

MINING ON PRIVATE LANDS BILL.

SCHEDULE of the Amendments referred to in Message of 17th April, 1894.

- Page 2, clause 2, lines 15 and 16. *Omit* " 'Coal'—Bituminous coal, anthracite, lignite, kerosene shale, " and natural coke "
- Page 2, clause 2, lines 17 to 23. *Omit* " 'Minerals other than gold'—Coal and any of the following " metals, or any ore containing the same, viz. :—Platinum, silver, mercury, nickel, bismuth, " copper, tin, cobalt, antimony, lead, manganese, and iron, or any other substance which may " from time to time, by proclamation of the Governor, published in the *Gazette*, be declared a " 'mineral' within the meaning of this Act " *insert* " 'Silver'—as well any silver as any " earth or rock containing silver or having silver intermixed therewith 'Lead'—as " well any lead as any earth or rock containing lead or having lead intermixed there- " with 'Tin'—as well any tin as any earth or rock containing tin or having tin inter- " mixed therewith 'Antimony'—as well any antimony as any earth or rock containing " antimony or having antimony intermixed therewith "
- Page 2, clause 2, lines 32 and 33. *Omit* " 'All minerals'—The minerals, metals, or ores of metals enume- " rated in the three immediately preceding subsections "
- Page 3, clause 3, lines 15 and 16. *Omit* " or such minerals other than gold as " *insert* " silver, lead, tin, " and antimony, but as to silver, lead, tin, and antimony only where such minerals "
- Page 3, clause 3, line 18. *Omit* " save and except coal "
- Page 3, clause 3, lines 23 and 24. *Omit* " all minerals, including gold " *insert* " gold, silver, lead, tin, " and antimony "
- Page 3, clause 5, line 47. *Omit* " and for all minerals other than gold " *insert* " silver, lead, tin, and " antimony "
- Page 3, clause 5, lines 50 and 51. *Omit* " any mineral or minerals particularly specified therein " *insert* " silver, lead, tin, or antimony, or any of such minerals "
- Page 3, clause 5, line 54. *Omit* " the particular mineral or minerals, " *insert* " silver, lead, tin, and " antimony, or any of them where such minerals are "
- Page 4, clause 6, lines 12 to 20. *Omit* " After the passing of this Act, all lands granted or vested in " trust by the Crown for the purposes of a race-course, cricket ground, recreation reserve, park, or Lands vested in trust or under lease may be mined upon. " permanent common, irrespective of whether the deed of grant (if any) contains a reservation of " minerals or the contrary, and all lands held under tramway, irrigation, or power leases, or leases " for water supply, whether granted under any special Act or otherwise, shall be open for mining " thereon or thereunder for gold or minerals other than gold subject to the provisions of this Act : " Provided that "
- Page 4, clause 6, line 20. *Omit* " herein " *insert* " in sections three and five of this Act "
- Page 4, clause 6, lines 22 and 23. *Omit* " or to lands vested in trust for or dedicated to any public " purpose other than those hereinbefore mentioned "
- Page 4, clause 6, line 24. *Omit* " Government "
- Page 4, clause 6, line 26. *After* " Act " *omit* remainder of clause
- Page 4, clause 7. *Omit* clause 7 *insert* new clause 7
- Page 4. *After* clause 7 *insert* new clause 8
- Page 4, clause 8. *Omit* clause 8
- Page 5, clause 9, line 16. *After* " person " *insert* " holding a miner's right "
- Page 5, clause 9, line 17. *After* " any " *insert* " specified portion of "
- Page 5, clause 9, line 19. *After* " Act " *insert* " which authority shall be effective during the next " succeeding fourteen days "
- Page 5, clause 9, line 22. *After* " or " *insert* " accompanied "
- Page 5, clause 9, line 22. *Omit* " his agent " *insert* " one other person who is the holder of a " miner's right but without dogs "
- Page 5, clause 9, lines 23 and 24. *Omit* " search and examine the surface of " *insert* " enter upon "
- Page 5, clause 9, line 24. *Omit* " but shall not be entitled " *insert* " and may detach one or more " samples of any vein or lode, out-cropping at the surface thereof, not exceeding in the " aggregate twenty-eight pounds in weight, and may remove such samples for the " purpose of assaying or testing the value thereof, but such authority shall not entitle " the holder "
- Page 5, clause 9, line 32. *After* " obtained " *omit* remainder of clause.
- Page 5, clause 10, line 42. *Omit* " examine the surface of " *insert* " enter upon "
- Page 5, clause 10, line 42. *Omit* " for mining purposes " *insert* " as hereinbefore provided "
- Page 5, clause 10, line 44. *After* " for " *insert* " authority to enter upon "
- Page 5, clause 10, line 45. *Omit* " one month " *insert* " fourteen days "
- Page 5, clause 10, line 48. *After* " shall " *insert* " within twenty-four hours "
- Page 5, clause 11, line 51. *Omit* " duly " *insert* " such "
- Page 5, clause 11, line 53. *After* " may " *insert* " at all reasonable times and doing no unnecessary " damage and "
- Page 6, clause 11, line 9. *Omit* " And in like manner any surveyor " *insert* " and except as provided " in Part III of this Act any person who shall commence to mine on or under any " private land without having first obtained a lease under the provisions of this Act shall " be, and be deemed to be, guilty of a misdemeanour: Provided that any surveyor " with his assistants "

- Page 6, clause 11, line 15. *Before* "boundaries" *insert* "road to and the"
- Page 6, clause 12, line 19. *After* "under" *insert* "and subject to"
- Page 6, clause 12, line 24. *Omit* "minerals other than gold" *insert* "silver, lead, tin, or antimony, or any of such minerals"
- Page 6, clause 12, line 28. *Omit* "section six" *insert* "sections six and seven"
- Page 6, clause 12, lines 28 to 35. *Omit* "but in the case of lands alienated prior to or on the twenty-fourth day of January, in the year one thousand eight hundred and fifty, regard shall be had to the proclamation of His Excellency Sir Charles Augustus Fitzroy, Governor, published in the *Government Gazette*, on the twenty-ninth day of January, in the year aforesaid, whereby all reservations of coal, with the rights of the Crown incident thereto, were, by His Excellency's command, for ever abandoned"
- Page 6, clause 12, line 35. *After* "lease" *insert* "shall take effect only when issued and"
- Page 6, clause 12, line 42. *After* "provided" *insert* "by a right-of-way to be surveyed from the land comprised in the lease to the nearest practicable point of a public road, and the cost of surveying and marking such right-of-way shall be borne by the lessee"
- Page 6, clause 12, line 48. *After* "thereon" *insert* "or to keep dogs unless chained up or kept under proper control"
- Page 6, clause 12, line 49. *After* "or" second occurring, *insert* "except in connection with such mining operations"
- Page 6, clause 12, lines 50 and 51. *Omit* "except in connection with such mining operations"
- Page 6, clause 12, line 52. *Omit* "the power herein given to grant leases" *insert* "no such lease"
- Page 6, clause 12, line 53. *Omit* "not"
- Page 6, clause 12, line 55. *After* "ground" *insert* "or to within two hundred yards on the surface of any land on which is erected the principal residence of the owner or occupier"
- Page 6, clause 12, line 58. *Omit* "such"
- Page 7, clause 12, line 1. *After* "improvement" *insert* "nor shall any right-of-way be granted through any garden, orchard, or pleasure ground"
- Page 7. *After* clause 12 *insert* new clause 13.
- Page 7, clause 13, line 23. *After* "to" *omit* remainder of clause, *insert* "the Minister"
- Page 7, clause 14, line 33. *After* "and" *insert* "in such latter case"
- Page 7, clause 15, line 45. *After* "thereupon" *insert* "and for the damages caused by severing such land or any part thereof from other land of the owner or occupier"
- Page 7, clause 16, line 54. *Before* "occupier" *insert* "by the"
- Page 7, clause 17, line 54. *After* "(if any)" *insert* "and by the mortgagee if any"
- Page 7, clause 17, line 58. *Omit* "and"
- Page 7, clause 17, line 58. *After* "occupier" *insert* "and mortgagee"
- Page 8, clause 17, line 1. *After* "owner" *omit* "and"
- Page 8, clause 17, line 1. *After* "occupier" *insert* "and mortgagee"
- Page 8, clause 17, line 4. *Before* "occupier" *insert* "the"
- Page 8, clause 17, line 4. *After* "(if any)" *insert* "and the mortgagee if any"
- Page 8, clause 17, line 7. *After* "occupier" *insert* "or mortgagee"
- Page 8, clause 17, line 8. *Omit* "either" *insert* "any"
- Page 8, clause 17, line 17. *After* "occupier" *insert* "or mortgagee"
- Page 8, clause 18, line 28. *After* "specified" *insert* "his application shall become void and"
- Page 8, clause 18, line 37. *Omit* "or"
- Page 8, clause 18, line 38. *Omit* "the amount to which he is entitled" *insert* "and mortgagee the amounts (if any) to which they are respectively entitled"
- Page 8, clause 18, line 39. *Omit* "or"
- Page 8, clause 18, line 40. *After* "occupier" *insert* "or mortgagee"
- Page 8, clause 18, line 43. *Omit* "or"
- Page 8, clause 18, line 43. *After* "occupier" *insert* "or mortgagee"
- Page 8, clause 19, lines 47 to 50. *Omit* "During the progress of mining operations the lessee having a lease of below the surface only of such land, may apply to the Minister for a lease of a portion or any number of additional portions of the surface thereof" *insert* "During the progress of mining operations a lessee having a lease empowering him to mine below the surface of any area of land, may for the purposes of mining, apply to the Minister for a lease of a portion or any number of additional portions of the surface of the area of land under which he is empowered to mine"
- Page 9. *After* clause 18, 19. *insert* new clause 20.
- Page 9, clause 20, lines 47 and 48. *Omit* "on the sixth day of October, one thousand eight hundred and ninety-two" *insert* "at the time of the passing of this Act"
- Page 10, clause 20, line 6. *Omit* "or minerals other than gold" *insert* "silver, lead, tin, or antimony, or all of such minerals"
- Page 10, clause 21, line 15. *Omit* "or minerals other than gold" *insert* "silver, lead, tin, or antimony"
- Page 10, clause 22, line 34. *After* "and" *insert* "the Governor"
- Page 10, clause 23, line 44. *Omit* "two shillings and sixpence" *insert* "twenty shillings"
- Page 10, clause 23, lines 45 to 47. *Omit* "for land whereof the mining will be confined to minerals other than gold and twenty shillings per acre for land applied for for gold mining purposes"
- Page 10, clause 23, line 47. *Omit* "five" *insert* "twenty"
- Page 10, clause 23, lines 54 and 55. *Omit* "minerals other than gold" *insert* "silver, lead, tin, or antimony"
- Page 10, clause 23, lines 56 and 57. *Omit* "except in the case of land containing coal, and in such case the area shall not exceed six hundred and forty acres"
- Page 10, clause 23, line 59. *After* "cases" *insert* "the areas of"
- Page 11, clause 25, line 23. *Omit* "metals and minerals" *insert* "silver, lead, tin, or antimony"
- Page 11, clause 25, lines 24 to 26. *Omit* "in the case of coal at the pit mouth; and in the case of metalliferous ores their value shall be"

- Page 11, clause ~~25~~ 27, line 35. *Omit* "Government"
- Page 11, clause ~~26~~ 28, line 53. *Omit* "hereof" *insert* "of this Act"
- Page 11, clause ~~26~~ 28, line 54. *Omit* "or minerals other than gold" *insert* "silver, lead, tin, or antimony"
- Page 12, clause ~~27~~ 29, line 3. *Omit* "any metals or minerals" *insert* "silver, lead, tin, or antimony"
- Page 12, clause ~~27~~ 29, line 8. *Omit* "minerals other than gold" *insert* "silver, lead, tin, or antimony"
- Page 12, clause ~~27~~ 29, line 15. *Omit* "section six" *insert* "sections six and seven"
- Page 12, clause ~~27~~ 29, line 16. *Omit* "will" *insert* "shall"
- Page 12, clause ~~27~~ 29, line 17. *Omit* "minerals other than gold which" *insert* "silver, lead, tin, or antimony, where such minerals, or where all minerals, or where minerals other than gold, as the case may be"
- Page 12. *After* clause ~~27~~ 29, *insert* new clauses—30, 31, 32, and 33.
- Page 13, clause ~~28~~ 34, line 13. *After* "land" *insert* "and with respect to the area which may be so taken possession of, the form of measurement, the mode of defining the boundaries thereof, the labour conditions, and the lapsing of title for non-compliance therewith, such land shall be held and worked"
- Page 14, clause ~~30~~ 36. At end of clause *add* "but the said lessee shall not be permitted to remove any machinery, buildings, plant, or material from such land unless and until all rent due in respect thereof has been paid and all compensation for damage done thereto by mining thereon has been duly assessed and paid"
- Page 14, clause ~~31~~ 37, lines 32 and 33. *Omit* "sixteen and eighteen" *insert* "seventeen and nineteen"
- Page 14, clause ~~32~~ 38, line 35. *Omit* "fifteen" *insert* "sixteen"
- Page 15, clause ~~35~~ 41, lines 39 and 40. *Omit* "Notwithstanding anything to the contrary in Part II of this Act"
- Page 15, clause ~~35~~ 41, line 42. *After* "land" *insert* "not occupied or held under agreement for mining purposes but"
- Page 16, clause ~~35~~ 41, line 1. *After* "purposes" *insert* "and for the severance thereof from other land of the owner"
- Page 16, clause ~~36~~ 42, line 51. *After* "inquiry" *insert* "on the land"
- Page 16, clause ~~36~~ 42, line 53. *After* "(if any)" *insert* "or their respective local agents registered as such with the mining registrar"
- Page 16, clause ~~36~~ 42, line 54. *After* "as" *insert* "to"
- Page 17, clause ~~38~~ 44, lines 19 to 27. *Omit* "Whenever in any section of this Act the expression 'prescribed' is used in connection with any matter referred to in the context, and whenever in any section of this Act 'Regulations' are mentioned in connection with any such matter as aforesaid the Governor may in every such case frame regulations for the purpose of giving effect to the provisions of such section. And for the purpose of carrying this Act into full effect generally the Governor may make regulations which may provide for their enforcement by penalties not exceeding in any case fifty pounds, and" *insert* "it shall be lawful for the Governor to make regulations which may provide for their enforcement by penalties not exceeding in any case fifty pounds for carrying out the provisions of this Act, which regulations"
- Page 17, clause ~~38~~ 44. At end of clause *add* "and if both Houses of Parliament shall by resolution passed within one month thereafter disapprove of the same or any part thereof the same or such part shall thereupon cease to be valid in law."
- Page 17. *After* clause ~~38~~ 44 *insert* new clause 45.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber,
Sydney, 5 December, 1893. }

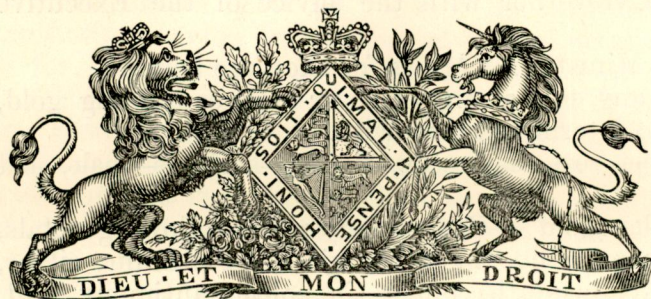
F. W. WEBB,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

Legislative Council Chamber,
Sydney, 17th April, 1894. }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. .

An Act to legalise Mining on Private Lands; to provide for charging Rents and Royalties in connection therewith; to validate certain Crown grants; to provide for the resumption of land for certain purposes; to make better provision for and in connection with mining on Crown Lands in certain particulars; to effect such amendments in the Statutes as may be necessary to give this Act full force and effect; and for purposes consequent upon, connected with, or incidental to the aforementioned objects.

WHEREAS from time to time since the establishment of the Preamble. Colony of New South Wales Crown lands within the said Colony have been alienated, subject to various reservations in the Crown grants with respect to gold and minerals other than gold, and
5 in the public interest it is now deemed necessary to give legal effect to such reservations: And whereas certain other lands have from time to time been alienated without express reservation of any minerals which might afterwards be found therein, but having regard to the well established laws of England whereby it has been held from time
10 immemorial that the royal metal gold does not pass from the Crown unless by express conveyance in the grant of such lands: And whereas, for the well being of the State, it is now deemed necessary that all such lands should be made available for the operations of mining thereon or thereunder for such gold as may be found therein:
15 And whereas it is deemed expedient to define the royalties and rents to be derived under the operations of this Act either on behalf of the Crown or on behalf of the landowner, as hereinafter provided: Be it therefore enacted by the Queen's Most Excellent Majesty, by and

53—A (79)

with

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Mining on Private Lands.

with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the “Mining on Private Lands Short title. 5 Act.”

PART I.

2. In this Act the following terms shall, if not inconsistent with the subject matter or context, have the respective meanings hereby assigned to them (that is to say):—

10 “Governor”—The Governor with the advice of the Executive Council.

“Minister”—The Minister for Mines for the time being.

“Gold”—As well any gold as any earth or rock containing gold, or having gold intermixed therewith.

15 “Coal”—~~Bituminous coal, anthracite, lignite, kerosene shale, and natural coke.~~

“Minerals other than gold”—Coal and any of the following metals, or any ore containing the same, viz.:—Platinum silver, mercury, nickel, bismuth, copper, tin, cobalt, antimony, lead, manganese, and iron, or any other substance which may from time to time, by proclamation of the Governor, published in the *Gazette*, be declared a “mineral” within the meaning of this Act.

20 “Silver”—As well any silver as any earth or rock containing silver or having silver intermixed therewith.

“Lead”—As well any lead as any earth or rock containing lead or having lead intermixed therewith.

“Tin”—As well any tin as any earth or rock containing tin or having tin intermixed therewith.

30 “Antimony”—As well any antimony as any earth or rock containing antimony or having antimony intermixed therewith.

“All Minerals”—The minerals, metals, or ores of metals enumerated in the three immediately preceding subsections.

35 “Owner”—The owner or conditional purchaser of any land dealt with under the provisions of this Act, whether such title is completed or not, or any trustee for such land, if vested in trust.

40 “Occupier”—The person in occupation of such land, whether as conditional lessee, the valid applicant for a conditional lease, the lessee of any land for tramway, irrigation, water supply or power purposes, whether under any special Act or otherwise, or a tenant.

“Applicant”—The person applying for a mining lease under this Act.

45 “Lessee”—The holder of a lease under this Act, or his executors, administrators, or assigns.

“Private land”—Any land included within the provisions of this Act, whether alienated or in process of alienation, or vested in trust, or demised by lease under any of the forms hereinafter referred to, or land held under any valid application for such lease.

50 “Mining,” or “To mine”—To sink shafts, construct drives, adits, tunnels, or surface excavations, or to remove earth, rock, metals, or ores, or to wash, crush, smelt, or conduct any operation in connection with mining.

55 “Mining-race”—Any artificial channel, flume, aqueduct, tunnel, culvert, or pipe for the conveyance of water or detritus; also the natural bed of any creek or gully in which water or detritus is conducted in connection with mining.

“Warden”

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- “Warden”—Any Warden appointed under the Act thirty-seventh Victoria number thirteen, or any Act relating to mining, who may be in charge of the mining district or division denoted by the context where the expression is used, or any Warden acting for him or in his stead, or (if none such is denoted) any Warden.
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- “Prescribed”—Prescribed by this Act or any regulation made thereunder.
- “Royalty”—The share or duty claimed by the State on the produce of the mine held by lease under this Act.
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3. From and after the passing of this Act all lands alienated on or prior to the twenty-fourth day of January, in the year one thousand eight hundred and fifty, whether the Crown grants thereof had issued at that date or otherwise, shall, subject to the provisions of this Act, be open to mine thereon or thereunder for gold ~~or such minerals other than gold as~~ **silver, lead, tin, and antimony, but as to silver, lead, tin, and antimony only where such minerals have been reserved in the Crown grant issued therefor, save and except coal.** And all lands alienated after the twenty-fourth day of January, one thousand eight hundred and fifty, and prior to the eighteenth day of October, one thousand eight hundred and sixty-one, whereof the grants contain a reservation of all minerals to the Crown, shall, subject to the provisions of this Act, be open to mine thereon or thereunder for ~~all minerals, including gold~~ **gold, silver, lead, tin, and antimony**: Provided that where the said grants contain no reservation of minerals the mining on such lands herein specially referred to shall be confined to mining for gold only.
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4. All Crown grants issued, or purporting to be issued, under the provisions of the “Crown Lands Alienation Act of 1861,” or any Act amending the same, including all grants issued by virtue of volunteer land orders as well as grants issued, or purporting to be issued, under the provisions of the “Crown Lands Act of 1884,” or any amendment thereof, shall be deemed to have been and to be good and valid in law for all purposes of this Act.
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5. All lands alienated or in process of alienation under the provisions of the “Crown Lands Alienation Act of 1861,” or any Act amending the same, as well as all lands alienated or in process of alienation, under the provisions of the “Crown Lands Act of 1884,” or any amendment thereof, shall be subject to the operations of mining under the provisions of this Act to the following extent, but no further:—
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- (a) If the grant for such land contains, or would, under the provisions of the said Acts, or any amendments thereof, contain, when issued, a reservation to the Crown of all minerals which the said land contains, then such land shall be open under the provisions of this Act for mining for gold, and ~~for all minerals other than gold~~ **silver, lead, tin, and antimony.**
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- (b) If the grant for such land contains, or would contain when issued, a reservation to the Crown of ~~any mineral or minerals particularly specified therein,~~ **silver, lead, tin, or antimony, or any of such minerals** then such lands shall be open under the provisions of this Act for mining for gold, as well as for ~~the particular mineral or minerals~~ **silver, lead, tin, and antimony, or any of them, where such minerals are specified in such reservation, but for no other mineral whatsoever.**
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- (c) If such land shall have been alienated, or be in process of alienation under the nineteenth section of the “Crown Lands Alienation Act of 1861,” or if having been selected under any

Lands alienated prior to “Crown Lands Act of 1861” open to mining under the provisions of this Act.

Reservations in grants good and valid.

Lands alienated under “Crown Lands Acts of 1861 and 1884” may be mined upon under provisions of this Act.

What lands open to mining for all minerals.

Lands open to mine for gold as well as certain specified minerals.

Lands open to gold-mining only.

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any other section of the said Act, or if having been held under mineral lease, and in either such case having been converted into a mineral conditional purchase, then such lands shall be open under the provisions of this Act for mining for gold only, or for any ore, the chief and most profitable metallic product of which is gold.

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(d) If the grant for such land contains, or would contain when issued, no reservation of minerals, then in every such case the land shall be open under the provisions of this Act for mining for gold only, or for any ore, the chief and most profitable metallic product of which is gold.

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6. ~~After the passing of this Act, all lands granted or vested in trust by the Crown for the purposes of a race-course, cricket ground, recreation reserve, park, or permanent common, irrespective of whether the deed of grant (if any) contains a reservation of minerals or the contrary, and all lands held under tramway, irrigation, or power leases, or leases for water supply, whether granted under any special Act or otherwise, shall be open for mining thereon or thereunder for gold or minerals other than gold subject to the provisions of this Act:~~ ~~Provided that Nothing herein in sections three and five of this Act shall be held to apply to alienated lands situated within the boundaries of any town or village, or to lands vested in trust for or dedicated to any public purpose, other than those hereinbefore mentioned, unless the Governor shall have first proclaimed in the Government Gazette that any such lands particularised in such proclamation shall be subject to the provisions of this Act. And in all cases, whether on private lands or Crown lands, whenever a lease is granted to mine under such land only and without the right of mining on the surface thereof the Governor may stipulate at what vertical depth from the surface such lease shall commence.~~

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7. Every grant hereafter issued for land alienated or which shall be alienated under any Act or vested in trust by the Crown for any public purpose shall contain a reservation to the Crown of all minerals which such lands shall contain. And such minerals are hereby expressly so reserved, and the land so alienated or so vested in trust shall be subject to all the provisions of this Act with respect to mining thereon or thereunder.

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7. Lands held from the Crown under tramway, irrigation, or power leases, and lands held under lease for water supply in virtue of any special Act or otherwise, and lands granted or vested in trust by the Crown for the purposes of a race-course, cricket ground, recreation reserve, park, or permanent common, shall, subject to the provisions of this Act, be open for mining thereon and thereunder, but only on a proclamation being made by the Governor in the Gazette, notifying that the lands therein described are subject to the provisions of this Act, and from and after the day named in the proclamation.

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8. In all cases, whether on private lands or Crown lands, wherever a lease is granted to mine under such land only, and without the right of mining on the surface thereof, the Governor may stipulate at what vertical depth from the surface such lease shall commence.

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8. The Governor shall, as soon as practicable and in the prescribed form, provide a "Register of Crown Grants" with respect to all lands alienated prior to the passing of this Act except lands situated within towns or villages whether such lands have been alienated in fee simple or vested in trust for public purposes. And such Register shall classify the lands according to the mineral reservations or otherwise contained in the grants thereof, and shall have a copy of each form of mineral reservation (if any) at the head of its various columns, and such Register shall be divided into so many parts as there are Land Districts,

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If no reservation in grants to be open to gold-mining only.

Lands vested in trust or under lease may be mined upon.

Town and village lands not open.

Depth from surface at which underground leases shall commence.

All minerals to be reserved in grants issued for future alienations.

Lands under lease or reserved for public purposes.

Depth from surface at which underground leases shall commence.

Register of reservations in Crown grants to be provided.

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Districts, and a copy of the part appertaining to each district shall be kept at the respective Land Offices, and be open to inspection of the public in the prescribed manner. And with respect to lands in process of alienation only and for which no Crown grant shall have
 5 issued, then the "Register of Crown Grants" shall set forth the form of mineral reservation (if any) which such grant would be subject to when issued. And in case any lands other than those herein
 10 exempted shall not be found classified in such Register it shall be taken as *prima facie* evidence that such land has been alienated since the passing of this Act and is therefore available for mining thereon or thereunder for all minerals including gold, subject to the provisions herein contained.

PART II.

Proceedings in connection with Mining.

15 9. It shall be lawful for the Warden of any mining district to grant to any person holding a miners' right in the prescribed manner an authority in duplicate to enter into and upon any specified portion
 of private land which is subject to the operations of mining under the provisions of this Act, which authority shall be effective during the
 20 next succeeding fourteen days; and on serving the duplicate of such authority on the owner or occupier thereof, such person shall either personally or accompanied by his agent one other person who is the
 holder of a miners' right, but without dogs, be entitled to search and examine the surface of enter upon such land, but shall not be entitled
 25 and may detach one or more samples of any vein or lode, outcropping at the surface thereof, not exceeding in the aggregate twenty-eight pounds in weight, and may remove such samples for the purpose of assaying or testing the value thereof, but such authority shall not
 entitle the holder to commence to mine thereon or thereunder until
 30 the amount of compensation, to be ascertained as hereinafter provided, shall have been paid, and a lease from the Governor to such person shall have been first obtained. And any person applying for authority
 to examine the surface of such private land, or for a mining lease thereof, shall (if the Register of Crown grants has been provided but
 35 not otherwise) accompany such application with a certified copy of the form of mineral reservation contained in the grant of such land, and such certified copy shall be supplied by the Land Agent of the district wherein such land is situated, and shall be a correct extract
 from the Register of Crown grants, or shall certify that a grant of
 40 such land is not included in such Register.

Authority to examine surface may be granted by the Warden.

10. Any person having received authority from the Warden to
 examine the surface of enter upon such private land for mining purposes
 as hereinbefore provided shall be deemed to be in possession as against
 other applicants for authority to enter upon the same land for a period
 45 of one month fourteen days from the date of such authority to the full extent of the area allowed in such class of lands to be leased: Provided that such authorised person if requested so to do by other
 authorised persons desirous of occupying the adjoining land shall
 within twenty-four hours approximately define the boundaries of such
 50 area.

Authorised person considered first applicant.

11. Any duly such authorised person desiring to obtain a lease
 for mining purposes of such private land, or any portion thereof, as
 under the provisions of this Act shall become open to lease, may at all
 reasonable times and doing no unnecessary damage and without incur-
 55 ring any liability for trespass, enter upon such land, either personally
 or

Owner or occupier obstructing applicant.

Mining on Private Lands.

or by an agent, and in the prescribed manner, define the boundaries of the portion intended to be applied for. And any owner, occupier, or other person who shall obstruct such authorised person in the performance of any such act, or who shall interfere with, remove, destroy, or
 5 deface any boundary mark so made or any necessary notice posted in connection therewith, shall, on conviction thereof, be liable for the first offence to a penalty not exceeding ten pounds, or on conviction of a second or any subsequent offence, to a penalty not exceeding fifty pounds. ~~And in like manner any surveyor~~ **And except as provided in**
 10 **Part III of this Act any person who shall commence to mine on or under any private land without having first obtained a lease under the provisions of this Act shall be, and be deemed to be, guilty of a misdemeanour: Provided that any surveyor with his assistants may enter upon any private land for the purpose of defining the road to and the**
 15 **boundaries of the portion sought to be leased, or for any other purpose under this Act, in pursuance of and bearing an order of the Minister or of a Warden.**

12. The Governor, in the name and on behalf of Her Majesty, shall have power under and subject to the provisions of this Act to
 20 grant to any person a lease of such private lands, to be effectual either on and below the surface, or on one or more limited portions of the surface and below the whole area or to be effectual below the surface only, for the purpose of mining thereon or thereunder, either for gold only, or for ~~minerals other than gold,~~ silver, lead,
 25 tin, or antimony, or any of such minerals, regard being had to the reservations (if any) contained in the Crown grants thereof, except
 in the case of certain lands vested in trust and referred to in ~~section six~~ sections six and seven hereof, but in the case of lands alienated prior to or on the twenty-fourth day of January, in
 30 the year one thousand eight hundred and fifty, regard shall be had to the proclamation of His Excellency Sir Charles Augustus Fitzroy, Governor, published in the *Government Gazette*, on the twenty-ninth day of January, in the year aforesaid, whereby all reservations of coal, with the rights of the Crown incident thereto,
 35 were, by His Excellency's command, for ever abandoned. And such lease shall take effect only when issued and shall confer the right of cutting and constructing on the lands thereby demised, races, drains, dams, reservoirs, or tramways, and erecting thereon buildings and machinery in connection with such mining, but not otherwise, and generally for
 40 doing all such acts and things as shall be requisite for efficiently mining the said land, with full right of ingress, egress, and regress for the purposes herein provided, by a right-of-way to be surveyed from the land comprised in the lease to the nearest practicable point of a public road, and the cost of surveying and marking such right-of-way
 45 shall be borne by the lessee; but such lease shall in nowise give the lessee the right to use water artificially conserved by the owner of such land, or to fell trees, strip bark, or cut timber on such land, or to depasture horses, cattle, or sheep thereon, or to keep dogs, unless chained up or kept under proper control, or, except in connection with
 50 such mining operations, to remove earth or rock therefrom, ~~except in connection with such mining operations,~~ without the consent of the owner and occupier: Provided that the power herein given to grant leases no such lease shall not, except with the consent of the owner, extend to within one hundred yards on the surface of any land which is *bonâ fide*
 55 in use as a garden, orchard, or pleasure ground, or to within two hundred yards on the surface of any land on which is erected the principal residence of the owner or occupier, or to either the surface or below the surface of any restricted portion of such land whereon is erected or constructed any substantial building, bridge, dam, reservoir, well,

Governor may grant lease.

Regard must be had to reservations in grants.

Lease gives right to occupy for all purposes connected with mining.

Not to approach within 100 yards of garden, &c., or 200 yards of principal residence without owner's consent.

Mining on Private Lands.

well, or other valuable improvement, nor shall any right-of-way be granted through any garden, orchard, or pleasure ground: Provided further that it shall be for the Minister to determine whether any improvement referred to in this section is of a substantial or valuable character, and to define the area within which mining operations may be excluded.

13. Nothing in this Act contained shall, unless with the consent of the owner, apply or be held to apply to any lands which are enclosed and under cultivation, or to lands which have been bona fide acquired and are held for the purposes of mining.

Not to apply to lands under cultivation or bona fide held for mining purposes. Notice to owner and occupier.

14. Within one month from the date of the aforementioned authority such authorised person may in the prescribed manner apply to the Minister for a lease of such land, and on receipt of such application, accompanied by the prescribed sum by way of rent and fees, the Minister shall cause a notice to be served on the owner and occupier of such land. And in case the whole or any part of the surface thereof is required, such notice shall so state, and if a part only is required, such notice shall define such part, and shall also request from the owner and occupier respectively such particulars of their estate and interest therein as the Minister shall deem necessary for carrying out the objects and intentions of this Act, and within twenty-one days therefrom such owner or occupier shall give such particulars to whomsoever such notice shall direct the Minister.

Service of notices.

15. All notices required by this Act to be served upon the owner or occupier of any private land shall either be served personally on such persons or left at their usual place of abode (if the same can after diligent inquiry be found), and in case the owner shall be absent from the Colony or he or his agent cannot after diligent inquiry be found, the notices shall be left with the occupier of the land, or if there be no such occupier, shall be affixed upon some conspicuous part of the land, and in the latter case such notice shall be advertised in two issues of a newspaper circulating in the district in which the land is situated. And in such latter case the affixing of such notices in addition to the aforementioned advertisements shall be deemed service of notice on the owner and occupier.

16. The Governor may appoint mining appraisers as may from time to time be found necessary, who may also hold other offices in the Public Service, and shall be paid such salaries or fees as the Governor shall direct, and any such mining appraiser, on being authorised by the Minister so to do, shall assess the amount of compensation to be made to the owner and occupier of such lands respectively for the loss which he or they may sustain by way of damage which may be caused through mining operations either on, in, or under such land to the surface thereof, or to any crop growing thereon, or to any buildings, structures, or other improvements erected or constructed thereupon, and for the damages caused by severing such land, or any part thereof, from other land of the owner or occupier: Provided that with respect to the land of which a lease of the surface is required (not being less than one acre), such compensation as aforesaid shall in no case exceed the then ascertained market value of such land for other than mining purposes.

Appraisers to be appointed who shall assess surface damages.

17. On receipt of an application for a lease under this Act, unless such application be accompanied by a document signed by the applicant and the owner and by the occupier (if any), and by the mortgagee (if any) or their respective agent or agents, certifying that they have mutually agreed as to the amount of compensation, whether by way of money, shares, or otherwise, to be paid by the applicant to the owner, and occupier, and mortgagee, the Minister shall authorise a mining appraiser to assess the amount of compensation to be paid to the

Either party may appeal to Minister.

