.

110 Every person charged with an offence against this Part of this Act shall be a competent witness on his own behalf at the hearing of such charge, and whether the person so charged is charged solely or jointly with another or others.

Person charged competent witness.

111 No person so charged shall be compellable to be a witness on any such hearing.

Person charged not compelled.

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Offences to be prosecuted within Three months.

Burden of proof to lie on defendant.

Prosecution for offences.

Notices may be served by post.

Notice to Inspector.

112 No person shall be liable to be proceeded against for any offence against this Part of this Act unless an information is laid in respect thereof within Three months after the offence committed.

113 For the purpose of any proceeding taken under the provisions of this Act against any mining manager or person in charge of or giving orders or directions relating to the carrying on of any mining operations in a mine, the burden shall lie on the defendant of proving he is not such manager or person.

114 No prosecution shall be instituted against the owner or mining manager of a mine for any offence punishable in a summary way except by an Inspector, or with the consent in writing of the Minister; and if the owner or mining manager of a mine proves to the satisfaction of the Inspector that he had taken all reasonable means to prevent the commission of any such offence, the Inspector shall not institute any prosecution against such owner or mining manager. All costs incurred by the Inspector, or which may be awarded against him in any proceedings under this Act, shall be paid out of the Consolidated Revenue Fund, and the Inspector shall not be personally liable for the same.

115 All notices under this Act shall be in writing or print, or partly in writing and partly in print, and all notices and documents required by this Act to be served or sent by or to an Inspector or the Minister may be either delivered personally or served and sent by post, by a prepaid letter, and if served or sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post. Any notice required by this Act to be given or sent to the Inspector of Mines shall be deemed to have been given or sent to the Inspector of Mines if given or sent to the Inspector of Mines residing nearest to the mine to which such notice relates.

PART VII.**DRAINAGE OF MINES.**

Interpretation.

"Machinery."

"Mine."

"Mining purposes."

116 In the construction of this Part of this Act, the following words and expressions, if not repugnant to the context, shall have the respective meanings hereby assigned to them (that is to say):—

"Machinery" shall apply to and include all appliances, including tunnels used or that may be used for the purpose of raising, lifting, or draining water, whether worked by steam, water, horse, or other power:

"Mine" shall apply to and include all land or ground held, used, or occupied by any person for mining purposes:

"Mining purposes" shall mean the purpose of obtaining gold or any mineral by any mode or method, and of stacking or otherwise storing any earth:

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“Owner of any machinery” shall include the mortgagee in possession, and shall also include any person or number of persons, association, company, joint-stock company or corporation, whether engaged in mining or in mining in conjunction with drainage or for the purpose of drainage only; and “owner of any mine” shall apply only to any person using or occupying any land or ground for mining purposes, and shall also include any person or number of persons, association, company, joint-stock company or corporation using or occupying any land or ground, and whether Crown land or land the property of any private person, for “mining purposes” as the words “mining purposes” are defined in this Section.

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“Owner of any machinery.”

117 The owner of any machinery already erected or hereafter to be erected may require the owner of any mine, the workings of which have reached the natural water-level drained by such machinery, to contribute a fair share of the total expense of draining or drawing the water from the mines drained by such machinery, and in default of payment, or in case of disagreement respecting the amount of such share, the owner of such machinery may summon the owner of any such mine before a Commissioner, who may make an Order on such owner to pay such sum or sums periodically or otherwise to the owner of such machinery as the Commissioner shall think just and reasonable.

Owners of pumping machinery may require contribution from owners of claims for the drainage thereof.

The Commissioner may, upon making such Order, impose on the owner of such machinery such terms with regard to the efficient working thereof for the benefit of all parties as to such Commissioner shall seem just, and order the same to be performed, or may make such other Order concerning the premises as the justice and equity of the case may demand, and such Orders from time to time may annul, vary, or alter.

The Commissioner shall upon making every such Order as aforesaid forward a copy of such Order to the Secretary for Mines, who shall record the same in his Office.

118 The expense of the drainage effected by the owner of any machinery shall be arrived at by calculating—

Calculation of expense of drainage.

- i. The interest on the value of machinery and plant used for drainage purposes only:
- ii. The wear and tear of such machinery and plant:
- iii. The cost of oil, grease, and packing:
- iv. The proportionate cost of fuel expended or of horses employed in drainage operations:
- v. The wages of engine-drivers and of other persons in such proportions as such persons may be deemed to be employed in draining a mine: and
- vi. Such other expenses as the owner can prove have necessarily been incurred in respect of the drainage effected by any machinery.

119 No drainage dues shall be demanded for any period during suspension of draining operations; and in determining the cost of drainage effected by the owner of any machinery, if the whole or any part of the water raised by such machinery shall be used by the owner of such machinery for mining purposes, the value of such water shall be ascertained and deducted from the general cost of such drainage.

No drainage dues to be demanded in certain cases.

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Mode of calculating amount of contribution.

120 In determining the mines the owners of which shall be liable to contribute towards the expense of the drainage effected by the owner of any machinery, regard shall be had to the total length of reef or lode or the extent of lead or deposit affected by the drainage operations of such machinery, and to the amount of the benefit derived by the owners of mines from such operations; and the share to be contributed in respect of each mine drained shall be proportioned as nearly as may be to the length of such reef or lode or the extent of such lead or deposit contained within each such mine, and to the amount of benefit so derived.

Work done by owners.

121 The owners of each mine liable so to contribute shall receive credit for the value of any work they shall perform in assisting to drain, and such value shall be added to the general cost of drainage.

Enforcement of Commissioner's order.

122 Whenever any sum of money or portion of any sum of money ordered to be paid in or by any decision or order of a Commissioner under this Part of this Act, and whether such money was ordered to be paid at one time or in periodical payments, shall remain unsatisfied in whole or in part, and whether after previous executions or not, for Fourteen days or for a longer period, the Commissioner who shall have made such order or any other Commissioner to whom a certified copy of the said order shall be produced, shall, on the application of the owner of machinery claiming to be entitled to the moneys in such order, or any attorney in his behalf, grant to the party so applying a certificate in such form as may be prescribed or to the like effect; and it shall be lawful for the party obtaining such certificate or his attorney to file such certificate with the Registrar of the Supreme Court, and thereupon execution may issue, and all such proceedings be had and taken to enforce payment of the moneys mentioned in such order as upon a decree or order of the Supreme Court. And in the event of any such decision or order of the Commissioner imposing upon the owner of machinery any terms with regard to the efficient working of the machinery or otherwise, such terms may be enforced in the same manner as orders by a Commissioner other than or besides orders for the payment of money may be enforced under this Act; and it shall be lawful for the Commissioner to suspend the enforcement of so much of the order as directs the payment of money to the owner of machinery until the terms in such order imposed upon such owner of machinery have been carried out by him.

Certified order to be a charge on property of mine-owner.

123 Whenever and so soon as any order of a Commissioner made under this Part of this Act shall have been filed with the Registrar of the Supreme Court, the moneys directed in such order to be paid shall, so long as any part thereof remains unpaid and unsatisfied, become and be a charge, subject to prior encumbrances, upon the estate or interest of the owner of the mine in the Crown land or private lands occupied or used for mining purposes by the owner of the mine in respect of which the money mentioned in such order is directed to be paid, and upon all plant and machinery thereon and all property of the owner of the mine in such land, plant, and machinery; and the Commissioner by whom such order shall have been made, or any other Commissioner to whom a certified copy of such order shall be produced, may by his order restrain the sale or other disposal or transfer of such interest in the land, plant, machinery, or property until such moneys have been paid; but

Commissioners may restrain sale of such property until moneys paid.

