

THE MINERAL LANDS ACT, 1884.

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SCHEDULE.

T A S M A N I A



1883.

ANNO QUADRAGESIMO-SEPTIMO

VICTORIÆ REGINÆ,

No. 10.



AN ACT to make provision for the Manage- A.D. 1883.
ment of Mineral Crown Lands.

[29 October, 1883.]

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:—

Preliminary.

1—(1.) This Act may be cited as “The Mineral Lands Act, 1884.” **Short title.**
(2.) This Act shall commence and take effect from and immediately **Commencement.**
after the Thirty-first day of *December*, 1883

2 In this Act, and the Regulations made hereunder—

Interpretation.

“Any former Act” means any Act heretofore in force relating to leases 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, and includes a Water Right and a Mining Easement:

“Commissioner” means one of the Commissioners of Mines:

“Gazette” means *The Hobart Gazette*:

“Mineral” means any metal or mineral except gold and the ore of any such metal or mineral:

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- “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 :
- “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 :
- “Mine,” used as a verb, extends to and includes any mode or method whatsoever whereby the soil or earth, or any rock or stone, may be disturbed, removed, carted, carried, washed, sifted, smelted, refined, crushed, or otherwise dealt with for the purpose of obtaining minerals whether the same may have been previously disturbed or not, as well as the appropriation of such minerals by the finder thereof to his own use :
- “Mining purposes” means the intention to mine and work land for minerals and the ores of minerals, except gold :
- “Person” includes any body of persons corporate or unincorporate :
- “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 :
- “Prescribed” means prescribed by Regulations under this Act :
- “The Minister” means the Minister of Lands and Works for the time being :
- “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 pastoral purposes under any Lease or Licence from the Crown.

Governor
empowered to
exempt Land from
operation of this
Act.

3 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.

Unlawful Mining.

Minerals, &c.
unlawfully
removed from
Crown Land may
be seized and
forfeited.

4—(1.) It shall be lawful for any Bailiff of Crown Lands to seize and detain any 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 any person authorised in writing by the Minister or a Commissioner, to seize and detain any 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 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 mineral and upon such terms as he sees fit.

(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 mineral was seized or taken, such compensation not to exceed the sum of Fifty Pounds.

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5 If any person without lawful authority removes from any Crown Land or any Crown Reserve any 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 minerals were specimens or for purposes of assay, shall lie upon him.

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

6 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 incur the like penalty as is mentioned in the last preceding Section.

Penalty for mining on private property.

Mining upon and under Roads, &c.

7 The term "Road" hereinafter used includes Roads, Streets, and Highways.

Meaning of "Road."

8 For the purposes of the next Three Sections the expression "Trustees" means the Trustees of a Road District, or a Main Road District Board, or where there is no Road District or Main Road District 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.

Meaning of "Trustees" in next three Sections.

9 Any lessee may mine upon or under any road, provided that he obtains permission in writing from 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.

Mining upon or under public roads.

10 It shall be lawful for such Trustees upon the application of any lessee, and upon the report of any Engineer or Surveyor that a sluice-box, tramway, or culvert 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, or culvert 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, or culvert to be laid or constructed by any lessee for the purpose of conveying any water, tailings, sludge, or waste water, or earth, provided that such works shall be so constructed as not to substantially injure such road or obstruct the traffic thereon; and if after the construction of any such sluice-box, tramway, or culvert 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 such lessee the obstruction caused by such sluice-box, tramway, or culvert is not removed or remedied, the same shall be deemed a nuisance, and the person who obtained the said first-mentioned order shall be liable

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

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to a penalty not exceeding Twenty Pounds; and 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.

Trustees may
make roads over
mining works.

11 It shall be lawful for the Trustees to authorise any person to make or construct any roads or temporary or permanent ways or other works over, across, or through any part of any land leased under this or any former Act: Provided that, before the Trustees give such authority, Seven days' notice thereof shall be given to the person lawfully interested in such land, who shall be entitled to compensation out of the funds at the disposal of the Trustees for all damage sustained thereby, and such compensation shall be ascertained by arbitration in such manner as may be prescribed.

Lands may be
resumed for
Towns and
Roads.

12 It shall be lawful for the Governor in Council to resume any portion of the land held under any Lease, Residence Licence, or any other right under this or any former Act, for the purpose of laying out a Town, for constructing Roads, Railways, or Tramways, or for other purpose of public convenience; 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 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.

Residence Licence.

Residence
Licences may be
issued.

13—(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 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.

(2.) Any such Residence Licence 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.

(3.) 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.

Privileges
conferred by
Residence
Licence.

14—(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

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the land which he shall occupy by virtue of such Licence, and the property in such land shall be deemed a chattel interest. A.D. 1883.