Mining on Private Lands.

the owner, and occupier, and mortgagee respectively, and it shall be the duty of such mining appraiser, without loss of time, to forward his assessment to the Minister, who shall thereupon, by notices of even date, acquaint the applicant and the owner and the occupier (if any) **5** and the mortgagee (if any) with the amount of such assessment, and shall specify the time within which the same shall be paid. And in the event of the applicant or the owner or occupier or mortgagee being dissatisfied with such assessment, either any party may, within twenty-one days of the date of such notices, apply to the Minister to have **10** such assessment reviewed, and the Minister shall thereupon refer such matter to the Warden, who shall fix a time and place for holding an inquiry, not being more than thirty days from the receipt of such reference, and shall give due notice thereof to all the parties interested therein, and at the time and place so appointed shall hear, receive, **15** and examine such evidence as shall be produced by any of the parties, and shall thereupon determine the amount of compensation to be paid to such owner or occupier or mortgagee in respect of his or their respective claim or claims, and may specify the time within which and to whom the same shall be paid; and the decision of the Warden in **20** all such cases shall be final, and he may make an order for the payment of such costs of Court as shall appear to him just: Provided always that the Warden may upon cause shown, adjourn the hearing to any other time or place, but such adjournment shall not be for a longer period than fourteen days. When the amount of compensation **25** so awarded shall have been paid, a lease for mining under the provisions of this Act may in due course be issued by the Governor.

17. 18. In the event of the applicant for a lease failing to pay **30** the amount of compensation within the time specified, his application shall become void and all moneys accompanying the application for such lease shall thereupon become forfeited to the Crown, and shall be paid into the Consolidated Revenue. And in the event of such owner or occupier refusing or neglecting to supply the particulars of his estate and interest in such land as requested so to do by the Minister, such refusal or neglect shall in no way act as a bar to an award being **35** made by such mining appraiser or a final decision of the Warden being arrived at. On the amount of such compensation being paid into Court, the Warden shall in due course pay to the owner, or occupier, ~~the amount to which he is entitled~~ and mortgagee the amounts (if any) to which they are respectively entitled. And in case such owner, or **40** occupier, or mortgagee shall for the space of three months refuse or fail to accept or claim the amount of compensation so assessed or determined, such amount shall be passed to the Treasury Suspense Account and be held in trust for such owner, or occupier, or mortgagee, but without interest accruing thereon, and if not claimed within six **45** years from the time of the receipt thereof by the Treasury such amount shall be paid into the Consolidated Revenue.

18. 19. ~~During the progress of mining operations the lessee having~~ a lease of below the surface only of such land, may apply to the Minister for a lease of a portion or any number of additional portions of the surface **50** thereof: **During the progress of mining operations a lessee having a lease empowering him to mine below the surface of any area of land, may, for the purposes of mining, apply to the Minister for a lease of a portion or any number of additional portions of the surface of the area of land under which he is empowered to mine:** Provided that such lessee shall if required in **55** writing so to do by the owner or occupier without delay cause a secure fence to be erected around the shafts, machinery, or other works in connection with such mining: Provided also that if at any time the surface of any part of such land or any building, erection, or structure thereon belonging to such owner or occupier for which full compensation has not been previously paid shall be damaged by reason of such **60** mining

Warden to determine amount of compensation.

Applicant failing to pay award.

Owner, or occupier, or mortgagee failing to accept award.

Lessee must fence if requested.

Mining on Private Lands.

mining operations, the Minister, on application by the owner or occupier, accompanied by such fees as may be prescribed, shall cause an assessment of such damages to be made by a mining appraiser, who shall have power to assess both the amount of damage (if any) and also the costs of such assessment. And if the cause of such damage be disputed by either party, such mining appraiser may, if necessary, call in the aid of a mining engineer or surveyor, who, as well as such appraiser, shall have power to examine the surface or underground workings of such mine. And the lessee shall, during ordinary working hours, and within a reasonable time, comply with any request of such mining appraiser, engineer, or surveyor to furnish the usual appliances and aid necessary for descending to and ascending from such underground workings, and for examining thereinto as often as may reasonably be found necessary, and in the event of any lessee refusing or neglecting so to do, such lease shall be liable to forfeiture by the Governor in Council. And within twenty-one days from the date of the notice of such assessment either party may appeal to the Minister; and such appeal shall be dealt with by the Warden whose decision shall be final, as in the case of ascertaining surface damages at the time of application for a lease; and should the lessee fail for the space of one month after the date of the notice informing him of the assessment—if no appeal shall have been made, or of the final decision of the Warden, as the case may be—to pay the amount assessed to whomsoever such notice shall direct, such amount shall be recoverable by the owner or occupier under the ordinary process of law.

Appraiser may award further damages.

20. If any land, or buildings thereon, adjoining any land held under any mining lease granted under this Act, be injured by any operations carried on by the lessee, the owner of such land or buildings shall be entitled to recover from such lessee compensation for all loss and damage thereby sustained by such owner, to be recovered in any Court of competent jurisdiction.

Owner of adjoining land, &c., entitled to compensation for damage.

21. Nothing herein contained shall be construed as rendering it obligatory on the Governor to grant a lease to any person applying for the same, notwithstanding that he may have complied with the provisions of this Act and the regulations hereunder, but in case his application shall be refused he shall be informed of the reasons for such refusal. And a lease may be granted notwithstanding that the person applying for the same may not in every respect have complied with such regulations, and the Minister may alter, amend, and modify any application for a lease, and may reduce or increase the area of land of which a lease is applied for either on or below or both on and below the surface, or may direct a Warden to hold an inquiry in open Court with reference to any matter touching an application for a lease under this Act, and at all such inquiries the evidence shall be taken on oath.

Not obligatory to grant leases.

22. In any case where *bona fide* mining operations were being carried on under agreement upon any private land on the sixth day of October, one thousand eight hundred and ninety-two at the time of the passing of this Act a joint application by the parties to such agreement or by their representatives, for a special lease, if made within two months after this Act comes into force, and if accompanied by an attested copy of such agreement, shall have priority over all other applications with respect to the land defined therein. And such private agreement then existing shall in no way be disturbed or interfered with by the operations of this Act, except with respect to any royalty payable to the Crown which the land may be subject to and which in all cases shall be chargeable as if such land was leased under the provisions of this Act. And in the event of mining operations being carried on by the owner of such land at the time of the passing of this Act, any

Special leases may be granted.

Existing agreements protected.

Mining on Private Lands.

such application made by him shall, if made within two months as aforesaid, have a like priority, and be subject in the same manner to such royalty as hereinafter provided; or in any case where active mining operations have not been commenced, and the owner has
 5 obtained from the Governor a permit to mine for, win, and remove gold or minerals other than gold silver, lead, tin, or antimony, or all of such minerals from such private land, such owner may within two months after the passing hereof apply in the prescribed manner to convert such permit into a lease under this Act; and in all cases
 10 hereinbefore referred to in this section, such leases shall not be subject to the payment of rent, but the royalties reserved to the Crown shall be those provided for in this Act and none other.

Permits may be converted into leases.

21. 23. Any person who prior to the passing of this Act shall have obtained a permit from the Secretary for Lands or the Secretary for
 15 Mines to dig and search for gold, or minerals other than gold silver, lead, tin, or antimony in any private land may, within two months as aforesaid, apply for and in such event shall have a preferent claim for a lease under this Act, but such lease shall with respect to rent, royalty, tribute and other matters be subject to all the provisions of this Act:
 20 Provided that two months after the passing of this Act all such permits shall become extinguished and inoperative, and the power of granting such permits is hereby repealed, all other Acts to the contrary notwithstanding. And if the holder of such permit shall fail for a period of two months as aforesaid to apply for the conversion thereof
 25 into a lease under this Act, any other person may thereafter apply for a lease of such land, and the Governor may grant the same as if such permit had not been issued.

Permit to dig and search gives preferent claim to lease.

22. 24. The owner of any private land may at any time apply for
 30 a lease of such land for mining purposes; but except as hereinbefore provided, he shall have no preferential right to such lease as against any other application of prior or even date. In the event of there being no conflicting application, or of such conflicting application having been refused, the Minister may dispense with the preliminary proceedings, applicable in other cases, and the Governor may grant such
 35 lease, subject to the provisions of this Act with respect to royalty, but free from the charge of any rent or tribute. In other respects such lease shall be granted, subject to all the provisions of this Act and the regulations thereunder, as if the lessee were not the owner of such land.

Owner may obtain a lease.

40 23. 25. The term for which a lease may be granted under this Act shall not exceed twenty years, but may, subject to such conditions as the Governor may approve, be renewed for a further period not exceeding twenty years, and the yearly rental reserved to the owner
 45 of the land in respect of such leases, shall be ~~two shillings and sixpence~~ twenty shillings per acre for land whereof the mining will be confined to minerals other than gold, and twenty shillings per acre for land applied for for gold mining purposes. The area of a lease shall not exceed five
 50 twenty acres in the case of ordinary auriferous lands, and shall not exceed forty acres in the case of alluvial auriferous land where the mining operations will be conducted through basaltic rock formations, or where the quantity of water is such as to necessitate the erection of steam machinery, or where, in the opinion of the Minister a large outlay of money is necessary to make such land available for gold-mining purposes. And no lease of land for mining for minerals other
 55 than gold silver, lead, tin, or antimony shall be granted of an area greater than eighty acres except in the case of land containing coal, and in such case the area shall not exceed six hundred and forty acres. Where practicable such leases shall be granted in conformity with the existing divisions of such land, but in all other cases the areas of such leases shall

Duration of lease.

Rents payable.

Area of lease.

Mining on Private Lands.

shall be measured in the prescribed form. The areas and rents herein specified shall apply to leases whether for only below the surface or for both on and below the surface.

24. 26. In the event of more than one application being made for
 5 the same land, or any part thereof, the application, except as herein-
 before provided, which shall have been first received in manner
 prescribed, shall have priority, and in the event of two or more appli-
 cations for the same land being received at the same time, it shall be
 determined by lot which application shall take precedence. And
 10 except when the lease applied for will cover the whole of a measured
 portion all such areas shall be surveyed before the issue of a lease, and
 in the event of any applicant refusing or neglecting to execute such
 lease for the space of one month after notice shall have been given
 him of such lease being ready for execution such lease shall be liable
 15 to forfeiture, with all moneys paid thereon, and all such leases shall,
 within one month after execution thereof, be registered with the
 Mining Registrar in Sydney, who shall forward a copy thereof to the
 Mining Registrar of the Division in which such land is situated, and
 thereafter all transfers of such leases, or of any portion thereof, shall
 20 be so registered within one month after the date of such transfer.

Applications how
dealt with.

25. 27. All leases granted under the authority of this Act shall be
 granted subject to such royalties as are hereinafter set forth on the
 metals and minerals **silver, lead, tin, or antimony** obtained from such
 land, and the value thereof shall be taken to mean their value, in the
 25 ease of coal, at the pit mouth; and in the case of metalliferous ores, their
 value shall be estimated in such way as shall be prescribed. And every
 lessee under this Act, in whose lease a royalty is reserved, shall keep a
 correct set of books, and shall in the prescribed manner enter therein
 the value of all metals or minerals won from the mine, and the amount
 30 of royalty payable thereon; and such books shall at all times be open
 to the inspection of such person as the Minister or the owner may from
 time to time appoint, and an abstract of the same, which shall have
 been previously verified by statutory declaration made before a justice
 of the peace or a commissioner for affidavits, shall, in the months of
 35 July and January in each year be published in the *Government Gazette*
 and in a newspaper circulating in the district wherein such mine is
 situated.

Royalty how
ascertained.

Lessee to keep books.

26. 28. The amount of royalty payable to the Crown shall be paid
 into the Treasury or to such public officer as the Minister shall direct
 40 at least once in every half year. And any lessee or the director or
 manager of any company holding a lease under this Act, who shall
 neglect or fail to pay such amount during the half-year within which
 the same becomes payable, or within one month thereafter, shall be
 deemed guilty of a misdemeanour. And in the event of any lessee
 45 or director or manager of such company who shall fail to enter or to
 cause to be entered in books kept for that purpose the full value of
 all minerals obtained from such private land, and the amount of royalty
 payable thereon, or shall make false entries in such books or cause such
 books to be falsified, shall be deemed guilty of a misdemeanour; and
 50 the lease upon which such royalty was payable, with all moneys paid
 thereon, shall be absolutely forfeited if the Governor shall think fit.
 And after the expiration of six months from the passing of this Act,
 any person who shall, contrary to the provisions hereof of this Act, take,
 mine, or remove any gold, or minerals other than gold **silver, lead, tin,**
 55 **or antimony** from any such private land, shall be deemed guilty of a
 misdemeanour. Any person convicted of an offence declared by this
 section to be a misdemeanour shall be liable to a penalty not exceeding
 fifty pounds, or may be imprisoned at the discretion of the Court for
 any term not exceeding three months.

Non-payment of
royalty a
misdemeanour.

False entries a mis-
demeanour.

Penalty for misde-
meanour.

Mining on Private Lands.

27. 29. Notwithstanding anything to the contrary in any other Act provided, after the passing of this Act no royalties shall be charged on behalf of the Crown on ~~any metals or minerals~~ silver, lead, tin, or antimony obtained from alienated lands, or lands in process of alienation other than those hereinafter set forth. All leases granted under the provisions of this Act shall be subject to the following royalties, that is to say:—

10 (a) Mining for ~~minerals other than gold~~ silver, lead, tin, or antimony.—Whenever any mineral lease is granted of lands on which all minerals have been reserved, or of lands where some minerals only have been specifically reserved, the Crown shall reserve a royalty of two and a half per centum on the value of the minerals obtained therefrom, and for which such lease shall have been granted. And except

15 in the case of lands referred to in ~~section six~~ sections six and seven hereof, no lease ~~will~~ shall be granted under this Act to work ~~minerals other than gold which~~ silver, lead, tin, or antimony, where such minerals, or where all minerals, or where minerals other than gold, as the case may be have not been reserved to the Crown.

20 (b) All rents shall commence from the date of the approval of the lease, and shall be paid in the prescribed manner half-yearly in advance. All royalties accruing for the preceding six months shall, during the months of July and January, be payable in the prescribed manner, up to the end of June and

25 the end of December respectively.

(c) It shall be necessary for the applicant for a lease or the lessee to be the holder of a miner's right to establish or maintain a title to a lease for gold-mining purposes under this Act.

30 30. No mining lease shall be granted under this Act until after the expiration of fourteen days from the date of notification in the Gazette of intention to grant the same, and in some newspaper, the place of publication of which is near to the land sought to be leased.

35 31. The Warden may, upon the application of the owner or occupier of any land adjoining any land whereof a mining lease has been granted under the provisions of this Act, or upon the application of any person authorised by such owner or occupier by writing under the hand of the Warden, authorise such owner or occupier, or any person nominated as his agent by such owner or occupier, any mining

40 surveyor or surveyors, or some experienced miner or miners to enter into and inspect such mines and every part thereof for the purpose of ascertaining whether the persons working such mines are encroaching upon the land of any owner not being land comprised in the mining lease of such person under the provisions of this Act.

45 32. The person or persons authorised by an order made under the authority of this Act may enter into and inspect and survey the land and mines described in such order, and every part thereof, and descend any shaft or mine, and for such purpose use the engines and other machinery ordinarily employed for that purpose by the persons

50 whose shaft or mine is descended; and the lessee of such shaft or mine or other person for whom the same is being worked shall provide all labour, assistance, appliances, and materials necessary to facilitate such inspection and survey, and such person or persons authorised as aforesaid may make such plans and sections of the land entered upon,

55 and of any drives or other works therein as are necessary for the purposes aforesaid.

33. Every such owner, occupier, agent, and mining surveyor, or miner shall before entering on such land make a declaration before the Warden, who is hereby authorised to take the same, that he, the

Owner, occupier,
agent, mining
surveyor, and
miner to make a
declaration.

Mining on Private Lands.

- said owner, occupier, agent, surveyor, or miner, will not, except as a witness in a court of justice, without the consent in writing of the lessee of the land or mines to be entered upon, divulge, or cause to be divulged, to any person whomsoever any information obtained in the
- 5 case of any such entry, save only as to whether such persons working such mines are encroaching on such land of any owner, not being land comprised in the mining lease of such person as aforesaid; and every person who acts contrary to such declaration shall forfeit and pay any sum not exceeding fifty pounds.
- 10 28. 34. The owner of any private land shall be at liberty to enter into an agreement in writing with any holder of a miner's right giving such holder power to take possession of such land for gold mining purposes as if it were Crown land, and with respect to the area which may be so taken possession of, the form of measurement, the mode of
- 15 defining the boundaries thereof, the labour conditions, and the lapsing of title for non-compliance therewith, such land shall be held and worked, subject to the regulations of the Mining Board in force for the time being, and it shall not be necessary to obtain a mining lease under the provisions of this Act for such private land so occupied as
- 20 aforesaid under miners' rights: Provided that every such agreement shall within seven days thereafter be registered with the Mining Registrar for the district in which such land is situated, in accordance with regulations to be made by the Governor: And in such case no royalty shall be payable to the Crown, the owner, or occupier, on the
- 25 gold obtained therefrom, whether such gold has been specifically reserved to the Crown or otherwise.
29. 35. Adjoining lands or lands disconnected by roads only and held under separate leases may be worked conjointly as one mine, provided such contiguous lands shall not in the aggregate exceed the
- 30 area allowed respectively for leases under this Act, and except as hereinafter provided such mines shall be continuously worked according to the practice of efficient mining. And every lease granted under the authority of this Act shall contain a provision that if the lessee, his executors, administrators, or assigns fail at any time during the
- 35 term of such lease to fulfil the conditions and covenants therein contained, or to use the land *bonâ fide* for the purposes for which it shall be demised, such lease shall for any such failure be liable to forfeiture and may be forfeited on the authority of the Governor: Provided that if at any time the mine shall become unworkable from
- 40 any cause which, in the opinion of the Warden, would necessitate a suspension of mining operations, he may grant such suspension for a period not exceeding three months, and, in the event of operations having wholly ceased in connection with such mine for a period of six months, the lease shall thereupon become absolutely void and
- 45 determined.
30. 36. The lessee shall be entitled at any time, with the consent of the Governor, to surrender his lease. And in case any such lease shall become forfeited, or determined by any breach of covenant or condition or otherwise, or in case the term thereby granted
- 50 shall have expired, possession of the land thereby demised may be recovered in such manner as may be set forth by any of the provisions of the lease, or if there be no such provision, it shall be lawful for the Attorney-General, on behalf of Her Majesty, to bring a suit in any Court of competent jurisdiction to recover possession of such
- 55 land, and such suit may be commenced and carried on, and the proceedings therein may be the same and the judgment enforced in like manner as in the case of any other suit in such Court. Land, possession to which has been so recovered, or which has been abandoned, forfeited, or surrendered by the lessee, or of which the lease has

Power to owner of private land to enter into agreement with holder of miner's right to occupy for mining purposes.

Adjoining lands may be worked as one area.

Failing to fulfil conditions lease may be forfeited.

Possession how recovered.

Mining on Private Lands.

- has expired by effluxion of time, shall revert to the owner or occupier thereof, but may at any time thereafter be again mined upon or mined under, subject to the provisions contained herein: Provided also that
- 5 conditions or covenants contained therein, or in the event of such lease having expired by effluxion of time or being otherwise determined, or in the event of the owner of such land having by the authority of the Governor re-entered and taken possession of such land, the former lessee, his executors, administrators, or assigns shall be at liberty
- 10 within six months thereafter to remove all machinery and buildings erected over the same, and all appliances, tools, and material (other than the poppet-legs or brace erected over any shaft or any material already used for the purpose of keeping open the shafts, adits, or mine) belonging to such former lessee, or to his executors, administrators, or assigns; but the said lessee shall not be permitted to remove
- 15 any machinery, buildings, plant, or material from such land unless and until all rent due in respect thereof has been paid, and all compensation for damage done thereto by mining thereon has been duly assessed and paid.
- 20 ~~31.~~ 37. The jurisdiction, powers, and authorities conferred by or under the "Mining Act, 1874," or any Act amending or repealing the said Act, upon Wardens or Inspectors of Mines shall apply to and may be exercised in respect of all private lands the subject of any agreement or lease under this Act, and in respect of all questions affecting
- 25 such lands or interests therein, or matters in dispute arising out of or connected with mining upon or under such land; and for that purpose the said Act shall be read in connection with, and as forming part of, this Act. And the word land as used in the said Mining Act shall be deemed to comprise any private land the subject of an agreement or
- 30 lease under this Act. And the provisions of the said Mining Act relating to appeals from the decisions of Wardens and Mining Appeal Courts shall, except as hereinbefore provided in sections ~~sixteen and eighteen~~ ~~seventeen and nineteen~~ hereof with respect to compensation, be read and construed as forming part of this Act.
- 35 ~~32.~~ 38. Subject to compensation as provided for in section ~~fifteen~~ ~~sixteen~~ hereof, the Governor may, in the prescribed manner, grant a mining-lease of any private land, irrespective of any mineral reservations with respect to such lands, for the purpose only of cutting mining-races thereon and conveying water or detritus through or over
- 40 such land to or from any mine, whether such mine be held under the provisions of this Act, or under the provisions of the "Mining Act of 1874," or any Act amending the same, and such leases shall be subject to the regulations to be provided hereunder, and to any special provisions the Governor may deem necessary to make.
- 45 ~~33.~~ 39. In like manner the Governor may grant a lease of any area of private lands for the purpose of a tramway or a machine site, or for smelting works, or water conservation, or for any other purpose in connection with mining, and the rent to be reserved for the owner of the land in leases granted under this and the preceding section shall
- 50 be determined in the same manner as if it were a question of compensation for surface damages, and such leases shall be subject to such special provisions as the Governor may deem necessary.
- ~~34.~~ 40. Whenever land is required for the purposes of a mining village, and no Crown land is available, it shall be lawful for the
- 55 Governor to resume any private land which may be found necessary for this purpose under the provisions of the "Lands for Public Purposes Acquisition Act," or any amendment thereof; and the acquisition of any such lands for "mining village" purposes is hereby declared to be a "public undertaking" within the meaning of the

Former lessee may
remove machinery.

Jurisdiction of
Wardens.

Appeals.

Leases may be
granted through
which to carry
mining-races.

Leases may be
granted for machine
site, smelting works,
&c.

Lands may be
resumed for village
purposes.

Mining on Private Lands.

the seventh section of the "Lands for Public Purposes Acquisition Act," and all the provisions of the said Acts in respect of resumptions, whether as to the manner of making resumptions and the effect thereof, the accruing of claims for compensation and the method of determining
 5 the amount thereof, the payment of such compensation, or otherwise shall be deemed to be applicable to the resumption of any such lands as aforesaid, in as full and ample a manner as if the aforesaid seventh section of the said Act specified as a "public undertaking" the resumption of any such lands as aforesaid for the purposes of this
 10 section,—subject however to the following qualifications:—

(a) The word "Minister" wheresoever occurring in the said Acts shall, with respect and in relation to any lands resumed, or resumption effected, for the purposes of this section, be taken to mean the Minister for Lands for the time being, who with
 15 his successors in that office is hereby declared to be a corporation sole under the name of "The Minister for Lands," and by that name to have perpetual succession and an official seal, to sue and be sued, plead and be impleaded, answer and be answered unto, and take all legal proceedings in all Courts
 20 and places whatsoever; and the notice of claim for compensation and abstract of title referred to in section three of the "Lands for Public Purposes Acquisition Act Amendment Act" shall be sent to the Minister for Lands as well as to the Crown Solicitor, and not to the Minister for Public Works
 25 or the Minister for Public Instruction.

(b) Lands resumed for the aforesaid purposes shall, in lieu of vesting in the Minister within the meaning of the said Acts, vest in Her Majesty, Her Heirs and Successors according to
 30 law, and in lieu of vesting for the purposes of the said Acts and subject to the powers thereby conferred, shall, upon such vesting in Her Majesty as aforesaid, become ordinary Crown lands: Provided always that the notification in the *Gazette* declaring that any such lands as aforesaid have been resumed shall operate to reserve such lands from sale and lease or
 35 from the operation of miners' rights, mineral licenses, or business licenses, until the Minister shall by notification in the *Gazette* have revoked such reservation.

PART III.

~~35. 41. Notwithstanding anything to the contrary in Part II of~~ Where alluvial gold
 40 ~~this Act,~~ The Warden may grant a prospecting license to any person deposits occur.
 being the holder of a miner's right, and such license shall entitle the holder thereof to enter upon any private land **not occupied or held under agreement for mining purposes** but which is subject to the operations of mining for gold under the provisions of this Act,
 45 and to mark off and occupy a prospecting area of the dimensions and in manner provided for in any Mining Act or regulations in force for the time being and appertaining to mining for gold on Crown lands, and such prospector shall have the right within such prospecting area to dig and search for gold subject to the provisions herein contained.
 50 And whenever alluvial deposits containing gold of a payable character Land may be resumed.
 are discovered such discovery shall forthwith be reported to the Warden, who shall report the same to the Minister, and on his being satisfied of the payable nature of such discovery the Minister may cause the land or any part thereof to be resumed for mining purposes, and on notification
 55 of such resumption appearing in the *Gazette*, the owner thereof shall be entitled to compensation for the value of such land for other than

Mining on Private Lands.

than mining purposes and for the severance thereof from other land of the owner, and in the event of there being a tenant or rightful occupier of such land, other than the owner, such occupier shall be entitled to compensation for the loss of his interest therein. All such
 5 resumptions shall be effected under the provisions of the "Lands for Public Purposes Acquisition Act" or any amendment thereof; and the acquisition of any such lands for "alluvial gold-mining" purposes is hereby declared to be a "public undertaking" within the meaning of the seventh section of the "Lands for Public Purposes Acquisition Act."
 10 And all the provisions of the said Acts in respect of resumptions, whether as to the manner of making resumptions and the effect thereof, the accruing of claims for compensation and the method of determining the amount thereof, the payment of such compensation or otherwise shall be deemed to be applicable to the resumption of any
 15 such lands as aforesaid, in as full and ample a manner as if the aforesaid seventh section of the said Act specified as a "public undertaking" the resumption of any such lands as aforesaid for the purposes of this section,—subject however to the following qualifications:—

(a) The word "Minister" wheresoever occurring in the said Acts
 20 shall, with respect and in relation to any lands resumed, or resumption effected, for the purposes of this section, be taken to mean the Minister for Mines for the time being, who with his successors in that office is hereby declared to be a corporation sole under the name of "The Minister for
 25 Mines," and by that name to have perpetual succession and an official seal, to sue and be sued, plead and be impleaded, answer and be answered unto, and take all legal proceedings in all Courts and places whatsoever; and the notice of claim for compensation and abstract of title referred to in section
 30 three of the "Lands for Public Purposes Acquisition Act Amendment Act" shall be sent to the Minister for Mines as well as to the Crown Solicitor, and not to the Minister for Public Works or the Minister for Public Instruction.

(b) Lands resumed for the aforesaid purposes shall, in lieu of
 35 vesting in the Minister within the meaning of the said Acts, vest in Her Majesty, Her Heirs and Successors according to law, and in lieu of vesting for the purposes of the said Acts and subject to the powers thereby conferred, shall, upon such vesting in Her Majesty as aforesaid, become ordinary Crown
 40 lands, and without any further notification shall be reserved from sale and from occupation for other than mining purposes until such reservation be revoked by the Governor; and whenever such revocation shall take place, the then owner of the estate of which such land originally formed a part
 45 shall be entitled to repurchase or release such land at a price or rental to be determined by the Minister for Lands after appraisalment by the Land Board, and failing such repurchase or release the land shall be dealt with as ordinary Crown lands.

36. 42. Before authorising any person to enter upon such private
 50 land for prospecting purposes, the Warden shall hold an inquiry on the land, of which due notice shall be given to the owner and occupier (if any), or their respective local agents registered as such with the Mining Registrar as well as to the applicant, and shall thereat assess
 55 the amount of money to be deposited by the applicant for a prospecting license towards covering the damage to the surface of such land likely to be caused by mining operations being conducted thereon; and the Warden may make such stipulations and conditions with respect to such mining operations as shall appear to him necessary and expedient,
 60 and shall have power to enforce the same in all cases.

Mining on Private Lands.

37. 43. Whenever a notification of resumption as aforesaid shall appear in the *Gazette*, the authorised prospector, in the event of his being the discoverer of such payable deposits, and having duly reported the same to the Warden shall be deemed to be the first applicant for a prospecting claim under his miner's right; and the date of publication of such notification in the *Gazette* shall be reckoned as the date of application of such prospecting claim; but in all other respects as to area, labour conditions, and other matters, the application shall be dealt with subject to the regulations in force for the time being authorising the occupation of Crown lands for mining purposes, and in the event of an auriferous quartz vein being discovered in such prospecting area, the holder or holders thereof shall report the same to the Warden, and within thirty days thereafter shall be entitled to apply for a lease of such land in accordance with the provisions of section thirteen of this Act, and he or they shall in such case be deemed to be the first applicant or applicants as the case may be. And in the event of such land not being proved to contain payable alluvial deposits of gold it shall not be resumed for mining purposes.
38. 44. ~~Whenever in any section of this Act the expression~~ "prescribed" is used in connection with any matter referred to in the context, and whenever in any section of this Act "regulations" are mentioned in connection with any such matter as aforesaid the Governor may in every such case frame regulations for the purpose of giving effect to the provisions of such section. And for the purpose of carrying this Act into full effect generally the Governor may make regulations which may provide for their enforcement by penalties not exceeding in any case fifty pounds, and It shall be lawful for the Governor to make regulations which may provide for their enforcement by penalties not exceeding in any case fifty pounds for carrying out the provisions of this Act, which regulations shall, upon being published in the *Gazette*, be valid in law: Provided that a copy of every such regulation shall be laid before both Houses of Parliament within fourteen days from the publication thereof if Parliament be then in Session, or otherwise within fourteen days after the commencement of the next ensuing Session, and if both Houses of Parliament shall by resolution passed within one month thereafter disapprove of the same or any part thereof, the same or such part shall thereupon cease to be valid in law.
45. All penalties imposed by this Act, or by any regulations made under its authority, may be recovered before a police or stipendiary magistrate, or any two justices of the peace in petty sessions: Provided that any person aggrieved by any judgment, conviction, or order given or made under this section may appeal therefrom in the manner provided by the Act fifth William Fourth number twenty-two.

Prospector to have preferent right to claim.

If auriferous veins are discovered, prospector may apply for a lease.

Governor may make regulations.

Penalties, how recovered.

The first part of the history of the
 of the world, and the progress of
 the human mind, is the subject of
 the first volume of this work.
 The second volume contains the
 history of the human mind, and
 the progress of the human mind,
 from the first ages of the world
 to the present time. The third
 volume contains the history of the
 human mind, and the progress of
 the human mind, from the present
 time to the future. The fourth
 volume contains the history of the
 human mind, and the progress of
 the human mind, from the future
 to the end of the world. The fifth
 volume contains the history of the
 human mind, and the progress of
 the human mind, from the end of
 the world to the beginning of the
 next world. The sixth volume
 contains the history of the human
 mind, and the progress of the
 human mind, from the beginning of
 the next world to the end of the
 next world. The seventh volume
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 next world.

MINING ON PRIVATE LANDS BILL.

SCHEDULE of the Amendments referred to in Message of 17th April, 1894.