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this provision shall not be deemed in any way to lessen the right of seizure and sale of such land, plant, machinery, and property under any execution issued for the realization of the moneys ordered in such Commissioner's order to be paid or contributed. A.D. 1893.

124 The remedies provided in the two last preceding Sections shall be in addition to and not in derogation of any of the remedies given in or by any other Section of this Act, and shall not be construed to in any way lessen or take away any of the jurisdiction, power, or remedies created or given in or by such last-mentioned Section. Remedies in this division to be cumulative.

PART VIII.**DEPOSIT OF TAILINGS.**

125 The Governor in Council, at any time from time to time, and either by particular or general description, may set apart, by Proclamation, any portion of Crown Lands for the construction of tail-races or sludge-channels, or for the deposit of tailings and *débris* from any mine, workings, or mining operations, or for the discharge of water, tailings, and refuse therefrom. Governor in Council may set apart Crown lands for deposit of tailings.

126 The Governor in Council, from time to time, by Proclamation published in the *Gazette*, may proclaim and declare that any watercourse or part of any watercourse shall be a watercourse into which tailings, mining *débris*, and waste waters of every kind used in, upon, or discharged from any claim shall be suffered to flow or be discharged, and in like manner may withdraw any such watercourse from the operation of this Act. Governor in Council may appoint water-courses for receiving tailings, &c.

Before any such Proclamation shall be made as herein provided, the Minister shall cause not less than Ninety days' notice of the fact that it is proposed to proclaim a watercourse or part of a watercourse for the purposes aforesaid to be published twice in the *Gazette* and at least twice in a newspaper circulating in the district where such watercourse or part thereof may be situated, stating the name and locality of such watercourse or part thereof; and any person whose rights may be or appear to be injuriously affected shall be at liberty to transmit to the Minister any objections such person may have to the making of such Proclamation.

If, notwithstanding any such objections, the Governor in Council shall decide to exercise the powers hereby conferred upon him, such Proclamation shall prescribe a day on which the same shall take effect.

"Watercourse" means and includes any river, stream, creek, pool, or any portion thereof, or any tributary thereof, mentioned or included in any such Proclamation, and whether within the limits of a proclaimed Mining Field or not; but in any such Proclamation it shall be sufficient to describe the watercourses affected by it in general terms.

127 From and after any such Proclamation taking effect, all persons being owners of, or having any lesser estate or interest in the fee simple of any lands through, in, or past which any such watercourse may flow, whose rights may be injuriously affected by any such Proclamation, shall be entitled to receive compensation for such injury, to be settled Compensation to former land-owners on banks of water-courses.

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21 Vict. No. 11.
Claims, how to
be made.

by agreement between the Minister and the claimants within the time hereinafter mentioned, or determined by arbitration in the mode prescribed by *The Lands Clauses Act*.

- i. Every claim for compensation under this Section shall be made within Twelve months after the date of such Proclamation, and shall include the claimant's full demand in respect of injury or damage to any land through, in, or past which any watercourse may flow occurring after the date of the publication in the *Gazette* of such Proclamation, and which may be likely to occur prospectively after it takes effect, and the Arbitrators may require any claim not made in conformity herewith to be amended; but every such demand shall be included in one claim, and heard and determined in the manner provided by this Act.

Nothing herein contained shall bar the right to compensation under the provisions of this Act of any person being on or previously to the date aforesaid owner of, or having any lesser estate or interest in the fee simple of any such land other than the person whose claim has been agreed upon or ascertained as aforesaid, and all persons claiming from, through, or under him.

- ii. Payment of compensation when agreed upon or ascertained under this Part of this Act, or an offer in writing to pay the same, shall effectually bar the person making such claim, and all persons claiming from, through, or under him, from all further claims of any kind whatsoever in respect of any such injury or damage, past, present, or future, or arising in any manner from the operation of such Proclamation, or any subsequent Proclamation of the same watercourse; and such compensation, when so agreed upon or ascertained, shall be deemed to be settled once for all against all claimants.
- iii. The compensation agreed to be paid, or that may be ascertained under this Part of this Act, for or in respect of any such claim, shall not exceed the value of the property to which such injury or damage has occurred, according to the valuation thereof in the Assessment Book in force for the time being under "The Assessment Act, 1887," or any Act amending the same, at the date when the Proclamation declaring the watercourse has been first published in the *Gazette*.
- iv. A notification in the *Gazette*, signed by the Minister, that any such claim has been settled by agreement or determined by arbitration, as provided by this Act, shall be sufficient notice of the fact to all persons concerned or interested, or that may thereafter be concerned or interested, in such land that no further claim or demand can be made in respect of the injury or damage thereto occasioned by the operation of any such Proclamation.
- v. If the Governor in Council shall consider the amount of compensation agreed upon or ascertained under this Part of this Act to be excessive, he may revoke any such Proclamation, and thereupon all costs and expenses of and incidental to any arbitration or award under this Part of this Act shall be payable by the Minister :

51 Vict. No. 20.

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vi. Regulations may be made by the Governor in Council in the manner provided by this Act prescribing the mode in which any award under this Part of this Act shall be recorded on any instrument of title or other document that may be in evidence before the Arbitrators, or be required to be produced for the purposes of such Arbitrators, such particulars of the claim heard and determined as the Arbitrators think fit, and also for requiring and compelling the production of such instruments or documents accordingly.

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vii. All charges and expenses incurred by the Minister in carrying out the provisions of this and the last preceding Section shall be paid out of the same fund as the compensation is paid.

128 No person who, after the day on which this Act comes into operation, shall purchase, lease, occupy, or otherwise acquire any Crown lands within a Mining Field under any law for the time being in force regulating the sale or acquisition of such lands, shall be deemed—

Purchasers of land on water-courses after this Act comes into operation to acquire no riparian rights.

i. To have any right or title to any watercourse, or the water flowing therefrom, running, through, in, or upon such lands which would interfere with or prejudice the right of any holder of a Miner's Right, Consolidated Miner's Right, or lease or claim to discharge into such watercourse any tailings, mining *débris*, or waste water produced or used in or upon any claim within a Mining Field :

ii. Be entitled to claim or recover any compensation or other payment for damage caused by reason of the deposit or flow of tailings or mining *débris* into any such watercourse.

PART IX.

HOLDINGS FOR CULTIVATION.

129—(1.) The Minister may from time to time grant a Licence to any person being the holder of a Miner's Right or Residence Licence to occupy any Crown land withdrawn from the operation of "The Crown Lands Act, 1890," for agricultural, horticultural, or pastoral purposes.

Licences may be granted to occupy certain Crown land for agricultural and other purposes.

(2.) Every such Licence shall be granted at such rental and upon such terms and conditions as may be prescribed, and for any period not exceeding Two years from the date thereof, as the Minister may think fit.

54 Vict. No. 8.

(3.) The area of land comprised in any such Licence shall not exceed Twenty acres.

