



Western Australia.

ANNO SEXAGESIMO TERTIO

VICTORIÆ REGINÆ.

No. XLVIII.

AN ACT to amend the Mineral Lands Act of 1892.

[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 Mineral Lands Act Amendment Act, 1899, and shall be construed as one with the Mineral Lands Act of 1892, hereinafter called the principal Act.

Short title and
incorporation with
55 Vict., 3.

2. THE following amendments are hereby made in the principal Act:—

Amendments of 55
Vict., 3.

In section three, the word "Court," and the definition thereof; are struck out.

Section 3.

The definition of "Crown Lands" is struck out, and instead thereof the following definition is inserted: "shall include all lands of the Crown which have not been dedicated to any public purpose or reserved by the Governor, or which have not been lawfully granted in fee or lawfully contracted

Goldfields Act, 1895,
pt. s. 4.

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to be so granted, or which are not held under lease or license, excepting pastoral and timber leases and licenses, and includes all lands situate between high and low water mark on the seashore and on the margin of tidal rivers ;” and

The following definitions are inserted, namely :—“ ‘Minerals’: All precious stones and all minerals as prescribed by regulations, but not including gold ;” and “ ‘Person,’ ‘Holder,’ ‘Owner,’ and ‘Lessee’ shall respectively include any body of persons, whether incorporated or not.”

Section 5.

Section five, sub-section one (*g*) is struck out, and the following is inserted instead thereof :—

(*g*.) To cut and remove any live or dead timber for mining or building purposes for his own personal use from any Crown lands not by law exempted from mining occupation nor within the operation of any proclamation or notification prohibiting the cutting or removal of such timber included in any reserve for the preservation of timber, and to remove any stone or gravel for mining or building purposes from any Crown land.

In sub-section three, all the words after the word “miners” are struck out.

Section 9.

In section nine, sub-section four is struck out.

Section 11.

In section eleven, paragraph (4) is struck out.

Section 12.

In section twelve, the words “within a mining district,” in the third line, are struck out.

Section 17.

Section seventeen is repealed, and, in place thereof, the following section is substituted :—

Amalgamation of
leases.
See Goldfields Act,
1895, s. 43, amended
by 62 Vict., 16.

“17. ON payment of a fee of Twenty shillings for each lease, any number of adjoining leases may be amalgamated, provided that the area of the leases so amalgamated shall not exceed four times the maximum area provided by the regulations for the working of the particular mineral for which the lease has been granted: Provided also, that the labour to be employed on or in connection with such amalgamated leases shall be the sum of the labour required by the conditions on each separate lease.”

Section 28.

Section twenty-eight is repealed, and, in place thereof, the following section is substituted :—

“28. EVERY person who, not being the holder of a mining license, is found working for minerals other than

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gold on Crown lands shall be guilty of an offence, and, on conviction thereof before a Court of summary jurisdiction, shall be liable to a fine not exceeding Ten pounds, and may be forcibly ejected from such Crown lands by the registrar, or his duly authorised officer, or any member of the police force."

In section thirty-one, sub-section (1) is struck out, and the following sub-section is substituted therefor:— Section 31 (1).

"(1.) The lessee or licensee of any land applied for or held under this Act shall pay compensation for all improvements existing on any portion of the land comprised in such holding. In default of agreement the parties shall be deemed to have signed a submission under the Arbitration Act, 1895, dated as of the date of the lease or license, referring the question to two arbitrators, and the compensation shall be paid in accordance with the award under such submission."

In section thirty-two, the first paragraph is struck out, and the following paragraph is substituted therefor:— Section 32.

"In the event of more than one application being made for the same land or any part thereof, the applicant who shall have first taken possession of and marked out the land in accordance with the regulations shall have priority of title." See Goldfields Act, 1895, s. 44.

The first paragraph of section thirty-four and the next following paragraph numbered (1) are hereby repealed, and the following paragraphs are substituted therefor:— Section 34.

"When gold is found in any land held under a lease otherwise than in association or combination with other minerals, the land may be dealt with, and leases thereof may be granted under the Goldfields Act, 1895, and the Acts amending the same as if the land were Crown lands, and notwithstanding anything contained in section thirty-three of the said Act; and in such case the registrar shall have, in respect of such dealing or lease, all the powers of a warden under the said Act, See Queensland Act (46 Vict., 8), section 24.