- Page 2, clause 2, lines 15 and 16. *Omit* "Coal"—Bituminous coal, anthracite, lignite, kerosene shale, "and natural coke"
- Page 2, clause 2, lines 17 to 23. *Omit* "Minerals other than gold"—Coal and any of the following "metals, or any ore containing the same, viz. :—Platinum, silver, mercury, nickel, bismuth, copper, tin, cobalt, antimony, lead, manganese, and iron, or any other substance which may from time to time, by proclamation of the Governor, published in the *Gazette*, be declared a "mineral" within the meaning of this Act" *insert* "'Silver'—as well any silver as any earth or rock containing silver or having silver intermixed therewith 'Lead'—as well any lead as any earth or rock containing lead or having lead intermixed therewith 'Tin'—as well any tin as any earth or rock containing tin or having tin intermixed therewith 'Antimony'—as well any antimony as any earth or rock containing antimony or having antimony intermixed therewith"
- Page 2, clause 2, lines 32 and 33. *Omit* "All minerals"—The minerals, metals, or ores of metals enumerated in the three immediately preceding subsections"
- Page 3, clause 3, lines 15 and 16. *Omit* "or such minerals other than gold as" *insert* "silver, lead, tin, and antimony, but as to silver, lead, tin, and antimony only where such minerals"
- Page 3, clause 3, line 18. *Omit* "save and except coal"
- Page 3, clause 3, lines 23 and 24. *Omit* "all minerals, including gold" *insert* "gold, silver, lead, tin, and antimony"
- Page 3, clause 5, line 47. *Omit* "and for all minerals other than gold" *insert* "silver, lead, tin, and antimony"
- Page 3, clause 5, lines 50 and 51. *Omit* "any mineral or minerals particularly specified therein" *insert* "silver, lead, tin, or antimony, or any of such minerals"
- Page 3, clause 5, line 54. *Omit* "the particular mineral or minerals," *insert* "silver, lead, tin, and antimony, or any of them where such minerals are"
- Page 4, clause 6, lines 12 to 20. *Omit* "After the passing of this Act, all lands granted or vested in trust by the Crown for the purposes of a race-course, cricket ground, recreation reserve, park, or permanent common, irrespective of whether the deed of grant (if any) contains a reservation of minerals or the contrary, and all lands held under tramway, irrigation, or power leases, or leases for water supply, whether granted under any special Act or otherwise, shall be open for mining thereon or thereunder for gold or minerals other than gold subject to the provisions of this Act: Provided that"
- Page 4, clause 6, line 20. *Omit* "herein" *insert* "in sections three and five of this Act"
- Page 4, clause 6, lines 22 and 23. *Omit* "or to lands vested in trust for or dedicated to any public purpose other than those hereinbefore mentioned"
- Page 4, clause 6, line 24. *Omit* "Government"
- Page 4, clause 6, line 26. *After* "Act" *omit* remainder of clause
- Page 4, clause 7. *Omit* clause 7 *insert* new clause 7
- Page 4. *After* clause 7 *insert* new clause 8
- Page 4, clause 8. *Omit* clause 8
- Page 5, clause 9, line 16. *After* "person" *insert* "holding a miner's right"
- Page 5, clause 9, line 17. *After* "any" *insert* "specified portion of"
- Page 5, clause 9, line 19. *After* "Act" *insert* "which authority shall be effective during the next succeeding fourteen days"
- Page 5, clause 9, line 22. *After* "or" *insert* "accompanied"
- Page 5, clause 9, line 22. *Omit* "his agent" *insert* "one other person who is the holder of a miner's right but without dogs"
- Page 5, clause 9, lines 23 and 24. *Omit* "search and examine the surface of" *insert* "enter upon"
- Page 5, clause 9, line 24. *Omit* "but shall not be entitled" *insert* "and may detach one or more samples of any vein or lode, out-cropping at the surface thereof, not exceeding in the aggregate twenty-eight pounds in weight, and may remove such samples for the purpose of assaying or testing the value thereof, but such authority shall not entitle the holder"
- Page 5, clause 9, line 32. *After* "obtained" *omit* remainder of clause.
- Page 5, clause 10, line 42. *Omit* "examine the surface of" *insert* "enter upon"
- Page 5, clause 10, line 42. *Omit* "for mining purposes" *insert* "as hereinbefore provided"
- Page 5, clause 10, line 44. *After* "for" *insert* "authority to enter upon"
- Page 5, clause 10, line 45. *Omit* "one month" *insert* "fourteen days"
- Page 5, clause 10, line 48. *After* "shall" *insert* "within twenty-four hours"
- Page 5, clause 11, line 51. *Omit* "duly" *insert* "such"
- Page 5, clause 11, line 53. *After* "may" *insert* "at all reasonable times and doing no unnecessary damage and"
- Page 6, clause 11, line 9. *Omit* "And in like manner any surveyor" *insert* "and except as provided in Part III of this Act any person who shall commence to mine on or under any private land without having first obtained a lease under the provisions of this Act shall be, and be deemed to be, guilty of a misdemeanour: Provided that any surveyor with his assistants"

- Page 6, clause 11, line 15. *Before* "boundaries" *insert* "road to and the"
- Page 6, clause 12, line 19. *After* "under" *insert* "and subject to"
- Page 6, clause 12, line 24. *Omit* "minerals other than gold" *insert* "silver, lead, tin, or antimony, or any of such minerals"
- Page 6, clause 12, line 28. *Omit* "section six" *insert* "sections six and seven"
- Page 6, clause 12, lines 28 to 35. *Omit* "but in the case of lands alienated prior to or on the twenty-fourth day of January, in the year one thousand eight hundred and fifty, regard shall be had to the proclamation of His Excellency Sir Charles Augustus Fitzroy, Governor, published in the Government Gazette, on the twenty-ninth day of January, in the year aforesaid, whereby all reservations of coal, with the rights of the Crown incident thereto, were, by His Excellency's command, for ever abandoned"
- Page 6, clause 12, line 35. *After* "lease" *insert* "shall take effect only when issued and"
- Page 6, clause 12, line 42. *After* "provided" *insert* "by a right-of-way to be surveyed from the land comprised in the lease to the nearest practicable point of a public road, and the cost of surveying and marking such right-of-way shall be borne by the lessee"
- Page 6, clause 12, line 48. *After* "thereon" *insert* "or to keep dogs unless chained up or kept under proper control"
- Page 6, clause 12, line 49. *After* "or" second occurring, *insert* "except in connection with such mining operations"
- Page 6, clause 12, lines 50 and 51. *Omit* "except in connection with such mining operations"
- Page 6, clause 12, line 52. *Omit* "the power herein given to grant leases" *insert* "no such lease"
- Page 6, clause 12, line 53. *Omit* "not"
- Page 6, clause 12, line 55. *After* "ground" *insert* "or to within two hundred yards on the surface of any land on which is erected the principal residence of the owner or occupier"
- Page 6, clause 12, line 58. *Omit* "such"
- Page 7, clause 12, line 1. *After* "improvement" *insert* "nor shall any right-of-way be granted through any garden, orchard, or pleasure ground"
- Page 7. *After* clause 12 *insert* new clause 13.
- Page 7, clause 13. 14, line 23. *After* "to" *omit* remainder of clause, *insert* "the Minister"
- Page 7, clause 14. 15, line 33. *After* "and" *insert* "in such latter case"
- Page 7, clause 15. 16, line 45. *After* "thereupon" *insert* "and for the damages caused by severing such land or any part thereof from other land of the owner or occupier"
- Page 7, clause 16. 17, line 54. *Before* "occupier" *insert* "by the"
- Page 7, clause 16. 17, line 54. *After* "(if any)" *insert* "and by the mortgagee if any"
- Page 7, clause 16. 17, line 58. *Omit* "and"
- Page 7, clause 16. 17, line 58. *After* "occupier" *insert* "and mortgagee"
- Page 8, clause 16. 17, line 1. *After* "owner" *omit* "and"
- Page 8, clause 16. 17, line 1. *After* "occupier" *insert* "and mortgagee"
- Page 8, clause 16. 17, line 4. *Before* "occupier" *insert* "the"
- Page 8, clause 16. 17, line 4. *After* "(if any)" *insert* "and the mortgagee if any"
- Page 8, clause 16. 17, line 7. *After* "occupier" *insert* "or mortgagee"
- Page 8, clause 16. 17, line 8. *Omit* "either" *insert* "any"
- Page 8, clause 16. 17, line 17. *After* "occupier" *insert* "or mortgagee"
- Page 8, clause 17. 18, line 28. *After* "specified" *insert* "his application shall become void and"
- Page 8, clause 17. 18, line 37. *Omit* "or"
- Page 8, clause 17. 18, line 38. *Omit* "the amount to which he is entitled" *insert* "and mortgagee the amounts (if any) to which they are respectively entitled"
- Page 8, clause 17. 18, line 39. *Omit* "or"
- Page 8, clause 17. 18, line 40. *After* "occupier" *insert* "or mortgagee"
- Page 8, clause 17. 18, line 43. *Omit* "or"
- Page 8, clause 17. 18, line 43. *After* "occupier" *insert* "or mortgagee"
- Page 8, clause 18. 19, lines 47 to 50. *Omit* "During the progress of mining operations the lessee having a lease of below the surface only of such land, may apply to the Minister for a lease of a portion or any number of additional portions of the surface thereof" *insert* "During the progress of mining operations a lessee having a lease empowering him to mine below the surface of any area of land, may for the purposes of mining, apply to the Minister for a lease of a portion or any number of additional portions of the surface of the area of land under which he is empowered to mine"
- Page 9. *After* clause 18. 19. *insert* new clause 20.
- Page 9, clause 20. 22, lines 47 and 48. *Omit* "on the sixth day of October, one thousand eight hundred and ninety-two" *insert* "at the time of the passing of this Act"
- Page 10, clause 20. 22, line 6. *Omit* "or minerals other than gold" *insert* "silver, lead, tin, or antimony, or all of such minerals"
- Page 10, clause 21. 23, line 15. *Omit* "or minerals other than gold" *insert* "silver, lead, tin, or antimony"
- Page 10, clause 22. 24, line 34. *After* "and" *insert* "the Governor"
- Page 10, clause 23. 25, line 44. *Omit* "two shillings and sixpence" *insert* "twenty shillings"
- Page 10, clause 23. 25, lines 45 to 47. *Omit* "for land whereof the mining will be confined to minerals other than gold and twenty shillings per acre for land applied for for gold mining purposes"
- Page 10, clause 23. 25, line 47. *Omit* "five" *insert* "twenty"
- Page 10, clause 23. 25, lines 54 and 55. *Omit* "minerals other than gold" *insert* "silver, lead, tin, or antimony"
- Page 10, clause 23. 25, lines 56 and 57. *Omit* "except in the case of land containing coal, and in such case the area shall not exceed six hundred and forty acres"
- Page 10, clause 23. 25, line 59. *After* "cases" *insert* "the areas of"
- Page 11, clause 25. 27, line 23. *Omit* "metals and minerals" *insert* "silver, lead, tin, or antimony"
- Page 11, clause 25. 27, lines 24 to 26. *Omit* "in the case of coal at the pit mouth; and in the case of metalliferous ores their value shall be"

- Page 11, clause ~~25~~, **27**, line 35. *Omit* "Government"
- Page 11, clause ~~26~~, **28**, line 53. *Omit* "hereof" *insert* "of this Act"
- Page 11, clause ~~26~~, **28**, line 54. *Omit* "or minerals other than gold" *insert* "silver, lead, tin, or
"antimony"
- Page 12, clause ~~27~~, **29**, line 3. *Omit* "any metals or minerals" *insert* "silver, lead, tin, or antimony"
- Page 12, clause ~~27~~, **29**, line 8. *Omit* "minerals other than gold" *insert* "silver, lead, tin, or antimony"
- Page 12, clause ~~27~~, **29**, line 15. *Omit* "section six" *insert* "sections six and seven"
- Page 12, clause ~~27~~, **29**, line 16. *Omit* "will" *insert* "shall"
- Page 12, clause ~~27~~, **29**, line 17. *Omit* "minerals other than gold which" *insert* "silver, lead, tin, or
"antimony, where such minerals, or where all minerals, or where minerals other than
"gold, as the case may be"
- Page 12. *After* clause ~~27~~, **29**, *insert* new clauses—**30**, **31**, **32**, and **33**.
- Page 13, clause ~~28~~, **34**, line 13. *After* "land" *insert* "and with respect to the area which may be so
"taken possession of, the form of measurement, the mode of defining the boundaries
"thereof, the labour conditions, and the lapsing of title for non-compliance therewith,
"such land shall be held and worked"
- Page 14, clause ~~30~~, **36**. At end of clause *add* "but the said lessee shall not be permitted to remove
"any machinery, buildings, plant, or material from such land unless and until all rent
"due in respect thereof has been paid and all compensation for damage done thereto by
"mining thereon has been duly assessed and paid"
- Page 14, clause ~~31~~, **37**, lines 32 and 33. *Omit* "sixteen and eighteen" *insert* "seventeen and
"nineteen"
- Page 14, clause ~~32~~, **38**, line 35. *Omit* "fifteen" *insert* "sixteen"
- Page 15, clause ~~35~~, **41**, lines 39 and 40. *Omit* "Notwithstanding anything to the contrary in Part II
"of this Act"
- Page 15, clause ~~35~~, **41**, line 42. *After* "land" *insert* "not occupied or held under agreement for
"mining purposes but"
- Page 16, clause ~~35~~, **41**, line 1. *After* "purposes" *insert* "and for the severance thereof from other
"land of the owner"
- Page 16, clause ~~36~~, **42**, line 51. *After* "inquiry" *insert* "on the land"
- Page 16, clause ~~36~~, **42**, line 53. *After* "(if any)" *insert* "or their respective local agents registered
"as such with the mining registrar"
- Page 16, clause ~~36~~, **42**, line 54. *After* "as" *insert* "to"
- Page 17, clause ~~38~~, **44**, lines 19 to 27. *Omit* "Whenever in any section of this Act the expression
"prescribed" is used in connection with any matter referred to in the context, and whenever in
"any section of this Act 'Regulations' are mentioned in connection with any such matter as
"aforesaid the Governor may in every such case frame regulations for the purpose of giving
"effect to the provisions of such section. And for the purpose of carrying this Act into full
"effect generally the Governor may make regulations which may provide for their enforcement
"by penalties not exceeding in any case fifty pounds, and" *insert* "it shall be lawful for the
"Governor to make regulations which may provide for their enforcement by penalties
"not exceeding in any case fifty pounds for carrying out the provisions of this Act,
"which regulations"
- Page 17, clause ~~38~~, **44**. At end of clause *add* "and if both Houses of Parliament shall by resolution
"passed within one month thereafter disapprove of the same or any part thereof the
"same or such part shall thereupon cease to be valid in law."
- Page 17. *After* clause ~~38~~ **44** *insert* new clause **45**.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 5 December, 1893.* }

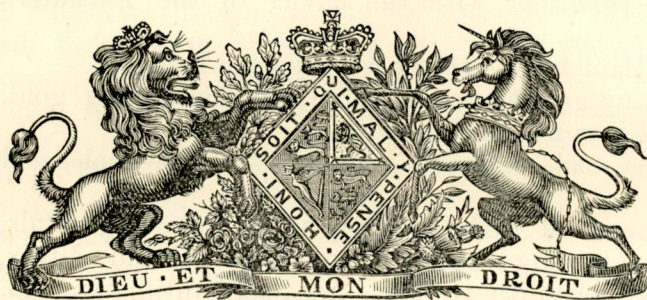
F. W. WEBB,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, 17th April, 1894.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. .

An Act to legalise Mining on Private Lands; to provide for charging Rents and Royalties in connection therewith; to validate certain Crown grants; to provide for the resumption of land for certain purposes; to make better provision for and in connection with mining on Crown Lands in certain particulars; to effect such amendments in the Statutes as may be necessary to give this Act full force and effect; and for purposes consequent upon, connected with, or incidental to the aforementioned objects.

WHEREAS from time to time since the establishment of the Preamble. Colony of New South Wales Crown lands within the said Colony have been alienated, subject to various reservations in the Crown grants with respect to gold and minerals other than gold, and
5 in the public interest it is now deemed necessary to give legal effect to such reservations: And whereas certain other lands have from time to time been alienated without express reservation of any minerals which might afterwards be found therein, but having regard to the well established laws of England whereby it has been held from time
10 immemorial that the royal metal gold does not pass from the Crown unless by express conveyance in the grant of such lands: And whereas, for the well being of the State, it is now deemed necessary that all such lands should be made available for the operations of mining thereon or thereunder for such gold as may be found therein:
15 And whereas it is deemed expedient to define the royalties and rents to be derived under the operations of this Act either on behalf of the Crown or on behalf of the landowner, as hereinafter provided: Be it therefore enacted by the Queen's Most Excellent Majesty, by and
53—A (79) with

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

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with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the “Mining on Private Lands Short title. 5 Act.”

PART I.

2. In this Act the following terms shall, if not inconsistent with the subject matter or context, have the respective meanings hereby assigned to them (that is to say):—

10 “Governor”—The Governor with the advice of the Executive Council.

“Minister”—The Minister for Mines for the time being.

“Gold”—As well any gold as any earth or rock containing gold, or having gold intermixed therewith.

15 “Coal”—~~Bituminous coal, anthracite, lignite, keresene shale, and natural coke.~~

20 “Minerals other than gold”—Coal and any of the following metals, or any ore containing the same, viz.:—Platinum silver, mercury, nickel, bismuth, copper, tin, cobalt, antimony, lead, manganese, and iron, or any other substance which may from time to time, by proclamation of the Governor, published in the *Gazette*, be declared a “mineral” within the meaning of this Act.

25 “Silver”—As well any silver as any earth or rock containing silver or having silver intermixed therewith.

“Lead”—As well any lead as any earth or rock containing lead or having lead intermixed therewith.

“Tin”—As well any tin as any earth or rock containing tin or having tin intermixed therewith.

30 “Antimony”—As well any antimony as any earth or rock containing antimony or having antimony intermixed therewith.

“All Minerals”—The minerals, metals, or ores of metals enumerated in the three immediately preceding subsections.

35 “Owner”—The owner or conditional purchaser of any land dealt with under the provisions of this Act, whether such title is completed or not, or any trustee for such land, if vested in trust.

40 “Occupier”—The person in occupation of such land, whether as conditional lessee, the valid applicant for a conditional lease, the lessee of any land for tramway, irrigation, water supply or power purposes, whether under any special Act or otherwise, or a tenant.

“Applicant”—The person applying for a mining lease under this Act.

45 “Lessee”—The holder of a lease under this Act, or his executors, administrators, or assigns.

50 “Private land”—Any land included within the provisions of this Act, whether alienated or in process of alienation, or vested in trust, or demised by lease under any of the forms hereinafter referred to, or land held under any valid application for such lease.

“Mining,” or “To mine”—To sink shafts, construct drives, adits, tunnels, or surface excavations, or to remove earth, rock, metals, or ores, or to wash, crush, smelt, or conduct any operation in connection with mining.

55 “Mining-race”—Any artificial channel, flume, aqueduct, tunnel, culvert, or pipe for the conveyance of water or detritus; also the natural bed of any creek or gully in which water or detritus is conducted in connection with mining.

“Warden”

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5 “Warden”—Any Warden appointed under the Act thirty-seventh Victoria number thirteen, or any Act relating to mining, who may be in charge of the mining district or division denoted by the context where the expression is used, or any Warden acting for him or in his stead, or (if none such is denoted) any Warden.

“Prescribed”—Prescribed by this Act or any regulation made thereunder.

10 “Royalty”—The share or duty claimed by the State on the produce of the mine held by lease under this Act.

3. From and after the passing of this Act all lands alienated on or prior to the twenty-fourth day of January, in the year one thousand eight hundred and fifty, whether the Crown grants thereof had issued at that date or otherwise, shall, subject to the provisions of this Act, 15 be open to mine thereon or thereunder for gold ~~or such minerals other than gold as~~ **silver, lead, tin, and antimony, but as to silver, lead, tin, and antimony only where such minerals** have been reserved in the Crown grant issued therefor, ~~save and except coal~~. And all lands alienated after the twenty-fourth day of January, one thousand eight 20 hundred and fifty, and prior to the eighteenth day of October, one thousand eight hundred and sixty-one, whereof the grants contain a reservation of all minerals to the Crown, shall, subject to the provisions of this Act, be open to mine thereon or thereunder for ~~all minerals, including gold~~ **gold, silver, lead, tin, and antimony**: Provided that where 25 the said grants contain no reservation of minerals the mining on such lands herein specially referred to shall be confined to mining for gold only.

4. All Crown grants issued, or purporting to be issued, under the provisions of the “Crown Lands Alienation Act of 1861,” or any 30 Act amending the same, including all grants issued by virtue of volunteer land orders as well as grants issued, or purporting to be issued, under the provisions of the “Crown Lands Act of 1884,” or any amendment thereof, shall be deemed to have been and to be good and valid in law for all purposes of this Act.

35 5. All lands alienated or in process of alienation under the provisions of the “Crown Lands Alienation Act of 1861,” or any Act amending the same, as well as all lands alienated or in process of alienation, under the provisions of the “Crown Lands Act of 1884,” or any amendment thereof, shall be subject to the operations of 40 mining under the provisions of this Act to the following extent, but no further:—

(a) If the grant for such land contains, or would, under the provisions of the said Acts, or any amendments thereof, 45 contain, when issued, a reservation to the Crown of all minerals which the said land contains, then such land shall be open under the provisions of this Act for mining for gold, and ~~for all minerals other than gold~~ **silver, lead, tin, and antimony**.

50 (b) If the grant for such land contains, or would contain when issued, a reservation to the Crown of ~~any mineral or minerals particularly specified therein~~ **silver, lead, tin, or antimony, or any of such minerals** then such lands shall be open under the provisions of this Act for mining for gold, as well as for the ~~particular mineral or minerals~~ **silver, lead, tin, and antimony, or any of them, where such minerals are specified** in such reservation, but for no other mineral whatsoever.

55 (c) If such land shall have been alienated, or be in process of alienation under the nineteenth section of the “Crown Lands Alienation Act of 1861,” or if having been selected under any

Lands alienated prior to “Crown Lands Act of 1861” open to mining under the provisions of this Act.

Reservations in grants good and valid.

Lands alienated under “Crown Lands Acts of 1861 and 1884” may be mined upon under provisions of this Act.

What lands open to mining for all minerals.

Lands open to mine for gold as well as certain specified minerals.

Lands open to gold-mining only.

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any other section of the said Act, or if having been held under mineral lease, and in either such case having been converted into a mineral conditional purchase, then such lands shall be open under the provisions of this Act for mining for gold only, or for any ore, the chief and most profitable metallic product of which is gold.

(d) If the grant for such land contains, or would contain when issued, no reservation of minerals, then in every such case the land shall be open under the provisions of this Act for mining for gold only, or for any ore, the chief and most profitable metallic product of which is gold.

If no reservation in grants to be open to gold-mining only.

6. ~~After the passing of this Act, all lands granted or vested in trust by the Crown for the purposes of a race-course, recreation reserve, park, or permanent common, irrespective of whether the deed of grant (if any) contains a reservation of minerals or the contrary, and all lands held under tramway, irrigation, or power leases, or leases for water supply, whether granted under any special Act or otherwise, shall be open for mining thereon or thereunder for gold or minerals other than gold subject to the provisions of this Act:~~

Lands vested in trust or under lease may be mined upon.

~~Provided that Nothing herein in sections three and five of this Act shall be held to apply to alienated lands situated within the boundaries of any town or village, or to lands vested in trust for or dedicated to any public purpose, other than those hereinbefore mentioned, unless the Governor shall have first proclaimed in the *Government Gazette* that~~

Town and village lands not open.

any such lands particularised in such proclamation shall be subject to the provisions of this Act. ~~And in all cases, whether on private lands or Crown lands, wherever a lease is granted to mine under such land only and without the right of mining on the surface thereof the Governor may stipulate at what vertical depth from the surface such lease shall~~

Depth from surface at which underground leases shall commence.

~~commence.~~

7. Every grant hereafter issued for land alienated or which shall be alienated under any Act or vested in trust by the Crown for any public purpose shall contain a reservation to the Crown of all minerals which such lands shall contain. And such minerals are hereby expressly so reserved, and the land so alienated or so vested in trust shall be subject to all the provisions of this Act with respect to mining thereon or thereunder.

All minerals to be reserved in grants issued for future alienations.

7. Lands held from the Crown under tramway, irrigation, or power leases, and lands held under lease for water supply in virtue of any special Act or otherwise, and lands granted or vested in trust by the Crown for the purposes of a race-course, cricket ground, recreation reserve, park, or permanent common, shall, subject to the provisions of this Act, be open for mining thereon and thereunder, but only on a proclamation being made by the Governor in the *Gazette*, notifying that the lands therein described are subject to the provisions of this Act, and from and after the day named in the proclamation.

Lands under lease or reserved for public purposes.

8. In all cases, whether on private lands or Crown lands, wherever a lease is granted to mine under such land only, and without the right of mining on the surface thereof, the Governor may stipulate at what vertical depth from the surface such lease shall commence.

Depth from surface at which underground leases shall commence.

8. The Governor shall, as soon as practicable and in the prescribed form, provide a "Register of Crown Grants" with respect to all lands alienated prior to the passing of this Act except lands situated within towns or villages whether such lands have been alienated in fee simple or vested in trust for public purposes. And such Register shall classify the lands according to the mineral reservations or otherwise contained in the grants thereof, and shall have a copy of each form of mineral reservation (if any) at the head of its various columns, and such Register shall be divided into so many parts as there are Land

Register of reservations in Crown grants to be provided.

Districts,

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Districts, and a copy of the part appertaining to each district shall be kept at the respective Land Offices, and be open to inspection of the public in the prescribed manner. And with respect to lands in process of alienation only and for which no Crown grant shall have
 5 issued, then the "Register of Crown Grants" shall set forth the form of mineral reservation (if any) which such grant would be subject to when issued. And in case any lands other than those herein exempted shall not be found classified in such Register it shall be taken as *prima facie* evidence that such land has been alienated
 10 since the passing of this Act and is therefore available for mining thereon or thereunder for all minerals including gold, subject to the provisions herein contained.

PART II.

Proceedings in connection with Mining.

15 9. It shall be lawful for the Warden of any mining district to grant to any person holding a miners' right in the prescribed manner an authority in duplicate to enter into and upon any specified portion of private land which is subject to the operations of mining under the provisions of this Act, which authority shall be effective during the
 20 next succeeding fourteen days; and on serving the duplicate of such authority on the owner or occupier thereof, such person shall either personally or accompanied by his agent one other person who is the holder of a miners' right, but without dogs, be entitled to search—and examine the surface of enter upon such land, but shall not be entitled
 25 and may detach one or more samples of any vein or lode, outcropping at the surface thereof, not exceeding in the aggregate twenty-eight pounds in weight, and may remove such samples for the purpose of assaying or testing the value thereof, but such authority shall not entitle the holder to commence to mine thereon or thereunder until
 30 the amount of compensation, to be ascertained as hereinafter provided, shall have been paid, and a lease from the Governor to such person shall have been first obtained. And any person applying for authority to examine the surface of such private land, or for a mining lease thereof, shall (if the Register of Crown grants has been provided but
 35 not otherwise) accompany such application with a certified copy of the form of mineral reservation contained in the grant of such land, and such certified copy shall be supplied by the Land Agent of the district wherein such land is situated, and shall be a correct extract from the Register of Crown grants, or shall certify that a grant of
 40 such land is not included in such Register.

Authority to examine surface may be granted by the Warden.

10. Any person having received authority from the Warden to
 examine the surface of enter upon such private land for mining purposes as hereinbefore provided shall be deemed to be in possession as against
 45 other applicants for authority to enter upon the same land for a period of one month fourteen days from the date of such authority to the full extent of the area allowed in such class of lands to be leased: Provided that such authorised person if requested so to do by other authorised persons desirous of occupying the adjoining land shall
 50 within twenty-four hours approximately define the boundaries of such area.

Authorised person considered first applicant.

11. Any duly such authorised person desiring to obtain a lease for mining purposes of such private land, or any portion thereof, as under the provisions of this Act shall become open to lease, may at all
 55 reasonable times and doing no unnecessary damage and without incurring any liability for trespass, enter upon such land, either personally
 or

Owner or occupier obstructing applicant.

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or by an agent, and in the prescribed manner, define the boundaries of the portion intended to be applied for. And any owner, occupier, or other person who shall obstruct such authorised person in the performance of any such act, or who shall interfere with, remove, destroy, or
 5 deface any boundary mark so made or any necessary notice posted in connection therewith, shall, on conviction thereof, be liable for the first offence to a penalty not exceeding ten pounds, or on conviction of a second or any subsequent offence, to a penalty not exceeding fifty pounds. ~~And in like manner any surveyor~~ **And except as provided in**
 10 **Part III of this Act any person who shall commence to mine on or under any private land without having first obtained a lease under the provisions of this Act shall be, and be deemed to be, guilty of a misdemeanour: Provided that any surveyor with his assistants may enter upon any private land for the purpose of defining the road to and the**
 15 **boundaries of the portion sought to be leased, or for any other purpose under this Act, in pursuance of and bearing an order of the Minister or of a Warden.**

12. The Governor, in the name and on behalf of Her Majesty, shall have power under and subject to the provisions of this Act to
 20 grant to any person a lease of such private lands, to be effectual either on and below the surface, or on one or more limited portions of the surface and below the whole area or to be effectual below the surface only, for the purpose of mining thereon or thereunder, either for gold only, or for ~~minerals other than gold,~~ silver, lead,
 25 tin, or antimony, or any of such minerals, regard being had to the reservations (if any) contained in the Crown grants thereof, except in the case of certain lands vested in trust and referred to in ~~section six~~ sections six and seven hereof, ~~but in the case of lands alienated prior to~~ or on the twenty-fourth day of January, in
 30 the year one thousand eight hundred and fifty, regard shall be had to the proclamation of His Excellency Sir Charles Augustus Fitzroy, Governor, published in the *Government Gazette*, on the twenty-ninth day of January, in the year aforesaid, whereby all reservations of coal, with the rights of the Crown incident thereto,
 35 ~~were, by His Excellency's command, for ever abandoned.~~ And such lease shall take effect only when issued and shall confer the right of cutting and constructing on the lands thereby demised, races, drains, dams, reservoirs, or tramways, and erecting thereon buildings and machinery in connection with such mining, but not otherwise, and generally for
 40 doing all such acts and things as shall be requisite for efficiently mining the said land, with full right of ingress, egress, and regress for the purposes herein provided, by a right-of-way to be surveyed from the land comprised in the lease to the nearest practicable point of a public road, and the cost of surveying and marking such right-of-way
 45 shall be borne by the lessee; but such lease shall in nowise give the lessee the right to use water artificially conserved by the owner of such land, or to fell trees, strip bark, or cut timber on such land, or to depasture horses, cattle, or sheep thereon, or to keep dogs, unless chained up or kept under proper control, or, except in connection with
 50 such mining operations, to remove earth or rock therefrom, ~~except in connection with such mining operations,~~ without the consent of the owner and occupier: Provided that the power herein given to grant leases no such lease shall ~~not~~, except with the consent of the owner, extend to within one hundred yards on the surface of any land which is *bonâ fide*
 55 in use as a garden, orchard, or pleasure ground, or to within two hundred yards on the surface of any land on which is erected the principal residence of the owner or occupier, or to either the surface or below the surface of any restricted portion of such land whereon is erected or constructed any substantial building, bridge, dam, reservoir,
 well,

Governor may grant lease.

Regard must be had to reservations in grants.

Lease gives right to occupy for all purposes connected with mining.

Not to approach within 100 yards of garden, &c., or 200 yards of principal residence without owner's consent.

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well, or other valuable improvement, nor shall any right-of-way be granted through any garden, orchard, or pleasure ground: Provided further that it shall be for the Minister to determine whether any improvement referred to in this section is of a substantial or valuable character, and to define the area within which mining operations may be excluded.

13. Nothing in this Act contained shall, unless with the consent of the owner, apply or be held to apply to any lands which are enclosed and under cultivation, or to lands which have been bona fide acquired and are held for the purposes of mining.

Not to apply to lands under cultivation or bona fide held for mining purposes.

14. Within one month from the date of the aforementioned authority such authorised person may in the prescribed manner apply to the Minister for a lease of such land, and on receipt of such application, accompanied by the prescribed sum by way of rent and fees, the Minister shall cause a notice to be served on the owner and occupier of such land. And in case the whole or any part of the surface thereof is required, such notice shall so state, and if a part only is required, such notice shall define such part, and shall also request from the owner and occupier respectively such particulars of their estate and interest therein as the Minister shall deem necessary for carrying out the objects and intentions of this Act, and within twenty-one days therefrom such owner or occupier shall give such particulars to whomsoever such notice shall direct the Minister.

Notice to owner and occupier.

15. All notices required by this Act to be served upon the owner or occupier of any private land shall either be served personally on such persons or left at their usual place of abode (if the same can after diligent inquiry be found), and in case the owner shall be absent from the Colony or he or his agent cannot after diligent inquiry be found, the notices shall be left with the occupier of the land, or if there be no such occupier, shall be affixed upon some conspicuous part of the land, and in the latter case such notice shall be advertised in two issues of a newspaper circulating in the district in which the land is situated. And in such latter case the affixing of such notices in addition to the aforementioned advertisements shall be deemed service of notice on the owner and occupier.

Service of notices.

16. The Governor may appoint mining appraisers as may from time to time be found necessary, who may also hold other offices in the Public Service, and shall be paid such salaries or fees as the Governor shall direct, and any such mining appraiser, on being authorised by the Minister so to do, shall assess the amount of compensation to be made to the owner and occupier of such lands respectively for the loss which he or they may sustain by way of damage which may be caused through mining operations either on, in, or under such land to the surface thereof, or to any crop growing thereon, or to any buildings, structures, or other improvements erected or constructed thereupon, and for the damages caused by severing such land, or any part thereof, from other land of the owner or occupier: Provided that with respect to the land of which a lease of the surface is required (not being less than one acre), such compensation as aforesaid shall in no case exceed the then ascertained market value of such land for other than mining purposes.

Appraisers to be appointed who shall assess surface damages.

17. On receipt of an application for a lease under this Act, unless such application be accompanied by a document signed by the applicant and the owner and by the occupier (if any), and by the mortgagee (if any) or their respective agent or agents, certifying that they have mutually agreed as to the amount of compensation, whether by way of money, shares, or otherwise, to be paid by the applicant to the owner, and occupier, and mortgagee, the Minister shall authorise a mining appraiser to assess the amount of compensation to be paid to the

Either party may appeal to Minister.

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- the owner, and occupier, and mortgagee respectively, and it shall be the duty of such mining appraiser, without loss of time, to forward his assessment to the Minister, who shall thereupon, by notices of even date, acquaint the applicant and the owner and the occupier (if any)
- 5 and the mortgagee (if any) with the amount of such assessment, and shall specify the time within which the same shall be paid. And in the event of the applicant or the owner or occupier or mortgagee being dissatisfied with such assessment, either any party may, within twenty-
- 10 such assessment reviewed, and the Minister shall thereupon refer such matter to the Warden, who shall fix a time and place for holding an inquiry, not being more than thirty days from the receipt of such reference, and shall give due notice thereof to all the parties interested therein, and at the time and place so appointed shall hear, receive,
- 15 and examine such evidence as shall be produced by any of the parties, and shall thereupon determine the amount of compensation to be paid to such owner or occupier or mortgagee in respect of his or their respective claim or claims, and may specify the time within which and to whom the same shall be paid; and the decision of the Warden in
- 20 all such cases shall be final, and he may make an order for the payment of such costs of Court as shall appear to him just: Provided always that the Warden may upon cause shown, adjourn the hearing to any other time or place, but such adjournment shall not be for a longer period than fourteen days. When the amount of compensation
- 25 so awarded shall have been paid, a lease for mining under the provisions of this Act may in due course be issued by the Governor.
- 17- 18. In the event of the applicant for a lease failing to pay the amount of compensation within the time specified, his application shall become void and all moneys accompanying the application for
- 30 such lease shall thereupon become forfeited to the Crown, and shall be paid into the Consolidated Revenue. And in the event of such owner or occupier refusing or neglecting to supply the particulars of his estate and interest in such land as requested so to do by the Minister, such refusal or neglect shall in no way act as a bar to an award being
- 35 made by such mining appraiser or a final decision of the Warden being arrived at. On the amount of such compensation being paid into Court, the Warden shall in due course pay to the owner, or occupier, the amount to which he is entitled and mortgagee the amounts (if any) to which they are respectively entitled. And in case such owner, or
- 40 occupier, or mortgagee shall for the space of three months refuse or fail to accept or claim the amount of compensation so assessed or determined, such amount shall be passed to the Treasury Suspense Account and be held in trust for such owner, or occupier, or mortgagee, but without interest accruing thereon, and if not claimed within six
- 45 years from the time of the receipt thereof by the Treasury such amount shall be paid into the Consolidated Revenue.
18. 19. ~~During the progress of mining operations the lessee having~~ a lease of below the surface only of such land, may apply to the Minister for a lease of a portion or any number of additional portions of the surface
- 50 thereof: ~~During the progress of mining operations a lessee having a lease empowering him to mine below the surface of any area of land, may, for the purposes of mining, apply to the Minister for a lease of a portion or any number of additional portions of the surface of the area of land under which he is empowered to mine:~~ Provided that such lessee shall if required in
- 55 writing so to do by the owner or occupier without delay cause a secure fence to be erected around the shafts, machinery, or other works in connection with such mining: Provided also that if at any time the surface of any part of such land or any building, erection, or structure thereon belonging to such owner or occupier for which full compensa-
- 60 tion has not been previously paid shall be damaged by reason of such mining

Warden to determine amount of compensation.

Applicant failing to pay award.

Owner, or occupier, or mortgagee failing to accept award.

Lessee must fence if requested.

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mining operations, the Minister, on application by the owner or occupier, accompanied by such fees as may be prescribed, shall cause an assessment of such damages to be made by a mining appraiser, who shall have power to assess both the amount of damage (if any) and also the costs of such assessment. And if the cause of such damage be disputed by either party, such mining appraiser may, if necessary, call in the aid of a mining engineer or surveyor, who, as well as such appraiser, shall have power to examine the surface or underground workings of such mine. And the lessee shall, during ordinary working hours, and within a reasonable time, comply with any request of such mining appraiser, engineer, or surveyor to furnish the usual appliances and aid necessary for descending to and ascending from such underground workings, and for examining thereinto as often as may reasonably be found necessary, and in the event of any lessee refusing or neglecting so to do, such lease shall be liable to forfeiture by the Governor in Council. And within twenty-one days from the date of the notice of such assessment either party may appeal to the Minister; and such appeal shall be dealt with by the Warden whose decision shall be final, as in the case of ascertaining surface damages at the time of application for a lease; and should the lessee fail for the space of one month after the date of the notice informing him of the assessment—if no appeal shall have been made, or of the final decision of the Warden, as the case may be—to pay the amount assessed to whomsoever such notice shall direct, such amount shall be recoverable by the owner or occupier under the ordinary process of law.

Appraiser may award further damages.

20. If any land, or buildings thereon, adjoining any land held under any mining lease granted under this Act, be injured by any operations carried on by the lessee, the owner of such land or buildings shall be entitled to recover from such lessee compensation for all loss and damage thereby sustained by such owner, to be recovered in any Court of competent jurisdiction.

Owner of adjoining land, &c., entitled to compensation for damage.