130 Any Licence issued under this Part of this Act shall not confer any right upon the holder thereof to any gold or minerals in the land comprised in such Licence, but shall entitle such holder to the use and enjoyment of the surface only of such land.

Licence not to confer right to minerals.

131—(1.) It shall be lawful for the Minister to resume the whole or any portion of any land held under any Licence issued under this Part of this Act for the purpose of being leased or otherwise dealt with under the provisions of this Act, upon giving to the holder of

Land may be resumed.

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such licence not less than Three months' notice of his intention to resume such land or part thereof. Upon the expiration of any such notice, such Licence shall become null and void as to the said land, or any part thereof, as the case may be.

(2.) The Minister may remit a proportionate part of the rent payable by the holder of any such Licence for so much of such land as is resumed as aforesaid.

Compensation.

132—(1.) When any land, or any part thereof, held under any Licence issued under this Part of this Act is resumed by the Minister under the immediately preceding section, compensation shall be made by the Minister to the holder of such Licence for all fences, buildings, and permanent improvements which such holder may have erected or made on the land so resumed, and for any growing crop upon such land; and such compensation shall be ascertained in such manner as may be prescribed.

(2.) Whenever any land, or part thereof, is resumed as aforesaid, the amount of compensation made by the Minister for fences, buildings, improvements, or growing crop shall be paid by the person to whom the land so resumed is leased, in addition to the rent of such land.

(3.) No compensation shall be given to the holder of any Licence at the expiration thereof for any improvements effected upon any land comprised in any such Licence or for any growing crop upon such land.

Licence may be transferred.

133 The holder of any Licence may, upon payment of such fee as may be prescribed, transfer and assign his interest in such Licence to any other person, who shall for all purposes be deemed to be the holder of the Licence, and entitled to occupy the land comprised in such Licence; and such transfer and assignment shall be in such form as may be prescribed, and shall be registered in the Office of the Secretary of Mines, and no assignment or transfer shall be binding on the Minister until the same shall have been so registered.

Miners may work leased land.

134—(1.) Any person may apply for and take up for mining purposes, in accordance with the provisions of this Act, any land comprised in a Licence issued under this Part of this Act, and may mark off the claim or land to which he is entitled, and may obtain registration thereof in the same manner as if the land were unoccupied Crown land.

(2.) A lease may be granted under this Act of land comprised in a Licence issued under this Part of this Act. But in any such case the lease shall be of the mines under such land only, and not of the surface of the land.

(3.) When land comprised in a Licence issued under this Part of this Act is taken up for mining purposes, or is included in a lease, the person entitled to mine thereon shall be entitled to erect buildings, sink shafts, and carry on all necessary mining operations upon the surface of the land comprised in the claim or mineral lease, and shall also be entitled to access to the mines through the residue of the land comprised in the Licence.

Compensation for land.

135 In any of the cases mentioned in the last preceding Section the holder of a Licence may call upon any Commissioner to assess the value of the damage likely to be done to any improvements or growing crops upon the land comprised in such Licence, and the Commissioner shall

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thereupon require the miner working or about to work upon the land to deposit in his hands the amount of the value of the damage which the working is likely to do to the holder of the Licence, and until such payment is made the miner shall not be entitled to work upon the land. A.D. 1893.

Upon the receipt of the amount so required to be deposited, the Commissioner shall hold the same as security to be paid either wholly or in part to the holder of the Licence if he sustains any damage, or to be returned to the miner on his leaving the land if he does no damage. In assessing such damage, only actual injury to improvements or growing crops shall be taken into account, and no compensation shall be allowed for the value of the land or the interest of the holder of the Licence therein.

When the holder of a Licence has received any money by way of compensation for injury to improvements or growing crops, he shall not afterwards be entitled to claim compensation in respect of the same improvements or crops except for additions made to them after the time when he received such compensation.

PART X.

ASSOCIATION OF MINERALS.

136 Notwithstanding anything contained in this or any former Act, or in any lease issued thereunder, any person authorised in writing in that behalf by a Commissioner may enter into occupation of or under any land comprised in any lease to mine for minerals for the purpose of mining for gold or any other mineral than that authorised to be mined for under any such lease; but no such occupation shall interfere with or obstruct the lessee in conducting mining operations under his lease. Lands leased for mineral purposes may be entered upon for purpose of mining for gold, &c.

137 Whenever land leased under this or any former Act for the purpose of mining for coal, shale, slate, freestone, or limestone shall be found to contain any other mineral than those authorised to be mined for under such lease, such land, or such portion thereof as may be required for the purpose of mining such other mineral, shall be deemed to be Crown Land, and may be leased under the provisions of this Act for such purpose: Provided such leasing shall not interfere with the lessee in mining for coal, shale, slate, freestone, or limestone, as the case may be. If land leased for coal, &c. for mining purposes be found to contain any other mineral than that intended to be mined, land may be leased for mining such other mineral.

138—(1.) Whenever land leased for the purposes of mining for minerals under this or any former Act shall be found to contain gold, such land may be dealt with under the provisions of this Act and the Regulations in all respects as if such land had never been leased as aforesaid. Where land leased for mineral purposes is found to contain gold, land may be dealt with under the provisions of this Act relating to mining for gold.

(2.) Nothing hereinbefore contained shall authorise any person to mine for gold upon any portion of a claim leased as aforesaid upon which the lessee is *bond fide* conducting mining operations under the terms and conditions of his lease, or upon any portion of such claim which the lessee shall prove to the satisfaction of a Commissioner is required by him for or in connection with mining under his lease.

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Rent may be remitted in certain cases.

139 When any land leased under this or any former Act shall be occupied by any person under the provisions of the last three preceding Sections, the Minister may remit a proportionate part of the rent payable by the original lessee for so much of such land as shall be occupied under the said provisions.

Lessee to give notice of intention to work more than one mineral.

140 Every person who shall have obtained a Lease to mine for minerals under this Act or any former Act and shall desire to mine in the land demised by such Lease for any mineral other than that for the mining of which such Lease shall have been granted, shall give notice of such his desire to the Secretary for Mines; and if any such person shall proceed to mine for any such other mineral without having obtained due authority so to do, he shall be liable to a forfeiture of his Lease as for a breach of condition.

Where gold is associated with minerals.

141 Where gold is associated or combined with any mineral in any land held under any Lease to mine such land for minerals granted under this Act or any former Act, if the lessee of such land shall desire to mine for such gold, or should the nature of the mining operations be such as to lead to the removal of such gold, such lessee shall make application to the Secretary for Mines for a Lease to mine such land for gold under the provisions of this Act, in addition to any Lease which he may hold; and if such lessee shall proceed to mine for such gold before he shall have obtained such Lease to mine for gold, his Lease to mine for minerals shall be liable to be forfeited as for a breach of condition.

Lessee for gold entitled to all minerals.

142 Every person who shall have obtained a lease to mine for gold under this Act or any former Act upon any land not leased for mineral purposes shall be entitled to mine for any minerals found in the land included in such lease.

PART XI.

TIMBER RIGHTS.

Interpretation.

143 In this Part of this Act—

“Mining Lease” shall mean any Lease granted at the passing of this Act, or hereafter to be granted to any person or body of persons under this Act or any former Act.

Holder of Mining Lease to mark off Timber Reserve.