" Provided that,—

- (1.) Any person mining thereon for gold shall not interfere with the workings of the lessee in actual use, and shall not be entitled to acquire any mining tenement in or upon any mineral lease, except at a distance beyond two hundred yards from such workings or from the crushing, smelting, or any other works used for the reduction or treatment of minerals.

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See Queensland
Mining Act of 1898,
62 Vict., 24, section
36.

"In the event of any dispute as to interference or as to what workings are in actual use, or as to what works are used for crushing, smelting, or are otherwise used for the reduction or treatment of such minerals, the registrar within whose jurisdiction the lease is situate shall decide the matter, and his decision shall be final between the parties."

Consolidated
Mining License.

See Goldfields Act,
1895, s. 15.

3. THE following section shall be inserted after section four:—

"4A. THE Minister may cause other documents to be issued, each to be called a Consolidated Mining License, and to be in force for one year; and, on the application of the manager or any trustee or trustees of any co-partnership, corporate body, or other legally constituted association of persons who have agreed to work in partnership any claim or claims registered under the provisions of this Act, such document shall be granted on payment of Ten shillings for each person which the same is to represent."

Applications for land
not within mining
district.

See 62 Vict., No. 16,
sec. 17.

4. FOR the purpose of all applications relating to land not within any proclaimed mining district, the Under Secretary for Mines shall be deemed to be a registrar, and the office of the Under Secretary for Mines in Perth shall be deemed to be a registrar's court.

Penalty for non-
working land
leased.

See Goldfields Act,
1895, s. 45.

5. UPON a complaint to the registrar by any holder of a mining license that the land comprised within any lease or application for lease under this Act or any Act hereby repealed is not being efficiently and continuously worked in the manner and by the number of men as prescribed by the regulations, the registrar shall, in open court, inquire into the matter of the complaint, and may take such evidence therein on oath as shall be tendered by the complainant, or by the person or persons claiming to be in possession of such land as aforesaid. If the evidence taken shall disclose that the number of men employed on the said land or solely in connection therewith is not equal to the number required as aforesaid by the regulations, the registrar may recommend that the lease, or application for lease, as the case may be, shall be forfeited, and the land comprised in such lease or application for such lease may be awarded to the complainant, who shall be allowed fourteen days from the date of the posting up at the registrar's office of the *Gazette* containing the notice of forfeiture within which to take possession and lodge an application for a lease, or occupy the land as a claim in accordance with the regulations. Within seven days after the hearing of any such complaint upon which a forfeiture is recommended, the registrar shall forward to the Minister, for his consideration and decision, the evidence taken in the complaint, together with his report and recommendation on the case: Provided

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that in the case of a first breach of the labour conditions or regulations, it shall be lawful for the Minister to impose a fine as an alternative to forfeiture, and the whole or any portion of such fine may, in the discretion of the Minister, be awarded to the applicant for forfeiture.

6. AS soon as possible after the Minister shall have decided to refuse, void, or grant any application for a lease, or to refuse to approve of the forfeiture of a lease, or to void, cancel, or forfeit any lease issued under this Act or any Act repealed thereby, notice of such refusal or intention to grant a lease or such non-approval of the forfeiture of a lease, or the voidance, cancellation, or forfeiture of any lease shall be published in the *Government Gazette*, and such notice in the *Gazette* shall be *prima facie* evidence that such application was refused or granted, or that such forfeiture was not approved, or that such lease was voided, cancelled, or forfeited, and the land comprised therein open for occupation, subject to the provisions of this Act and the regulations thereunder from the date of the posting up at the registrar's office of the *Gazette* containing the notice of voidance or cancellation or forfeiture.

Minister's decision notified in *Gazette*.

See Goldfields Act, 1895, sec. 48.

7. THE holder of any lease, claim, or ground taken up for the purpose of mining for minerals shall furnish the registrar with such periodical returns setting forth the quantity and value of the mineral won as may be prescribed by the regulations.