21. Nothing herein contained shall be construed as rendering it obligatory on the Governor to grant a lease to any person applying for the same, notwithstanding that he may have complied with the provisions of this Act and the regulations hereunder, but in case his application shall be refused he shall be informed of the reasons for such refusal. And a lease may be granted notwithstanding that the person applying for the same may not in every respect have complied with such regulations, and the Minister may alter, amend, and modify any application for a lease, and may reduce or increase the area of land of which a lease is applied for either on or below or both on and below the surface, or may direct a Warden to hold an inquiry in open Court with reference to any matter touching an application for a lease under this Act, and at all such inquiries the evidence shall be taken on oath.

Not obligatory to grant leases.

22. In any case where *bona fide* mining operations were being carried on under agreement upon any private land on the sixth day of October, one thousand eight hundred and ninety-two at the time of the passing of this Act a joint application by the parties to such agreement or by their representatives, for a special lease, if made within two months after this Act comes into force, and if accompanied by an attested copy of such agreement, shall have priority over all other applications with respect to the land defined therein. And such private agreement then existing shall in no way be disturbed or interfered with by the operations of this Act, except with respect to any royalty payable to the Crown which the land may be subject to and which in all cases shall be chargeable as if such land was leased under the provisions of this Act. And in the event of mining operations being carried on by the owner of such land at the time of the passing of this Act, any such

Special leases may be granted.

Existing agreements protected.

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such application made by him shall, if made within two months as aforesaid, have a like priority, and be subject in the same manner to such royalty as hereinafter provided; or in any case where active mining operations have not been commenced, and the owner has
 5 obtained from the Governor a permit to mine for, win, and remove gold ~~or minerals other than gold~~ **silver, lead, tin, or antimony, or all of such minerals** from such private land, such owner may within two months after the passing hereof apply in the prescribed manner to convert such permit into a lease under this Act; and in all cases
 10 hereinbefore referred to in this section, such leases shall not be subject to the payment of rent, but the royalties reserved to the Crown shall be those provided for in this Act and none other.

Permits may be converted into leases.

21. 23. Any person who prior to the passing of this Act shall have obtained a permit from the Secretary for Lands or the Secretary for
 15 Mines to dig and search for gold, ~~or minerals other than gold~~ **silver, lead, tin, or antimony** in any private land may, within two months as aforesaid, apply for and in such event shall have a preferent claim for a lease under this Act, but such lease shall with respect to rent, royalty, tribute and other matters be subject to all the provisions of this Act :
 20 Provided that two months after the passing of this Act all such permits shall become extinguished and inoperative, and the power of granting such permits is hereby repealed, all other Acts to the contrary notwithstanding. And if the holder of such permit shall fail for a period of two months as aforesaid to apply for the conversion thereof
 25 into a lease under this Act, any other person may thereafter apply for a lease of such land, and the Governor may grant the same as if such permit had not been issued.

Permit to dig and search gives preferent claim to lease.

22. 24. The owner of any private land may at any time apply for a lease of such land for mining purposes; but except as hereinbefore
 30 provided, he shall have no preferential right to such lease as against any other application of prior or even date. In the event of there being no conflicting application, or of such conflicting application having been refused, the Minister may dispense with the preliminary proceedings, applicable in other cases, and **the Governor** may grant such
 35 lease, subject to the provisions of this Act with respect to royalty, but free from the charge of any rent or tribute. In other respects such lease shall be granted, subject to all the provisions of this Act and the regulations thereunder, as if the lessee were not the owner of such land.

Owner may obtain a lease.

23. 25. The term for which a lease may be granted under this Act shall not exceed twenty years, but may, subject to such conditions as the Governor may approve, be renewed for a further period not exceeding twenty years, and the yearly rental reserved to the owner
 40 of the land in respect of such leases, shall be ~~two shillings and sixpence~~ **twenty shillings** per acre for land whereof the mining will be confined to ~~minerals other than gold, and twenty shillings per acre for land applied for for gold mining purposes.~~ The area of a lease shall not exceed ~~five~~ **twenty** acres in the case of ordinary auriferous lands, and shall not exceed forty acres in the case of alluvial auriferous land where the
 50 mining operations will be conducted through basaltic rock formations, or where the quantity of water is such as to necessitate the erection of steam machinery, or where, in the opinion of the Minister a large outlay of money is necessary to make such land available for gold-mining purposes. And no lease of land for mining for ~~minerals other~~
 55 ~~than gold~~ **silver, lead, tin, or antimony** shall be granted of an area greater than eighty acres except in the case of land containing coal, and in such case the area shall not exceed six hundred and forty acres. Where practicable such leases shall be granted in conformity with the existing divisions of such land, but in all other cases **the areas of such leases shall**

Duration of lease.

Rents payable.

Area of lease.

Mining on Private Lands.

shall be measured in the prescribed form. The areas and rents herein specified shall apply to leases whether for only below the surface or for both on and below the surface.

24. 26. In the event of more than one application being made for
 5 the same land, or any part thereof, the application, except as herein-
 before provided, which shall have been first received in manner
 prescribed, shall have priority, and in the event of two or more appli-
 cations for the same land being received at the same time, it shall be
 determined by lot which application shall take precedence. And
 10 except when the lease applied for will cover the whole of a measured
 portion all such areas shall be surveyed before the issue of a lease, and
 in the event of any applicant refusing or neglecting to execute such
 lease for the space of one month after notice shall have been given
 him of such lease being ready for execution such lease shall be liable
 15 to forfeiture, with all moneys paid thereon, and all such leases shall,
 within one month after execution thereof, be registered with the
 Mining Registrar in Sydney, who shall forward a copy thereof to the
 Mining Registrar of the Division in which such land is situated, and
 thereafter all transfers of such leases, or of any portion thereof, shall
 20 be so registered within one month after the date of such transfer.
25. 27. All leases granted under the authority of this Act shall be
 granted subject to such royalties as are hereinafter set forth on the
 metals and minerals **silver, lead, tin, or antimony** obtained from such
 land, and the value thereof shall be taken to mean their value, in the
 25 ease of coal, at the pit mouth; and in the case of metalliferous ores, their
 value shall be estimated in such way as shall be prescribed. And every
 lessee under this Act, in whose lease a royalty is reserved, shall keep a
 correct set of books, and shall in the prescribed manner enter therein
 the value of all metals or minerals won from the mine, and the amount
 30 of royalty payable thereon; and such books shall at all times be open
 to the inspection of such person as the Minister or the owner may from
 time to time appoint, and an abstract of the same, which shall have
 been previously verified by statutory declaration made before a justice
 of the peace or a commissioner for affidavits, shall, in the months of
 35 July and January in each year be published in the *Government Gazette*
 and in a newspaper circulating in the district wherein such mine is
 situated.
26. 28. The amount of royalty payable to the Crown shall be paid
 into the Treasury or to such public officer as the Minister shall direct
 40 at least once in every half year. And any lessee or the director or
 manager of any company holding a lease under this Act, who shall
 neglect or fail to pay such amount during the half-year within which
 the same becomes payable, or within one month thereafter, shall be
 deemed guilty of a misdemeanour. And in the event of any lessee
 45 or director or manager of such company who shall fail to enter or to
 cause to be entered in books kept for that purpose the full value of
 all minerals obtained from such private land, and the amount of royalty
 payable thereon, or shall make false entries in such books or cause such
 books to be falsified, shall be deemed guilty of a misdemeanour; and
 50 the lease upon which such royalty was payable, with all moneys paid
 thereon, shall be absolutely forfeited if the Governor shall think fit.
 And after the expiration of six months from the passing of this Act,
 any person who shall, contrary to the provisions hereof of this Act, take,
 mine, or remove any gold, or minerals other than gold **silver, lead, tin,**
 55 **or antimony** from any such private land, shall be deemed guilty of a
 misdemeanour. Any person convicted of an offence declared by this
 section to be a misdemeanour shall be liable to a penalty not exceeding
 fifty pounds, or may be imprisoned at the discretion of the Court for
 any term not exceeding three months.

Applications how
dealt with.

Royalty how
ascertained.

Lessee to keep books.

Non-payment of
royalty a
misdemeanour.

False entries a mis-
demeanour.

Penalty for misde-
meanour.

Mining on Private Lands.

27. 29. Notwithstanding anything to the contrary in any other Act provided, after the passing of this Act no royalties shall be charged on behalf of the Crown on ~~any metals or minerals~~ silver, lead, tin, or antimony obtained from alienated lands, or lands in process of alienation other than those hereinafter set forth. All leases granted under the provisions of this Act shall be subject to the following royalties, that is to say:—

(a) Mining for ~~minerals other than gold~~ silver, lead, tin, or antimony.—Whenever any mineral lease is granted of lands on which all minerals have been reserved, or of lands where some minerals only have been specifically reserved, the Crown shall reserve a royalty of two and a half per centum on the value of the minerals obtained therefrom, and for which such lease shall have been granted. And except in the case of lands referred to in ~~section six~~ sections six and seven hereof, no lease ~~will~~ shall be granted under this Act to work ~~minerals other than gold which~~ silver, lead, tin, or antimony, where such minerals, or where all minerals, or where minerals other than gold, as the case may be have not been reserved to the Crown.

(b) All rents shall commence from the date of the approval of the lease, and shall be paid in the prescribed manner half-yearly in advance. All royalties accruing for the preceding six months shall, during the months of July and January, be payable in the prescribed manner, up to the end of June and the end of December respectively.

(c) It shall be necessary for the applicant for a lease or the lessee to be the holder of a miner's right to establish or maintain a title to a lease for gold-mining purposes under this Act.

30. No mining lease shall be granted under this Act until after the expiration of fourteen days from the date of notification in the Gazette of intention to grant the same, and in some newspaper, the place of publication of which is near to the land sought to be leased.

31. The Warden may, upon the application of the owner or occupier of any land adjoining any land whereof a mining lease has been granted under the provisions of this Act, or upon the application of any person authorised by such owner or occupier by writing under the hand of the Warden, authorise such owner or occupier, or any person nominated as his agent by such owner or occupier, any mining surveyor or surveyors, or some experienced miner or miners to enter into and inspect such mines and every part thereof for the purpose of ascertaining whether the persons working such mines are encroaching upon the land of any owner not being land comprised in the mining lease of such person under the provisions of this Act.

32. The person or persons authorised by an order made under the authority of this Act may enter into and inspect and survey the land and mines described in such order, and every part thereof, and descend any shaft or mine, and for such purpose use the engines and other machinery ordinarily employed for that purpose by the persons whose shaft or mine is descended; and the lessee of such shaft or mine or other person for whom the same is being worked shall provide all labour, assistance, appliances, and materials necessary to facilitate such inspection and survey, and such person or persons authorised as aforesaid may make such plans and sections of the land entered upon, and of any drives or other works therein as are necessary for the purposes aforesaid.

33. Every such owner, occupier, agent, and mining surveyor, or miner shall before entering on such land make a declaration before the Warden, who is hereby authorised to take the same, that he, the said Owner, occupier, agent, mining surveyor, and miner to make a declaration.

Mining on Private Lands.

said owner, occupier, agent, surveyor, or miner, will not, except as a witness in a court of justice, without the consent in writing of the lessee of the land or mines to be entered upon, divulge, or cause to be divulged, to any person whomsoever any information obtained in the
 5 case of any such entry, save only as to whether such persons working such mines are encroaching on such land of any owner, not being land comprised in the mining lease of such person as aforesaid; and every person who acts contrary to such declaration shall forfeit and pay any sum not exceeding fifty pounds.

10 28. 34. The owner of any private land shall be at liberty to enter into an agreement in writing with any holder of a miner's right giving such holder power to take possession of such land for gold mining purposes as if it were Crown land, and with respect to the area which
 15 may be so taken possession of, the form of measurement, the mode of defining the boundaries thereof, the labour conditions, and the lapsing of title for non-compliance therewith, such land shall be held and worked, subject to the regulations of the Mining Board in force for the time being, and it shall not be necessary to obtain a mining lease under the provisions of this Act for such private land so occupied as
 20 aforesaid under miners' rights: Provided that every such agreement shall within seven days thereafter be registered with the Mining Registrar for the district in which such land is situated, in accordance with regulations to be made by the Governor: And in such case no royalty shall be payable to the Crown, the owner, or occupier, on the
 25 gold obtained therefrom, whether such gold has been specifically reserved to the Crown or otherwise.

29. 35. Adjoining lands or lands disconnected by roads only and held under separate leases may be worked conjointly as one mine, provided such contiguous lands shall not in the aggregate exceed the
 30 area allowed respectively for leases under this Act, and except as hereinafter provided such mines shall be continuously worked according to the practice of efficient mining. And every lease granted under the authority of this Act shall contain a provision that if the lessee, his executors, administrators, or assigns fail at any time during the
 35 term of such lease to fulfil the conditions and covenants therein contained, or to use the land *bonâ fide* for the purposes for which it shall be demised, such lease shall for any such failure be liable to forfeiture and may be forfeited on the authority of the Governor: Provided that if at any time the mine shall become unworkable from
 40 any cause which, in the opinion of the Warden, would necessitate a suspension of mining operations, he may grant such suspension for a period not exceeding three months, and, in the event of operations having wholly ceased in connection with such mine for a period of six months, the lease shall thereupon become absolutely void and
 45 determined.

30. 36. The lessee shall be entitled at any time, with the consent of the Governor, to surrender his lease. And in case any such lease shall become forfeited, or determined by any breach of covenant or condition or otherwise, or in case the term thereby granted
 50 shall have expired, possession of the land thereby demised may be recovered in such manner as may be set forth by any of the provisions of the lease, or if there be no such provision, it shall be lawful for the Attorney-General, on behalf of Her Majesty, to bring a suit in any Court of competent jurisdiction to recover possession of such
 55 land, and such suit may be commenced and carried on, and the proceedings therein may be the same and the judgment enforced in like manner as in the case of any other suit in such Court. Land, possession to which has been so recovered, or which has been abandoned, forfeited, or surrendered by the lessee, or of which the lease
 has

Power to owner of private land to enter into agreement with holder of miner's right to occupy for mining purposes.

Adjoining lands may be worked as one area.

Failing to fulfil conditions lease may be forfeited.

Possession how recovered.

Mining on Private Lands.

- has expired by effluxion of time, shall revert to the owner or occupier thereof, but may at any time thereafter be again mined upon or mined under, subject to the provisions contained herein: Provided also that in the event of any such lease being forfeited for any breach of the
- 5 conditions or covenants contained therein, or in the event of such lease having expired by effluxion of time or being otherwise determined, or in the event of the owner of such land having by the authority of the Governor re-entered and taken possession of such land, the former lessee, his executors, administrators, or assigns shall be at liberty
- 10 within six months thereafter to remove all machinery and buildings erected over the same, and all appliances, tools, and material (other than the poppet-legs or brace erected over any shaft or any material already used for the purpose of keeping open the shafts, adits, or mine) belonging to such former lessee, or to his executors, adminis-
- 15 trators, or assigns; but the said lessee shall not be permitted to remove any machinery, buildings, plant, or material from such land unless and until all rent due in respect thereof has been paid, and all compensation for damage done thereto by mining thereon has been duly assessed and paid.
- 20 ~~31.~~ 37. The jurisdiction, powers, and authorities conferred by or under the "Mining Act, 1874," or any Act amending or repealing the said Act, upon Wardens or Inspectors of Mines shall apply to and may be exercised in respect of all private lands the subject of any agree-
- 25 ment or lease under this Act, and in respect of all questions affecting such lands or interests therein, or matters in dispute arising out of or connected with mining upon or under such land; and for that purpose the said Act shall be read in connection with, and as forming part of, this Act. And the word land as used in the said Mining Act shall be deemed to comprise any private land the subject of an agreement or
- 30 lease under this Act. And the provisions of the said Mining Act relating to appeals from the decisions of Wardens and Mining Appeal Courts shall, except as hereinbefore provided in sections ~~sixteen and eighteen~~ ~~seventeen and nineteen~~ hereof with respect to compensation, be read and construed as forming part of this Act.
- 35 ~~32.~~ 38. Subject to compensation as provided for in section ~~fifteen~~ ~~sixteen~~ hereof, the Governor may, in the prescribed manner, grant a mining-lease of any private land, irrespective of any mineral reservations with respect to such lands, for the purpose only of cutting mining-races thereon and conveying water or detritus through or over
- 40 such land to or from any mine, whether such mine be held under the provisions of this Act, or under the provisions of the "Mining Act of 1874," or any Act amending the same, and such leases shall be subject to the regulations to be provided hereunder, and to any special provisions the Governor may deem necessary to make.
- 45 ~~33.~~ 39. In like manner the Governor may grant a lease of any area of private lands for the purpose of a tramway or a machine site, or for smelting works, or water conservation, or for any other purpose in connection with mining, and the rent to be reserved for the owner of the land in leases granted under this and the preceding section shall
- 50 be determined in the same manner as if it were a question of compensation for surface damages, and such leases shall be subject to such special provisions as the Governor may deem necessary.
34. 40. Whenever land is required for the purposes of a mining village, and no Crown land is available, it shall be lawful for the
- 55 Governor to resume any private land which may be found necessary for this purpose under the provisions of the "Lands for Public Purposes Acquisition Act," or any amendment thereof; and the acquisition of any such lands for "mining village" purposes is hereby declared to be a "public undertaking" within the meaning of the

Former lessee may
remove machinery.

Jurisdiction of
Wardens.

Appeals.

Leases may be
granted through
which to carry
mining-races.

Leases may be
granted for machine
site, smelting works,
&c.

Lands may be
resumed for village
purposes.

Mining on Private Lands.

the seventh section of the "Lands for Public Purposes Acquisition Act," and all the provisions of the said Acts in respect of resumptions, whether as to the manner of making resumptions and the effect thereof, the accruing of claims for compensation and the method of determining
 5 the amount thereof, the payment of such compensation, or otherwise shall be deemed to be applicable to the resumption of any such lands as aforesaid, in as full and ample a manner as if the aforesaid seventh section of the said Act specified as a "public undertaking" the
 10 resumption of any such lands as aforesaid for the purposes of this section,—subject however to the following qualifications:—

(a) The word "Minister" wheresoever occurring in the said Acts shall, with respect and in relation to any lands resumed, or resumption effected, for the purposes of this section, be taken to mean the Minister for Lands for the time being, who with
 15 his successors in that office is hereby declared to be a corporation sole under the name of "The Minister for Lands," and by that name to have perpetual succession and an official seal, to sue and be sued, plead and be impleaded, answer and be answered unto, and take all legal proceedings in all Courts
 20 and places whatsoever; and the notice of claim for compensation and abstract of title referred to in section three of the "Lands for Public Purposes Acquisition Act Amendment Act" shall be sent to the Minister for Lands as well as to the Crown Solicitor, and not to the Minister for Public Works
 25 or the Minister for Public Instruction.

(b) Lands resumed for the aforesaid purposes shall, in lieu of vesting in the Minister within the meaning of the said Acts, vest in Her Majesty, Her Heirs and Successors according to
 30 law, and in lieu of vesting for the purposes of the said Acts and subject to the powers thereby conferred, shall, upon such vesting in Her Majesty as aforesaid, become ordinary Crown lands: Provided always that the notification in the *Gazette* declaring that any such lands as aforesaid have been resumed
 35 shall operate to reserve such lands from sale and lease or from the operation of miners' rights, mineral licenses, or business licenses, until the Minister shall by notification in the *Gazette* have revoked such reservation.

PART III.

35. 41. ~~Notwithstanding anything to the contrary in Part II of~~ ^{Where alluvial gold}
 40 ~~this Act,~~ The Warden may grant a prospecting license to any person ^{deposits occur.} being the holder of a miner's right, and such license shall entitle the holder thereof to enter upon any private land **not occupied or held under agreement for mining purposes** but which is subject to the operations of mining for gold under the provisions of this Act,
 45 and to mark off and occupy a prospecting area of the dimensions and in manner provided for in any Mining Act or regulations in force for the time being and appertaining to mining for gold on Crown lands, and such prospector shall have the right within such prospecting area to dig and search for gold subject to the provisions herein contained.
 50 And whenever alluvial deposits containing gold of a payable character are discovered such discovery shall forthwith be reported to the Warden, ^{Land may be resumed.} who shall report the same to the Minister, and on his being satisfied of the payable nature of such discovery the Minister may cause the land or any part thereof to be resumed for mining purposes, and on notification
 55 of such resumption appearing in the *Gazette*, the owner thereof shall be entitled to compensation for the value of such land for other than

Mining on Private Lands.

- than mining purposes and for the severance thereof from other land of the owner, and in the event of there being a tenant or rightful occupier of such land, other than the owner, such occupier shall be entitled to compensation for the loss of his interest therein. All such
- 5 resumptions shall be effected under the provisions of the "Lands for Public Purposes Acquisition Act" or any amendment thereof; and the acquisition of any such lands for "alluvial gold-mining" purposes is hereby declared to be a "public undertaking" within the meaning of the seventh section of the "Lands for Public Purposes Acquisition Act."
- 10 And all the provisions of the said Acts in respect of resumptions, whether as to the manner of making resumptions and the effect thereof, the accruing of claims for compensation and the method of determining the amount thereof, the payment of such compensation or otherwise shall be deemed to be applicable to the resumption of any
- 15 such lands as aforesaid, in as full and ample a manner as if the aforesaid seventh section of the said Act specified as a "public undertaking" the resumption of any such lands as aforesaid for the purposes of this section,—subject however to the following qualifications:—
- (a) The word "Minister" wheresoever occurring in the said Acts shall, with respect and in relation to any lands resumed, or
- 20 resumption effected, for the purposes of this section, be taken to mean the Minister for Mines for the time being, who with his successors in that office is hereby declared to be a corporation sole under the name of "The Minister for Mines," and by that name to have perpetual succession and an official seal, to sue and be sued, plead and be impleaded,
- 25 answer and be answered unto, and take all legal proceedings in all Courts and places whatsoever; and the notice of claim for compensation and abstract of title referred to in section three of the "Lands for Public Purposes Acquisition Act Amendment Act" shall be sent to the Minister for Mines as well as to the Crown Solicitor, and not to the Minister for Public Works or the Minister for Public Instruction.
- (b) Lands resumed for the aforesaid purposes shall, in lieu of
- 35 vesting in the Minister within the meaning of the said Acts, vest in Her Majesty, Her Heirs and Successors according to law, and in lieu of vesting for the purposes of the said Acts and subject to the powers thereby conferred, shall, upon such vesting in Her Majesty as aforesaid, become ordinary Crown lands, and without any further notification shall be reserved from sale and from occupation for other than mining purposes until such reservation be revoked by the Governor; and whenever such revocation shall take place, the then owner of the estate of which such land originally formed a part
- 40 shall be entitled to repurchase or release such land at a price or rental to be determined by the Minister for Lands after appraisalment by the Land Board, and failing such repurchase or release the land shall be dealt with as ordinary Crown lands.
- 50 ~~36.~~ 42. Before authorising any person to enter upon such private land for prospecting purposes, the Warden shall hold an inquiry on the land, of which due notice shall be given to the owner and occupier (if any), or their respective local agents registered as such with the Mining Registrar as well as to the applicant, and shall thereat assess
- 55 the amount of money to be deposited by the applicant for a prospecting license towards covering the damage to the surface of such land likely to be caused by mining operations being conducted thereon; and the Warden may make such stipulations and conditions with respect to such mining operations as shall appear to him necessary and expedient,
- 60 and shall have power to enforce the same in all cases.

Qualifications of the aforesaid Acts.

Former owner to have preferent right to repurchase.

Deposit to cover surface damage.

Mining on Private Lands.

37. 43. Whenever a notification of resumption as aforesaid shall appear in the *Gazette*, the authorised prospector, in the event of his being the discoverer of such payable deposits, and having duly reported the same to the Warden shall be deemed to be the first applicant for a prospecting claim under his miner's right; and the date of publication of such notification in the *Gazette* shall be reckoned as the date of application of such prospecting claim; but in all other respects as to area, labour conditions, and other matters, the application shall be dealt with subject to the regulations in force for the time being authorising the occupation of Crown lands for mining purposes, and in the event of an auriferous quartz vein being discovered in such prospecting area, the holder or holders thereof shall report the same to the Warden, and within thirty days thereafter shall be entitled to apply for a lease of such land in accordance with the provisions of section thirteen of this Act, and he or they shall in such case be deemed to be the first applicant or applicants as the case may be. And in the event of such land not being proved to contain payable alluvial deposits of gold it shall not be resumed for mining purposes.

Prospector to have preferent right to claim.

If auriferous veins are discovered, prospector may apply for a lease.

38. 44. ~~Whenever in any section of this Act the expression~~ "prescribed" is used in connection with any matter referred to in the context, and whenever in any section of this Act "regulations" are mentioned in connection with any such matter as aforesaid the Governor may in every such case frame regulations for the purpose of giving effect to the provisions of such section. And for the purpose of carrying this Act into full effect generally the Governor may make regulations which may provide for their enforcement by penalties not exceeding in any case fifty pounds, and It shall be lawful for the Governor to make regulations which may provide for their enforcement by penalties not exceeding in any case fifty pounds for carrying out the provisions of this Act, which regulations shall, upon being published in the *Gazette*, be valid in law: Provided that a copy of every such regulation shall be laid before both Houses of Parliament within fourteen days from the publication thereof if Parliament be then in Session, or otherwise within fourteen days after the commencement of the next ensuing Session, and if both Houses of Parliament shall by resolution passed within one month thereafter disapprove of the same or any part thereof, the same or such part shall thereupon cease to be valid in law.

Governor may make regulations.

45. All penalties imposed by this Act, or by any regulations made under its authority, may be recovered before a police or stipendiary magistrate, or any two justices of the peace in petty sessions: Provided that any person aggrieved by any judgment, conviction, or order given or made under this section may appeal therefrom in the manner provided by the Act fifth William Fourth number twenty-two.

Penalties, how recovered.

THE STATE OF NEW YORK

IN SENATE, January 10, 1907.

REPORT OF THE COMMISSIONERS OF THE LAND OFFICE, IN ANSWER TO A RESOLUTION PASSED BY THE SENATE, APRIL 11, 1906.

ALBANY: J. B. LIPPINCOTT COMPANY, PRINTERS, 1907.

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ALBANY: J. B. LIPPINCOTT COMPANY, PRINTERS, 1907.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 5 December, 1893.* }

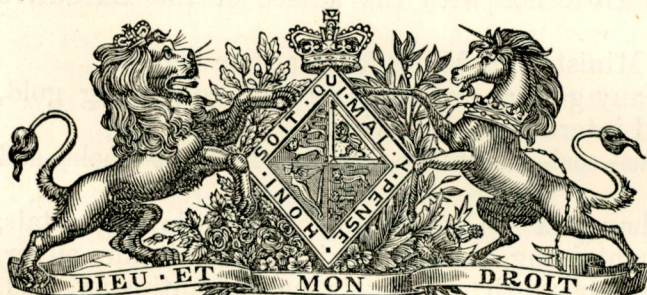
F. W. WEBB,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, April, 1894.* }

Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. .

An Act to legalise Mining on Private Lands; to provide for charging Rents and Royalties in connection therewith; to validate certain Crown grants; to provide for the resumption of land for certain purposes; to make better provision for and in connection with mining on Crown Lands in certain particulars; to effect such amendments in the Statutes as may be necessary to give this Act full force and effect; and for purposes consequent upon, connected with, or incidental to the aforementioned objects.

WHEREAS from time to time since the establishment of the Colony of New South Wales Crown lands within the said Colony have been alienated, subject to various reservations in the Crown grants with respect to gold and minerals other than gold, and in the public interest it is now deemed necessary to give legal effect to such reservations: And whereas certain other lands have from time to time been alienated without express reservation of any minerals which might afterwards be found therein, but having regard to the well established laws of England whereby it has been held from time immemorial that the royal metal gold does not pass from the Crown unless by express conveyance in the grant of such lands: And whereas, for the well being of the State, it is now deemed necessary that all such lands should be made available for the operations of mining thereon or thereunder for such gold as may be found therein: And whereas it is deemed expedient to define the royalties and rents to be derived under the operations of this Act either on behalf of the Crown or on behalf of the landowner, as hereinafter provided: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with

53—A (79)

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Mining on Private Lands.

with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the “Mining on Private Lands Short title.”
5 Act.”

PART I.

2. In this Act the following terms shall, if not inconsistent with the subject matter or context, have the respective meanings hereby assigned to them (that is to say):— Interpretation of terms.

- 10 “Governor”—The Governor with the advice of the Executive Council.
- “Minister”—The Minister for Mines for the time being.
- “Gold”—As well any gold as any earth or rock containing gold, or having gold intermixed therewith.
- 15 “Coal”—~~Bituminous coal, anthracite, lignite, kereseene shale, and natural coke.~~
- “Minerals other than gold”—Coal and any of the following metals, or any ore containing the same, viz.:—Platinum silver, mercury, nickel, bismuth, copper, tin, cobalt, antimony, lead, manganese, and iron, or any other substance which may from time to time, by proclamation of the Governor, published in the *Gazette*, be declared a “mineral” within the meaning of this Act.
- 20 “Silver”—As well any silver as any earth or rock containing silver or having silver intermixed therewith.
- “Lead”—As well any lead as any earth or rock containing lead or having lead intermixed therewith.
- “Tin”—As well any tin as any earth or rock containing tin or having tin intermixed therewith.
- 30 “Antimony”—As well any antimony as any earth or rock containing antimony or having antimony intermixed therewith.
- “All Minerals”—The minerals, metals, or ores of metals enumerated in the three immediately preceding subsections.
- 35 “Owner”—The owner or conditional purchaser of any land dealt with under the provisions of this Act, whether such title is completed or not, or any trustee for such land, if vested in trust.
- “Occupier”—The person in occupation of such land, whether as conditional lessee, the valid applicant for a conditional lease, the lessee of any land for tramway, irrigation, water supply or power purposes, whether under any special Act or otherwise, or a tenant.
- 40 “Applicant”—The person applying for a mining lease under this Act.
- “Lessee”—The holder of a lease under this Act, or his executors, administrators, or assigns.
- 45 “Private land”—Any land included within the provisions of this Act, whether alienated or in process of alienation, or vested in trust, or demised by lease under any of the forms hereinafter referred to, or land held under any valid application for such lease.
- 50 “Mining,” or “To mine”—To sink shafts, construct drives, adits, tunnels, or surface excavations, or to remove earth, rock, metals, or ores, or to wash, crush, smelt, or conduct any operation in connection with mining.
- 55 “Mining-race”—Any artificial channel, flume, aqueduct, tunnel, culvert, or pipe for the conveyance of water or detritus; also the natural bed of any creek or gully in which water or detritus is conducted in connection with mining.

“Warden”

Mining on Private Lands.

5 “Warden”—Any Warden appointed under the Act thirty-seventh Victoria number thirteen, or any Act relating to mining, who may be in charge of the mining district or division denoted by the context where the expression is used, or any Warden acting for him or in his stead, or (if none such is denoted) any Warden.

“Prescribed”—Prescribed by this Act or any regulation made thereunder.

10 “Royalty”—The share or duty claimed by the State on the produce of the mine held by lease under this Act.

15 3. From and after the passing of this Act all lands alienated on or prior to the twenty-fourth day of January, in the year one thousand eight hundred and fifty, whether the Crown grants thereof had issued at that date or otherwise, shall, subject to the provisions of this Act, be open to mine thereon or thereunder for gold ~~or such minerals other than gold as~~ silver, lead, tin, and antimony, but as to silver, lead, tin, and antimony only where such minerals have been reserved in the Crown grant issued therefor, ~~save and except coal~~. And all lands alienated after the twenty-fourth day of January, one thousand eight hundred and fifty, and prior to the eighteenth day of October, one thousand eight hundred and sixty-one, whereof the grants contain a reservation of all minerals to the Crown, shall, subject to the provisions of this Act, be open to mine thereon or thereunder for ~~all minerals, including gold~~ gold, silver, lead, tin, and antimony: Provided that where 25 the said grants contain no reservation of minerals the mining on such lands herein specially referred to shall be confined to mining for gold only.

Lands alienated prior to “Crown Lands Act of 1861” open to mining under the provisions of this Act.

30 4. All Crown grants issued, or purporting to be issued, under the provisions of the “Crown Lands Alienation Act of 1861,” or any Act amending the same, including all grants issued by virtue of volunteer land orders as well as grants issued, or purporting to be issued, under the provisions of the “Crown Lands Act of 1884,” or any amendment thereof, shall be deemed to have been and to be good and valid in law for all purposes of this Act.

Reservations in grants good and valid.

35 5. All lands alienated or in process of alienation under the provisions of the “Crown Lands Alienation Act of 1861,” or any Act amending the same, as well as all lands alienated or in process of alienation, under the provisions of the “Crown Lands Act of 1884,” or any amendment thereof, shall be subject to the operations of 40 mining under the provisions of this Act to the following extent, but no further:—

Lands alienated under “Crown Lands Acts of 1861 and 1884” may be mined upon under provisions of this Act.

45 (a) If the grant for such land contains, or would, under the provisions of the said Acts, or any amendments thereof, contain, when issued, a reservation to the Crown of all minerals which the said land contains, then such land shall be open under the provisions of this Act for mining for gold, and ~~for all minerals other than gold~~ silver, lead, tin, and antimony.

What lands open to mining for all minerals.

50 (b) If the grant for such land contains, or would contain when issued, a reservation to the Crown of ~~any mineral or minerals particularly specified therein,~~ silver, lead, tin, or antimony, or any of such minerals then such lands shall be open under the provisions of this Act for mining for gold, as well as for the ~~particular mineral or minerals~~ silver, lead, tin, and antimony, or any of them, where such minerals are specified in such reservation, but for no other mineral whatsoever.

Lands open to mine for gold as well as certain specified minerals.

55 (c) If such land shall have been alienated, or be in process of alienation under the nineteenth section of the “Crown Lands Alienation Act of 1861,” or if having been selected under

Lands open to gold-mining only.

any

Mining on Private Lands.

any other section of the said Act, or if having been held under mineral lease, and in either such case having been converted into a mineral conditional purchase, then such lands shall be open under the provisions of this Act for mining for gold only, or for any ore, the chief and most profitable metallic product of which is gold.

(d) If the grant for such land contains, or would contain when issued, no reservation of minerals, then in every such case the land shall be open under the provisions of this Act for mining for gold only, or for any ore, the chief and most profitable metallic product of which is gold.

If no reservation in grants to be open to gold-mining only.

6. ~~After the passing of this Act, all lands granted or vested in trust by the Crown for the purposes of a race-course, cricket ground, recreation reserve, park, or permanent common, irrespective of whether the deed of grant (if any) contains a reservation of minerals or the contrary, and all lands held under tramway, irrigation, or power leases, or leases for water supply, whether granted under any special Act or otherwise, shall be open for mining thereon or thereunder for gold or minerals other than gold subject to the provisions of this Act:~~

Lands vested in trust or under lease may be mined upon.

20 ~~Provided that Nothing herein in sections three and five of this Act shall be held to apply to alienated lands situated within the boundaries of any town or village, or to lands vested in trust for or dedicated to any public purpose, other than those hereinbefore mentioned, unless the Governor shall have first proclaimed in the Government Gazette that any such lands particularised in such proclamation shall be subject to the provisions of this Act. And in all cases, whether on private lands or Crown lands, whenever a lease is granted to mine under such land only and without the right of mining on the surface thereof the Governor may stipulate at what vertical depth from the surface such lease shall commence.~~

Town and village lands not open.

Depth from surface at which underground leases shall commence.