144—(1.) The holder of any Mining Lease granted after the passing of this Act shall be entitled, and is hereby required, within Three months after the date of such Lease, to select and mark off in such manner as may be prescribed by any Regulations under this Act, such portion of the land held under any such Mining Lease as he may require as a Timber Reserve.

(2.) Any such Timber Reserve shall not exceed in area one-half of the land held under any such Mining Lease, and shall be called the “Lessee’s Timber Reserve,” and the holder of such Lease shall have the sole right to all or any of the timber whether live or dead on any such Timber Reserve as shall be required for working the mines comprised in such Mining Lease or for the domestic purposes of those engaged in working thereon, but subject to the rights of the

Mining.

Commissioner of Crown Lands and any person or company to take and use timber from Crown Lands for any purpose authorised by Parliament. A.D. 1893.

145 Any person not duly authorised in that behalf who shall wilfully cut, destroy, or remove any timber on or from any Lessee's Timber Reserve shall, upon conviction, be liable to a penalty not exceeding Five Pounds, together with the value of any damage done to such Timber Reserve. Penalty for cutting timber on Reserve.

Any such penalty and the value of such damage shall be recoverable in the manner prescribed by *The Magistrates Summary Procedure Act*, and the value of such damage when recovered shall be paid to the Lessee of any such Timber Reserve. 19 Vict. No. 8.

146 It shall be lawful for the Commissioner of Crown Lands to grant to any person a licence to enter upon such portion of any land held under any Mining Lease as is not included in any Lessee's Timber Reserve and to fell and remove any timber growing thereon; any such licence shall be subject to such terms and conditions as may be prescribed by "The Crown Lands Act, 1890," or any Regulations issued thereunder, or under this Act. Licences may be granted to cut timber on leased land not included in Reserve. 54 Vict. No. 8.

PART XII.

ADMINISTRATION OF JUSTICE.

- 147**—(1.) Every Commissioner shall have power and authority— Powers of Commissioners.
- I. To hear and determine in a summary manner any dispute which may arise between any two or more persons—
 - (a.) As to the right or title to, or any interest in, any Crown lands under this Act or the Regulations made hereunder:
 - (b.) As to the right to take and use water under this Act or the Regulations made hereunder, and as to the quantity of water to be taken by any person, and the mode and times of taking, storing, collecting, or diverting such water, or of returning the same when used to its natural channel:
 - (c.) As to any matter under this Act or the Regulations made hereunder:
 - II. To hear and determine in a summary manner any objection to an application for a Lease or a Water Right or Mining Easement or any other right; to uphold any such application and dismiss any objection thereto, or to uphold any objection to any such application and to reject such application; and to make such order in reference to any application as under this Act and the Regulations the circumstances of the case shall require: and
 - III. To perform any other duty or act which he may be authorised or required to perform by this Act or as prescribed.

(2.) The determination of a Commissioner shall be binding and conclusive on all parties, and upon the Minister, subject to the right of appeal hereinafter mentioned.

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Complaints of trespass, or trespass with unlawful removal of gold or minerals, or damages.

148 Upon the complaint of any person holding a Lease or any other right under this or any former Act, or any person duly authorised in writing by such person, that any other person has—

- (a) Encroached or trespassed upon, or in any manner unlawfully interfered with, the claim of the complainant; or
- (b) Unlawfully trespassed or encroached upon or in such claim, and unlawfully and improperly removed gold or minerals not exceeding in value One hundred Pounds therefrom; or
- (c) Caused any damage or injury to such claim to an extent not exceeding One hundred Pounds;

it shall be lawful for a Commissioner to enquire into such complaint and determine the same in a summary manner; and if it appears to the Commissioner that the defendant has so encroached, trespassed, or unlawfully interfered with the claim of the complainant, or has unlawfully trespassed or encroached upon or in such claim and unlawfully and improperly removed gold or minerals as aforesaid, or has caused damage or injury to such claim as aforesaid, he may order such defendant, his servants, implements, goods, and chattels, to be removed from such claim, or may direct the discontinuance of such encroachment, trespass, or unlawful interference, or may order any such gold or minerals which may have been so removed to be seized by any Bailiff of Crown Lands and delivered to the complainant, or the value thereof, and also such further sum of money as shall appear to the Commissioner to be a reasonable compensation for the damage or injury so committed not exceeding the sum of One hundred Pounds, to be paid by the defendant to the complainant; and in case of non-payment thereof within such period as the Commissioner shall appoint, the Commissioner shall have and may exercise all the powers conferred upon a Justice of the Peace by *The Magistrates Summary Procedure Act*.

19 Vict. No. 8.

Commissioner may prohibit mining until case heard and determined.

149 Whenever any claim shall be in dispute between any two or more persons, or any question shall arise as to any right, title, or interest to or in any claim, it shall be lawful for a Commissioner by his order to prohibit the occupation of such claim, or any mining therein, by any or either party until the dispute or question shall be finally settled; and any person who wilfully disobeys or infringes any such order shall forfeit and pay a penalty not exceeding Twenty Pounds.

Partnership questions.

150 It shall be lawful for a Commissioner upon complaint made by any person that he is or has been engaged in a mining partnership and that a balance is due to him on account thereof, or upon the application of any such person that such mining partnership may be dissolved and that the sums respectively due to the several members thereof may be ascertained and paid, and also upon complaint by any such person touching any dispute or question regarding such partnership, to issue process to procure or compel the appearance before such Commissioner of such members of the said partnership as appear to be necessary, and upon such appearance, or in default thereof after due service of 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 Commissioner 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 member or members to any other member

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or members thereof, and to order that such amount so determined, together with reasonable costs to be ascertained by the Commissioner, shall be paid, and to order that any partner may be included as joint Lessee, or to make such other order as to such Commissioner seems meet, provided that the amount payable to any one partner does not exceed Two hundred Pounds. A.D. 1893.

151 Upon the hearing of any dispute or complaint or any other matter brought before a Commissioner which he is by this Act authorised to hear and determine, the Commissioner may, of his own accord or shall at the request of either of the parties thereto, select two persons from amongst those who are present and willing to act as Assessors, or may summon any number of persons not exceeding four, and shall select two from amongst those who may attend at the time appointed, and the persons so selected shall be and act as Assessors; and before any such person acts as such Assessor the Commissioner shall and he is hereby authorised to administer to such persons an oath to the effect that such person will well and truly enquire into the dispute or question then submitted and a true finding and decision give according to the evidence; and the decision of the Commissioner and one Assessor shall be binding upon all parties. When dispute arises Commissioner may select Assessors to decide same.

152 If any person having been duly summoned to act as an Assessor 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, every such person upon proof that such person was duly summoned, or upon such person refusing to be sworn, shall, unless some reasonable cause for such non-attendance or refusal is made to appear to such Commissioner, be liable to a penalty not exceeding Five Pounds, which penalty may be recovered before such Commissioner, and be levied in a summary way in the mode prescribed by *The Magistrates Summary Procedure Act*; and every person who attends in obedience to any such summons and acts as such Assessor shall be entitled to receive any sum which the Commissioner may order not exceeding Two Pounds for each day or part of a day which such Assessor shall attend, and the amount so paid to any such Assessor, or any part thereof, shall be paid by such of the parties as the Commissioner may determine and order to pay the same, and the sum so ordered shall be deemed to be costs in the proceedings. Penalty for non-attendance as Assessors.

