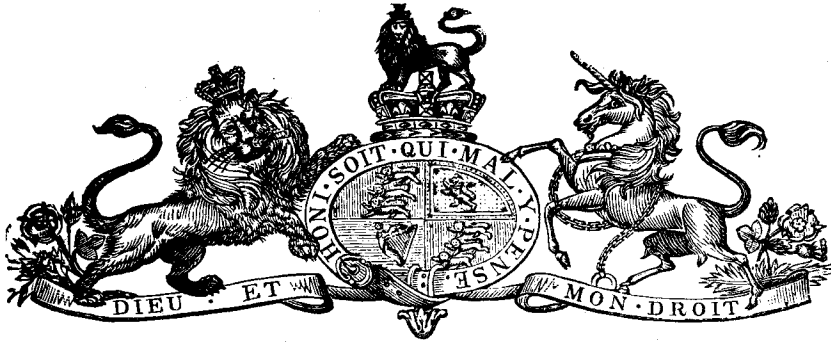


T A S M A N I A.



1895.

ANNO QUINQUAGESIMO-NONO

VICTORIÆ REGINÆ,

No. 35.

Amended by 63 Vict. No. 39

45 deep sinking

Repealed by Vict No 61

AN ACT to amend "The Mining Act, 1893." A.D. 1895.
[24 October, 1895.]

BE it 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 Amendment Act, 1895." Short title.
- 2 In this Act, the expression "the said Act" shall mean "The Mining Act, 1893." Interpretation. 57 Vict. No. 24.
- 3 Notwithstanding anything to the contrary contained in the said Act, any person may hold Two Residence Licences at one and the same time, but such Licences shall not entitle the holder thereof to occupy any land under one Licence within a distance of Five miles of the land occupied by him under the other Licence. Two Residence Licences may be held.
- 4 The word "gold" in the last line but one of Section Twenty-eight of the said Act, is hereby repealed. Amendment of Sect. 28 of 57 Vict. No. 24.
- 5 Notwithstanding anything to the contrary contained in Section Thirty-two of the said Act, the holder of any Residence Licence may, at any time before the expiration of such Licence, make application to take out a new Licence as provided in such Section. Holder of Residence Licence may apply at any time for a renewal thereof.

Mining Amendment.

A.D. 1895.

Amendment of
Section 102 of
the said Act.

6 The word "alluvial," in the second lines respectively of Subsections XI. and XVII. of Section One hundred and two of the said Act, is hereby repealed.

Shackle to be
used in lowering
timber down a
shaft without a
cage.

7 In addition to the "General Rules" provided by the said Act to be observed in every mine, the following Rule shall be added:—

In every shaft where no cage is being employed no timber shall be lowered down such shaft unless such timber is secured to a rope by means of a shackle.

And such Rule shall for the purposes of Section One hundred and two of the said Act be deemed to be a Rule within the provisions of such Section.

Inspector may
appoint substitute
to hold enquiry.

8 Any Inspector of Mines may authorise any duly qualified mining manager to make any inquiry, as provided in Section One hundred and five of the said Act, on his behalf, and to take such other steps as he may deem necessary to investigate the matter.

Time extended
for marking off
Timber Reserve
from 3 months
to a year.

9 Notwithstanding anything to the contrary contained in Section One hundred and forty-four of the said Act, the holder of any Mining Lease may select and mark off a "Timber Reserve" as mentioned in the said Section within One year from the date of such Lease; and the holder of any Lease granted at the date of the passing of this Act may select and mark off a "Timber Reserve" as mentioned in the said Section within One year from the date of the passing of this Act.

Holder of Lease
&c. may employ
person who is not
the holder of
Miner's Right to
mine for gold, &c.

10 Notwithstanding anything to the contrary contained in the said Act, it shall be lawful for any person who is the holder of a Miner's Right, Consolidated Miner's Right, or Lease to employ any person who is not the holder of a Miner's Right to mine for gold or minerals upon the land occupied or held under such Miner's Right, Consolidated Miner's Right, or Lease.

Commissioner
may inquire
into complaints
made by any
person against
a joint holder
of a Lease.

11—(1.) Upon complaint made by any person that he is the holder of a Lease jointly with any other person, or that he is a shareholder in a Lease held by any other person, and that such other person has neglected or refused to contribute his portion of the rent due under such Lease, or has neglected or refused to contribute his portion of any moneys paid or payable in and towards the development of any land held under such Lease, or has ceased to assist in such development, and also upon complaint by any person touching any dispute or question regarding such Lease, it shall be lawful for a Commissioner to issue process to procure and compel the appearance before such Commissioner of such holders of the said Lease as appear to be necessary, and upon such appearance or in default thereof after due service of such process as aforesaid, or in the absence of such holders of the Lease as do not appear to be necessary to be present, it shall be lawful for such Commissioner to inquire into and hear such complaint, and to order that any person whose name appears as the joint holder of any such Lease shall be struck out of such Lease, or to make such other order as to such Commissioner seems meet, and to order that the costs of and incidental to any such Order, to be ascertained by the Commissioner, shall be paid by such person as he shall think fit.

(2.) Provided that the value of the interest in any such Lease of any

Mining Amendment.

person against whom such complaint is made does not exceed Two hundred Pounds. A.D. 1895.

(3.) A copy of any Order made by a Commissioner to strike out the name of any person as the joint holder of any Lease shall be served upon the Secretary for Mines, who shall forthwith give effect to such Order in such manner as may be prescribed, and thereupon such person shall cease to be a joint holder in such Lease or to have any estate or interest therein.

(4.) The powers herein conferred upon a Commissioner shall be in addition to and not in derogation of any powers conferred upon a Commissioner by the said Act.

12 It shall be lawful for any Shareholder in any Unregistered Mining Association, or for the Manager of any Registered Mining Company, or for any person interested, in the event of any dispute arising as to any lease of a Mineral Section held in the name of any person, whether a Shareholder in such Association or Company or not, under circumstances which render it probable that such person as aforesaid holds such lease upon trust for such Association or Company, or person interested, and in the event of any such person as aforesaid declining or neglecting to transfer such lease to such Association or Company, or person interested, to apply by summons to a Judge of the Supreme Court in Chambers for an Order declaring such person as aforesaid a trustee of such lease, and directing him to execute a transfer thereof; and it shall be lawful for the Judge to inquire into the circumstances, and, if it shall seem just so to do, to make any Order in the terms of the summons and as to costs as shall seem just.

Power to have person declared Trustee of a Lease by order of Judge of Supreme Court in Chambers.

13 Any summons as mentioned in the preceding Section shall be served Seven clear days before the return day thereof upon the person holding such lease. Evidence may be given orally or by affidavit, and any witness may be summoned to give evidence, and any deponent may be summoned for cross-examination in the manner provided by the Fiftieth Section of "The Equity Procedure Act." Either party dissatisfied with the decision of the Judge in Chambers may appeal to the Supreme Court in its Equity jurisdiction, and it shall be lawful for such Court to make any Order as shall be just; but no appeal shall be entertained except in conformity to the Rules of Court relating to Appeals made and provided under "The Bankruptcy Act, 1870."

Proceedings upon summons.

Appeal.

14 This Act and the said Act, and every Amendment thereof, shall be read and construed together as one and the same Act.

Acts to be read together.