(2.) Where any holder of a Residence Licence desires to occupy under such Licence any portion of 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.

15 If any person who shall be the holder of a Residence Licence shall one month before the expiration thereof make application to the prescribed 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.

16 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.

Prospectors' Licences.

17—(1.) Prospectors' Licences, each of which shall be in force for Twelve months from 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.

(2.) Any such Prospector's Licence may be issued to the Manager 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.

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

18 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 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. Privilege conferred by Prospector's Licence.

19 Where any persons jointly contribute towards prospecting for 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. Discoveries made by prospecting parties joint property of prospectors.

Leases.

20—(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, Leases may be granted for mining purposes; races, drains, &c.

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for mining purposes, and for cutting or constructing thereon races, drains, dams, reservoirs, roads, or tramways to be used in 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.) Every such lease may be for any term which may be required by the applicant not exceeding Twenty-one years; and, except as hereinafter provided, the area comprised in any such lease shall in no case be less than Twenty acres; and if the land applied for contains coal, shale, slate, freestone, or limestone, such area shall not exceed Three hundred and twenty acres; and if such land contains minerals other than those before mentioned, such area shall not exceed Eighty acres.

(3.) Upon the applicant paying in advance the rent of the land applied for, for such period as may be prescribed, a Commissioner may grant to such applicant permission in writing in such form as may be prescribed to remove any Minerals from the land applied for; and it shall be lawful for such Commissioner 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.

Less than 20 acres
may be leased.

21 In any case where an area of Twenty acres of Crown Land shall not be available for leasing under this Act, it shall be lawful to lease any smaller area.

Rights of
lessees saved.

22 Nothing in this Act shall in any way interfere with any of the rights and privileges conferred upon any lessee under the terms and conditions of any lease granted by the Governor in Council under the provisions of any former Act.

Privileges con-
ferred by a lease

23 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 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.

Leases of lands
reserved for
roads, &c.

24 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, subject to the provisions of this Act and the Regulations made hereunder, as the Governor in Council 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* :
- iv. Any land reserved by the Governor in Council for any public purpose.

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.

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25—(1.) It shall be lawful for the Minister, with the consent of the Governor in Council, subject to the provisions of this Act and the Regulations made hereunder, to grant to any person who shall discover any mineral 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

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Discoverer of Mineral entitled to lease at a peppercorn rent.

26 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 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 of any land which has been, is being, or is about to be, tested by the Minister for mining purposes, and thereupon the right to a lease or leases of 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.

Governor may refuse lease and sell same by auction.

27—(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 Coal, Shale, Slate, Freestone, or Limestone, any sum not less than Two Shillings and Sixpence per acre per annum:
- ii. 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.

28—(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 Governor in Council may think proper to be inserted therein.

Form of lease.

(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

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- 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.
- 29**—(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, for a further period not exceeding Twenty-one years, upon such terms and conditions and subject to the payment of such rent, not exceeding seven 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.
- (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 Governor in Council accordingly.
- 30** Any such lessee who shall be desirous of obtaining a renewal of his lease shall make application, in writing, to the Minister for such renewal at least one calendar month before the expiration of the current term of such lease; and in default of such application within the time aforesaid the right of the lessee to such renewal shall be forfeited.
- 31** Whenever a lessee whose lease has expired shall have failed to apply for a renewal thereof as hereinbefore provided, or whenever any lessee shall refuse to renew his lease upon the terms and conditions and subject to the payment of such rent as shall be determined by the Governor in Council, the Minister shall cause the right to a lease or leases of the land held by such lessee to 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.
- 32** Whenever the right to any such lease or leases shall be put up for sale as hereinbefore provided and not sold, the land the subject of such right shall be dealt with as if it had never been leased.
- 33** 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 shall be registered in the office of the Minister, and no assignment or transfer shall be binding on the Minister until the same shall have been so registered.
- 34** 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—
- (a.) If the rent is not paid yearly in advance to the Treasurer; or
- (b.) If a sum equal to at least Three Pounds per acre is not expended in mining in every year on the land so leased, or if One man for every Twenty acres of land so leased is not employed for

Lessee entitled to renewal of lease.

Lessee to make application for renewal.

If lessee fails to apply for renewal, or declines to renew, right to lease to be offered at auction.

If right to lease not sold, how land may be dealt with.

Lease may be transferred.

Leases may be declared void in certain events.

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at least Nine months in each year of the term of the lease in working on the land leased, and in searching for or raising minerals : A.D. 1883.

- (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: Provided always, that 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 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.

35 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 if the Minister sees fit. Notice of voidance of lease to be published.