153 Every Commissioner shall have and may exercise, for the purpose of procuring and enforcing the attendance of defendants and witnesses, and for hearing and determining any matter brought before him under this Act or the Regulations, all the powers conferred upon a Justice of the Peace by *The Magistrates Summary Procedure Act*. And such Commissioner may award and order that one party shall pay to the other party such costs and expenses as to such Commissioner shall seem just and reasonable; and the amount thereof shall be recoverable in the same manner as costs ordered by a Justice of the Peace to be paid may be recovered under the said Act, or in the same manner as costs ordered by a Court of Requests to be paid may be recovered under "The Small Debts Act, 1887." Commissioners may exercise powers conferred on Justices.

154 Every Commissioner shall have power to administer an oath to any person appearing before him to give evidence touching any enquiry which it may be necessary or expedient for the purposes of this Act to hold before a Commissioner. Commissioners may administer oaths on enquiries.

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Commissioner
may impose a
penalty for
disobedience
of order.

155 It shall be lawful for any Commissioner to impose a penalty not exceeding Fifty Pounds upon any person who neglects or refuses to comply with any notice or to obey any decision or order lawfully given or made under this Act or any Regulations made hereunder (such neglect, refusal, or disobedience not being punishable or enforceable in any other way), and a further penalty not exceeding Five Pounds for every day during which such neglect, refusal, or disobedience continues; and the payment of any such penalty may be enforced in the same manner as costs and expenses ordered to be paid by a Commissioner under this Act; and the whole or any part of such penalty may, in the discretion of the Commissioner, after deducting the costs, be applied towards indemnifying the party injured by such neglect, refusal, or disobedience.

Agreement to
bar appeal.

156 In any proceedings brought before any Commissioner under this Act or the Regulations made hereunder, the parties thereto may, previously to the hearing thereof, agree to accept the decision of the Commissioner as final; and a memorandum of every such agreement shall be entered by the Commissioner, and kept by him; and no appeal shall in such case be made from the decision of the Commissioner.

Mode of appeal.

157 In any proceedings brought before a Commissioner under this Act or the Regulations made hereunder, the mode of appeal from the decision of such Commissioner shall be regulated in the manner hereinafter provided.

Evidence of
witnesses to be
put into writing.

158 In any proceedings brought before a Commissioner under and by virtue of the provisions of this Act, or under and by virtue of any regulations made hereunder, the evidence given by each person sworn and examined as a witness shall, at the request of any person interested in the proceedings, be put into writing at the time of the examination of the witness, and such deposition shall be read over to the witness, and shall be signed by the witness and by the Commissioner, and all such depositions shall be preserved by the Commissioner; provided that such request may be made at any stage of the proceedings, but if made after the commencement thereof shall only have reference to the evidence of the witnesses who have not been examined at the time such request is made; and all parties interested therein shall be entitled to demand from the Commissioner and have from him certified copies of such depositions, on payment for the same at the rate of Four-pence for each folio of Seventy-two words.

Commissioner
may state Special
Case for opinion
of Supreme Court.

159 In any proceedings brought before a Commissioner, such Commissioner may, without any application by either of the parties thereto reserve any question of law or fact arising upon such case in the form of a Special Case for the hearing and determination of the Supreme Court; and every such Special Case shall be prepared by such Commissioner, and be transmitted forthwith by him to the Clerk of the Supreme Court, together with the notes, if any, taken by the Commissioner, and all depositions and documents taken or produced at the proceedings to which the Special Case relates, who shall cause the same to be set down for argument before the said Court.

Case may be sent
back for amend-
ment.

160 The Supreme Court shall have power, if it thinks fit, to cause the case to be sent back to the Commissioner for amendment, and thereupon the same shall be amended accordingly, and judgment shall be delivered after it has been amended.

Mining.

161 Either party to any such proceedings as aforesaid may, at any time within Ten days after the Commissioner has given his decision thereon, appeal to the Supreme Court against the decision of the Commissioner, in the manner hereinafter provided.

A.D. 1893.

Power to appeal
against decision
of Commissioner.

162 Every Appeal to the Supreme Court against any decision of a Commissioner shall be made by a notice of appeal, in writing, delivered to the Commissioner whose decision is appealed against, and signed by the appellant, or his attorney, or agent, and such notice of appeal shall state the grounds on which the appeal is made, and a copy of every such notice shall be delivered by the appellant to the other party to the proceedings; and the appellant or his attorney or agent shall at the same time lodge with the Commissioner the sum of Twenty Pounds, and such sum shall be available for the payment or part payment, as the case may be, of any costs which the Supreme Court may order the appellant to pay.

Notice.

163—(1.) Within Seven days after the receipt of any such notice of appeal as aforesaid by the Commissioner to whom the same is addressed, such Commissioner shall forward the same to the Clerk of the Supreme Court, together with the Twenty Pounds deposited with the notice of appeal and the notes taken by the Commissioner and all the depositions taken at the hearing upon the proceedings in respect of which the decision appealed against was given, and also all documents produced at such hearing

Commissioner
to transmit
depositions, &c.
to Supreme Court.

(2.) The Clerk of the Supreme Court shall, within One month after the receipt of any such notice of appeal, cause the appeal to be duly set down for argument before the said Court, and shall, Fourteen days before the day upon which such argument shall be heard, give notice thereof to the appellant and respondent or to their attorneys.

(3.) Any appeal of which notice has been given before this Act comes into operation shall be set down by the Clerk of the Supreme Court for argument before the said Court within One month after this Act comes into operation, and the Clerk of the Supreme Court shall, Fourteen days before the day upon which such argument shall be heard, give notice thereof to the appellant and respondent or to their attorneys.

164 Upon the argument upon any special case, and upon the hearing of any appeal, the notes, if any, taken by the Commissioner and the depositions and documents taken or produced at the proceedings before the Commissioner to which the special case or the appeal relate, or copies thereof certified by the Commissioner, may be used by the Court or any party to such special case or appeal for the purposes of such special case or appeal.

Depositions, &c.
may be used upon
hearing Appeal.

165 The Supreme Court shall hear and determine any questions, whether of law or fact, arising upon any such appeal, or upon any case transmitted to it under this Part of this Act, and shall thereupon reverse, affirm, or amend the decision in respect of which the notice of appeal has been given, or the case has been stated, or remit the matter to the Commissioner, with the opinion of the Court thereon, or may make such other order in relation to the matter, and may make such orders as to costs and expenses, and as to the disposal of the sum of Twenty Pounds deposited by the appellant with his notice of appeal, as

Supreme Court to
determine the
question on the
appeal or case.

Mining.

A.D. 1893.

Its decision to be final.

Appeal may be dismissed for want of prosecution.

to the Court may seem fit, and all such orders shall be final and conclusive on all parties.

166 If the appellant or his attorney shall fail to attend and prosecute any appeal duly set down for argument on the day appointed to hear such appeal, or upon any adjournment thereof, the Court may order such appeal to be dismissed for want of prosecution, and may make such order as to cost and expenses, and as to the disposal of the sum of Twenty Pounds deposited by the appellant with his notice of appeal, as to the Court may seem fit, and all such orders shall be final and conclusive on all parties.