7. Every grant hereafter issued for land alienated or which shall be alienated under any Act or vested in trust by the Crown for any public purpose shall contain a reservation to the Crown of all minerals which such lands shall contain. And such minerals are hereby expressly so reserved, and the land so alienated or so vested in trust shall be subject to all the provisions of this Act with respect to mining thereon or thereunder.

All minerals to be reserved in grants issued for future alienations.

7. Lands held from the Crown under tramway, irrigation, or power leases, and lands held under lease for water supply in virtue of any special Act or otherwise, and lands granted or vested in trust by the Crown for the purposes of a race-course, cricket ground, recreation reserve, park, or permanent common, shall, subject to the provisions of this Act, be open for mining thereon and thereunder, but only on a proclamation being made by the Governor in the Gazette, notifying that the lands therein described are subject to the provisions of this Act, and from and after the day named in the proclamation.

Lands under lease or reserved for public purposes.

8. In all cases, whether on private lands or Crown lands, wherever a lease is granted to mine under such land only, and without the right of mining on the surface thereof, the Governor may stipulate at what vertical depth from the surface such lease shall commence.

Depth from surface at which underground leases shall commence.

8. The Governor shall, as soon as practicable and in the prescribed form, provide a "Register of Crown Grants" with respect to all lands alienated prior to the passing of this Act except lands situated within towns or villages whether such lands have been alienated in fee simple or vested in trust for public purposes. And such Register shall classify the lands according to the mineral reservations or otherwise contained in the grants thereof, and shall have a copy of each form of mineral reservation (if any) at the head of its various columns, and such Register shall be divided into so many parts as there are Land Districts,

Register of reservations in Crown grants to be provided.

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Districts, and a copy of the part appertaining to each district shall be kept at the respective Land Offices, and be open to inspection of the public in the prescribed manner. And with respect to lands in process of alienation only and for which no Crown grant shall have
 5 issued, then the "Register of Crown Grants" shall set forth the form of mineral reservation (if any) which such grant would be subject to when issued. And in case any lands other than those herein
 10 exempted shall not be found classified in such Register it shall be taken as *prima facie* evidence that such land has been alienated since the passing of this Act and is therefore available for mining thereon or thereunder for all minerals including gold, subject to the provisions herein contained.

PART II.

Proceedings in connection with Mining.

15 9. It shall be lawful for the Warden of any mining district to grant to any person holding a miners' right in the prescribed manner an authority in duplicate to enter into and upon any specified portion
 of private land which is subject to the operations of mining under the provisions of this Act, which authority shall be effective during the
 20 next succeeding fourteen days; and on serving the duplicate of such authority on the owner or occupier thereof, such person shall either personally or accompanied by his agent one other person who is the holder of a miners' right, but without dogs, be entitled to search and
 25 examine the surface of enter upon such land, but shall not be entitled and may detach one or more samples of any vein or lode, outcropping at the surface thereof, not exceeding in the aggregate twenty-eight pounds in weight, and may remove such samples for the purpose of assaying or testing the value thereof, but such authority shall not
 30 entitle the holder to commence to mine thereon or thereunder until the amount of compensation, to be ascertained as hereinafter provided, shall have been paid, and a lease from the Governor to such person shall have been first obtained. And any person applying for authority
 35 to examine the surface of such private land, or for a mining lease thereof, shall (if the Register of Crown grants has been provided but not otherwise) accompany such application with a certified copy of the form of mineral reservation contained in the grant of such land, and such certified copy shall be supplied by the Land Agent of the district wherein such land is situated, and shall be a correct extract from the Register of Crown grants, or shall certify that a grant of
 40 such land is not included in such Register.

Authority to examine surface may be granted by the Warden.

10. Any person having received authority from the Warden to
 45 examine the surface of enter upon such private land for mining purposes as hereinbefore provided shall be deemed to be in possession as against other applicants for authority to enter upon the same land for a period
 of one month fourteen days from the date of such authority to the full extent of the area allowed in such class of lands to be leased: Provided that such authorised person if requested so to do by other
 50 authorised persons desirous of occupying the adjoining land shall within twenty-four hours approximately define the boundaries of such area.

Authorised person considered first applicant.

11. Any duly such authorised person desiring to obtain a lease
 for mining purposes of such private land, or any portion thereof, as
 under the provisions of this Act shall become open to lease, may at all
 55 reasonable times and doing no unnecessary damage and without incurring any liability for trespass, enter upon such land, either personally
 or

Owner or occupier obstructing applicant.

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or by an agent, and in the prescribed manner, define the boundaries of the portion intended to be applied for. And any owner, occupier, or other person who shall obstruct such authorised person in the performance of any such act, or who shall interfere with, remove, destroy, or

5 deface any boundary mark so made or any necessary notice posted in connection therewith, shall, on conviction thereof, be liable for the first offence to a penalty not exceeding ten pounds, or on conviction of a second or any subsequent offence, to a penalty not exceeding fifty pounds. ~~And in like manner any surveyor~~ **And except as provided in**

10 **Part III of this Act any person who shall commence to mine on or under any private land without having first obtained a lease under the provisions of this Act shall be, and be deemed to be, guilty of a misdemeanour: Provided that any surveyor with his assistants may enter upon any private land for the purpose of defining the road to and the**

15 **boundaries of the portion sought to be leased, or for any other purpose under this Act, in pursuance of and bearing an order of the Minister or of a Warden.**

12. The Governor, in the name and on behalf of Her Majesty, shall have power under and subject to the provisions of this Act to

20 grant to any person a lease of such private lands, to be effectual either on and below the surface, or on one or more limited portions of the surface and below the whole area or to be effectual below the surface only, for the purpose of mining thereon or thereunder, either for gold only, or for minerals ~~other than gold,~~ silver, lead,

25 tin, or antimony, or any of such minerals, regard being had to the reservations (if any) contained in the Crown grants thereof, except in the case of certain lands vested in trust and referred to in ~~section six~~ sections six and seven hereof, ~~but in the case of lands alienated prior to or on the twenty-fourth day of January, in the year one thousand eight hundred and fifty,~~ regard shall be

30 had to the proclamation of His Excellency Sir Charles Augustus Fitzroy, Governor, published in the *Government Gazette*, on the twenty-ninth day of January, in the year aforesaid, whereby all reservations of coal, with the rights of the Crown incident thereto,

35 ~~were, by His Excellency's command, for ever abandoned.~~ **And such lease shall take effect only when issued and shall confer the right of cutting and constructing on the lands thereby demised, races, drains, dams, reservoirs, or tramways, and erecting thereon buildings and machinery in connection with such mining, but not otherwise, and generally for**

40 **doing all such acts and things as shall be requisite for efficiently mining the said land, with full right of ingress, egress, and regress for the purposes herein provided, by a right-of-way to be surveyed from the land comprised in the lease to the nearest practicable point of a public road, and the cost of surveying and marking such right-of-way**

45 **shall be borne by the lessee; but such lease shall in nowise give the lessee the right to use water artificially conserved by the owner of such land, or to fell trees, strip bark, or cut timber on such land, or to depasture horses, cattle, or sheep thereon, or to keep dogs, unless chained up or kept under proper control, or, except in connection with**

50 **such mining operations, to remove earth or rock therefrom, except in connection with such mining operations, without the consent of the owner and occupier: Provided that the power herein given to grant leases no such lease shall not, except with the consent of the owner, extend to within one hundred yards on the surface of any land which is *bonâ fide***

55 **in use as a garden, orchard, or pleasure ground, or to within two hundred yards on the surface of any land on which is erected the principal residence of the owner or occupier, or to either the surface or below the surface of any restricted portion of such land whereon is erected or constructed any substantial building, bridge, dam, reservoir, well,**

Governor may grant lease.

Regard must be had to reservations in grants.

Lease gives right to occupy for all purposes connected with mining.

Not to approach within 100 yards of garden, &c., or 200 yards of principal residence without owner's consent.

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well, or other valuable improvement, nor shall any right-of-way be granted through any garden, orchard, or pleasure ground: Provided further that it shall be for the Minister to determine whether any improvement referred to in this section is of a substantial or valuable character, and to define the area within which mining operations may be excluded.

13. Nothing in this Act contained shall, unless with the consent of the owner, apply or be held to apply to any lands which are enclosed and under cultivation, or to lands which have been bona fide acquired and are held for the purposes of mining.

Not to apply to lands under cultivation or bona fide held for mining purposes. Notice to owner and occupier.

14. Within one month from the date of the aforementioned authority such authorised person may in the prescribed manner apply to the Minister for a lease of such land, and on receipt of such application, accompanied by the prescribed sum by way of rent and fees, the Minister shall cause a notice to be served on the owner and occupier of such land. And in case the whole or any part of the surface thereof is required, such notice shall so state, and if a part only is required, such notice shall define such part, and shall also request from the owner and occupier respectively such particulars of their estate and interest therein as the Minister shall deem necessary for carrying out the objects and intentions of this Act, and within twenty-one days therefrom such owner or occupier shall give such particulars to whomsoever such notice shall direct the Minister.

15. All notices required by this Act to be served upon the owner or occupier of any private land shall either be served personally on such persons or left at their usual place of abode (if the same can after diligent inquiry be found), and in case the owner shall be absent from the Colony or he or his agent cannot after diligent inquiry be found, the notices shall be left with the occupier of the land, or if there be no such occupier, shall be affixed upon some conspicuous part of the land, and in the latter case such notice shall be advertised in two issues of a newspaper circulating in the district in which the land is situated. And in such latter case the affixing of such notices in addition to the aforementioned advertisements shall be deemed service of notice on the owner and occupier.

Service of notices.

16. The Governor may appoint mining appraisers as may from time to time be found necessary, who may also hold other offices in the Public Service, and shall be paid such salaries or fees as the Governor shall direct, and any such mining appraiser, on being authorised by the Minister so to do, shall assess the amount of compensation to be made to the owner and occupier of such lands respectively for the loss which he or they may sustain by way of damage which may be caused through mining operations either on, in, or under such land to the surface thereof, or to any crop growing thereon, or to any buildings, structures, or other improvements erected or constructed thereupon, and for the damages caused by severing such land, or any part thereof, from other land of the owner or occupier: Provided that with respect to the land of which a lease of the surface is required (not being less than one acre), such compensation as aforesaid shall in no case exceed the then ascertained market value of such land for other than mining purposes.

Appraisers to be appointed who shall assess surface damages.

17. On receipt of an application for a lease under this Act, unless such application be accompanied by a document signed by the applicant and the owner and by the occupier (if any), and by the mortgagee (if any) or their respective agent or agents, certifying that they have mutually agreed as to the amount of compensation, whether by way of money, shares, or otherwise, to be paid by the applicant to the owner, and occupier, and mortgagee, the Minister shall authorise a mining appraiser to assess the amount of compensation to be paid to the

Either party may appeal to Minister.

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the owner, and occupier, and mortgagee respectively, and it shall be the duty of such mining appraiser, without loss of time, to forward his assessment to the Minister, who shall thereupon, by notices of even date, acquaint the applicant and the owner and the occupier (if any) **5** and the mortgagee (if any) with the amount of such assessment, and shall specify the time within which the same shall be paid. And in the event of the applicant or the owner or occupier or mortgagee being dissatisfied with such assessment, either any party may, within twenty-one days of the date of such notices, apply to the Minister to have **10** such assessment reviewed, and the Minister shall thereupon refer such matter to the Warden, who shall fix a time and place for holding an inquiry, not being more than thirty days from the receipt of such reference, and shall give due notice thereof to all the parties interested therein, and at the time and place so appointed shall hear, receive, **15** and examine such evidence as shall be produced by any of the parties, and shall thereupon determine the amount of compensation to be paid to such owner or occupier or mortgagee in respect of his or their respective claim or claims, and may specify the time within which and to whom the same shall be paid; and the decision of the Warden in **20** all such cases shall be final, and he may make an order for the payment of such costs of Court as shall appear to him just: Provided always that the Warden may upon cause shown, adjourn the hearing to any other time or place, but such adjournment shall not be for a longer period than fourteen days. When the amount of compensation **25** so awarded shall have been paid, a lease for mining under the provisions of this Act may in due course be issued by the Governor.

17. 18. In the event of the applicant for a lease failing to pay the amount of compensation within the time specified, **his application shall become void and all moneys accompanying the application for** **30** such lease shall thereupon become forfeited to the Crown, and shall be paid into the Consolidated Revenue. And in the event of such owner or occupier refusing or neglecting to supply the particulars of his estate and interest in such land as requested so to do by the Minister, such refusal or neglect shall in no way act as a bar to an award being **35** made by such mining appraiser or a final decision of the Warden being arrived at. On the amount of such compensation being paid into Court, the Warden shall in due course pay to the owner, or occupier, ~~the amount to which he is entitled~~ and mortgagee the amounts (if any) to which they are respectively entitled. And in case such owner, or **40** occupier, or mortgagee shall for the space of three months refuse or fail to accept or claim the amount of compensation so assessed or determined, such amount shall be passed to the Treasury Suspense Account and be held in trust for such owner, or occupier, or mortgagee, but without interest accruing thereon, and if not claimed within six **45** years from the time of the receipt thereof by the Treasury such amount shall be paid into the Consolidated Revenue.

18. 19. ~~During the progress of mining operations the lessee having~~ a lease of below the surface only of such land, may apply to the Minister for a lease of a portion or any number of additional portions of the surface **50** thereof: **During the progress of mining operations a lessee having a lease empowering him to mine below the surface of any area of land, may, for the purposes of mining, apply to the Minister for a lease of a portion or any number of additional portions of the surface of the area of land under which he is empowered to mine:** Provided that such lessee shall if required in **55** writing so to do by the owner or occupier without delay cause a secure fence to be erected around the shafts, machinery, or other works in connection with such mining: Provided also that if at any time the surface of any part of such land or any building, erection, or structure thereon belonging to such owner or occupier for which full compensation has not been previously paid shall be damaged by reason of such **60** mining

Warden to determine amount of compensation.

Applicant failing to pay award.

Owner, or occupier, or mortgagee failing to accept award.

Lessee must fence if requested.

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mining operations, the Minister, on application by the owner or occupier, accompanied by such fees as may be prescribed, shall cause an assessment of such damages to be made by a mining appraiser, who shall have power to assess both the amount of damage (if any) and also
 5 the costs of such assessment. And if the cause of such damage be disputed by either party, such mining appraiser may, if necessary, call in the aid of a mining engineer or surveyor, who, as well as such appraiser, shall have power to examine the surface or underground workings of such mine. And the lessee shall, during ordinary working
 10 hours, and within a reasonable time, comply with any request of such mining appraiser, engineer, or surveyor to furnish the usual appliances and aid necessary for descending to and ascending from such underground workings, and for examining therein as often as may reasonably be found necessary, and in the event of any lessee refusing
 15 or neglecting so to do, such lease shall be liable to forfeiture by the Governor in Council. And within twenty-one days from the date of the notice of such assessment either party may appeal to the Minister; and such appeal shall be dealt with by the Warden whose decision shall be final, as in the case of ascertaining surface damages at the
 20 time of application for a lease; and should the lessee fail for the space of one month after the date of the notice informing him of the assessment—if no appeal shall have been made, or of the final decision of the Warden, as the case may be—to pay the amount assessed to whomsoever such notice shall direct, such amount shall be recoverable
 25 by the owner or occupier under the ordinary process of law.

Appraiser may award further damages.

20. If any land, or buildings thereon, adjoining any land held under any mining lease granted under this Act, be injured by any operations carried on by the lessee, the owner of such land or buildings shall be entitled to recover from such lessee compensation
 30 for all loss and damage thereby sustained by such owner, to be recovered in any Court of competent jurisdiction.

Owner of adjoining land, &c., entitled to compensation for damage.

19. 21. Nothing herein contained shall be construed as rendering it obligatory on the Governor to grant a lease to any person applying for the same, notwithstanding that he may have complied with the
 35 provisions of this Act and the regulations hereunder, but in case his application shall be refused he shall be informed of the reasons for such refusal. And a lease may be granted notwithstanding that the person applying for the same may not in every respect have complied with such regulations, and the Minister may alter, amend, and modify any appli-
 40 cation for a lease, and may reduce or increase the area of land of which a lease is applied for either on or below or both on and below the surface, or may direct a Warden to hold an inquiry in open Court with reference to any matter touching an application for a lease under this Act, and at all such inquiries the evidence shall be taken
 45 on oath.

Not obligatory to grant leases.

20. 22. In any case where *bona fide* mining operations were being carried on under agreement upon any private land ~~on the sixth day of October, one thousand eight hundred and ninety-two~~ at the time of the passing of this Act a joint application by the parties to such agreement
 50 or by their representatives, for a special lease, if made within two months after this Act comes into force, and if accompanied by an attested copy of such agreement, shall have priority over all other applications with respect to the land defined therein. And such private agreement then existing shall in no way be disturbed or interfered with
 55 by the operations of this Act, except with respect to any royalty payable to the Crown which the land may be subject to and which in all cases shall be chargeable as if such land was leased under the provisions of this Act. And in the event of mining operations being carried on by the owner of such land at the time of the passing of this Act, any

Special leases may be granted.

Existing agreements protected.

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such application made by him shall, if made within two months as aforesaid, have a like priority, and be subject in the same manner to such royalty as hereinafter provided; or in any case where active mining operations have not been commenced, and the owner has
 5 obtained from the Governor a permit to mine for, win, and remove gold ~~or minerals other than gold~~ silver, lead, tin, or antimony, or all of such minerals from such private land, such owner may within two months after the passing hereof apply in the prescribed manner to convert such permit into a lease under this Act; and in all cases
 10 hereinbefore referred to in this section, such leases shall not be subject to the payment of rent, but the royalties reserved to the Crown shall be those provided for in this Act and none other.

Permits may be converted into leases.

21. 23. Any person who prior to the passing of this Act shall have obtained a permit from the Secretary for Lands or the Secretary for
 15 Mines to dig and search for gold, ~~or minerals other than gold~~ silver, lead, tin, or antimony in any private land may, within two months as aforesaid, apply for and in such event shall have a preferent claim for a lease under this Act, but such lease shall with respect to rent, royalty, tribute and other matters be subject to all the provisions of this Act:
 20 Provided that two months after the passing of this Act all such permits shall become extinguished and inoperative, and the power of granting such permits is hereby repealed, all other Acts to the contrary notwithstanding. And if the holder of such permit shall fail for a period of two months as aforesaid to apply for the conversion thereof
 25 into a lease under this Act, any other person may thereafter apply for a lease of such land, and the Governor may grant the same as if such permit had not been issued.

Permit to dig and search gives preferent claim to lease.

22. 24. The owner of any private land may at any time apply for
 30 a lease of such land for mining purposes; but except as hereinbefore provided, he shall have no preferential right to such lease as against any other application of prior or even date. In the event of there being no conflicting application, or of such conflicting application having been refused, the Minister may dispense with the preliminary proceedings, applicable in other cases, and the Governor may grant such
 35 lease, subject to the provisions of this Act with respect to royalty, but free from the charge of any rent or tribute. In other respects such lease shall be granted, subject to all the provisions of this Act and the regulations thereunder, as if the lessee were not the owner of such land.

Owner may obtain a lease.

40 23. 25. The term for which a lease may be granted under this Act shall not exceed twenty years, but may, subject to such conditions as the Governor may approve, be renewed for a further period not exceeding twenty years, and the yearly rental reserved to the owner
 45 of the land in respect of such leases, shall be ~~two shillings and sixpence~~ twenty shillings per acre for land whereof the mining will be confined to minerals other than gold, and twenty shillings per acre for land applied for for gold mining purposes. The area of a lease shall not exceed five
 50 twenty acres in the case of ordinary auriferous lands, and shall not exceed forty acres in the case of alluvial auriferous land where the mining operations will be conducted through basaltic rock formations, or where the quantity of water is such as to necessitate the erection of steam machinery, or where, in the opinion of the Minister a large outlay of money is necessary to make such land available for gold-mining purposes. And no lease of land for mining for minerals other
 55 than gold silver, lead, tin, or antimony shall be granted of an area greater than eighty acres except in the case of land containing coal, and in such case the area shall not exceed six hundred and forty acres. Where practicable such leases shall be granted in conformity with the existing divisions of such land, but in all other cases the areas of such leases shall

Duration of lease.

Rents payable.

Area of lease.

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shall be measured in the prescribed form. The areas and rents herein specified shall apply to leases whether for only below the surface or for both on and below the surface.

24. 26. In the event of more than one application being made for the same land, or any part thereof, the application, except as hereinbefore provided, which shall have been first received in manner prescribed, shall have priority, and in the event of two or more applications for the same land being received at the same time, it shall be determined by lot which application shall take precedence. And except when the lease applied for will cover the whole of a measured portion all such areas shall be surveyed before the issue of a lease, and in the event of any applicant refusing or neglecting to execute such lease for the space of one month after notice shall have been given him of such lease being ready for execution such lease shall be liable to forfeiture, with all moneys paid thereon, and all such leases shall, within one month after execution thereof, be registered with the Mining Registrar in Sydney, who shall forward a copy thereof to the Mining Registrar of the Division in which such land is situated, and thereafter all transfers of such leases, or of any portion thereof, shall be so registered within one month after the date of such transfer.

Applications how dealt with.

25. 27. All leases granted under the authority of this Act shall be granted subject to such royalties as are hereinafter set forth on the metals and minerals silver, lead, tin, or antimony obtained from such land, and the value thereof shall be taken to mean their value, in the case of coal, at the pit-mouth; and in the case of metalliferous ores, their value shall be estimated in such way as shall be prescribed. And every lessee under this Act, in whose lease a royalty is reserved, shall keep a correct set of books, and shall in the prescribed manner enter therein the value of all metals or minerals won from the mine, and the amount of royalty payable thereon; and such books shall at all times be open to the inspection of such person as the Minister or the owner may from time to time appoint, and an abstract of the same, which shall have been previously verified by statutory declaration made before a justice of the peace or a commissioner for affidavits, shall, in the months of July and January in each year be published in the *Government Gazette* and in a newspaper circulating in the district wherein such mine is situated.

Royalty how ascertained.

Lessee to keep books.

26. 28. The amount of royalty payable to the Crown shall be paid into the Treasury or to such public officer as the Minister shall direct at least once in every half year. And any lessee or the director or manager of any company holding a lease under this Act, who shall neglect or fail to pay such amount during the half-year within which the same becomes payable, or within one month thereafter, shall be deemed guilty of a misdemeanour. And in the event of any lessee or director or manager of such company who shall fail to enter or to cause to be entered in books kept for that purpose the full value of all minerals obtained from such private land, and the amount of royalty payable thereon, or shall make false entries in such books or cause such books to be falsified, shall be deemed guilty of a misdemeanour; and the lease upon which such royalty was payable, with all moneys paid thereon, shall be absolutely forfeited if the Governor shall think fit. And after the expiration of six months from the passing of this Act, any person who shall, contrary to the provisions hereof of this Act, take, mine, or remove any gold, or minerals other than gold silver, lead, tin, or antimony from any such private land, shall be deemed guilty of a misdemeanour. Any person convicted of an offence declared by this section to be a misdemeanour shall be liable to a penalty not exceeding fifty pounds, or may be imprisoned at the discretion of the Court for any term not exceeding three months.

Non-payment of royalty a misdemeanour.

False entries a misdemeanour.

Penalty for misdemeanour.

Mining on Private Lands.

27. 29. Notwithstanding anything to the contrary in any other Act provided, after the passing of this Act no royalties shall be charged on behalf of the Crown on ~~any metals or minerals~~ silver, lead, tin, or antimony obtained from alienated lands, or lands in process of alienation 5 other than those hereinafter set forth. All leases granted under the provisions of this Act shall be subject to the following royalties, that is to say:—

(a) Mining for ~~minerals other than gold~~ silver, lead, tin, or antimony.—Whenever any mineral lease is granted of lands 10 on which all minerals have been reserved, or of lands where some minerals only have been specifically reserved, the Crown shall reserve a royalty of two and a half per centum on the value of the minerals obtained therefrom, and for which such lease shall have been granted. And except 15 in the case of lands referred to in ~~section six~~ sections six and seven hereof, no lease ~~will~~ shall be granted under this Act to work ~~minerals other than gold which~~ silver, lead, tin, or antimony, where such minerals, or where all minerals, or where minerals other than gold, as the case may be have 20 not been reserved to the Crown.

(b) All rents shall commence from the date of the approval of the lease, and shall be paid in the prescribed manner half-yearly 25 in advance. All royalties accruing for the preceding six months shall, during the months of July and January, be payable in the prescribed manner, up to the end of June and the end of December respectively.

(c) It shall be necessary for the applicant for a lease or the lessee to be the holder of a miner's right to establish or maintain 30 a title to a lease for gold-mining purposes under this Act.

30. No mining lease shall be granted under this Act until after the expiration of fourteen days from the date of notification in the Gazette of intention to grant the same, and in some newspaper, the place of publication of which is near to the land sought to be leased. 35

31. The Warden may, upon the application of the owner or occupier of any land adjoining any land whereof a mining lease has been granted under the provisions of this Act, or upon the application of any person authorised by such owner or occupier by writing under the hand of the Warden, authorise such owner or occupier, or any person nominated as his agent by such owner or occupier, any mining 40 surveyor or surveyors, or some experienced miner or miners to enter into and inspect such mines and every part thereof for the purpose of ascertaining whether the persons working such mines are encroaching upon the land of any owner not being land comprised in the mining lease of such person under the provisions of this Act.

45 32. The person or persons authorised by an order made under the authority of this Act may enter into and inspect and survey the land and mines described in such order, and every part thereof, and descend any shaft or mine, and for such purpose use the engines and other machinery ordinarily employed for that purpose by the persons 50 whose shaft or mine is descended; and the lessee of such shaft or mine or other person for whom the same is being worked shall provide all labour, assistance, appliances, and materials necessary to facilitate such inspection and survey, and such person or persons authorised as aforesaid may make such plans and sections of the land entered upon, 55 and of any drives or other works therein as are necessary for the purposes aforesaid.

33. Every such owner, occupier, agent, and mining surveyor, or miner shall before entering on such land make a declaration before the Warden, who is hereby authorised to take the same, that he, the 60 said Owner, occupier, agent, mining surveyor, and miner to make a declaration.

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said owner, occupier, agent, surveyor, or miner, will not, except as a witness in a court of justice, without the consent in writing of the lessee of the land or mines to be entered upon, divulge, or cause to be divulged, to any person whomsoever any information obtained in the case of any such entry, save only as to whether such persons working such mines are encroaching on such land of any owner, not being land comprised in the mining lease of such person as aforesaid; and every person who acts contrary to such declaration shall forfeit and pay any sum not exceeding fifty pounds.

10 28. 34. The owner of any private land shall be at liberty to enter into an agreement in writing with any holder of a miner's right giving such holder power to take possession of such land for gold mining purposes as if it were Crown land, and with respect to the area which may be so taken possession of, the form of measurement, the mode of
15 defining the boundaries thereof, the labour conditions, and the lapsing of title for non-compliance therewith, such land shall be held and worked, subject to the regulations of the Mining Board in force for the time being, and it shall not be necessary to obtain a mining lease under the provisions of this Act for such private land so occupied as
20 aforesaid under miners' rights: Provided that every such agreement shall within seven days thereafter be registered with the Mining Registrar for the district in which such land is situated, in accordance with regulations to be made by the Governor: And in such case no royalty shall be payable to the Crown, the owner, or occupier, on the
25 gold obtained therefrom, whether such gold has been specifically reserved to the Crown or otherwise.

29. 35. Adjoining lands or lands disconnected by roads only and held under separate leases may be worked conjointly as one mine, provided such contiguous lands shall not in the aggregate exceed the
30 area allowed respectively for leases under this Act, and except as hereinafter provided such mines shall be continuously worked according to the practice of efficient mining. And every lease granted under the authority of this Act shall contain a provision that if the lessee, his executors, administrators, or assigns fail at any time during the
35 term of such lease to fulfil the conditions and covenants therein contained, or to use the land *bonâ fide* for the purposes for which it shall be demised, such lease shall for any such failure be liable to forfeiture and may be forfeited on the authority of the Governor: Provided that if at any time the mine shall become unworkable from
40 any cause which, in the opinion of the Warden, would necessitate a suspension of mining operations, he may grant such suspension for a period not exceeding three months, and, in the event of operations having wholly ceased in connection with such mine for a period of six months, the lease shall thereupon become absolutely void and
45 determined.

30. 36. The lessee shall be entitled at any time, with the consent of the Governor, to surrender his lease. And in case any such lease shall become forfeited, or determined by any breach of covenant or condition or otherwise, or in case the term thereby granted
50 shall have expired, possession of the land thereby demised may be recovered in such manner as may be set forth by any of the provisions of the lease, or if there be no such provision, it shall be lawful for the Attorney-General, on behalf of Her Majesty, to bring a suit in any Court of competent jurisdiction to recover possession of such
55 land, and such suit may be commenced and carried on, and the proceedings therein may be the same and the judgment enforced in like manner as in the case of any other suit in such Court. Land, possession to which has been so recovered, or which has been abandoned, forfeited, or surrendered by the lessee, or of which the lease has

Power to owner of private land to enter into agreement with holder of miner's right to occupy for mining purposes.

Adjoining lands may be worked as one area.

Failing to fulfil conditions lease may be forfeited.

Possession how recovered.

Mining on Private Lands.

- has expired by effluxion of time, shall revert to the owner or occupier thereof, but may at any time thereafter be again mined upon or mined under, subject to the provisions contained herein: Provided also that in the event of any such lease being forfeited for any breach of the
- 5 conditions or covenants contained therein, or in the event of such lease having expired by effluxion of time or being otherwise determined, or in the event of the owner of such land having by the authority of the Governor re-entered and taken possession of such land, the former lessee, his executors, administrators, or assigns shall be at liberty
- 10 within six months thereafter to remove all machinery and buildings erected over the same, and all appliances, tools, and material (other than the poppet-legs or brace erected over any shaft or any material already used for the purpose of keeping open the shafts, adits, or mine) belonging to such former lessee, or to his executors, adminis-
- 15 trators, or assigns; but the said lessee shall not be permitted to remove any machinery, buildings, plant, or material from such land unless and until all rent due in respect thereof has been paid, and all compensation for damage done thereto by mining thereon has been duly assessed and paid.
- 20 ~~31.~~ 37. The jurisdiction, powers, and authorities conferred by or under the "Mining Act, 1874," or any Act amending or repealing the said Act, upon Wardens or Inspectors of Mines shall apply to and may be exercised in respect of all private lands the subject of any agree-
- 25 ment or lease under this Act, and in respect of all questions affecting such lands or interests therein, or matters in dispute arising out of or connected with mining upon or under such land; and for that purpose the said Act shall be read in connection with, and as forming part of, this Act. And the word land as used in the said Mining Act shall be deemed to comprise any private land the subject of an agreement or
- 30 lease under this Act. And the provisions of the said Mining Act relating to appeals from the decisions of Wardens and Mining Appeal Courts shall, except as hereinbefore provided in sections ~~sixteen and~~ ~~eighteen~~ ~~seventeen~~ and ~~nineteen~~ hereof with respect to compensation, be read and construed as forming part of this Act. Appeals.
- 35 ~~32.~~ 38. Subject to compensation as provided for in section ~~fifteen~~ ~~sixteen~~ hereof, the Governor may, in the prescribed manner, grant a mining-race lease of any private land, irrespective of any mineral reservations with respect to such lands, for the purpose only of cutting mining-races thereon and conveying water or detritus through or over
- 40 such land to or from any mine, whether such mine be held under the provisions of this Act, or under the provisions of the "Mining Act of 1874," or any Act amending the same, and such leases shall be subject to the regulations to be provided hereunder, and to any special provisions the Governor may deem necessary to make. Leases may be granted through which to carry mining-races.
- 45 ~~33.~~ 39. In like manner the Governor may grant a lease of any area of private lands for the purpose of a tramway or a machine site, or for smelting works, or water conservation, or for any other purpose in connection with mining, and the rent to be reserved for the owner of the land in leases granted under this and the preceding section shall
- 50 be determined in the same manner as if it were a question of compensation for surface damages, and such leases shall be subject to such special provisions as the Governor may deem necessary. Leases may be granted for machine site, smelting works, &c.
- 55 ~~34.~~ 40. Whenever land is required for the purposes of a mining village, and no Crown land is available, it shall be lawful for the Governor to resume any private land which may be found necessary for this purpose under the provisions of the "Lands for Public Purposes Acquisition Act," or any amendment thereof; and the acquisition of any such lands for "mining village" purposes is hereby declared to be a "public undertaking" within the meaning of the
- the

Mining on Private Lands.

the seventh section of the "Lands for Public Purposes Acquisition Act," and all the provisions of the said Acts in respect of resumptions, whether as to the manner of making resumptions and the effect thereof, the accruing of claims for compensation and the method of determining
 5 the amount thereof, the payment of such compensation, or otherwise shall be deemed to be applicable to the resumption of any such lands as aforesaid, in as full and ample a manner as if the aforesaid seventh section of the said Act specified as a "public undertaking" the
 10 resumption of any such lands as aforesaid for the purposes of this section,—subject however to the following qualifications:—

(a) The word "Minister" wheresoever occurring in the said Acts shall, with respect and in relation to any lands resumed, or resumption effected, for the purposes of this section, be taken
 15 to mean the Minister for Lands for the time being, who with his successors in that office is hereby declared to be a corporation sole under the name of "The Minister for Lands," and by that name to have perpetual succession and an official seal, to sue and be sued, plead and be impleaded, answer and
 20 be answered unto, and take all legal proceedings in all Courts and places whatsoever; and the notice of claim for compensation and abstract of title referred to in section three of the "Lands for Public Purposes Acquisition Act Amendment Act" shall be sent to the Minister for Lands as well as to the
 25 Crown Solicitor, and not to the Minister for Public Works or the Minister for Public Instruction.

(b) Lands resumed for the aforesaid purposes shall, in lieu of vesting in the Minister within the meaning of the said Acts, vest in Her Majesty, Her Heirs and Successors according to
 30 law, and in lieu of vesting for the purposes of the said Acts and subject to the powers thereby conferred, shall, upon such vesting in Her Majesty as aforesaid, become ordinary Crown lands: Provided always that the notification in the *Gazette* declaring that any such lands as aforesaid have been resumed shall operate to reserve such lands from sale and lease or
 from the operation of miners' rights, mineral licenses, or business licenses, until the Minister shall by notification in the *Gazette* have revoked such reservation.

35

PART III.

~~35. 41. Notwithstanding anything to the contrary in Part II of~~ Where alluvial gold
 this Act, The Warden may grant a prospecting license to any person deposits occur.
 40 holder thereof to enter upon any private land **not occupied or held under agreement for mining purposes** but which is subject to the operations of mining for gold under the provisions of this Act, and to mark off and occupy a prospecting area of the dimensions and in manner provided for in any Mining Act or regulations in force
 45 for the time being and appertaining to mining for gold on Crown lands, and such prospector shall have the right within such prospecting area to dig and search for gold subject to the provisions herein contained. And whenever alluvial deposits containing gold of a payable character
 50 who shall report the same to the Minister, and on his being satisfied of the payable nature of such discovery the Minister may cause the land or any part thereof to be resumed for mining purposes, and on notification of such resumption appearing in the *Gazette*, the owner thereof shall be entitled to compensation for the value of such land for other
 than

Land may be resumed.