36—(1.) Upon the publication of any such notice as aforesaid, all buildings, mining plant, and machinery erected and being on the land described in the lease which has been declared void and forfeited shall vest in Her Majesty, but may be removed therefrom by the late lessee or any person interested in such lease within Six months after the publication of such notice with the consent in writing of the Minister: Provided that such late lessee or any person interested in such lease desiring to obtain such consent shall within One month after publication of such notice make application to the Minister for such consent, and shall pay up all rent which may be in arrear at the time such lease was declared void and forfeited, otherwise such consent shall not be granted. Buildings, &c. to vest in Her Majesty, but may be removed by consent of Minister.

(2.) If the Minister shall not within Six months after the publication of such notice consent to any person removing such buildings, mining plant, and machinery, the same shall be sold by auction, and the proceeds of such sale shall be paid into the Treasury and form part of the Consolidated Revenue Fund.

37 If any lessee becomes bankrupt, or if the affairs of any lessee are to be liquidated by arrangement with his creditors under *The Bankruptcy Act*, 1870, his interest in such land 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.

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may be seized and
sold.

38 The interest of any lessee in any land held 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 or by a Commissioner.

Lessee may
determine lease.

39 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.

Fulfilment of con-
ditions as to
separate areas.

40 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 in respect of each separate area, as hereinbefore provided, or shall expend on any one or more of such areas the full amount of money which would be required to fulfil the conditions in respect of each separate area, as hereinbefore provided, the same shall be deemed and taken to be a performance and fulfilment of such conditions on each such separate area.

Amalgamation of
claims and con-
solidation 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.) Every application under this section shall be by Memorial to the Governor, and no such lease shall be granted until such Memorial shall have been published in four consecutive numbers of the *Gazette*, and the time appointed for the receipt and publication of any counter-memorial as hereinafter provided shall have expired.

(3.) The area comprised in any such lease shall not exceed in the whole Three hundred and Twenty acres of land, and the same shall be granted upon payment of such fee for each claim included therein as may be prescribed. Where a new lease is granted in lieu of leases which have been surrendered, such new lease shall be for a term not exceeding Twenty-one years from the date of the commencement of the consolidated lease.

(4.) Every such consolidated lease 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.

Persons may
oppose.

42 Any person prior to the expiration of the Fourteenth day next after the last publication of the memorial mentioned in the last preceding Section may, by a counter-memorial to the Governor, show cause

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against the application, stating the reasons against the application, and a copy of which counter-memorial shall be forthwith published in Two consecutive numbers of the *Gazette*.

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43 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 such lease 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.

44 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 mineral purposes be found, &c. to contain any other mineral than that intended to be mined, land may be leased for mining such other mineral.

45—(1.) Whenever land leased under this or any former Act shall be found to contain gold, such land may be dealt with under the provisions of any Act in force to regulate mining for gold and the Regulations made thereunder, in all respects as if such land had never been leased as aforesaid.

Where land leased for mineral purposes be found to contain gold, land may be dealt with under Acts 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 *bonâ 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.

46 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.

Rent may be remitted in certain cases.

Water Rights and Easements.

47 It shall be lawful for the Minister, with the consent of the Governor in Council, to grant to any person for any term 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 such 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 ; and it shall be lawful for the person to whom any such Water Right shall be granted to take or divert such water ; and for that purpose to cut, construct

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and use races, drains, dams, and reservoirs through and upon any Crown Lands, whether the same shall or shall not have been demised under the provisions of this or any former Act, and from time to time to 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.

Grant of Mining Easements.

48 It shall be lawful for the Minister, with the consent of the Governor in Council, to grant to any person for any term 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, or other works for mining purposes as he or they may require, in, through, and upon any Crown Lands, whether the same shall or shall not have been demised under the provisions of this or any former Act, 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.

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

49 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.

Holder of Water Right or Mining Easement to make compensation.

50 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.

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

51—(1.) Where, for mining purposes, any person desires—

- (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;

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

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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. A.D. 1883.

(2.) 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.

52 Before any water shall be taken from any stream flowing through any private lands, or from any natural lake bounded thereby, or any such race or work shall be constructed through or over 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 purpose 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. Compensation to be paid.
21 Vict. No. 11.

Commissioners.

53—(1.) It shall be lawful for the Governor in Council from time to time to appoint Commissioners of Mines for Tasmania, and to revoke any such appointment. Commissioners may be appointed.

(2.) Every Commissioner appointed under any former Act, and in office when this Act takes effect, shall continue in office and be deemed to have been appointed a Commissioner under this Act, and shall be subject to its provisions.

54—(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; 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

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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.