In case of an appeal an injunction, &c. and stay of proceedings may be had.

167 Whenever any such notice of appeal as aforesaid has been given, or such case has been stated, it shall be lawful for the Commissioner to whom the same is addressed, on the application of any of the parties interested in the appeal, to make such order for an injunction, or receiver, or payment of money into Court, or for stay of proceedings or otherwise, and upon such terms, as such Commissioner thinks proper; but without such order no notice of appeal shall operate as a stay of proceedings.

Powers of Court may be exercised by a Judge in Chambers.

168 The authority and jurisdiction vested in the Supreme Court under this Act may, subject to any Rules and Orders of such Court in relation thereto, be exercised by a Judge of such Court sitting in Chambers, and as well in Vacation as in Term Time; and any Order made by such Judge sitting in Chambers shall be deemed to be and shall have the same effect as an Order of the Supreme Court, without either parties moving to have such Order made a Rule of Court.

Judges to make Rules.

169 The Judges of the Supreme Court may from time to time make and alter Rules and Orders to regulate the practice and proceedings of the Supreme Court under this Act, and such Rules and Orders shall be published at least once in the *Gazette*.

24 Vict. No. 5.

Until Rules and Orders are made under this Act the General Rules and Orders of the Supreme Court made under "The Magistrates Stated Cases Act, 1860," shall, so far as the same can be applied, be applicable to all proceedings under this Act.

PART XIII.

REGULATIONS.

Governor in Council may make Regulations.

170 It shall be lawful for the Governor in Council from time to time to make Regulations for the following purposes, which shall apply to the whole Colony, or such portions thereof as may be prescribed, and any such Regulations may be altered and rescinded from time to time :—

1. For prescribing the form of Miner's Rights, Consolidated Miners' Rights, and any Licence authorised to be issued by this Act, and the mode of issuing the same, the persons by whom the same shall be issued, the manner in which claims thereunder shall be taken possession of, the terms and conditions upon which such claims shall be held, registered, amalgamated, or transferred, and the events in which they shall be liable to forfeiture :

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- ii. For prescribing the manner in which applications for Leases, Water Rights, and Mining Easements shall be made, entertained, and dealt with, and the manner in which objections to such applications shall be made and investigated : A.D. 1893.
- iii. For prescribing the shape and position and for regulating the survey of claims, and defining the privileges of claim-holders :
- iv. For fixing the amount of the fees to be paid upon the applications for claims, for the registration, amalgamation, and transfer of claims, and for other matters required to be done under this Act or the Regulations made hereunder :
- v. For fixing the amount of rent to be paid for Water Rights, Mining Easements, and Machinery Sites, the conditions which they shall be subject to, and the events in which they shall be liable to forfeiture :
- vi. For prescribing the forms which shall be used in carrying out the provisions of this Act and the Regulations made hereunder :
- vii. For regulating the occupation of Crown Land as sites for the erection of machinery, and for Water Rights, and for Residence Areas :
- viii. For regulating the taking, diverting, using, and returning water for mining purposes, and the payment to be made therefor :
- ix. For regulating the cutting, construction, deviation, use, and maintenance of roads, tramroads, races, dams, sluice-heads, and reservoirs, tail-races, drains, sludge-channels, tunnels, and other easements :
- x. For enforcing and regulating the drainage of claims, the baling and pumping of water from mines, and regulating the areas which shall form drainage areas, and fixing the amounts payable in respect of claims situated therein, and the proportion in which the expense of such drainage, baling, and pumping shall be borne by the claims benefited thereby :
- xi. For preventing the accumulation of, and for the removal to some convenient place, of sludge, tailings, and other mining refuse, and for preventing any damage to any mining works by the escape or overflow of water from any mine :
- xii. For the protection from injury and destruction of roads, tramroads, races, drains, dams, and reservoirs, and other mining works :
- xiii. For regulating the mode of construction, and materials and strength of embankments of dams, reservoirs, and other mining works :
- xiv. For the construction and keeping in repair suitable bridges or other crossing where required :
- xv. For prescribing the circumstances under, and the conditions upon which, Protection Orders shall be issued to Prospectors, the form of such Orders, and the mode in which they shall be issued :
- xvi. The area of Prospecting Claims ; the manner in which such Claims shall be taken possession of ; and the terms and conditions upon which they shall be held, registered, transferred, or otherwise dealt with ; and the events in which they shall be liable to forfeiture :

Mining.

A.D. 1893.

- xvii. The area of the claim to which any person, mining partnership, or company, being the holder or holders of a Miner's Right, shall be entitled to as a reward for the discovery of Gold or Minerals; the manner in which such claims shall be taken possession of; and the terms and conditions upon which they shall be held, registered, amalgamated, transferred, or otherwise dealt with; and the events in which they shall be liable to forfeiture:
- xviii. The events in which Leases at a peppercorn rent may be granted to any person:
- xix. For regulating the control and maintenance of any watercourse which has been proclaimed a watercourse for receiving tailings, mining *débris*, and waste waters under Part Eight of this Act, and for prescribing the charges to be paid by any persons using any such watercourse for such purposes:
- xx. For prescribing the manner and mode in which Lessees' Timber Reserves shall be selected and marked off, and generally for the more effectually carrying out the objects of this Act:
- xxi. For regulating the practice and procedure before a Commissioner:
- xxii. For defining the duties and powers of Commissioners and Registrars:

And generally respecting all other matters and things necessary to give effect to the objects and intentions of this Act so far as the same are not herein provided for; and such Regulations may be enforced in case of any breach or default thereof by such penalty not exceeding Twenty Pounds as may be prescribed.

Regulations to be published in *Gazette*; and laid before Parliament.

171 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; and all such Regulations shall be laid before both Houses of Parliament within Fourteen days from the making thereof if Parliament is then in Session, and if not, then within Fourteen days after the commencement of the next Session.

PART XIV.

GENERAL PROVISIONS.

(1.) *Notices, &c.*

Delivery of notices.

172 Where by this Act or the Regulations made hereunder any notice is required to be given to any person, the same may be given either by delivering the same personally, or by leaving the same at the usual or at the last known place of abode or business in *Tasmania* of such person, or by posting the same to such place of abode or business; and service of any legal process or document at any such place of abode or business, or by posting the same to such place of abode or business, shall be considered good and sufficient service of such process

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or document upon such person, anything in any law contained to the contrary notwithstanding. A.D. 1893.

If it is proved to the satisfaction of the Minister that such person has never resided in *Tasmania*, or that the last place of abode or business in *Tasmania* of such person cannot be ascertained, a copy of any such notice shall be inserted in Three consecutive numbers of the *Gazette*, and thereupon such notice shall be deemed and taken to have been duly served on such person.

173 The interest of the holder of any claim held by him under this or any former Act may be taken in execution and sold by the proper officer, under any Writ of Execution issued out of any Court of competent jurisdiction, or under any Warrant of Distress issued by a Justice of the Peace or by a Commissioner. Interest of lessee may be seized and sold.