Mining on Private Lands.

than mining purposes and for the severance thereof from other land of the owner, and in the event of there being a tenant or rightful occupier of such land, other than the owner, such occupier shall be entitled to compensation for the loss of his interest therein. All such
 5 resumptions shall be effected under the provisions of the "Lands for Public Purposes Acquisition Act" or any amendment thereof; and the acquisition of any such lands for "alluvial gold-mining" purposes is hereby declared to be a "public undertaking" within the meaning of the seventh section of the "Lands for Public Purposes Acquisition Act."
 10 And all the provisions of the said Acts in respect of resumptions, whether as to the manner of making resumptions and the effect thereof, the accruing of claims for compensation and the method of determining the amount thereof, the payment of such compensation or otherwise shall be deemed to be applicable to the resumption of any
 15 such lands as aforesaid, in as full and ample a manner as if the aforesaid seventh section of the said Act specified as a "public undertaking" the resumption of any such lands as aforesaid for the purposes of this section,—subject however to the following qualifications:—

(a) The word "Minister" wheresoever occurring in the said Acts
 20 shall, with respect and in relation to any lands resumed, or resumption effected, for the purposes of this section, be taken to mean the Minister for Mines for the time being, who with his successors in that office is hereby declared to be a corporation sole under the name of "The Minister for
 25 Mines," and by that name to have perpetual succession and an official seal, to sue and be sued, plead and be impleaded, answer and be answered unto, and take all legal proceedings in all Courts and places whatsoever; and the notice of claim for compensation and abstract of title referred to in section
 30 three of the "Lands for Public Purposes Acquisition Act Amendment Act" shall be sent to the Minister for Mines as well as to the Crown Solicitor, and not to the Minister for Public Works or the Minister for Public Instruction.

(b) Lands resumed for the aforesaid purposes shall, in lieu of
 35 vesting in the Minister within the meaning of the said Acts, vest in Her Majesty, Her Heirs and Successors according to law, and in lieu of vesting for the purposes of the said Acts and subject to the powers thereby conferred, shall, upon such
 40 vesting in Her Majesty as aforesaid, become ordinary Crown lands, and without any further notification shall be reserved from sale and from occupation for other than mining purposes until such reservation be revoked by the Governor; and whenever such revocation shall take place, the then owner
 45 of the estate of which such land originally formed a part shall be entitled to repurchase or release such land at a price or rental to be determined by the Minister for Lands after appraisalment by the Land Board, and failing such repurchase or release the land shall be dealt with as ordinary Crown lands.

50 36. 42. Before authorising any person to enter upon such private land for prospecting purposes, the Warden shall hold an inquiry on
 the land, of which due notice shall be given to the owner and occupier (if any), or their respective local agents registered as such with the
 Mining Registrar as well as to the applicant, and shall thereat assess
 55 the amount of money to be deposited by the applicant for a prospecting license towards covering the damage to the surface of such land likely to be caused by mining operations being conducted thereon; and the Warden may make such stipulations and conditions with respect to such mining operations as shall appear to him necessary and expedient,
 60 and shall have power to enforce the same in all cases. 37.

Qualifications of the aforesaid Acts.

Former owner to have preferent right to repurchase.

Deposit to cover surface damage.

Mining on Private Lands.

37. **43.** Whenever a notification of resumption as aforesaid shall appear in the *Gazette*, the authorised prospector, in the event of his being the discoverer of such payable deposits, and having duly reported the same to the Warden shall be deemed to be the first applicant for a
 5 prospecting claim under his miner's right; and the date of publication of such notification in the *Gazette* shall be reckoned as the date of application of such prospecting claim; but in all other respects as to area, labour conditions, and other matters, the application shall be dealt with subject to the regulations in force for the time being authorising
 10 the occupation of Crown lands for mining purposes, and in the event of an auriferous quartz vein being discovered in such prospecting area, the holder or holders thereof shall report the same to the Warden, and within thirty days thereafter shall be entitled to apply for a lease of such land in accordance with the provisions of section thirteen of this
 15 Act, and he or they shall in such case be deemed to be the first applicant or applicants as the case may be. And in the event of such land not being proved to contain payable alluvial deposits of gold it shall not be resumed for mining purposes.

Prospector to have preferent right to claim.

If auriferous veins are discovered, prospector may apply for a lease.

38. **44.** ~~Whenever in any section of this Act the expression~~ "prescribed" is used in connection with any matter referred to in the
 20 context, and whenever in any section of this Act "regulations" are mentioned in connection with any such matter as aforesaid the Governor may in every such case frame regulations for the purpose of giving effect to the provisions of such section. And for the purpose
 25 of carrying this Act into full effect generally the Governor may make regulations which may provide for their enforcement by penalties not exceeding in any case fifty pounds, and It shall be lawful for the Governor to make regulations which may provide for their enforcement by
 30 penalties not exceeding in any case fifty pounds for carrying out the provisions of this Act, which regulations shall, upon being published in the *Gazette*, be valid in law: Provided that a copy of every such regulation shall be laid before both Houses of Parliament within fourteen days from the publication thereof if Parliament be then in Session, or otherwise within fourteen days after the commencement of
 35 the next ensuing Session, and if both Houses of Parliament shall by resolution passed within one month thereafter disapprove of the same or any part thereof, the same or such part shall thereupon cease to be valid in law.

Governor may make regulations.

45. All penalties imposed by this Act, or by any regulations
 40 made under its authority, may be recovered before a police or stipendiary magistrate, or any two justices of the peace in petty sessions: Provided that any person aggrieved by any judgment, conviction, or order given or made under this section may appeal therefrom in the manner provided by the Act fifth William Fourth
 45 number twenty-two.

Penalties, how recovered.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber,
Sydney, 5 December, 1893. }

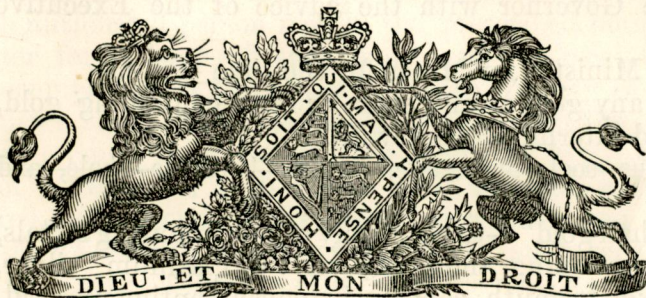
F. W. WEBB,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

Legislative Council Chamber,
Sydney, April, 1894. }

Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. .

An Act to legalise Mining on Private Lands; to provide for charging Rents and Royalties in connection therewith; to validate certain Crown grants; to provide for the resumption of land for certain purposes; to make better provision for and in connection with mining on Crown Lands in certain particulars; to effect such amendments in the Statutes as may be necessary to give this Act full force and effect; and for purposes consequent upon, connected with, or incidental to the aforementioned objects.

WHEREAS from time to time since the establishment of the Colony of New South Wales Crown lands within the said Colony have been alienated, subject to various reservations in the Crown grants with respect to gold and minerals other than gold, and in the public interest it is now deemed necessary to give legal effect to such reservations: And whereas certain other lands have from time to time been alienated without express reservation of any minerals which might afterwards be found therein, but having regard to the well established laws of England whereby it has been held from time immemorial that the royal metal gold does not pass from the Crown unless by express conveyance in the grant of such lands: And whereas, for the well being of the State, it is now deemed necessary that all such lands should be made available for the operations of mining thereon or thereunder for such gold as may be found therein: And whereas it is deemed expedient to define the royalties and rents to be derived under the operations of this Act either on behalf of the Crown or on behalf of the landowner, as hereinafter provided: Be it therefore enacted by the Queen's Most Excellent Majesty, by and

53—A (79)

with

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Mining on Private Lands.

with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the “Mining on Private Lands Short title.”
5 Act.”

PART I.

2. In this Act the following terms shall, if not inconsistent Interpretation of terms. with the subject matter or context, have the respective meanings hereby assigned to them (that is to say):—

10 “Governor”—The Governor with the advice of the Executive Council.

“Minister”—The Minister for Mines for the time being.

“Gold”—As well any gold as any earth or rock containing gold, or having gold intermixed therewith.

15 “Coal”—~~Bituminous coal, anthracite, lignite, kerosene shale, and natural coke.~~

“Minerals other than gold”—Coal and any of the following metals, or any ore containing the same, viz.:—Platinum silver, mercury, nickel, bismuth, copper, tin, cobalt, antimony, lead, manganese, and iron, or any other substance which may from time to time, by proclamation of the Governor, published in the *Gazette*, be declared a “mineral” within the meaning of this Act.

20 “Silver”—As well any silver as any earth or rock containing silver or having silver intermixed therewith.

“Lead”—As well any lead as any earth or rock containing lead or having lead intermixed therewith.

“Tin”—As well any tin as any earth or rock containing tin or having tin intermixed therewith.

30 “Antimony”—As well any antimony as any earth or rock containing antimony or having antimony intermixed therewith.

“All Minerals”—The minerals, metals, or ores of metals enumerated in the three immediately preceding subsections.

35 “Owner”—The owner or conditional purchaser of any land dealt with under the provisions of this Act, whether such title is completed or not, or any trustee for such land, if vested in trust.

40 “Occupier”—The person in occupation of such land, whether as conditional lessee, the valid applicant for a conditional lease, the lessee of any land for tramway, irrigation, water supply or power purposes, whether under any special Act or otherwise, or a tenant.

“Applicant”—The person applying for a mining lease under this Act.

45 “Lessee”—The holder of a lease under this Act, or his executors, administrators, or assigns.

“Private land”—Any land included within the provisions of this Act, whether alienated or in process of alienation, or vested in trust, or demised by lease under any of the forms hereinafter referred to, or land held under any valid application for such lease.

50 “Mining,” or “To mine”—To sink shafts, construct drives, adits, tunnels, or surface excavations, or to remove earth, rock, metals, or ores, or to wash, crush, smelt, or conduct any operation in connection with mining.

55 “Mining-race”—Any artificial channel, flume, aqueduct, tunnel, culvert, or pipe for the conveyance of water or detritus; also the natural bed of any creek or gully in which water or detritus is conducted in connection with mining.

“Warden”

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- “Warden”—Any Warden appointed under the Act thirty-seventh Victoria number thirteen, or any Act relating to mining, who may be in charge of the mining district or division denoted by the context where the expression is used, or any Warden acting for him or in his stead, or (if none such is denoted) any Warden.
- “Prescribed”—Prescribed by this Act or any regulation made thereunder.
- “Royalty”—The share or duty claimed by the State on the produce of the mine held by lease under this Act.
3. From and after the passing of this Act all lands alienated on or prior to the twenty-fourth day of January, in the year one thousand eight hundred and fifty, whether the Crown grants thereof had issued at that date or otherwise, shall, subject to the provisions of this Act, be open to mine thereon or thereunder for gold ~~or such minerals other than gold as~~ silver, lead, tin, and antimony, but as to silver, lead, tin, and antimony only where such minerals have been reserved in the Crown grant issued therefor, ~~save and except coal~~. And all lands alienated after the twenty-fourth day of January, one thousand eight hundred and fifty, and prior to the eighteenth day of October, one thousand eight hundred and sixty-one, whereof the grants contain a reservation of all minerals to the Crown, shall, subject to the provisions of this Act, be open to mine thereon or thereunder for ~~all minerals, including gold~~ gold, silver, lead, tin, and antimony: Provided that where the said grants contain no reservation of minerals the mining on such lands herein specially referred to shall be confined to mining for gold only.
4. All Crown grants issued, or purporting to be issued, under the provisions of the “Crown Lands Alienation Act of 1861,” or any Act amending the same, including all grants issued by virtue of volunteer land orders as well as grants issued, or purporting to be issued, under the provisions of the “Crown Lands Act of 1884,” or any amendment thereof, shall be deemed to have been and to be good and valid in law for all purposes of this Act.
5. All lands alienated or in process of alienation under the provisions of the “Crown Lands Alienation Act of 1861,” or any Act amending the same, as well as all lands alienated or in process of alienation, under the provisions of the “Crown Lands Act of 1884,” or any amendment thereof, shall be subject to the operations of mining under the provisions of this Act to the following extent, but no further:—
- (a) If the grant for such land contains, or would, under the provisions of the said Acts, or any amendments thereof, contain, when issued, a reservation to the Crown of all minerals which the said land contains, then such land shall be open under the provisions of this Act for mining for gold, and ~~for all minerals other than gold~~ silver, lead, tin, and antimony.
- (b) If the grant for such land contains, or would contain when issued, a reservation to the Crown of ~~any mineral or minerals particularly specified therein,~~ silver, lead, tin, or antimony, or any of such minerals then such lands shall be open under the provisions of this Act for mining for gold, as well as for the ~~particular mineral or minerals~~ silver, lead, tin, and antimony, or any of them, where such minerals are specified in such reservation, but for no other mineral whatsoever.
- (c) If such land shall have been alienated, or be in process of alienation under the nineteenth section of the “Crown Lands Alienation Act of 1861,” or if having been selected under any

Lands alienated prior to “Crown Lands Act of 1861” open to mining under the provisions of this Act.

Reservations in grants good and valid.

Lands alienated under “Crown Lands Acts of 1861 and 1884” may be mined upon under provisions of this Act.

What lands open to mining for all minerals.

Lands open to mine for gold as well as certain specified minerals.

Lands open to gold-mining only.

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- any other section of the said Act, or if having been held under mineral lease, and in either such case having been converted into a mineral conditional purchase, then such lands shall be open under the provisions of this Act for mining for gold only, or for any ore, the chief and most profitable metallic product of which is gold.
- 5 (d) If the grant for such land contains, or would contain when issued, no reservation of minerals, then in every such case the land shall be open under the provisions of this Act for mining for gold only, or for any ore, the chief and most profitable metallic product of which is gold.
- 10 6. ~~After the passing of this Act, all lands granted or vested in trust by the Crown for the purposes of a race-course, cricket ground, recreation reserve, park, or permanent common, irrespective of whether the deed of grant (if any) contains a reservation of minerals or the contrary, and all lands held under tramway, irrigation, or power leases, or leases for water supply, whether granted under any special Act or otherwise, shall be open for mining thereon or thereunder for gold or minerals other than gold subject to the provisions of this Act:~~ If no reservation in grants to be open to gold-mining only.
- 20 ~~Provided that Nothing herein in sections three and five of this Act shall be held to apply to alienated lands situated within the boundaries of any town or village, or to lands vested in trust for or dedicated to any public purpose, other than those hereinbefore mentioned, unless the Governor shall have first proclaimed in the Government Gazette that~~ Lands vested in trust or under lease may be mined upon.
- 25 any such lands particularised in such proclamation shall be subject to the provisions of this Act. ~~And in all cases, whether on private lands or Crown lands, whenever a lease is granted to mine under such land only and without the right of mining on the surface thereof the Governor may stipulate at what vertical depth from the surface such lease shall~~ Depth from surface at which underground leases shall commence.
- 30 ~~commence.~~
7. Every grant hereafter issued for land alienated or which shall be alienated under any Act or vested in trust by the Crown for any public purpose shall contain a reservation to the Crown of all minerals which such lands shall contain. And such minerals are hereby
- 35 expressly so reserved, and the land so alienated or so vested in trust shall be subject to all the provisions of this Act with respect to mining thereon or thereunder. All minerals to be reserved in grants issued for future alienations.
7. Lands held from the Crown under tramway, irrigation, or power leases, and lands held under lease for water supply in virtue
- 40 of any special Act or otherwise, and lands granted or vested in trust by the Crown for the purposes of a race-course, cricket ground, recreation reserve, park, or permanent common, shall, subject to the provisions of this Act, be open for mining thereon and thereunder, but only on a proclamation being made by the Governor in the Gazette,
- 45 notifying that the lands therein described are subject to the provisions of this Act, and from and after the day named in the proclamation. Lands under lease or reserved for public purposes.
8. In all cases, whether on private lands or Crown lands, wherever a lease is granted to mine under such land only, and without the right of mining on the surface thereof, the Governor may stipulate
- 50 at what vertical depth from the surface such lease shall commence. Depth from surface at which underground leases shall commence.
8. The Governor shall, as soon as practicable and in the prescribed form, provide a "Register of Crown Grants" with respect to all lands alienated prior to the passing of this Act except lands situated within towns or villages whether such lands have been alienated
- 55 in fee simple or vested in trust for public purposes. And such Register shall classify the lands according to the mineral reservations or otherwise contained in the grants thereof, and shall have a copy of each form of mineral reservation (if any) at the head of its various columns, and such Register shall be divided into so many parts as there are Land Districts,

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Districts, and a copy of the part appertaining to each district shall be kept at the respective Land Offices, and be open to inspection of the public in the prescribed manner. And with respect to lands in process of alienation only and for which no Crown grant shall have
 5 issued, then the "Register of Crown Grants" shall set forth the form of mineral reservation (if any) which such grant would be subject to when issued. And in case any lands other than those herein exempted shall not be found classified in such Register it shall be taken as *prima facie* evidence that such land has been alienated
 10 since the passing of this Act and is therefore available for mining thereon or thereunder for all minerals including gold, subject to the provisions herein contained.

PART II.

Proceedings in connection with Mining.

15 9. It shall be lawful for the Warden of any mining district to grant to any person holding a miners' right in the prescribed manner an authority in duplicate to enter into and upon any specified portion of private land which is subject to the operations of mining under the provisions of this Act, which authority shall be effective during the
 20 next succeeding fourteen days; and on serving the duplicate of such authority on the owner or occupier thereof, such person shall either personally or accompanied by his agent one other person who is the holder of a miners' right, but without dogs, be entitled to search and examine the surface of enter upon such land, but shall not be entitled
 25 and may detach one or more samples of any vein or lode, outcropping at the surface thereof, not exceeding in the aggregate twenty-eight pounds in weight, and may remove such samples for the purpose of assaying or testing the value thereof, but such authority shall not entitle the holder to commence to mine thereon or thereunder until
 30 the amount of compensation, to be ascertained as hereinafter provided, shall have been paid, and a lease from the Governor to such person shall have been first obtained. And any person applying for authority to examine the surface of such private land, or for a mining lease thereof, shall (if the Register of Crown grants has been provided but
 35 not otherwise) accompany such application with a certified copy of the form of mineral reservation contained in the grant of such land, and such certified copy shall be supplied by the Land Agent of the district wherein such land is situated, and shall be a correct extract from the Register of Crown grants, or shall certify that a grant of
 40 such land is not included in such Register.

Authority to examine surface may be granted by the Warden.

10. Any person having received authority from the Warden to examine the surface of enter upon such private land for mining purposes as hereinbefore provided shall be deemed to be in possession as against
 45 other applicants for authority to enter upon the same land for a period of one month fourteen days from the date of such authority to the full extent of the area allowed in such class of lands to be leased: Provided that such authorised person if requested so to do by other authorised persons desirous of occupying the adjoining land shall within twenty-four hours approximately define the boundaries of such
 50 area.

Authorised person considered first applicant.

11. Any duly such authorised person desiring to obtain a lease for mining purposes of such private land, or any portion thereof, as under the provisions of this Act shall become open to lease, may at all reasonable times and doing no unnecessary damage and without incur-
 55 ring any liability for trespass, enter upon such land, either personally
 or

Owner or occupier obstructing applicant.

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or by an agent, and in the prescribed manner, define the boundaries of the portion intended to be applied for. And any owner, occupier, or other person who shall obstruct such authorised person in the performance of any such act, or who shall interfere with, remove, destroy, or deface any boundary mark so made or any necessary notice posted in connection therewith, shall, on conviction thereof, be liable for the first offence to a penalty not exceeding ten pounds, or on conviction of a second or any subsequent offence, to a penalty not exceeding fifty pounds. ~~And in like manner any surveyor~~ **And except as provided in Part III of this Act any person who shall commence to mine on or under any private land without having first obtained a lease under the provisions of this Act shall be, and be deemed to be, guilty of a misdemeanour: Provided that any surveyor with his assistants may enter upon any private land for the purpose of defining the road to and the boundaries of the portion sought to be leased, or for any other purpose under this Act, in pursuance of and bearing an order of the Minister or of a Warden.**

12. The Governor, in the name and on behalf of Her Majesty, shall have power under and subject to the provisions of this Act to grant to any person a lease of such private lands, to be effectual either on and below the surface, or on one or more limited portions of the surface and below the whole area or to be effectual below the surface only, for the purpose of mining thereon or thereunder, either for gold only, or for ~~minerals other than gold,~~ **silver, lead, tin, or antimony, or any of such minerals,** regard being had to the reservations (if any) contained in the Crown grants thereof, except in the case of certain lands vested in trust and referred to in ~~section six~~ **sections six and seven** hereof, but in the case of lands alienated prior to or on the twenty-fourth day of January, in the year one thousand eight hundred and fifty, regard shall be had to the proclamation of His Excellency Sir Charles Augustus Fitzroy, Governor, published in the *Government Gazette*, on the twenty-ninth day of January, in the year aforesaid, whereby all reservations of coal, with the rights of the Crown incident thereto, were, by His Excellency's command, for ever abandoned. And such lease shall take effect only when issued and shall confer the right of cutting and constructing on the lands thereby demised, races, drains, dams, reservoirs, or tramways, and erecting thereon buildings and machinery in connection with such mining, but not otherwise, and generally for doing all such acts and things as shall be requisite for efficiently mining the said land, with full right of ingress, egress, and regress for the purposes herein provided, by a right-of-way to be surveyed from the land comprised in the lease to the nearest practicable point of a public road, and the cost of surveying and marking such right-of-way shall be borne by the lessee; but such lease shall in nowise give the lessee the right to use water artificially conserved by the owner of such land, or to fell trees, strip bark, or cut timber on such land, or to depasture horses, cattle, or sheep thereon, or to keep dogs, unless chained up or kept under proper control, or, except in connection with such mining operations, to remove earth or rock therefrom, ~~except in connection with such mining operations,~~ without the consent of the owner and occupier: Provided that the power herein given to grant leases no such lease shall not, except with the consent of the owner, extend to within one hundred yards on the surface of any land which is *bond fide* in use as a garden, orchard, or pleasure ground, or to within two hundred yards on the surface of any land on which is erected the principal residence of the owner or occupier, or to either the surface or below the surface of any restricted portion of such land whereon is erected or constructed any substantial building, bridge, dam, reservoir, well,

Governor may grant lease.

Regard must be had to reservations in grants.

Lease gives right to occupy for all purposes connected with mining.

Not to approach within 100 yards of garden, &c., or 200 yards of principal residence without owner's consent.

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well, or other valuable improvement, nor shall any right-of-way be granted through any garden, orchard, or pleasure ground: Provided further that it shall be for the Minister to determine whether any improvement referred to in this section is of a substantial or valuable character, and to define the area within which mining operations may be excluded.

13. Nothing in this Act contained shall, unless with the consent of the owner, apply or be held to apply to any lands which are enclosed and under cultivation, or to lands which have been bona fide acquired and are held for the purposes of mining.

Not to apply to lands under cultivation or bona fide held for mining purposes. Notice to owner and occupier.

14. Within one month from the date of the aforementioned authority such authorised person may in the prescribed manner apply to the Minister for a lease of such land, and on receipt of such application, accompanied by the prescribed sum by way of rent and fees, the Minister shall cause a notice to be served on the owner and occupier of such land. And in case the whole or any part of the surface thereof is required, such notice shall so state, and if a part only is required, such notice shall define such part, and shall also request from the owner and occupier respectively such particulars of their estate and interest therein as the Minister shall deem necessary for carrying out the objects and intentions of this Act, and within twenty-one days therefrom such owner or occupier shall give such particulars to whomsoever such notice shall direct the Minister.

Notice to owner and occupier.

15. All notices required by this Act to be served upon the owner or occupier of any private land shall either be served personally on such persons or left at their usual place of abode (if the same can after diligent inquiry be found), and in case the owner shall be absent from the Colony or he or his agent cannot after diligent inquiry be found, the notices shall be left with the occupier of the land, or if there be no such occupier, shall be affixed upon some conspicuous part of the land, and in the latter case such notice shall be advertised in two issues of a newspaper circulating in the district in which the land is situated. And in such latter case the affixing of such notices in addition to the aforementioned advertisements shall be deemed service of notice on the owner and occupier.

Service of notices.

16. The Governor may appoint mining appraisers as may from time to time be found necessary, who may also hold other offices in the Public Service, and shall be paid such salaries or fees as the Governor shall direct, and any such mining appraiser, on being authorised by the Minister so to do, shall assess the amount of compensation to be made to the owner and occupier of such lands respectively for the loss which he or they may sustain by way of damage which may be caused through mining operations either on, in, or under such land to the surface thereof, or to any crop growing thereon, or to any buildings, structures, or other improvements erected or constructed thereupon, and for the damages caused by severing such land, or any part thereof, from other land of the owner or occupier: Provided that with respect to the land of which a lease of the surface is required (not being less than one acre), such compensation as aforesaid shall in no case exceed the then ascertained market value of such land for other than mining purposes.

Appraisers to be appointed who shall assess surface damages.

17. On receipt of an application for a lease under this Act, unless such application be accompanied by a document signed by the applicant and the owner and by the occupier (if any), and by the mortgagee (if any) or their respective agent or agents, certifying that they have mutually agreed as to the amount of compensation, whether by way of money, shares, or otherwise, to be paid by the applicant to the owner, and occupier, and mortgagee, the Minister shall authorise a mining appraiser to assess the amount of compensation to be paid to the

Either party may appeal to Minister.

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the owner, and occupier, and mortgagee respectively, and it shall be the duty of such mining appraiser, without loss of time, to forward his assessment to the Minister, who shall thereupon, by notices of even date, acquaint the applicant and the owner and the occupier (if any) **5** and the mortgagee (if any) with the amount of such assessment, and shall specify the time within which the same shall be paid. And in the event of the applicant or the owner or occupier or mortgagee being dissatisfied with such assessment, either any party may, within twenty-one days of the date of such notices, apply to the Minister to have **10** such assessment reviewed, and the Minister shall thereupon refer such matter to the Warden, who shall fix a time and place for holding an inquiry, not being more than thirty days from the receipt of such reference, and shall give due notice thereof to all the parties interested therein, and at the time and place so appointed shall hear, receive, **15** and examine such evidence as shall be produced by any of the parties, and shall thereupon determine the amount of compensation to be paid to such owner or occupier or mortgagee in respect of his or their respective claim or claims, and may specify the time within which and to whom the same shall be paid; and the decision of the Warden in **20** all such cases shall be final, and he may make an order for the payment of such costs of Court as shall appear to him just: Provided always that the Warden may upon cause shown, adjourn the hearing to any other time or place, but such adjournment shall not be for a longer period than fourteen days. When the amount of compensation **25** so awarded shall have been paid, a lease for mining under the provisions of this Act may in due course be issued by the Governor.

17. 18. In the event of the applicant for a lease failing to pay the amount of compensation within the time specified, **his application shall become void and all moneys accompanying the application for** **30** such lease shall thereupon become forfeited to the Crown, and shall be paid into the Consolidated Revenue. And in the event of such owner or occupier refusing or neglecting to supply the particulars of his estate and interest in such land as requested so to do by the Minister, such refusal or neglect shall in no way act as a bar to an award being **35** made by such mining appraiser or a final decision of the Warden being arrived at. On the amount of such compensation being paid into Court, the Warden shall in due course pay to the owner, or occupier, ~~the amount to which he is entitled~~ and mortgagee the amounts (if any) **to which they are respectively entitled.** And in case such owner, or **40** occupier, or mortgagee shall for the space of three months refuse or fail to accept or claim the amount of compensation so assessed or determined, such amount shall be passed to the Treasury Suspense Account and be held in trust for such owner, or occupier, or mortgagee, but without interest accruing thereon, and if not claimed within six **45** years from the time of the receipt thereof by the Treasury such amount shall be paid into the Consolidated Revenue.

18. 19. ~~During the progress of mining operations the lessee having~~ a lease of below the surface only of such land, may apply to the Minister for a lease of a portion or any number of additional portions of the surface **50** thereof: **During the progress of mining operations a lessee having a lease empowering him to mine below the surface of any area of land, may, for the purposes of mining, apply to the Minister for a lease of a portion or any number of additional portions of the surface of the area of land under which he is empowered to mine:** Provided that such lessee shall if required in **55** writing so to do by the owner or occupier without delay cause a secure fence to be erected around the shafts, machinery, or other works in connection with such mining: Provided also that if at any time the surface of any part of such land or any building, erection, or structure thereon belonging to such owner or occupier for which full compensation **60** has not been previously paid shall be damaged by reason of such mining

Warden to determine amount of compensation.

Applicant failing to pay award.

Owner, or occupier, or mortgagee failing to accept award.

Lessee must fence if requested.

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mining operations, the Minister, on application by the owner or occupier, accompanied by such fees as may be prescribed, shall cause an assessment of such damages to be made by a mining appraiser, who shall have power to assess both the amount of damage (if any) and also
 5 the costs of such assessment. And if the cause of such damage be disputed by either party, such mining appraiser may, if necessary, call in the aid of a mining engineer or surveyor, who, as well as such appraiser, shall have power to examine the surface or underground workings of such mine. And the lessee shall, during ordinary working
 10 hours, and within a reasonable time, comply with any request of such mining appraiser, engineer, or surveyor to furnish the usual appliances and aid necessary for descending to and ascending from such underground workings, and for examining thereinto as often as may reasonably be found necessary, and in the event of any lessee refusing
 15 or neglecting so to do, such lease shall be liable to forfeiture by the Governor in Council. And within twenty-one days from the date of the notice of such assessment either party may appeal to the Minister; and such appeal shall be dealt with by the Warden whose decision shall be final, as in the case of ascertaining surface damages at the
 20 time of application for a lease; and should the lessee fail for the space of one month after the date of the notice informing him of the assessment—if no appeal shall have been made, or of the final decision of the Warden, as the case may be—to pay the amount assessed to whomsoever such notice shall direct, such amount shall be recoverable
 25 by the owner or occupier under the ordinary process of law.

Appraiser may award further damages.

20. If any land, or buildings thereon, adjoining any land held under any mining lease granted under this Act, be injured by any operations carried on by the lessee, the owner of such land or buildings shall be entitled to recover from such lessee compensation
 30 for all loss and damage thereby sustained by such owner, to be recovered in any Court of competent jurisdiction.

Owner of adjoining land, &c., entitled to compensation for damage.

19. 21. Nothing herein contained shall be construed as rendering it obligatory on the Governor to grant a lease to any person applying for the same, notwithstanding that he may have complied with the
 35 provisions of this Act and the regulations hereunder, but in case his application shall be refused he shall be informed of the reasons for such refusal. And a lease may be granted notwithstanding that the person applying for the same may not in every respect have complied with such regulations, and the Minister may alter, amend, and modify any appli-
 40 cation for a lease, and may reduce or increase the area of land of which a lease is applied for either on or below or both on and below the surface, or may direct a Warden to hold an inquiry in open Court with reference to any matter touching an application for a lease under this Act, and at all such inquiries the evidence shall be taken
 45 on oath.

Not obligatory to grant leases.

20. 22. In any case where *bona fide* mining operations were being carried on under agreement upon any private land ~~on the sixth day of~~
~~October, one thousand eight hundred and ninety-two~~ at the time of the
 50 passing of this Act a joint application by the parties to such agreement or by their representatives, for a special lease, if made within two months after this Act comes into force, and if accompanied by an attested copy of such agreement, shall have priority over all other applications with respect to the land defined therein. And such private
 agreement then existing shall in no way be disturbed or interfered with
 55 by the operations of this Act, except with respect to any royalty payable to the Crown which the land may be subject to and which in all cases shall be chargeable as if such land was leased under the provisions of this Act. And in the event of mining operations being carried on by the owner of such land at the time of the passing of this Act, any
 such

Special leases may be granted.

Existing agreements protected.

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such application made by him shall, if made within two months as aforesaid, have a like priority, and be subject in the same manner to such royalty as hereinafter provided; or in any case where active mining operations have not been commenced, and the owner has
 5 obtained from the Governor a permit to mine for, win, and remove gold ~~or minerals other than gold~~ silver, lead, tin, or antimony, or all of such minerals from such private land, such owner may within two months after the passing hereof apply in the prescribed manner to convert such permit into a lease under this Act; and in all cases
 10 hereinbefore referred to in this section, such leases shall not be subject to the payment of rent, but the royalties reserved to the Crown shall be those provided for in this Act and none other.

Permits may be converted into leases.

21. 23. Any person who prior to the passing of this Act shall have obtained a permit from the Secretary for Lands or the Secretary for
 15 Mines to dig and search for gold, ~~or minerals other than gold~~ silver, lead, tin, or antimony in any private land may, within two months as aforesaid, apply for and in such event shall have a preferent claim for a lease under this Act, but such lease shall with respect to rent, royalty, tribute and other matters be subject to all the provisions of this Act:
 20 Provided that two months after the passing of this Act all such permits shall become extinguished and inoperative, and the power of granting such permits is hereby repealed, all other Acts to the contrary notwithstanding. And if the holder of such permit shall fail for a period of two months as aforesaid to apply for the conversion thereof
 25 into a lease under this Act, any other person may thereafter apply for a lease of such land, and the Governor may grant the same as if such permit had not been issued.

Permit to dig and search gives preferent claim to lease.

22. 24. The owner of any private land may at any time apply for a lease of such land for mining purposes; but except as hereinbefore
 30 provided, he shall have no preferential right to such lease as against any other application of prior or even date. In the event of there being no conflicting application, or of such conflicting application having been refused, the Minister may dispense with the preliminary proceedings, applicable in other cases, and the Governor may grant such
 35 lease, subject to the provisions of this Act with respect to royalty, but free from the charge of any rent or tribute. In other respects such lease shall be granted, subject to all the provisions of this Act and the regulations thereunder, as if the lessee were not the owner of such land.

Owner may obtain a lease.

23. 25. The term for which a lease may be granted under this Act shall not exceed twenty years, but may, subject to such conditions as the Governor may approve, be renewed for a further period not exceeding twenty years, and the yearly rental reserved to the owner
 40 of the land in respect of such leases, shall be ~~two shillings and sixpence~~ twenty shillings per acre for land whereof the mining will be confined to minerals other than gold, and ~~twenty shillings per acre for land applied for for gold mining purposes.~~ The area of a lease shall not exceed five
 45 ~~twenty~~ acres in the case of ordinary auriferous lands, and shall not exceed forty acres in the case of alluvial auriferous land where the
 50 mining operations will be conducted through basaltic rock formations, or where the quantity of water is such as to necessitate the erection of steam machinery, or where, in the opinion of the Minister a large outlay of money is necessary to make such land available for gold-mining purposes. And no lease of land for mining for minerals other
 55 ~~than gold~~ silver, lead, tin, or antimony shall be granted of an area greater than eighty acres except in the case of land containing coal, and in such case the area shall not exceed six hundred and forty acres. Where practicable such leases shall be granted in conformity with the existing divisions of such land, but in all other cases the areas of such leases shall

Duration of lease.

Rents payable.

Area of lease.

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shall be measured in the prescribed form. The areas and rents herein specified shall apply to leases whether for only below the surface or for both on and below the surface.