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

55 Upon the complaint of any person holding a Residence Licence, Lease, or any other right under this or any former Act, 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 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 claims and unlawfully and improperly removed 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 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 nonpayment 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.

56 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.

57 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

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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 or members thereof, and to order that such amount so determined, together with reasonable costs to be ascertained by the Commissioner, shall be paid, 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.

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58 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.

Commissioners may exercise powers conferred on Justices.

19 Vict. No. 8.

59 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 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.

60 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 in 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, which sum, 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.

19 Vict. No. 8.

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

61—(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.

Legal Procedure.

Agreement to bar appeal.

62 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.

63 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 by "The Mining Appeals Regulation Act, 1882," and all the provisions of the said Act shall apply to such appeals.

46 Vict. No. 20.

Registrars.

Registrars may be appointed.

64—(1.) It shall be lawful for the Governor in Council to appoint a Registrar or Registrars of Mines for the Colony or any part thereof as he shall think fit, and to revoke any such appointment; and such Registrar or Registrars shall have and exercise such powers and perform such duties as shall be prescribed.

(2.) Every Registrar appointed under any former Act and in office when this Act takes effect 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.

Regulations.

Regulations.

65 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:—

- i. For prescribing the form of Residence Licences and Prospectors' Licences, and the mode of issuing the same, the persons by

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- 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 : A.D. 1883.
- 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 :
 - iii. For prescribing the shape and position, and for regulating the survey of claims :
 - 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, 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 taking, diverting, using, and returning water for mining purposes, and the payment to be made therefor :
 - viii. 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 :
 - ix. 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 :
 - x. For preventing the accumulation of, and for the removal to some convenient place, of sludge, tailings, and other mining refuse :
 - xi. For the protection from injury and destruction of roads, tramroads, races, drains, dams, and reservoirs, and other mining works :
 - xii. For regulating the mode of construction, and materials and strength of embankments of dams, reservoirs, and other mining works :
 - xiii. For the construction and keeping in repair suitable bridges or other crossings where required :
 - xiv. For regulating the occupation of Crown Lands for the purposes of prospecting for minerals, and the events in which a lease may be granted to a discoverer of minerals at a peppercorn rent as hereinbefore provided :
 - xv. For regulating the practice and procedure before a Commissioner :
 - xvi. 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

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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.

66 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.

Regulations under 41 Vict. No. 7 to remain in force.

67 All Regulations made under "The Mineral Lands Act, 1877," and in force when this Act takes effect, shall be deemed to have been made under this Act, and shall remain in force until rescinded by any Regulations made under this Act.

Notices.

Delivery of notices.

68 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 or document upon such person, anything in any law contained to the contrary notwithstanding. 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 also in Three consecutive numbers of one newspaper published in *Hobart* and one newspaper published in *Launceston*, and thereupon such notice shall be deemed and taken to have been duly served on such person.

Offences. Penalties.

Penalty for certain offences.

69 Every 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. Neglects or refuses to comply with any notice, or to obey any decision or order lawfully given or made under this Act or the Regulations made hereunder (such neglect, refusal, or disobedience not being punishable or enforceable in any other way); or

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v. 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. A.D. 1883.

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

71 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 Eight 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. Lessees to keep up posts and marks.
Penalty.

72 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 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. Nuisances, &c.

73 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.

74 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.

75 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.

76 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 aforesaid to defeat the provisions Forgery of documents or leases.

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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.

Stealing minerals.

77 If any person steals or severs with intent to steal any 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.

Fraudulently concealing minerals from partner.

78 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 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.

Offences to be dealt with summarily.

19 Vict. No. 8.

79 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*.

Limitation of Actions.

Limitation of actions.

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

Repeal.

Repeal.

81—(1.) The Acts specified in the Schedule to this Act shall be repealed from and after the commencement of this Act, but such repeal shall not affect—

- (a.) The past operation of any enactment hereby repealed; nor
- (b.) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any such enactment; nor
- (c.) Any penalty, forfeiture, or punishment incurred under any such enactment; nor

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(d.) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid ; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed. A.D. 1883.

(2.) Every Lease and Water Right issued or granted and in force when this Act takes effect, under any Act repealed by this or any former Act, shall remain good and valid in law, and may be dealt with in all respects as if issued or granted under this Act.

SCHEDULE.

ACTS TO BE REPEALED.

<i>Date and Number of Act.</i>	<i>Title of Act.</i>
41 Vict. No. 7.	The Mineral Lands Act, 1877.
44 Vict. No. 17.	The Mineral Lands Amendment Act, 1880.
45 Vict. No. 7.	The Mineral Lands Amendment Act, 1881.
46 Vict. No. 36.	The Mineral Lands Amendment Act, 1882.