174 If the holder of any claim becomes bankrupt, or if the affairs of the holder of any claim are to be liquidated by arrangement with his creditors under *The Bankruptcy Act*, 1870, his interest in any claim held by him under this or any former Act shall pass to his Trustee under the said Act, upon such Trustee producing to the Minister the order adjudging such lessee a bankrupt and the resolution of the creditors appointing such person to be trustee, or the special resolution appointing such person to be trustee under such liquidation. Interest of bankrupt lessee to pass to trustee. 34 Vict. No. 32.

(2.) Unlawful Mining.

175—(1.) It shall be lawful for any Bailiff of Crown lands or any constable to seize and detain any gold or mineral which has been unlawfully removed, or which he has good cause to suspect to have been unlawfully removed from any Crown lands or any Crown reserve; and it shall be lawful for any such bailiff or constable, or any person authorised in writing by the Minister or a Commissioner, to seize and detain any gold or mineral which has been unlawfully removed, or which the Minister or such Commissioner has good cause to suspect to have been unlawfully removed from any Crown lands or any Crown reserve; and any gold or mineral seized as aforesaid shall be forfeited to Her Majesty upon proof to the satisfaction of a Commissioner that it has been unlawfully removed as aforesaid; Provided that the Governor in Council may make such order as to the disposal of such gold or mineral and upon such terms as he sees fit. Minerals, &c. unlawfully removed from Crown Land may be seized and forfeited.

(2.) In the event of the Commissioner deciding that such seizure was not lawfully made, then such Commissioner shall be empowered to grant compensation, to be paid out of the Consolidated Revenue Fund, to such person from whom the gold or mineral was seized or taken, such compensation not to exceed the sum of Fifty Pounds.

176 Any person not being the holder of a Miner's Right, Consolidated Miner's Right, or Lease, under this Act, who mines for gold or minerals upon any Crown lands or upon any claim, and any person who employs any such unauthorised person to mine for gold upon any Crown lands or upon any claim, and any person not being the holder of a Miner's Right, Consolidated Miner's Right, or Lease duly empowering him in that behalf, who occupies any Crown lands of the Crown in or upon any mining field, shall incur a penalty not exceeding Ten Pounds. Penalty for unlawfully mining, &c.

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Unlicensed
persons removing
minerals, &c.
liable to penalty.

177 If any person without lawful authority removes from any Crown Land or any Crown Reserve any gold or minerals except as specimens or for purposes of assay, he shall be liable to a penalty not exceeding Fifty Pounds; and in any proceedings taken against any person hereunder proof that such person was duly authorised, or that such gold or minerals were specimens or for purposes of assay, shall lie upon him.

Penalty for
mining on private
property.

178 Any person who mines or employs any person to mine in or upon any land belonging to a private individual without the consent of the owner thereof, or his duly authorised agent, shall be liable to a penalty not exceeding Fifty Pounds.

(3.) *Offences. Penalties.*

Penalty for
certain offences.

179 Any person who commits any of the following offences; that is to say—

- i. Insults, assaults, obstructs, or resists any Commissioner, or any person duly authorised by a Commissioner to enter any Claim or Land or to perform any other lawful act; or
 - ii. Insults, assaults, obstructs, or resists any other person in the performance of his duty or in the exercise of his powers under this Act; or
 - iii. After being removed by the order of any Commissioner from any Claim or other place, forcibly or clandestinely retakes or endeavours to retake possession thereof, or of any portion thereof, or of any share therein; or
 - iv. Assaults, or threatens to assault, upon or in consequence of any decision by any competent authority under this Act, any person in whose favour such decision has been made;
- shall, on conviction, be liable to a penalty not exceeding Fifty Pounds.

Penalty for not
complying with
conditions of
Lease or Water
Right.

180 Every Lessee, and every Grantee of a Water Right or Mining Easement, and every holder of any Miner's Right or any other Right or Licence under this or any former Act, shall comply with the several terms and conditions of the Lease, Water Right, Mining Easement, Right, or Licence, as the case may be; and every such Lessee or Grantee, or holder as aforesaid, shall, for any breach or default thereof (except in any case of breach or default for which such Lease, Water Right, Mining Easement, Right, or Licence may be declared void and forfeited), forfeit and pay a penalty not exceeding Twenty Pounds.

Lessees to keep
up posts and
marks.

181 Every Lessee, during the term of his lease, shall erect and keep erected, at each and every angle of the land comprised in such lease, a post Six inches in diameter, and not less than Four feet Six inches above the ground; and such Lessee shall cut and maintain at each such post trenches not less than Three feet in length and Nine inches in depth, indicating the direction of the boundary lines; and every such Lessee shall, for any breach of the provisions of this Section, forfeit and pay a penalty not exceeding Ten Pounds.

Penalty.

Nuisances, &c.

182 Every person occupying or holding a claim or residing upon any land held under this Act, shall make such arrangements for the prevention of nuisance and for the observance of decency, and shall

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adopt such sanitary measures generally as a Commissioner may from time to time approve of and order, or as may be prescribed; and if any person fails or neglects to comply with this provision, he shall be liable to a penalty not exceeding Five Pounds. A.D. 1893.

183 Every person who wilfully permits any stake, post, notice, or other thing indicating occupation by him of a claim, or of any land held under application for lease, to remain on any Crown land when in fact he has not taken the further steps prescribed to secure such claim, shall forfeit and pay a penalty not exceeding Five Pounds. Persons to remove stakes, notices, &c. not authorised on ground.

184 Every person who shall cause or permit sludge or tailings to flow from any claim, or to accumulate so as to cause injury to any public road, or to any claim, drive, water-race, dam, or other mining work, puddling machine, or other machinery belonging to any other person or persons, shall forfeit and pay a penalty not exceeding Ten Pounds. Penalty for permitting sludge, &c. to flow.

185 Every person who shall displace, deface, injure, or destroy, or in any way interfere with any notice, notice-board, post, peg, trench, or reference-mark, made or used by any person or persons making any survey or marking any claim, or doing any act proper to be done, or holding any privilege under this or any former Act, shall forfeit and pay a penalty not exceeding Ten Pounds. Penalty for defacing marks.

186 If any person forges or alters any document or lease authorised to be issued under this or any former 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 as aforesaid to defeat the provisions of this Act or the Regulations, or to defraud, he shall be guilty of felony, and shall on conviction before the Supreme Court be liable to be imprisoned for any period not exceeding Fourteen years. Forgery of documents or leases.

187 If any person steals or severs with intent to steal any gold or mineral from any claim, 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. Stealing minerals.

188 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 or mineral 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. Fraudulently concealing minerals from partner.

(4.) Miscellaneous.

189 It shall be lawful for the Governor in Council to resume any portion of the land held under any Lease, Licence, or any other right under this or any former Act, for the purpose of laying out a Town, or for constructing Roads, Railways, or Tramways, or for any other purpose; and at any sale that may be made of any of the lands so resumed, the right of mining thereon may be reserved to the Crown or to the lessee or other person from whom the land so sold may have been resumed, who shall be entitled to compensation out of the Consolidated Lands may be resumed for Town Roads and other purposes.

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Revenue Fund for all buildings and mining works on such lands when resumed, such compensation to be ascertained by arbitration in such manner as may be prescribed. And the Minister may remit a proportionate part of the rent payable by such Lessee or other person for so much of such land as is resumed as aforesaid.

Governor empowered to exempt Land from operation of this Act.