Returns of mineral won to be made.

8. SECTIONS thirty-seven, and from thence to the end of the principal Act, are hereby repealed, and the following sections are added:—

Sections added to 55 Vict., 3.

“37. It shall be lawful for the Governor to establish, by proclamation, in any mining district, or in any division thereof, a court to be called the registrar's court, to be presided over and holden by a registrar, and every such court shall be a court of record, and shall possess such jurisdiction as is hereafter conferred, and be held at such places as the Governor may appoint.

Establishment of registrar's court.
See Goldfields Act, 1895, s. 49.

“38. For every court there shall be a seal, and all summonses, certificates, warrants, and other process issued by the registrar or the clerk of the said court shall be sealed or stamped with such seal.”

Seal of court.
Ibid., s. 50.

“39. EVERY registrar shall have and exercise jurisdiction in respect of the matters hereinafter contained throughout Western Australia, with power to issue summonses, warrants, or other process, which shall have legal effect and operation throughout the said Colony.

Extent of jurisdiction of registrar.
Ibid., s. 51.

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Jurisdiction of registrar's court.
Ibid., s. 52.

“ 40. EVERY such registrar's court shall have original jurisdiction to hear and determine all actions, suits, claims, demands, disputes, and questions arising wholly or in part within the district, and cognisable by a court of law or by a court of equity, relating to any of the following matters:—

- (1.) The claim of any person to the possession or occupation of any Crown land by virtue of a mining license or of a mineral lease, or to cut, construct, use, possess, occupy, or hold any interest in any race, drain, dam, well, reservoir, or water-bore for mining or other purposes.
- (2.) The claim of any person holding a mining license to recover any land, race, drain, dam, well, reservoir, or water-bore alleged to have been abandoned or forfeited under this Act or regulations thereunder, and to the mesne profits thereof.
- (3.) The claim of any person to the use, enjoyment, or sale of any water by virtue of a mining license, or to the priority of use and enjoyment as against any other claimant of water taken, diverted, or used, or claimed so to be under this Act or the regulations.
- (4.) Any encroachment or trespass upon, or unlawful interference with or injury to any such land, race, drain, dam, well, reservoir, or water-bore as aforesaid, or unlawful interference with or injury to any machinery thereon; any diversion or abstraction of water possessed or used under a mining license; the unlawful ouster or exclusion of any person from any share or interest in any such land, race, drain, dam, well, reservoir, water-bore, or water, and the damages and compensation for any such encroachment, trespass, ouster, diversion, abstraction, interference, or injury.
- (5.) Any claim for debt or damages, or both, arising out of or made in respect of any contract or agreement whatsoever relating to mining or to any holding, share, or interest authorised by this Act or the regulations, or the sale of or transfer of any claim, lease, or other authorised holding in connection with mining.
- (6.) The specific performance of any contract or agreement relating to any lease, claim, or authorised

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holding, or of any share or interest therein respectively.

- (7.) The claim to any mineral in, or to be taken out of any land occupied or held under this Act or the regulations, and any matter concerning or arising out of any contract relating to such mineral.
- (8.) Concerning or arising out of any partnership for or in relation to mining for mineral on any Crown land occupied or held as aforesaid, or any partnership in any such land, or in any race, drain, dam, well, reservoir, water-bore, water, or mineral or concerning or arising out of any contract for, or in connection therewith, or for the dissolution, wholly or in part, of any such partnership, or which may arise between tenants in common or joint tenants in and in relation to any such land or water, or any share or interest therein.
- (9.) Concerning contributions to calls or to the expense of working or using any such land, race, drain, dam, well, water-bore, or reservoir, or any share or interest therein.
- (10.) Concerning, or out of any mortgage, assignment, or lien, by way of security of or charge upon any such land, race, drain, dam, well, water-bore, reservoir, water, or mineral vested in any person, whether the holder of a mining license or not, or any share or interest therein, or in a partnership therein.
- (11.) Concerning the cancellation and delivery up of instruments relating to mortgage charges or incumbrances of or upon any such land, race, drain, dam, well, water-bore, reservoir, water, or mineral, or any share or interest therein, or to any assignment of such mortgages, charges, and incumbrances, or to any contract respecting the working or use of, for mining purposes or otherwise, in relation to mining or respecting the using of any such reservoir, race, drain, dam, well, water-bore, or water, or respecting or in connection with any partnership for mining, or in any such land, race, drain, dam, well, reservoir, water-bore, water, or mineral, or respecting the dissolving in the whole or in part of any such partnership.