24. 26. In the event of more than one application being made for
 5 the same land, or any part thereof, the application, except as herein-
 before provided, which shall have been first received in manner
 prescribed, shall have priority, and in the event of two or more appli-
 cations for the same land being received at the same time, it shall be
 determined by lot which application shall take precedence. And
 10 except when the lease applied for will cover the whole of a measured
 portion all such areas shall be surveyed before the issue of a lease, and
 in the event of any applicant refusing or neglecting to execute such
 lease for the space of one month after notice shall have been given
 him of such lease being ready for execution such lease shall be liable
 15 to forfeiture, with all moneys paid thereon, and all such leases shall,
 within one month after execution thereof, be registered with the
 Mining Registrar in Sydney, who shall forward a copy thereof to the
 Mining Registrar of the Division in which such land is situated, and
 thereafter all transfers of such leases, or of any portion thereof, shall
 20 be so registered within one month after the date of such transfer.

25. 27. All leases granted under the authority of this Act shall be
 granted subject to such royalties as are hereinafter set forth on the
 metals and minerals silver, lead, tin, or antimony obtained from such
 land, and the value thereof shall be taken to mean their value, in the
 25 case of coal, at the pit mouth; and in the case of metalliferous ores, their
 value shall be estimated in such way as shall be prescribed. And every
 lessee under this Act, in whose lease a royalty is reserved, shall keep a
 correct set of books, and shall in the prescribed manner enter therein
 the value of all metals or minerals won from the mine, and the amount
 30 of royalty payable thereon; and such books shall at all times be open
 to the inspection of such person as the Minister or the owner may from
 time to time appoint, and an abstract of the same, which shall have
 been previously verified by statutory declaration made before a justice
 of the peace or a commissioner for affidavits, shall, in the months of
 35 July and January in each year be published in the *Government Gazette*
 and in a newspaper circulating in the district wherein such mine is
 situated.

26. 28. The amount of royalty payable to the Crown shall be paid
 into the Treasury or to such public officer as the Minister shall direct
 40 at least once in every half year. And any lessee or the director or
 manager of any company holding a lease under this Act, who shall
 neglect or fail to pay such amount during the half-year within which
 the same becomes payable, or within one month thereafter, shall be
 deemed guilty of a misdemeanour. And in the event of any lessee
 45 or director or manager of such company who shall fail to enter or to
 cause to be entered in books kept for that purpose the full value of
 all minerals obtained from such private land, and the amount of royalty
 payable thereon, or shall make false entries in such books or cause such
 books to be falsified, shall be deemed guilty of a misdemeanour; and
 50 the lease upon which such royalty was payable, with all moneys paid
 thereon, shall be absolutely forfeited if the Governor shall think fit.
 And after the expiration of six months from the passing of this Act,
 any person who shall, contrary to the provisions hereof of this Act, take,
 mine, or remove any gold, or minerals other than gold silver, lead, tin,
 55 or antimony from any such private land, shall be deemed guilty of a
 misdemeanour. Any person convicted of an offence declared by this
 section to be a misdemeanour shall be liable to a penalty not exceeding
 fifty pounds, or may be imprisoned at the discretion of the Court for
 any term not exceeding three months.

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27. 29. Notwithstanding anything to the contrary in any other Act provided, after the passing of this Act no royalties shall be charged on behalf of the Crown on ~~any metals or minerals~~ silver, lead, tin, or antimony obtained from alienated lands, or lands in process of alienation other than those hereinafter set forth. All leases granted under the provisions of this Act shall be subject to the following royalties, that is to say:—

No royalties to the Crown from private lands except under this Act.

(a) Mining for ~~minerals other than gold~~ silver, lead, tin, or antimony.—Whenever any mineral lease is granted of lands on which all minerals have been reserved, or of lands where some minerals only have been specifically reserved, the Crown shall reserve a royalty of two and a half per centum on the value of the minerals obtained therefrom, and for which such lease shall have been granted. And except in the case of lands referred to in ~~section six~~ sections six and seven hereof, no lease will shall be granted under this Act to work ~~minerals other than gold which~~ silver, lead, tin, or antimony, where such minerals, or where all minerals, or where minerals other than gold, as the case may be have not been reserved to the Crown.

Royalty to the Crown when minerals are reserved.

No mineral lease granted where minerals not reserved.

(b) All rents shall commence from the date of the approval of the lease, and shall be paid in the prescribed manner half-yearly in advance. All royalties accruing for the preceding six months shall, during the months of July and January, be payable in the prescribed manner, up to the end of June and the end of December respectively.

When rents payable. Royalties when payable.

(c) It shall be necessary for the applicant for a lease or the lessee to be the holder of a miner's right to establish or maintain a title to a lease for gold-mining purposes under this Act.

Miners' rights necessary.

30. No mining lease shall be granted under this Act until after the expiration of fourteen days from the date of notification in the Gazette of intention to grant the same, and in some newspaper, the place of publication of which is near to the land sought to be leased.

No lease to be granted until after publication of intention.

31. The Warden may, upon the application of the owner or occupier of any land adjoining any land whereof a mining lease has been granted under the provisions of this Act, or upon the application of any person authorised by such owner or occupier by writing under the hand of the Warden, authorise such owner or occupier, or any person nominated as his agent by such owner or occupier, any mining surveyor or surveyors, or some experienced miner or miners to enter into and inspect such mines and every part thereof for the purpose of ascertaining whether the persons working such mines are encroaching upon the land of any owner not being land comprised in the mining lease of such person under the provisions of this Act.

Encroachment on private land.

32. The person or persons authorised by an order made under the authority of this Act may enter into and inspect and survey the land and mines described in such order, and every part thereof, and descend any shaft or mine, and for such purpose use the engines and other machinery ordinarily employed for that purpose by the persons whose shaft or mine is descended; and the lessee of such shaft or mine or other person for whom the same is being worked shall provide all labour, assistance, appliances, and materials necessary to facilitate such inspection and survey, and such person or persons authorised as aforesaid may make such plans and sections of the land entered upon, and of any drives or other works therein as are necessary for the purposes aforesaid.

Powers of person authorised to enter and inspect.

33. Every such owner, occupier, agent, and mining surveyor, or miner shall before entering on such land make a declaration before the Warden, who is hereby authorised to take the same, that he, the said Owner, occupier, agent, mining surveyor, and miner to make a declaration.

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said owner, occupier, agent, surveyor, or miner, will not, except as a witness in a court of justice, without the consent in writing of the lessee of the land or mines to be entered upon, divulge, or cause to be divulged, to any person whomsoever any information obtained in the
 5 case of any such entry, save only as to whether such persons working such mines are encroaching on such land of any owner, not being land comprised in the mining lease of such person as aforesaid; and every person who acts contrary to such declaration shall forfeit and pay any sum not exceeding fifty pounds.

10 28. 34. The owner of any private land shall be at liberty to enter into an agreement in writing with any holder of a miner's right giving such holder power to take possession of such land for gold mining purposes as if it were Crown land, and with respect to the area which
 15 may be so taken possession of, the form of measurement, the mode of defining the boundaries thereof, the labour conditions, and the lapsing of title for non-compliance therewith, such land shall be held and worked, subject to the regulations of the Mining Board in force for the time being, and it shall not be necessary to obtain a mining lease under the provisions of this Act for such private land so occupied as
 20 aforesaid under miners' rights: Provided that every such agreement shall within seven days thereafter be registered with the Mining Registrar for the district in which such land is situated, in accordance with regulations to be made by the Governor: And in such case no royalty shall be payable to the Crown, the owner, or occupier, on the
 25 gold obtained therefrom, whether such gold has been specifically reserved to the Crown or otherwise.

29. 35. Adjoining lands or lands disconnected by roads only and held under separate leases may be worked conjointly as one mine,
 30 provided such contiguous lands shall not in the aggregate exceed the area allowed respectively for leases under this Act, and except as hereinafter provided such mines shall be continuously worked according to the practice of efficient mining. And every lease granted under the authority of this Act shall contain a provision that if the lessee, his executors, administrators, or assigns fail at any time during the
 35 term of such lease to fulfil the conditions and covenants therein contained, or to use the land *bonâ fide* for the purposes for which it shall be demised, such lease shall for any such failure be liable to forfeiture and may be forfeited on the authority of the Governor: Provided that if at any time the mine shall become unworkable from
 40 any cause which, in the opinion of the Warden, would necessitate a suspension of mining operations, he may grant such suspension for a period not exceeding three months, and, in the event of operations having wholly ceased in connection with such mine for a period of six months, the lease shall thereupon become absolutely void and
 45 determined.

30. 36. The lessee shall be entitled at any time, with the consent of the Governor, to surrender his lease. And in case any such lease shall become forfeited, or determined by any breach of covenant or condition or otherwise, or in case the term thereby granted
 50 shall have expired, possession of the land thereby demised may be recovered in such manner as may be set forth by any of the provisions of the lease, or if there be no such provision, it shall be lawful for the Attorney-General, on behalf of Her Majesty, to bring a suit in any Court of competent jurisdiction to recover possession of such
 55 land, and such suit may be commenced and carried on, and the proceedings therein may be the same and the judgment enforced in like manner as in the case of any other suit in such Court. Land, possession to which has been so recovered, or which has been abandoned, forfeited, or surrendered by the lessee, or of which the lease
 has

Power to owner of private land to enter into agreement with holder of miner's right to occupy for mining purposes.

Adjoining lands may be worked as one area.

Failing to fulfil conditions lease may be forfeited.

Possession how recovered.

Mining on Private Lands.

- has expired by effluxion of time, shall revert to the owner or occupier thereof, but may at any time thereafter be again mined upon or mined under, subject to the provisions contained herein: Provided also that in the event of any such lease being forfeited for any breach of the
- 5 conditions or covenants contained therein, or in the event of such lease having expired by effluxion of time or being otherwise determined, or in the event of the owner of such land having by the authority of the Governor re-entered and taken possession of such land, the former lessee, his executors, administrators, or assigns shall be at liberty
- 10 within six months thereafter to remove all machinery and buildings erected over the same, and all appliances, tools, and material (other than the poppet-legs or brace erected over any shaft or any material already used for the purpose of keeping open the shafts, adits, or
- 15 mine) belonging to such former lessee, or to his executors, administrators, or assigns; but the said lessee shall not be permitted to remove any machinery, buildings, plant, or material from such land unless and until all rent due in respect thereof has been paid, and all compensation for damage done thereto by mining thereon has been duly assessed and paid.
- 20 ~~31.~~ 37. The jurisdiction, powers, and authorities conferred by or under the "Mining Act, 1874," or any Act amending or repealing the said Act, upon Wardens or Inspectors of Mines shall apply to and may be exercised in respect of all private lands the subject of any agree-
- 25 ment or lease under this Act, and in respect of all questions affecting such lands or interests therein, or matters in dispute arising out of or connected with mining upon or under such land; and for that purpose the said Act shall be read in connection with, and as forming part of, this Act. And the word land as used in the said Mining Act shall be deemed to comprise any private land the subject of an agreement or
- 30 lease under this Act. And the provisions of the said Mining Act relating to appeals from the decisions of Wardens and Mining Appeal Courts shall, except as hereinbefore provided in sections ~~sixteen and~~ ~~eighteen~~ ~~seventeen~~ and ~~nineteen~~ hereof with respect to compensation, be read and construed as forming part of this Act.
- 35 ~~32.~~ 38. Subject to compensation as provided for in section ~~fifteen~~ ~~sixteen~~ hereof, the Governor may, in the prescribed manner, grant a mining-lease of any private land, irrespective of any mineral reservations with respect to such lands, for the purpose only of cutting mining-races thereon and conveying water or detritus through or over
- 40 such land to or from any mine, whether such mine be held under the provisions of this Act, or under the provisions of the "Mining Act of 1874," or any Act amending the same, and such leases shall be subject to the regulations to be provided hereunder, and to any special provisions the Governor may deem necessary to make.
- 45 ~~33.~~ 39. In like manner the Governor may grant a lease of any area of private lands for the purpose of a tramway or a machine site, or for smelting works, or water conservation, or for any other purpose in connection with mining, and the rent to be reserved for the owner of the land in leases granted under this and the preceding section shall
- 50 be determined in the same manner as if it were a question of compensation for surface damages, and such leases shall be subject to such special provisions as the Governor may deem necessary.
- ~~34.~~ 40. Whenever land is required for the purposes of a mining village, and no Crown land is available, it shall be lawful for the
- 55 Governor to resume any private land which may be found necessary for this purpose under the provisions of the "Lands for Public Purposes Acquisition Act," or any amendment thereof; and the acquisition of any such lands for "mining village" purposes is hereby declared to be a "public undertaking" within the meaning of the

Former lessee may
remove machinery.

Jurisdiction of
Wardens.

Appeals.

Leases may be
granted through
which to carry
mining-races.

Leases may be
granted for machine
site, smelting works,
&c.

Lands may be
resumed for village
purposes.

Mining on Private Lands.

the seventh section of the "Lands for Public Purposes Acquisition Act," and all the provisions of the said Acts in respect of resumptions, whether as to the manner of making resumptions and the effect thereof, the accruing of claims for compensation and the method of determining
 5 the amount thereof, the payment of such compensation, or otherwise shall be deemed to be applicable to the resumption of any such lands as aforesaid, in as full and ample a manner as if the aforesaid seventh section of the said Act specified as a "public undertaking" the
 10 resumption of any such lands as aforesaid for the purposes of this section,—subject however to the following qualifications:—

(a) The word "Minister" wheresoever occurring in the said Acts shall, with respect and in relation to any lands resumed, or resumption effected, for the purposes of this section, be taken to mean the Minister for Lands for the time being, who with
 15 his successors in that office is hereby declared to be a corporation sole under the name of "The Minister for Lands," and by that name to have perpetual succession and an official seal, to sue and be sued, plead and be impleaded, answer and be answered unto, and take all legal proceedings in all Courts
 20 and places whatsoever; and the notice of claim for compensation and abstract of title referred to in section three of the "Lands for Public Purposes Acquisition Act Amendment Act" shall be sent to the Minister for Lands as well as to the Crown Solicitor, and not to the Minister for Public Works
 25 or the Minister for Public Instruction.

(b) Lands resumed for the aforesaid purposes shall, in lieu of vesting in the Minister within the meaning of the said Acts, vest in Her Majesty, Her Heirs and Successors according to law, and in lieu of vesting for the purposes of the said Acts
 30 and subject to the powers thereby conferred, shall, upon such vesting in Her Majesty as aforesaid, become ordinary Crown lands: Provided always that the notification in the *Gazette* declaring that any such lands as aforesaid have been resumed shall operate to reserve such lands from sale and lease or from the operation of miners' rights, mineral licenses, or business licenses, until the Minister shall by notification in the *Gazette* have revoked such reservation.

35

PART III.

~~35. 41. Notwithstanding anything to the contrary in Part II of~~ ^{Where alluvial gold deposits occur.}
 this Act, The Warden may grant a prospecting license to any person being the holder of a miner's right, and such license shall entitle the
 40 holder thereof to enter upon any private land **not occupied or held under agreement for mining purposes** but which is subject to the operations of mining for gold under the provisions of this Act, and to mark off and occupy a prospecting area of the dimensions and in manner provided for in any Mining Act or regulations in force
 45 for the time being and appertaining to mining for gold on Crown lands, and such prospector shall have the right within such prospecting area to dig and search for gold subject to the provisions herein contained. And whenever alluvial deposits containing gold of a payable character
 50 are discovered such discovery shall forthwith be reported to the Warden, ^{Land may be resumed.} who shall report the same to the Minister, and on his being satisfied of the payable nature of such discovery the Minister may cause the land or any part thereof to be resumed for mining purposes, and on notification of such resumption appearing in the *Gazette*, the owner thereof shall be entitled to compensation for the value of such land for other than

Mining on Private Lands.

than mining purposes and for the severance thereof from other land of the owner, and in the event of there being a tenant or rightful occupier of such land, other than the owner, such occupier shall be entitled to compensation for the loss of his interest therein. All such

5 resumptions shall be effected under the provisions of the "Lands for Public Purposes Acquisition Act" or any amendment thereof; and the acquisition of any such lands for "alluvial gold-mining" purposes is hereby declared to be a "public undertaking" within the meaning of the seventh section of the "Lands for Public Purposes Acquisition Act."

10 And all the provisions of the said Acts in respect of resumptions, whether as to the manner of making resumptions and the effect thereof, the accruing of claims for compensation and the method of determining the amount thereof, the payment of such compensation or otherwise shall be deemed to be applicable to the resumption of any

15 such lands as aforesaid, in as full and ample a manner as if the aforesaid seventh section of the said Act specified as a "public undertaking" the resumption of any such lands as aforesaid for the purposes of this section,—subject however to the following qualifications:—

20 (a) The word "Minister" wheresoever occurring in the said Acts shall, with respect and in relation to any lands resumed, or resumption effected, for the purposes of this section, be taken to mean the Minister for Mines for the time being, who with his successors in that office is hereby declared to be a corporation sole under the name of "The Minister for Mines," and by that name to have perpetual succession and an official seal, to sue and be sued, plead and be impleaded, answer and be answered unto, and take all legal proceedings in all Courts and places whatsoever; and the notice of claim for compensation and abstract of title referred to in section three of the "Lands for Public Purposes Acquisition Act Amendment Act" shall be sent to the Minister for Mines as well as to the Crown Solicitor, and not to the Minister for Public Works or the Minister for Public Instruction.

25 (b) Lands resumed for the aforesaid purposes shall, in lieu of vesting in the Minister within the meaning of the said Acts, vest in Her Majesty, Her Heirs and Successors according to law, and in lieu of vesting for the purposes of the said Acts and subject to the powers thereby conferred, shall, upon such vesting in Her Majesty as aforesaid, become ordinary Crown lands, and without any further notification shall be reserved from sale and from occupation for other than mining purposes until such reservation be revoked by the Governor; and whenever such revocation shall take place, the then owner of the estate of which such land originally formed a part shall be entitled to repurchase or release such land at a price or rental to be determined by the Minister for Lands after appraisalment by the Land Board, and failing such repurchase or release the land shall be dealt with as ordinary Crown lands.

30 36. 42. Before authorising any person to enter upon such private land for prospecting purposes, the Warden shall hold an inquiry on the land, of which due notice shall be given to the owner and occupier (if any), or their respective local agents registered as such with the Mining Registrar as well as to the applicant, and shall thereat assess

35 the amount of money to be deposited by the applicant for a prospecting license towards covering the damage to the surface of such land likely to be caused by mining operations being conducted thereon; and the Warden may make such stipulations and conditions with respect to such mining operations as shall appear to him necessary and expedient,

40 and shall have power to enforce the same in all cases.

Deposit to cover surface damage.

Mining on Private Lands.

37. **43.** Whenever a notification of resumption as aforesaid shall appear in the *Gazette*, the authorised prospector, in the event of his being the discoverer of such payable deposits, and having duly reported the same to the Warden shall be deemed to be the first applicant for a 5 prospecting claim under his miner's right; and the date of publication of such notification in the *Gazette* shall be reckoned as the date of application of such prospecting claim; but in all other respects as to area, labour conditions, and other matters, the application shall be dealt with subject to the regulations in force for the time being authorising 10 the occupation of Crown lands for mining purposes, and in the event of an auriferous quartz vein being discovered in such prospecting area, the holder or holders thereof shall report the same to the Warden, and within thirty days thereafter shall be entitled to apply for a lease of such land in accordance with the provisions of section thirteen of this 15 Act, and he or they shall in such case be deemed to be the first applicant or applicants as the case may be. And in the event of such land not being proved to contain payable alluvial deposits of gold it shall not be resumed for mining purposes.

Prospector to have preferent right to claim.

If auriferous veins are discovered, prospector may apply for a lease.

38. **44.** ~~Whenever in any section of this Act the expression~~ "prescribed" is used in connection with any matter referred to in the 20 context, and whenever in any section of this Act "regulations" are mentioned in connection with any such matter as aforesaid the Governor may in every such case frame regulations for the purpose of giving effect to the provisions of such section. And for the purpose 25 of carrying this Act into full effect generally the Governor may make regulations which may provide for their enforcement by penalties not exceeding in any case fifty pounds, and It shall be lawful for the Governor to make regulations which may provide for their enforcement by 30 penalties not exceeding in any case fifty pounds for carrying out the provisions of this Act, which regulations shall, upon being published in the *Gazette*, be valid in law: Provided that a copy of every such regulation shall be laid before both Houses of Parliament within 35 the next ensuing Session, and if both Houses of Parliament shall by resolution passed within one month thereafter disapprove of the same or any part thereof, the same or such part shall thereupon cease to be valid in law.

Governor may make regulations.

45. All penalties imposed by this Act, or by any regulations 40 made under its authority, may be recovered before a police or stipendiary magistrate, or any two justices of the peace in petty sessions: Provided that any person aggrieved by any judgment, conviction, or order given or made under this section may appeal therefrom in the manner provided by the Act fifth William Fourth 45 number twenty-two.

Penalties, how recovered.

10. If a person is engaged in the business of mining, and in the event of any such person being discovered in such business, the holder or holder thereof shall require the same to the Warden, and within thirty days thereafter shall be entitled to apply for a lease of such land in accordance with the provisions of section thirteen of this Act, and he or they shall in such case be deemed to be the first applicant or applicants as the case may be. And in the event of such land not being leased to any person, the Warden shall be deemed to have granted the lease to the applicant or applicants as the case may be.

11. The provisions of section thirteen of this Act shall apply to any land which is not being used for mining purposes.

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45. All penalties imposed by this Act, or by any regulations made thereunder, shall be recoverable by the Warden, or by any person appointed by the Warden for that purpose, and the same may be recovered before a Justice of the Peace, or before a Magistrate, or any two Justices of the Peace in petty sessions: provided that any person aggrieved by any judgment, decision, or order given or made under this section may appeal therefrom to the Magistrate provided by the Act and within twenty days after the date of such judgment, decision, or order.

46. All penalties imposed by this Act, or by any regulations made thereunder, shall be recoverable by the Warden, or by any person appointed by the Warden for that purpose, and the same may be recovered before a Justice of the Peace, or before a Magistrate, or any two Justices of the Peace in petty sessions: provided that any person aggrieved by any judgment, decision, or order given or made under this section may appeal therefrom to the Magistrate provided by the Act and within twenty days after the date of such judgment, decision, or order.

1894.

Legislative Council.

MINING ON PRIVATE LANDS BILL.

(Amendments and New Clauses to be proposed in Committee of the Whole [on Re-committal] by the HON. THE VICE-PRESIDENT OF THE EXECUTIVE COUNCIL.)

Page 2, clause 2, line 20. *Omit* "minerals other than gold, any of the following metals, or any ore containing the same, viz.—
"silver, lead" *insert* :—

"Silver"—as well any silver as any earth or rock containing silver or having silver intermixed therewith.

"Lead"—as well any lead as any earth or rock containing lead or having lead intermixed therewith.

"Tin"—as well any tin as any earth or rock containing tin or having tin intermixed therewith.

"Antimony"—as well any antimony as any earth or rock containing antimony or having antimony intermixed therewith.

Page 2, clause 2, line 27. *Omit* "all minerals"—The minerals, "metals, or ores of metals enumerated in the two immediately preceding subsections"

Page 11, clause 28, line 26. *After* "land" *insert* "and with respect to the area which may be so taken possession of, the form of measurement, the mode of defining the boundaries thereof, the labour conditions, and the lapsing of title for non-compliance therewith, such land shall be held and worked"

Page 13. *Omit* clause 34, *insert* new clause 34 :—

34. Whenever land is required for the purposes of a mining village and no Crown land is available, it shall be lawful for the Governor by notification in the *Gazette* to resume any private land which he may deem necessary for such purpose. And on publication of such notification in the *Gazette*, such private lands shall vest in Her Majesty and become Crown lands reserved from sale or lease and from the operation of miners' rights, mineral licenses, or business licenses, until the Minister for Lands shall by notification in the *Gazette* revoke such reservation. On notification of such resumption appearing in the *Gazette*, the owner of such private land shall be entitled to compensation for the value thereof, and in the event of there being an occupier of such land other than the owner, such occupier shall be entitled to compensation for the loss of his interest therein. The amount of such compensation shall on reference thereto by the Minister for Lands be appraised by the Local Land Board subject to appeal to the Land Appeal Court, under and subject to the provisions of section six of the "Crown Lands Act of 1889"—

(a) Whenever under the provisions of this and the next succeeding sections it is deemed necessary to acquire private land instead of resuming the same, it shall be lawful, if the owner so desires, for the Governor to accept a surrender of such land

and to grant to the owner by way of exchange any area of Crown lands of equal value. The Local Land Board shall inquire into and report on any such proposal for exchange, and the value of any land to be so acquired or granted shall be determined under the provisions of section six of the "Crown Lands Act of 1889," and the land so acquired shall vest in Her Majesty and become Crown lands, reserved from sale or occupation as otherwise provided in respect of resumed lands.

Where alluvial gold deposits occur.

Land may be resumed.

Qualifications of the aforesaid Acts.

35. Notwithstanding anything to the contrary in Part II of this Act the Warden may grant a prospecting license to any person being the holder of a miner's right, and such license shall entitle the holder thereof to enter upon any private land not occupied or held under agreement for mining purposes but which is subject to the operations of mining for gold under the provisions of this Act, and to mark off and occupy a prospecting area of the dimensions and in manner provided for in any Mining Act or regulations in force for the time being and appertaining to mining for gold on Crown lands, and such prospector shall have the right within such prospecting area to dig and search for gold subject to the provisions herein contained. And whenever alluvial deposits containing gold of a payable character are discovered such discovery shall forthwith be reported to the Warden, who shall report the same to the Minister, and on his being satisfied of the payable nature of such discovery the Minister may cause the land or any part thereof to be resumed for mining purposes, and on notification of such resumption appearing in the *Gazette*, the owner thereof shall be entitled to compensation for the value of such land for other than mining purposes, and in the event of there being a tenant or rightful occupier of such land, other than the owner, such occupier shall be entitled to compensation for the loss of his interest therein. All such resumptions shall be effected under the provisions of the "Lands for Public Purposes Acquisition Act" or any amendment thereof; and the acquisition of any such lands for "alluvial gold-mining" purposes is hereby declared to be a "public undertaking" within the meaning of the seventh section of the "Lands for Public Purposes Acquisition Act." And all the provisions of the said Acts in respect of resumptions, whether as to the manner of making resumptions and the effect thereof, the accruing of claims for compensation and the method of determining the amount thereof, the payment of such compensation, or otherwise shall be deemed to be applicable to the resumption of any such lands as aforesaid, in as full and ample a manner as if the aforesaid seventh section of the said Act specified as a "public undertaking" the resumption of any such lands as aforesaid for the purposes of this section,—subject however to the following qualifications:—

- (a) The word "Minister wheresoever occurring in the said Acts shall with respect and in relation to any lands resumed, or resumption effected, for the purposes of this section, be taken to mean the Minister for Mines for the time being, who with his successors in that office is hereby declared to be a corporation sole under the name of the "The Minister for Mines," and by that name to have perpetual succession and an official seal, to sue and be sued, plead and be impleaded, answer and be answered unto, and take all legal proceedings in all Courts and places whatsoever; and the notice of claim for compensation and abstract of title referred to in section three of the "Lands for Public Purposes Acquisition Act Amendment Act" shall be sent to the Minister for Mines as well as to the Crown Solicitor, and not to the Minister for Public Works or the Minister for Public Instruction.

The amount of such compensation shall, on reference thereto by the Minister for Lands, be appraised by the local Land Board subject to appeal to the Land Appeal Court under and subject to the provisions of section six of the Crown Lands Act of 1889. (b a)

- (b a) Lands resumed for the aforesaid purposes shall, ~~in lieu of vesting in the Minister within the meaning of the said Acts,~~ ^{Former owner to have preferent right to re-purchase.} vest in Her Majesty, ~~Her Heirs and Successors according to law, and in lieu of vesting for the purposes of the said Acts and subject to the powers thereby conferred, shall, upon such vesting in Her Majesty as aforesaid,~~ become ordinary Crown lands, and without any further notification shall be reserved from sale and from occupation for other than mining purposes until such reservation be revoked by the Governor; and whenever such revocation shall take place, the then owner of the estate of which such land originally formed a part shall be entitled to re-purchase or re-lease such land at a price or rental to be determined by the Minister for Lands after appraisement by the Land Board, **subject to appeal to the Land Appeal Court**, and failing such re-purchase or re-lease the land shall be dealt with as ordinary Crown lands.
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1894.

Legislative Council.

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(a) Whenever under the provisions of this and the next succeeding sections it is deemed necessary to acquire private land instead of resuming the same, it shall be lawful, if the owner so desires, for the Governor to accept a surrender of such land

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Where alluvial gold deposits occur.

Land may be resumed.

35. Notwithstanding anything to the contrary in Part II of this Act the Warden may grant a prospecting license to any person being the holder of a miner's right, and such license shall entitle the holder thereof to enter upon any private land not occupied or held under agreement for mining purposes but which is subject to the operations of mining for gold under the provisions of this Act, and to mark off and occupy a prospecting area of the dimensions and in manner provided for in any Mining Act or regulations in force for the time being and appertaining to mining for gold on Crown lands, and such prospector shall have the right within such prospecting area to dig and search for gold subject to the provisions herein contained. And whenever alluvial deposits containing gold of a payable character are discovered such discovery shall forthwith be reported to the Warden, who shall report the same to the Minister, and on his being satisfied of the payable nature of such discovery the Minister may cause the land or any part thereof to be resumed for mining purposes, and on notification of such resumption appearing in the *Gazette*, the owner thereof shall be entitled to compensation for the value of such land for other than mining purposes, and in the event of there being a tenant or rightful occupier of such land, other than the owner, such occupier shall be entitled to compensation for the loss of his interest therein. All such resumptions shall be effected under the provisions of the "Lands for Public Purposes Acquisition Act" or any amendment thereof; and the acquisition of any such lands for "alluvial gold-mining" purposes is hereby declared to be a "public undertaking" within the meaning of the seventh section of the "Lands for Public Purposes Acquisition Act." And all the provisions of the said Acts in respect of resumptions, whether as to the manner of making resumptions and the effect thereof, the accruing of claims for compensation and the method of determining the amount thereof, the payment of such compensation, or otherwise shall be deemed to be applicable to the resumption of any such lands as aforesaid, in as full and ample a manner as if the aforesaid seventh section of the said Act specified as a "public undertaking" the resumption of any such lands as aforesaid for the purposes of this section,—subject however to the following qualifications:—

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The amount of such compensation shall, on reference thereto by the Minister for Lands, be appraised by the local Land Board subject to appeal to the Land Appeal Court under and subject to the provisions of section six of the Crown Lands Act of 1889.

(b a)

- (b a) Lands resumed for the aforesaid purposes shall, ~~in lieu of vesting in the Minister within the meaning of the said Acts, vest in Her Majesty, Her Heirs and Successors according to law, and in lieu of vesting for the purposes of the said Acts and subject to the powers thereby conferred, shall, upon such vesting in Her Majesty as aforesaid,~~ become ordinary Crown lands, and without any further notification shall be reserved from sale and from occupation for other than mining purposes until such reservation be revoked by the Governor; and whenever such revocation shall take place, the then owner of the estate of which such land originally formed a part shall be entitled to re-purchase or re-lease such land at a price or rental to be determined by the Minister for Lands after appraisalment by the Land Board, **subject to appeal to the Land Appeal Court**, and failing such re-purchase or re-lease the land shall be dealt with as ordinary Crown lands.
- Former owner to have preferent right to re-purchase.
-

1894.

Legislative Council.

MINING ON PRIVATE LANDS BILL.

(Amendments to be proposed in Committee of the Whole [on Re-committal] by MR. KING.)

- Page 14, clause 35, line 3. *After* "purposes" *insert* "unless the
"owner shall permit by agreement any person holding a
"miner's right to mine thereon; and such agreement shall
"be registered with the Mining Registrar within one month
"of the date thereof"
- Page 14, clause 35, line 46. *Omit* "until such reservation be revoked
"by the Governor"
- Page 14, clause 35, line 47. *Omit* "such revocation shall take place"
insert "the Governor shall declare the land is no longer
"required for mining purposes"
- Page 14, clause 35, line 49. *Omit* "or re-lease"
- Page 14, clause 35, line 50. *Omit* "or rental" *insert* "not more than
"the compensation paid to the owner for the loss of his
"interest therein"
- Page 14, clause 36, line 55. *After* "inquiry" *insert* "on the land"
- Page 14, clause 36, line 56. *Omit* "(if any)" *insert* "or their respective
"local agents"
- Page 14, clause 36, line 57. *After* "as" *insert* "to"
- Page 15, clause 36. At end of clause *add* "But in no case shall a
"prospector's license be issued for a less area than twenty-
"five acres or for a longer period than three months"

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THE END OF THE MATTER

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1894.

Legislative Council.

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„Das ist die achtundhundertste...“
„Das ist die neunundhundertste...“
„Das ist die tausendste...“

LISTE DER BEZUGSNUMMERN

Bezugsnummer

1917

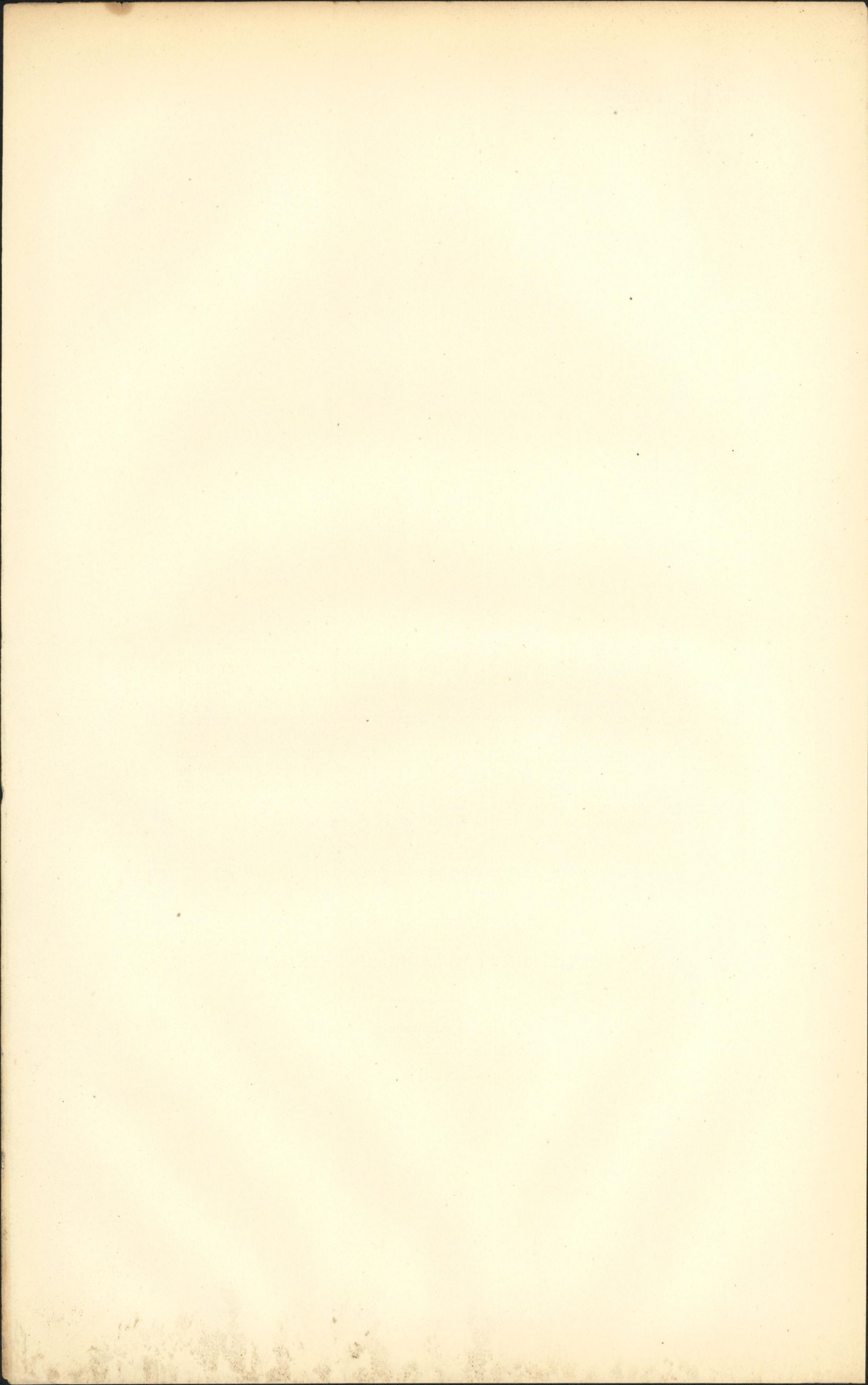
1894.