190 It shall be lawful for the Governor in Council, by notice published in the *Gazette*, to exempt any Crown Lands from the operation of this Act, and in like manner to revoke any such notice in whole or in part as to him seems fit from time to time.

Certain lands exempted from mining.

191 Nothing in this Act contained shall authorise any person to occupy any Crown Land which has been exempted by the Governor in Council from the operation of this Act, or which is lawfully and *bonâ fide* used as a yard or garden, or for any race or dam, or for any house, outhouse, 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 any person to occupy any Crown Land which may have been so exempted as aforesaid, subject to such conditions and restrictions as the Governor in Council sees fit to impose.

Partial suspension of Pastoral Leases extending over Mining Fields.

192 When any Mining Field shall have been proclaimed upon any Crown Land held under Lease or Licence for Pastoral purposes, the Governor in Council may suspend such Lease or Licence so far as may be necessary for the accommodation of the horses, cattle, and sheep required for the subsistence and convenience of all persons residing on any such Mining Field, and for the supply of water and timber and otherwise for effectually working the said Mining Field, and shall thereupon return or remit to the Lessee or Licensee such portion of the rent of such lands as may be reasonable and just: Provided that such Lessee or Licensee shall be paid compensation as is provided for in "The Crown Lands Act, 1890."

Governor empowered to except defined area of Crown Land from operation of 54 Vict. No. 8.

193 It shall be lawful for the Governor in Council from time to time, by Proclamation in the *Gazette*, to except for the purposes of this Act any area of Crown Land described in such Proclamation from the operation of "The Crown Lands Act, 1890," 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.

Commissioner may authorise entry on adjacent claim.

194—(1.) It shall be lawful for any Commissioner in his discretion, upon the application of any person claiming to be legally or equitably interested in any claim, or in any land comprised in any Lease granted under this or any former Act, or in any other land adjoining any claim or land comprised as aforesaid, by writing under the hand of such Commissioner, to authorise the applicant, together with a Mining Surveyor or some experienced miner, to enter upon any claim or land (whether at the time of such application alienated from the Crown or not if any mining operations shall be then carried on on such land) adjoining such first-mentioned claim or land or other land for the purpose of ascertaining whether the owner or occupier of the claim or

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land so to be entered upon is encroaching on the said first-mentioned claim or other land. A.D. 1893.

(2.) It shall be lawful for the persons so authorised to enter upon the claim or land described in such Order, and to descend any shafts or mine, and for such purposes to use the engines and other machinery ordinarily employed for that purpose by the persons whose shafts or mine shall be descended, and to make such plans and sections of the claim or land entered upon, and of any drives or other works therein, as shall be necessary for the purpose aforesaid.

(3.) Every such applicant and Mining Surveyor or miner shall, before entering on such claim or land, make a declaration before such Commissioner (who is hereby authorised to take the same) that he the said applicant, surveyor, or miner will not (except as a witness in a Court of Justice) without the consent in writing of the owner or occupier of the claim or land to be entered upon divulge or cause to be divulged to any person whomsoever any information obtained upon or by such entry, save only as to whether such owner or occupier is encroaching on the said first-mentioned claim or land; and every person who shall act contrary to such declaration shall forfeit and pay a sum not exceeding Fifty Pounds.

195 It shall be lawful for any Registrar, or any other person appointed for that purpose by the Minister, without being licensed as an Auctioneer, to sell, or put up, or offer for sale, by auction the right to any Lease or Licence or any other property which the Minister is by this Act authorised to sell by auction, notwithstanding anything to the contrary contained in *The Auction Act*. Registrar or other person may sell by auction.
6 Wm. IV., No. 6.

196 Every claimholder or person in charge of the workings of any claim shall, when called upon, in writing, by a Commissioner, furnish full and accurate information as to the working of such claim, the number of men employed, and any other information necessary to enable the Commissioner to ascertain if the provisions of this Act and the Regulations made hereunder, or of any Lease, are being complied with; and shall also, when called upon, in writing, by such Commissioner, furnish such returns of operations on the claim and the results thereof as shall be authorised and required by such Commissioner for statistical purposes; and if any person fails, neglects, or refuses to comply with this provision, he shall be liable to a penalty not exceeding Five Pounds. Claimholders to furnish information.

197 All penalties received and all moneys payable by any persons by virtue of this Act, or by any Regulations made hereunder, shall be payable in advance, and, if not otherwise directed by this Act or the Regulations, shall be paid into and form part of the Consolidated Revenue Fund. Appropriation of moneys.

198 Where no other mode is provided in this Act or the Regulations, all offences against this Act or the Regulations shall be heard and determined, and all orders shall be made, by and before any Two or more Justices of the Peace, in the mode prescribed by *The Magistrates Summary Procedure Act*. Offences to be dealt with summarily.
19 Vict. No. 8.

Repealed by 63 Vict. No. 36

Limitation of Actions.

199 No plaintiff shall recover in any action commenced against any person for anything done in pursuance of this Act or the Regulations Limitation of actions.

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made hereunder unless such action is commenced within Three months after the cause of action has accrued, and unless notice in writing of such intended action, signed by the plaintiff or his attorney, specifying the cause of action, has been given to the defendant One month at least before such action is commenced: nor shall the plaintiff recover in any such action if tender of sufficient amends has been made to him or his attorney by or on behalf of the defendant before such action brought; and in case no such tender is made, it shall be lawful for the defendant in any such action, at any time before issue joined, to pay into Court such sum of money as he thinks proper; and the defendant in every such action may plead the general issue, and give the special matter in evidence, and that the same was done in pursuance and under the authority of this Act or the said Regulations; and if the same appears to have been so done, or if such action or suit has been brought before the expiration of One month next after such notice has been given as aforesaid, or after sufficient satisfaction made or tender as aforesaid, or after the time limited for bringing the same as aforesaid, then and in every such case the jury shall find a verdict for the defendant.

SCHEDULE.

ACTS TO BE REPEALED.

<i>Date and Number of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
44 Vict. No. 16.	"The Gold Fields Regulation Act, 1880."	The whole Act.
45 Vict. No. 6.	"The Gold Fields Regulation Act Amendment Act, 1881."	The whole Act.
47 Vict. No. 11.	"The Gold Fields Regulation Amendment Act, 1883."	The whole Act.
49 Vict. No. 2.	"The Gold Fields Regulation Amendment Act, 1885."	The whole Act.
47 Vict. No. 10.	"The Mineral Lands Act, 1884."	The whole Act.
49 Vict. No. 3.	"The Mineral Lands Amendment Act, 1885."	The whole Act.
52 Vict. No. 34.	"The Mineral Lands Amendment Act, 1888."	The whole Act.
46 Vict. No. 20.	"The Mining Appeals Regulation Act, 1882."	The whole Act.
51 Vict. No. 2.	"The Mining Operations Act, 1887."	The whole Act.
51 Vict. No. 26.	"The Commissioners' Powers Act, 1887."	The whole Act.
53 Vict. No. 24.	"The Land for Mining Purposes Act, 1889."	The whole Act.
55 Vict. No. 50.	"The Mining Lessees' Timber Rights Act, 1891."	The whole Act.
55 Vict. No. 31.	"The Regulation of Mines Act, 1891."	The whole Act.
54 Vict. No. 8.	"The Crown Lands Act, 1890."	Section 103.