



Western Australia.

ANNO SEXAGESIMO TERTIO

VICTORIÆ REGINÆ.

No. XXXI.

AN ACT to amend the Mining on Private Property Act, 1898.

[Assented to, 16th December, 1899.]

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:—

1. THIS Act may be cited as the Mining on Private Property Act, 1898, Amendment Act, 1899, and shall be incorporated with the Mining on Private Property Act, 1898, hereinafter called the principal Act.

Short title and incorporation.

2. SECTION four of the principal Act is hereby repealed.

Repeal of sec. 4 of the principal Act.

3. (1.) AT any time within three months after the passing of this Act, the grantor or the lessee of any lease granted under the repealed Mining on Private Property Act, 1897, may register the same with the Registrar, at the office of the Department of Mines, by depositing a copy of the said lease with him there.

Leases under the repealed Act of 1897 may be registered within three months.

63° VICTORIÆ, No. 31.

Mining on Private Property—Amendment.

But if not then registered, may be superseded by leases under the principal Act.

(2.) Where a gold-mining lease is granted under the principal Act, and includes land which is comprised in a lease granted in pursuance of the said repealed Act, but which is not registered in manner and within the time aforesaid, the said land shall pass under the first mentioned lease, and the lease granted in pursuance of the said repealed Act shall be deemed to be superseded in respect of such land.

Amendment of secs. 6 and 8 of principal Act.

4. IN section six, sub-section (5), of the principal Act, the words in line two, "private land on which any," and the words "is situated," in line four, are hereby struck out, and in section eight, sub-section (4), of the principal Act, the words "which is situated," in the third line, are hereby struck out, and in place thereof the words "any lands within one hundred yards of" are inserted, and the words "in *bona fide* occupation or of any land within one hundred yards of the same," in lines five and six, are struck out.

Amendment of sec. 12 of principal Act.

5. SECTION twelve of the principal Act is hereby amended by the addition at the end of sub-section (1) of the following words:— "Every such complaint shall be deemed to be a proceeding within the meaning of section fifty-three of the Goldfields Act, 1895; and for the purpose of enabling Wardens to hear, determine, and enforce such complaints and of enabling appeals to be made from their decisions, all the powers and provisions of Part IV. of the said Goldfields Act, 1895, applying to proceedings under such section shall equally apply to a Warden under this Act, and to such complaint as to compensation under this section and section twenty-two of this Act, so far as the same may be applicable;" and by striking out, in sub-section (4), the words "the applicant or claim-holder also paying to the owner and occupier such costs as the Warden shall allow," and by inserting in lieu thereof "and the applicant or claim-holder shall pay to the owner and occupier such costs and damages as the Warden shall allow. If default in payment or satisfaction of any compensation awarded as aforesaid continues for one month after the determination by the Warden or, in the case of appeal, after judgment on the appeal, the application for the lease or the interest in the claim, as the case may be, shall be deemed to have been abandoned as aforesaid."

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

GERARD SMITH, Governor.