- (12.) Concerning the ascertainment and adjustment of boundaries of land applied for, held, or occupied under this Act, or the regulations where such boundaries shall be in dispute or be confused or doubtful.
- (13.) To hear and determine all suits concerning any Crown lands or share or interest therein which the complainant shall claim to be entitled to take possession of and occupy for residence or business under a business license, and of which the defendant is and claims to be entitled to be in possession; any trespass upon any such land of which the complainant is in and of which he claims a right to occupation or possession under such license; any money claimed to be due to the complainant upon any mining partnership adventure or interest, and the recovery of any sum of money which any person shall be liable to pay under this section and for which no other mode of recovery is hereby provided.
- (14.) And generally all questions and disputes which may arise in relation to mining and the occupation of areas in a mining district.

And the jurisdiction hereby conferred shall extend to cases where the claim or title of either party to a suit is derivative by assignment or otherwise, as well as to where the same is original; and in all cases of debt or contract wherein the amount claimed shall not exceed Two hundred pounds the decision of the registrar's court shall be final and without appeal."

Proceedings before registrar, how to be commenced.

Ibid., s. 53.

"41. EVERY proceeding in a registrar's court shall be commenced by a plaint and summons in such form as may be provided by the regulations, and every such summons shall be issued by such registrar or his clerk upon the application of any complainant, and shall be filled up according to the nature of his case and so as to show the substance of the facts constituting the cause of complaint, and shall require the defendant to appear before the registrar's court on a day to be named in the summons; and upon the day so named or upon an adjourned day of hearing, and upon proof of such service or substituted service of the said summons as the registrar shall think sufficient, the court shall proceed to investigate the matter of such complaint, and in the presence of all the parties interested, or such of them as shall appear to him sufficiently

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to represent all the parties interested, or in the absence of any of the parties interested who, having been duly served with such summons, shall not appear, shall hear, receive, and examine evidence and determine such complaint in a summary way, with full power to adjourn the hearing of such complaint to any other time or place, and to make all such amendments in any proceedings in such court as may be necessary for the purpose of determining the real question in controversy between the parties: Provided that before any such summons as aforesaid shall be issued, the prescribed fee shall be paid by the complainant to the registrar or his clerk, and the said fee shall be deemed to be a part of the costs of the hearing."

"42. NOTWITHSTANDING the provisions and requirements of the last preceding section, it shall be lawful for the registrar, in his discretion, and if the parties concerned shall consent thereto, to hear and determine any such complaint (not including a money demand or for damages) summarily, and without requiring any formal proceedings to be taken in a registrar's court: Provided always, that both parties to the complaint shall be present at such hearing; and the decision of the registrar shall, in every such case, be final and conclusive, and a minute thereof shall be made by him in the register of complaints hereinafter mentioned."

Summary hearing
of complaints.
Ibid., s. 54.

"43. (1.) WHEN the hearing of any complaint shall involve the trial of a right to any lease, claim, business area, or other authorised holding or share therein respectively, 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 lease, claim, business area, or other authorised holding is situate: Provided that if the registrar 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 clerk of the court to transmit a copy of the record of the proceedings to the clerk of such other court, and to give notice thereof to the parties, and immediately upon the receipt of any such transmitted record the clerk of the court 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, and the same shall be heard or considered accordingly.

Jurisdiction of
registrar's court as
to place.
Ibid., s. 55.

"(2.) Where any doubt shall exist as to the exact position of any lands the subject of any proposed dealing in the office

In case of doubt
application may be
made to nearest
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office of a registrar, or his clerk, it shall be lawful for the applicant, having in all other respects complied with the regulations, to make application at the nearest office of the registrar or registrar's clerk 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 or divisions thereof, such lands shall be deemed to be within the district of the nearest registrar.

