



Western Australia.

ANNO QUINQUAGESIMO OCTAVO

VICTORIÆ REGINÆ.

No. XXVIII.

AN ACT to amend the Law relating to the management of Goldfields, and to settle questions as to the validity of the Regulations made under "The Goldfields Act, 1886."

[Assented to, 27th November, 1894.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:— Preamble.

1. THIS Act may be cited as "The Goldfields Act, 1886, Amendment Act, 1894," and shall be incorporated and read as one Act with "The Goldfields Act, 1886," and any Act or Acts amending the same. Short Title.
Incorporation.

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Interpretation :
"Principal Act,"
50 Vic., No. 18.
"This Act."

"Miner."

"Commissioner of
Crown Lands."

Leases may be
granted for
mining.

Exemptions from
leasing.

2. (1.) IN this Act the expression "The Principal Act" shall mean "The Goldfields Act, 1886," and the expression "this Act" shall include the Principal Act and any Act amending the same.

(2.) The word "miner" shall mean "any person being the holder of a miner's right."

(3.) The words "Commissioner of Crown Lands" and "Commissioner" throughout this Act may be respectively read "Minister for the time being charged with the execution of this Act" and "Minister."

3. SECTION ten of the Principal Act is hereby repealed, and this Section is hereby substituted in lieu thereof:—

(1.) The Commissioner of Crown Lands, with the approval of the Governor, may grant to any person, subject to the provisions of this Act and the Regulations, a lease of any Crown lands not exempted by the next following sub-section, for all or any of the undermentioned purposes, that is to say,—

- (a.) For mining purposes; or
- (b.) For cutting and constructing thereon water-races, drains, dams, reservoirs, roads, or tramways to be used in connection with such mining; or
- (c.) For erecting thereon any buildings or machinery to be used for mining purposes; or
- (d.) For pumping or raising water from any land mined or intended to be mined upon; or
- (e.) For residence thereon in connection with any or all of such purposes.

(2.) The undermentioned lands shall be exempted from lease under the aforesaid powers, that is to say,—

- (a.) Any Crown land reserved for any public purpose; and
- (b.) All Crown land occupied by the holder of a miner's right or business license, unless the holder thereof consents to the leasing of such land; and
- (c.) All Crown land which consists exclusively of alluvial ground, excepting such as, in the opinion of the Commissioner of Crown Lands,
 - (i.) Has been already worked and abandoned; or
 - (ii.) Is suitable for leasing on account of its great depth or excessive wetness, or on account of the costliness of the appliances required for its development; or

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(III.) For any sufficient reason, in his judgment, ought not to be exempt from lease.

(3.) The term of any lease under this section shall be twenty-one years, at the yearly rental of One pound per acre, and the same may be renewed for a like term upon the terms and conditions prescribed by any Goldfields Acts or Regulations then in force.

Provided that the Warden may, until the assent or dissent of the Governor is ascertained, reserve any Crown lands within a goldfield for any public use or purpose, or exempt from occupation for mining purposes any Crown lands within the goldfield.

4. NOTWITHSTANDING the provisions of section fourteen of the Principal Act, it shall be lawful for any miner to enter upon any land, a mining lease of which has been applied for and which is not held under a miner's right, to within fifty feet of any reef situate thereon, for the purpose of searching for and obtaining alluvial gold until a lease is granted: Provided that the applicant for the lease may, and it shall be incumbent upon him within forty-eight hours of his being served with a notice, in the form in the Schedule A hereto signed by a miner, to mark out or otherwise delineate upon such land the line of any reef or reefs situate thereon.

Entry upon lease
for alluvial.

5. THE Governor may, by proclamation in the *Government Gazette*, divide any goldfield, or part thereof, into districts, and establish in any such district a Court to be presided over and holden by a Warden; and every such Court shall be a Court of record, and shall have jurisdiction to hear and determine all actions, suits, claims, demands, disputes, and questions arising wholly or in part within the district in relation to mining; and for the purposes of this Act and the Regulations every such District Court shall be deemed to belong to the goldfield in which the district is situate.

Division of goldfields
into districts and
establishment of
District Courts.

6. WHEN the hearing of any complaint shall involve the trial of a right to any claim, residence, business, or machine area, or other mining tenement or share therein, or any money due in respect thereof, or in any way connected therewith, the same shall, subject to the provisions next hereinafter contained, take place in the Court for the district in which such claim or other mining tenement is situate: Provided that if the Warden shall be satisfied that any cause or matter pending in any one Court has been erroneously brought before such Court, or could be more conveniently dealt with in any other Court, he may order the Registrar of the Court to transmit a copy of the record of the proceedings to the Registrar of such other Court, and to give notice

Jurisdiction of
District Courts
as to place.

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thereof to the parties; and immediately upon the receipt of any such transmitted record, the Registrar receiving the same shall give notice thereof to the parties, and appoint a day for the further hearing or other consideration of the cause or matter.

Records to be kept
at office of
Registrars.

7. THERE shall be kept at the office of the Registrar of each district a complete record of all leases, claims, transfers, liens, or other dealings or matters connected with any lands situate within such district, and all acts, matters and things required by this Act to be done, and all notices or other process required to be served at or issued out of the office of the Warden, in connection therewith, shall be sufficiently done, issued at, or served, if done, issued, or served at or out of the office of such Registrar.

In case of doubt
application may be
made to nearest
Registrar.

8. WHERE any doubt shall exist as to the exact position of any lands the subject of any proposed dealing in the office of a Registrar, it shall be lawful for the applicant, having in all other respects complied with the Regulations, to make application at the office of the Registrar nearest to such lands. Where after survey it is ascertained that any lands, the subject of an application are situate partly within the boundaries of any two or more districts, such lands shall be deemed to be within the district of the nearest Registrar.

Regulations
confirmed.

9. AND whereas questions have been raised as to the validity of certain Regulations for the Management of Goldfields made under and by virtue of the Principal Act, and for settling such questions: Be it further enacted, as follows:—All regulations heretofore made or purporting to have been made under the provisions of the Principal Act relating to the management of goldfields, shall be deemed to be within the powers conferred by the said Act, and to have been legally and properly made, and are hereby confirmed.

In the name and on behalf of the Queen I hereby assent
to this Act.

W. C. F. ROBINSON, Governor.

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Schedule A.

To

Section 4.

You are hereby requested, within forty-eight hours after being served with this notice, to mark out upon the ground, in accordance with Section 4 of "The Goldfields Act, 1886, Amendment Act, 1894," the line of the reef situate thereupon.

Name

No. of Miner's Right