

T A S M A N I A.



1862.

ANNO VICESIMO-SEXTO

VICTORIÆ REGINÆ,

No. 4.

AN ACT for the Management of Mineral Crown Lands, and for regulating Mining for Minerals other than Gold on such Lands in *Tasmania*.

[25 September, 1862.]

WHEREAS it is expedient that Legislative provision should be made regulating Mining for Minerals other than Gold upon Waste Lands of the Crown in this Colony: 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:—

PREAMBLE.

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

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

2 It shall be lawful for the Commissioner of Crown Lands to decline to accede to any application, or to enter into a contract, for the purchase of Land under Section 19 of *The Waste Lands Act*, in any

Applications to purchase mineral Crown Land may be refused.

case in which the Land selected is known or supposed to contain Minerals; and the provisions of this Section shall extend to all applications to purchase Land made on or after the First day of *November*, 1862.

Mining Leases
may be granted.

3 It shall be lawful for the Governor in Council to grant Leases for Mining purposes, for any term not exceeding Twenty-one years from the making of any such Lease, of any portion of the Waste Lands of the Crown not exceeding Eighty acres if containing metalliferous rocks, and if containing coal not exceeding Three hundred and twenty acres, with right of renewal for a further period of Fourteen years, by payment of a fine; and also to grant water rights and other easements for mining purposes, and to fix the amount to be paid by way of rent or royalty for the same respectively; subject to such Regulations for the granting such Leases, and for the working and resumption of the same, which shall be made by the Governor in Council for that purpose.

Regulations to be
published in
Gazette, which
shall be evidence
of same.

4 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 in all legal proceedings the production of the *Gazette* containing any such Regulations shall alone be sufficient *prima facie* evidence that such Regulations have been duly made; and the *onus* of proving the contrary shall in every case be on the person disputing the validity of such Regulations.

Saves Royal
Prerogative.

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

Commencement
of Act.

6 This Act shall commence and take effect on the First day of *November*, 1862.

Short title.

7 In referring to this Act it shall be sufficient to use the expression "*The Mineral Lands Act.*"