Legislative Council.

MINING ON PRIVATE LANDS BILL.

*(New Clause to be proposed in Committee of the Whole by
MR. DAY.)*

Any person who, prior to the sixth day of October, one thousand eight hundred and ninety-two, shall have made *bona fide* applications to the Secretary for Lands, or to the Secretary for Mines, under the fourteenth section of the Crown Lands Act of 1861, or any amendment thereto, for permission to search and dig for gold in any private lands within proclaimed gold-fields, which could not be granted through the land having been alienated in error under the thirteenth section, or in contravention of the applications, and the deeds issued without reserving the right to mine, may, within one month after the passing of this Act, apply for and in such event have a preferent claim for a lease under this Act for gold-mining purposes.



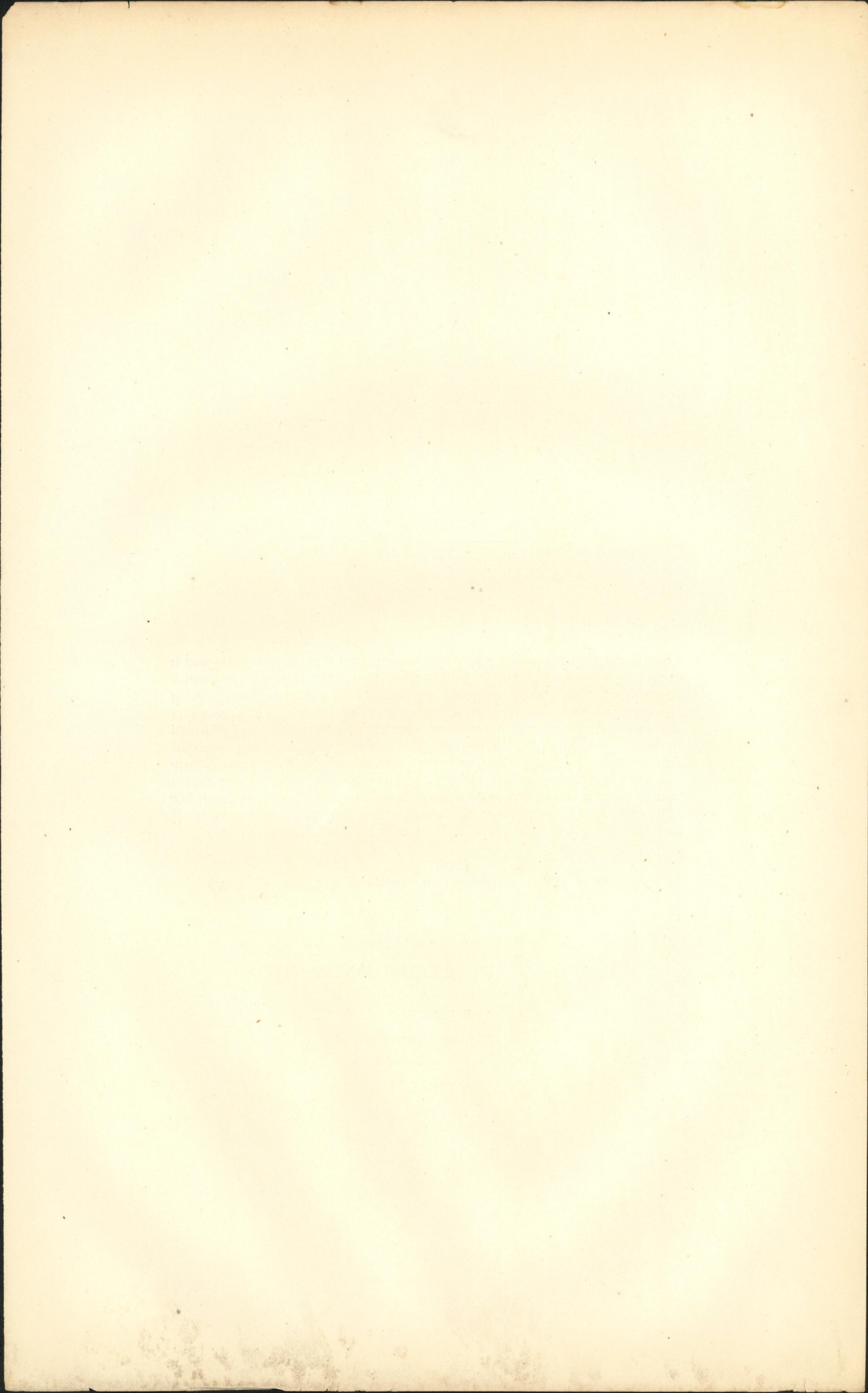
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1894.

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*(New Clause to be proposed in Committee of the Whole by
MR. FIGOTT.)*

If any land, or buildings thereon, adjoining, or in the vicinity of any land held under any mining lease granted under this Act, be injured or depreciated in value by any operations carried on by the lessee, the owner of such land or buildings shall be entitled to compensation for all loss and damage thereby sustained by him, and the amount of such compensation shall be ascertained in the same manner as the amount of compensation in respect of other claims under the provisions of this Act is ascertained.

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(1864) ...

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1894.

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THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
RESEARCH REPORT NO. 100
BY
J. H. GOLDSTEIN AND
R. F. W. WOODWARD
PUBLISHED BY THE UNIVERSITY OF CHICAGO PRESS
CHICAGO, ILLINOIS, U.S.A.
1951

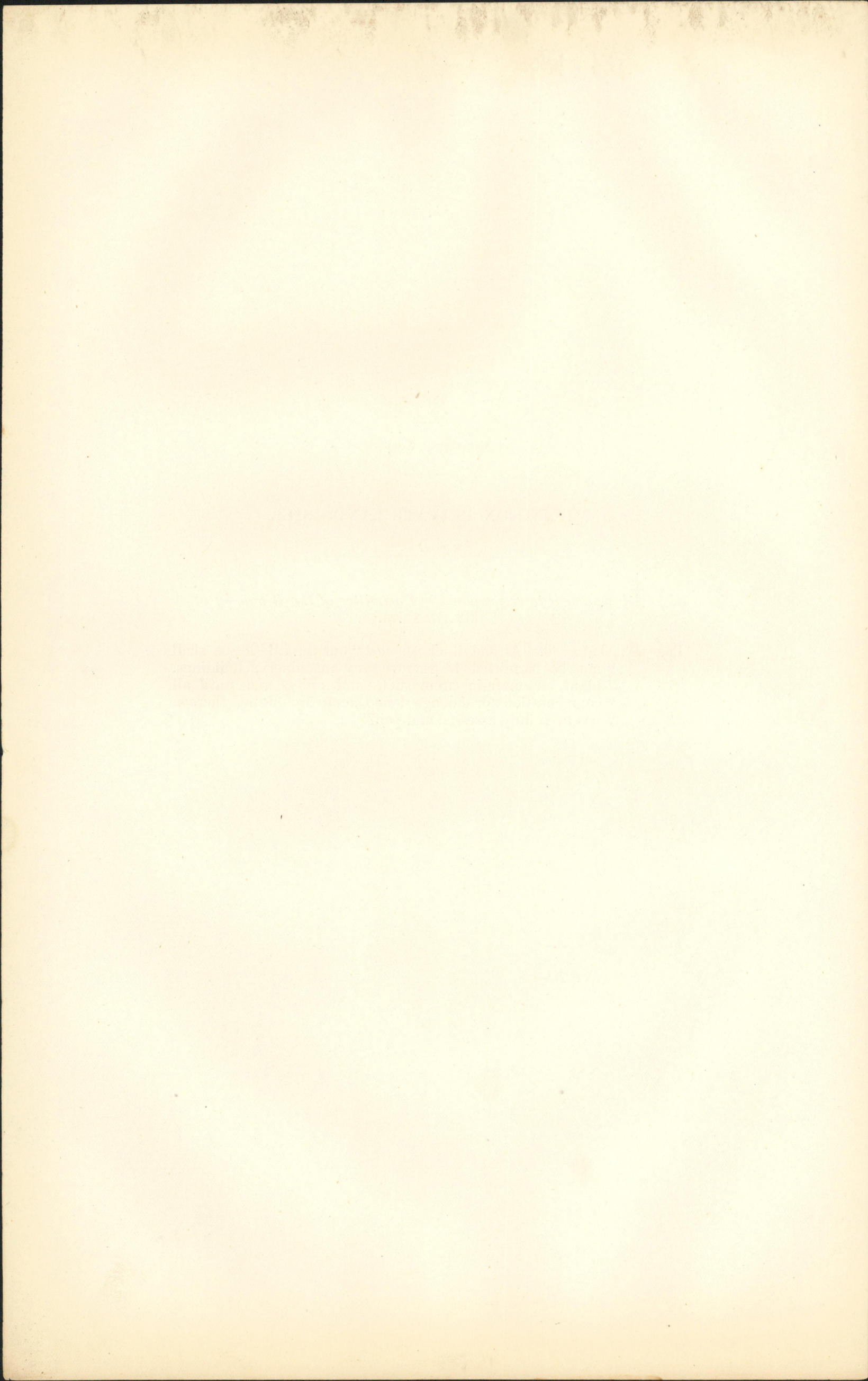
1894.

Legislative Council

MINING ON PRIVATE LANDS BILL.

*(Amendment to be proposed in Committee of the Whole by
MR. DANGAR.)*

Page 12, clause 30. At end of clause *add* “but the said lessee shall
“not be permitted to remove any machinery, buildings,
“plant, or material from such land unless and until all
“compensation for damage done thereto by mining thereon
“has been duly assessed and paid”



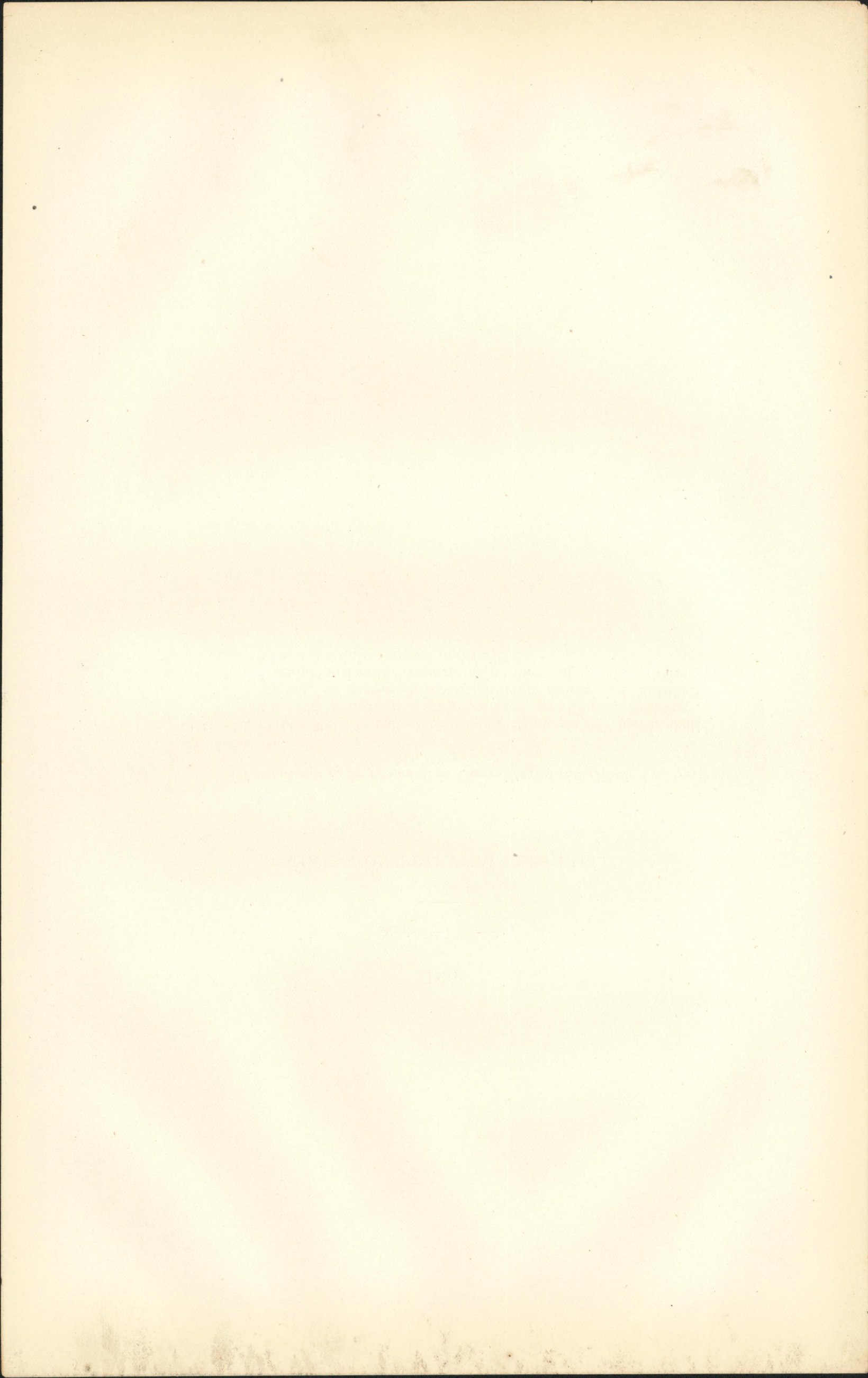
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1894.

Legislative Council.

MINING ON PRIVATE LANDS BILL.

(*Amendment to be proposed in Committee of the Whole by*
MR. PILCHER.)

Proviso to Clause 12 :—

Provided always that nothing in this Act contained shall apply or be held to apply to any lands which are *bonâ fide* used for agricultural purposes or in connection therewith, or to lands which are *bonâ fide* used for purposes of mining, or to lands which have been *bonâ fide* acquired and are held for the purposes of mining.

THE
LIBRARY OF THE
MUSEUM OF NATURAL HISTORY
AND
GEOGRAPHY

THE LIBRARY OF THE
MUSEUM OF NATURAL HISTORY
AND
GEOGRAPHY
HAS RECEIVED
FROM THE
GIFT OF
MR. J. H. W. [Name]
A
FINE
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1894.

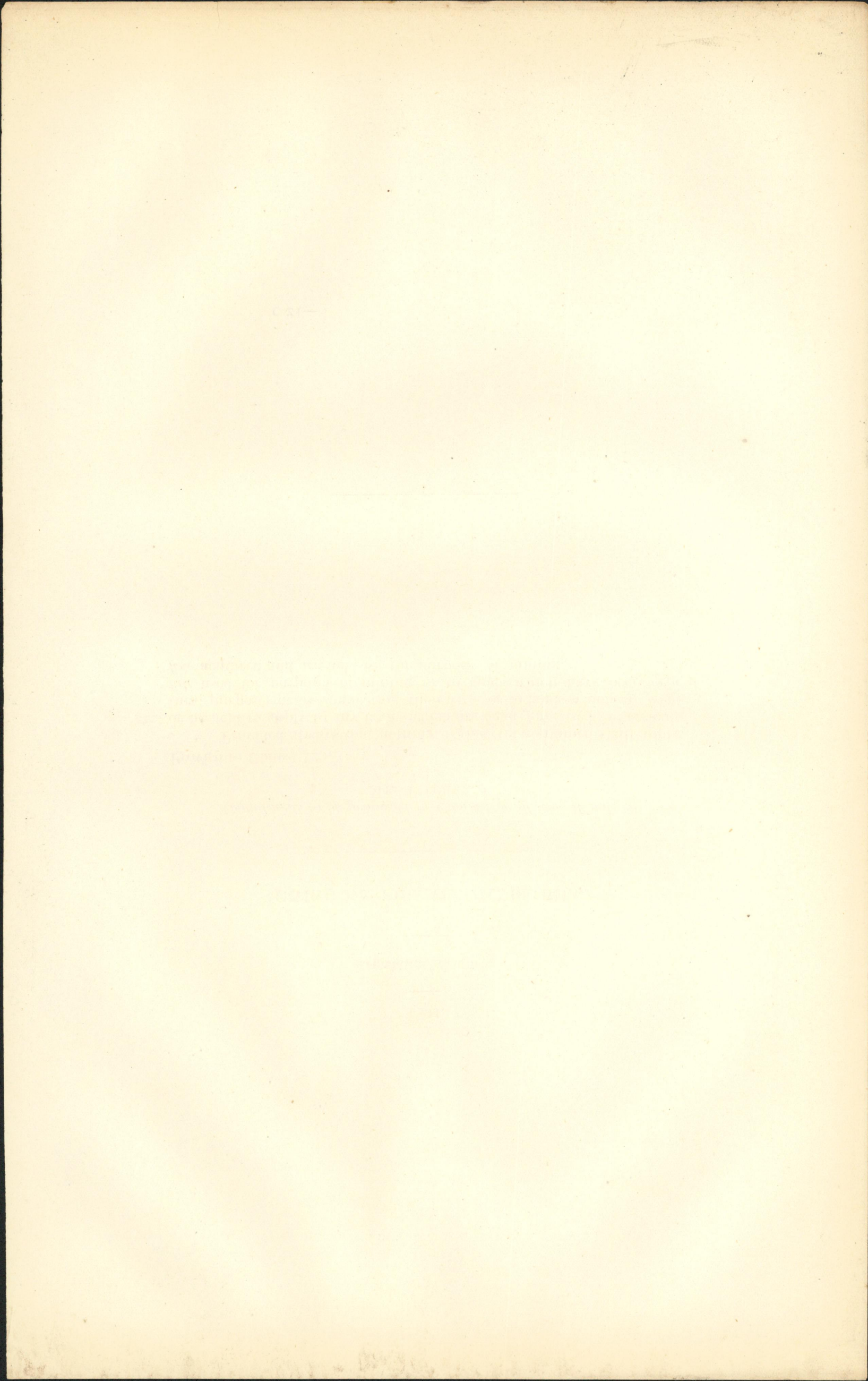
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1894.

Legislative Council.

MINING ON PRIVATE LANDS BILL.

(Amendments to be proposed in Committee of the Whole by the HON.
THE VICE-PRESIDENT OF THE EXECUTIVE COUNCIL.)

- Page 2, clause 2, line 20. *Omit* "minerals other than gold, any of the
"following metals, or any ore containing the same, viz.—
"silver, lead" *insert* :—
"Silver"—as well any silver as any earth or rock containing
silver or having silver intermixed therewith.
"Lead"—as well any lead as any earth or rock containing lead
or having lead intermixed therewith.
- Page 2, clause 2, line 27. *Omit* "all minerals"—The minerals,
"metals, or ores of metals enumerated in the two immediately
"preceding subsections"
- Page 3, clause 3, lines 15 and 16. *Omit* "or such mineral other
"than gold as" *insert* "silver and lead, but as to silver and
"lead only where such minerals"
- Page 3, clause 3, line 17. *Omit* "save and except coal"
- Page 3, clause 3, line 22. *Omit* "all minerals including gold"
insert "gold, silver, and lead"
- Page 3, clause 5, subsection (a), line 45. *Omit* "and for all minerals
"other than gold" *insert* "silver and lead"
- Page 3, clause 5, subsection (b), lines 47 and 48. *Omit* "any mineral
"or minerals particularly specified therein" *insert* "silver
"or lead or both of such minerals"
- Page 3, clause 5, subsection (b), line 50. *After* "for" *insert* "silver
"and lead or either of them where such minerals are"
- Page 3, clause 5, subsection (b), line 50. *Omit* "the particular
"mineral or minerals"
- Page 4, clause 6, lines 6 to 14. *Omit* from the commencement of
the clause in line 6 to "Provided that" in line 14, inclusive.
- Page 4, clause 6, line 14. *Omit* "herein" and *insert* in its place
"in sections three and five of this Act"
- Page 4, clause 6, lines 15 to 17. *Omit* "or to lands vested in trust
"for or dedicated to any public purpose, other than those
"hereinbefore mentioned"

New clause to be inserted after clause 6 :—

7. Lands held under tramway, irrigation, or power leases shall be open for mining thereon and thereunder, subject to the provisions of this Act. Lands under lease or reserved for public purposes.

Lands held under lease for water supply in virtue of any special Act or otherwise, and lands granted or vested in trust by the Crown for the purposes of a race-course, cricket ground, recreation reserve, park, or permanent common, shall, subject to the provisions of this Act (with the exception hereinafter in this section mentioned), be open for mining thereon and thereunder, but only on a proclamation being made by

the Governor in the *Gazette*, notifying that the lands therein described are subject to the provisions of this Act, and from and after the day named in the proclamation.

- Page 4, clause 8, line 51. *Omit* "all minerals including gold" *insert* "gold, silver, and lead"
- Page 5, clause 9, line 6. *After* "Act" *insert* "which authority shall be effective during the next succeeding fourteen days"
- Page 5, clause 9, line 8. *After* "or" *insert* "accompanied"
- Page 5, clause 9, lines 8 and 9. *Omit* "search and examine the surface of" *insert* "enter upon"
- Page 5, clause 9, line 9. *After* "land" *insert* "and may detach one or more samples of any vein or lode, out-cropping at the surface thereof, not exceeding in the aggregate twenty-eight pounds in weight, and may remove such samples for the purpose of assaying or testing the value thereof, but such authority shall not entitle the holder"
- Page 5, clause 9, line 9. *After* "land" *omit* "but shall not be entitled"
- Page 5, clause 9, lines 13 and 14. *Omit* "examine the surface of" *insert* "enter upon"
- Page 5, clause 10, line 23. *After* "to" *omit* "examine the surface of" *insert* "enter upon"
- Page 5, clause 10, line 23. *After* "land" *omit* "mining purposes" and *insert* "mineral indications"
- Page 5, clause 10, line 24. *After* "for" *insert* "authority to enter upon"
- Page 5, clause 10, line 25. *Omit* "one month" *insert* "fourteen days"
- Page 5, clause 10, line 28. *After* "shall" *insert* "within twenty-four hours"
- Page 5, clause 11, line 30. *Omit* "duly" *insert* "such"
- Page 5, clause 11, line 42. *After* "pounds" *insert* "and except as provided in Part III of this Act any person who shall commence to mine on or under any private land without having first obtained a lease under the provisions of this Act shall be, and be deemed to be, guilty of a misdemeanour: Provided that any surveyor with his assistants"
- Page 5, clause 11, line 42. *Omit* "And in like manner any surveyor"
- Page 5, clause 12, line 53. *Omit* "minerals other than gold" *insert* "silver or lead, or both of such minerals"
- Page 5, clause 12, line 55. *Omit* "section six" *insert* "sections six and seven"
- Clause 12, lines 56 to 58, page 5; and lines 1 to 4, page 6. *Omit* "but in the case of lands alienated prior to or on the twenty-fourth day of January, in the year one thousand eight hundred and fifty, regard shall be had to the proclamation of His Excellency Sir Charles Augustus Fitzroy, Governor, published in the *Government Gazette*, on the twenty-ninth day of January, in the year aforesaid, whereby all reservations of coal, with the rights of the Crown incident thereto, were, by His Excellency's command, for ever abandoned."
- Page 9, clause 20, line 6. *Omit* "or minerals other than gold" *insert* "silver or lead, or both of such minerals"
- Page 9, clause 21, line 14. *Omit* "or minerals other than gold" *insert* "silver or lead"
- Page 9, clause 23, lines 42 and 43. *Omit* "minerals other than gold" *insert* "silver and lead, or either of such minerals"
- Page 9, clause 23, lines 51 and 52. *Omit* "minerals other than gold" *insert* "silver or lead"

- Page 9, clause 23, lines 52 to 54. *Omit* "except in the case of land
"containing coal, and in such case the area shall not exceed
"six hundred and forty acres"
- Page 10, clause 25, line 21. *Omit* "metals and minerals" and *insert*
"silver or lead"
- Page 10, clause 25, lines 22 and 23. *Omit* "in the case of coal, at the
"pit mouth; and in the case of metalliferous ores, their
"value shall be"
- Page 10, clause 26, line 51. *Omit* "hereof" and *insert* "of this Act"
- Page 10, clause 26, line 52. *Omit* "or minerals other than gold"
insert "silver or lead"
- Page 11, clause 27, subsection (a), line 4. *Omit* "minerals other
"than gold" *insert* "silver or lead"
- Page 11, clause 27, subsection (a), line 11. *Omit* "section 6" *insert*
"sections 6 and 7"
- Page 11, clause 27, subsection (a), line 11. *Omit* "will" *insert*
"shall"
- Page 11, clause 27, subsection (a), line 12. *Omit* "minerals other
"than gold which" *insert* "silver or lead where such minerals,
"or where 'all minerals' or where 'minerals other than gold'
"as the case may be"

New clause to be inserted at end of Act, to stand as clause 40 :—

40. All penalties imposed by this Act, or by any regulations ^{Penalties, how} made under its authority, may be recovered before a police or stipendiary _{recovered.} magistrate, or any two justices of the peace in petty sessions: Provided that any person aggrieved by any judgment, conviction, or order given or made under this section, may appeal therefrom in the manner provided by the Act fifth William Fourth number twenty-two.

1918, at about 28, June 22, 1918, at 11:30 a.m., at the
residence of the late Mrs. J. W. ...

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1894.

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(Amendments to be proposed in Committee of the Whole by the HON.
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- Page 2, clause 2, line 27. *Omit* "all minerals"—The minerals, "metals, or ores of metals enumerated in the two immediately preceding subsections"
- Page 3, clause 3, lines 15 and 16. *Omit* "or such mineral other than gold as" *insert* "silver and lead, but as to silver and lead only where such minerals"
- Page 3, clause 3, line 17. *Omit* "save and except coal"
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- Page 3, clause 5, subsection (a), line 45. *Omit* "and for all minerals other than gold" *insert* "silver and lead"
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- Page 3, clause 5, subsection (b), line 50. *After* "for" *insert* "silver and lead or either of them where such minerals are"
- Page 3, clause 5, subsection (b), line 50. *Omit* "the particular mineral or minerals"
- Page 4, clause 6, lines 6 to 14. *Omit* from the commencement of the clause in line 6 to "Provided that" in line 14, inclusive.
- Page 4, clause 6, line 14. *Omit* "herein" and *insert* in its place "in sections three and five of this Act"
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7. Lands held under tramway, irrigation, or power leases shall be open for mining thereon and thereunder, subject to the provisions of this Act. Lands under lease or reserved for public purposes.

Lands held under lease for water supply in virtue of any special Act or otherwise, and lands granted or vested in trust by the Crown for the purposes of a race-course, cricket ground, recreation reserve, park, or permanent common, shall, subject to the provisions of this Act (with the exception hereinafter in this section mentioned), be open for mining thereon and thereunder, but only on a proclamation being made by

the Governor in the *Gazette*, notifying that the lands therein described are subject to the provisions of this Act, and from and after the day named in the proclamation.

- Page 4, clause 8, line 51. *Omit* "all minerals including gold" *insert* "gold, silver, and lead"
- Page 5, clause 9, line 6. *After* "Act" *insert* "which authority shall be effective during the next succeeding fourteen days"
- Page 5, clause 9, line 8. *After* "or" *insert* "accompanied"
- Page 5, clause 9, lines 8 and 9. *Omit* "search and examine the surface of" *insert* "enter upon"
- Page 5, clause 9, line 9. *After* "land" *insert* "and may detach one or more samples of any vein or lode, out-cropping at the surface thereof, not exceeding in the aggregate twenty-eight pounds in weight, and may remove such samples for the purpose of assaying or testing the value thereof, but such authority shall not entitle the holder"
- Page 5, clause 9, line 9. *After* "land" *omit* "but shall not be entitled"
- Page 5, clause 9, lines 13 and 14. *Omit* "examine the surface of" *insert* "enter upon"
- Page 5, clause 10, line 23. *After* "to" *omit* "examine the surface of" *insert* "enter upon"
- Page 5, clause 10, line 23. *After* "land" *omit* "mining purposes" and *insert* "mineral indications"
- Page 5, clause 10, line 24. *After* "for" *insert* "authority to enter upon"
- Page 5, clause 10, line 25. *Omit* "one month" *insert* "fourteen days"
- Page 5, clause 10, line 28. *After* "shall" *insert* "within twenty-four hours"
- Page 5, clause 11, line 30. *Omit* "duly" *insert* "such"
- Page 5, clause 11, line 42. *After* "pounds" *insert* "and except as provided in Part III of this Act any person who shall commence to mine on or under any private land without having first obtained a lease under the provisions of this Act shall be, and be deemed to be, guilty of a misdemeanour: Provided that any surveyor with his assistants"
- Page 5, clause 11, line 42. *Omit* "And in like manner any surveyor"
- Page 5, clause 12, line 53. *Omit* "minerals other than gold" *insert* "silver or lead, or both of such minerals"
- Page 5, clause 12, line 55. *Omit* "section six" *insert* "sections six and seven"
- Clause 12, lines 56 to 58, page 5; and lines 1 to 4, page 6. *Omit* "but in the case of lands alienated prior to or on the twenty-fourth day of January, in the year one thousand eight hundred and fifty, regard shall be had to the proclamation of His Excellency Sir Charles Augustus Fitzroy, Governor, published in the *Government Gazette*, on the twenty-ninth day of January, in the year aforesaid, whereby all reservations of coal, with the rights of the Crown incident thereto, were, by His Excellency's command, for ever abandoned."
- Page 9, clause 20, line 6. *Omit* "or minerals other than gold" *insert* "silver or lead, or both of such minerals"
- Page 9, clause 21, line 14. *Omit* "or minerals other than gold" *insert* "silver or lead"
- Page 9, clause 23, lines 42 and 43. *Omit* "minerals other than gold" *insert* "silver and lead, or either of such minerals"
- Page 9, clause 23, lines 51 and 52. *Omit* "minerals other than gold" *insert* "silver or lead"

- Page 9, clause 23, lines 52 to 54. *Omit* "except in the case of land
"containing coal, and in such case the area shall not exceed
"six hundred and forty acres"
- Page 10, clause 25, line 21. *Omit* "metals and minerals" and *insert*
"silver or lead"
- Page 10, clause 25, lines 22 and 23. *Omit* "in the case of coal, at the
"pit mouth; and in the case of metalliferous ores, their
"value shall be"
- Page 10, clause 26, line 51. *Omit* "hereof" and *insert* "of this Act"
- Page 10, clause 26, line 52. *Omit* "or minerals other than gold"
insert "silver or lead"
- Page 11, clause 27, subsection (a), line 4. *Omit* "minerals other
"than gold" *insert* "silver or lead"
- Page 11, clause 27, subsection (a), line 11. *Omit* "section 6" *insert*
"sections 6 and 7"
- Page 11, clause 27, subsection (a), line 11. *Omit* "will" *insert*
"shall"
- Page 11, clause 27, subsection (a), line 12. *Omit* "minerals other
"than gold which" *insert* "silver or lead where such minerals,
"or where 'all minerals' or where 'minerals other than gold'
"as the case may be"

New clause to be inserted at end of Act, to stand as clause 40:—

40. All penalties imposed by this Act, or by any regulations ^{Penalties, how}
made under its authority, may be recovered before a police or stipendiary ^{recovered.}
magistrate, or any two Justices of the Peace in Petty Sessions: Pro-
vided that any person aggrieved by any judgment, conviction, or order
given or made under this section, may appeal therefrom in the manner
provided by the Act fifth William Fourth number twenty-two.

Page 9, clause 23, line 10 to 11. "Value" except in the case of gold
"containing" gold and in such case the value shall not exceed
"six hundred dollars" "and assay"
Page 10, clause 23, line 11. "Value" except in the case of gold at the
"value of the gold" "and assay"
Page 10, clause 23, line 12. "Value" except in the case of gold at the
"value of the gold" "and assay"
Page 10, clause 23, line 13. "Value" except in the case of gold at the
"value of the gold" "and assay"
Page 10, clause 23, line 14. "Value" except in the case of gold at the
"value of the gold" "and assay"
Page 10, clause 23, line 15. "Value" except in the case of gold at the
"value of the gold" "and assay"
Page 10, clause 23, line 16. "Value" except in the case of gold at the
"value of the gold" "and assay"
Page 10, clause 23, line 17. "Value" except in the case of gold at the
"value of the gold" "and assay"
Page 10, clause 23, line 18. "Value" except in the case of gold at the
"value of the gold" "and assay"
Page 10, clause 23, line 19. "Value" except in the case of gold at the
"value of the gold" "and assay"
Page 10, clause 23, line 20. "Value" except in the case of gold at the
"value of the gold" "and assay"
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"value of the gold" "and assay"
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"value of the gold" "and assay"
Page 10, clause 23, line 26. "Value" except in the case of gold at the
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New clause to be inserted at end of Act to read as clause 40:—
40. All penalties imposed by this Act or by any regulations
made thereunder shall be enforceable by the collector of customs
in any court of competent jurisdiction in any case where the
collector is satisfied that any person has committed an offence
under this section, and any person who commits an offence
under this section shall be liable to be punished as if he had
committed an offence under section 11 of the Customs Act, 1912,
in relation to the goods in respect of which the offence was
committed.

1894.

Legislative Council.

MINING ON PRIVATE LANDS BILL.

*(Amendment to be proposed in Committee of the Whole by
MR. JOHN SMITH.)*

Page 5, clause 9, lines 6 to 9. *Omit* “and on serving the duplicate of
“ such authority on the owner or occupier thereof, such
“ person shall either personally or by his agent be entitled to
“ search and examine the surface of such land, but” *insert*
“ but before authorising any person to enter upon such
“ private lands for prospecting purposes, the Warden shall
“ hold an inquiry, of which due notice shall be given to the
“ owner and occupier (if any) as well as to the applicant, and
“ shall assess the amount of money to be deposited for a
“ prospecting license towards covering the damage likely to
“ be sustained by the owner or occupier. Such applicant”

—11—

The first part of the report is devoted to a description of the general conditions of the country, and to a statement of the results of the various expeditions which have been made since the discovery of the gold fields. It is followed by a detailed account of the operations of the different companies, and of the progress of the various branches of the mining industry. The report concludes with a summary of the state of the country, and of the prospects for the future.

(The report is published by the Government of the Colony.)

THE GOLD FIELDS OF THE COLONY

1861

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