Register of complaints.
Ibid., s. 56.
Schedule.

“44. EVERY registrar shall cause a register of complaints to be kept, in the form of the Schedule hereto, in which shall be entered every complaint laid before him, together with the names of the parties thereto, the nature of the relief sought, and, where the claim is for money, the amount sought to be recovered; and every one of such complaints shall be numbered consecutively every year according to the order in which it shall be entered.”

Payment into court.
Ibid., s. 57.

“45. IT shall be lawful for the defendant in any case in the said court, at any time before the hearing thereof, to pay into court the amount claimed, together with the costs incurred by the complainant up to the time of such payment into court, and to give notice thereof to the complainant or his attorney; and the same shall be paid to the complainant, and, after such payment, no other proceeding shall be brought in any court in respect of the demand in satisfaction of which such amount shall have been so paid.”

Payment to registrar of less than the demand.
Ibid., s. 58.

“46. ANY defendant in any case in the said court whereby a debt or money demand is sought to be recovered, may, at any time before the hearing thereof, pay into court such sum of money as he shall think a full satisfaction for such demand, together with the costs incurred by the complainant up to the time of such payment to be given to the complainant or his attorney; but if the complainant shall elect to proceed, and shall recover no further sum in respect of such money demand than shall have been so paid to the registrar, he shall pay to such defendant the costs incurred by him in the said proceedings after such payment, and the registrar may decree the same accordingly.”

Complaints not to be dismissed for informality.
Ibid., s. 59.

“47. No complaint shall be dismissed by any registrar's court because of any informality either in the plaint or summons itself, or in the entry thereof, nor shall any objection be taken or allowed to any such summons or complaint for any alleged defect, or misnomer, or inaccurate description of any person or place, or on the ground that the complainant shall appear at the hearing of the summons to be entitled to

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different relief from that which is sought thereby or therein, or for any variance between such summons and the evidence adduced on the part of the complainant; but such summons shall be amended by the registrar so that the subject matter in dispute between the parties shall plainly appear, and the registrar's court shall proceed to adjudicate according to the rights of the parties: Provided always that if it shall appear to the registrar, upon the hearing of the case, that the defendant has been thereby deceived or misled, and that injustice would be done by proceeding at once with the case, it shall be lawful for the registrar, on such terms as to costs or otherwise as he shall think fit, to adjourn the further hearing of the case to some future day."

"48. AFFIDAVITS to be used in any registrar's court or before a registrar may be sworn before the registrar, or before any Judge of the Supreme Court, or any commissioner of that court for taking affidavits, or before any warden, registrar, or Justice of the Peace."

Who may take affidavits.
See *Ibid.*, s. 60.

"49. A MINUTE of every decision of a registrar's court shall, on the day of the pronouncing thereof, be entered by such registrar in the register to be kept as hereinbefore provided, and such registrar shall make an order in accordance with such decision, and enter the same in the said register under the said decision, and such decision, with the said order so underwritten, shall be signed by the registrar, and no formal order or other record of such decision shall be necessary. A copy of such minute or order shall, on demand, be given by the registrar's clerk, or other authorised officer, to any of the parties interested therein; and the decision of the court shall be binding and conclusive on all parties, unless in cases where, on appeal therefrom, the same shall be varied or reversed, and a document purporting to be any such copy, certified by the registrar as a true copy, shall at all times be admitted in all courts and places whatsoever as conclusive evidence of such decision or order having been given or made."

Decision of Court to be recorded.
Ibid., s. 61.
Schedule.

"50. EXCEPT in disputed applications for a lease, or applications for the forfeiture of a lease, or application for a lease, in any proceeding before a registrar's court, it shall be lawful for the registrar, and he shall, on the application of either party to the complaint, or if he himself shall think fit, reserve any question in the form of a special case for the opinion of a Judge of the Supreme Court, and in such case no order shall be made in respect of any matter on which such question shall have been reserved until such opinion"

Registrar shall state special case.
Ibid., s. 62, as amended by 62 Viet., 16.

On reservation of a special case an injunction, etc., may be had on terms.

Mineral may be ordered to be given up in payment.

Ibid., s. 63.

Registrar may authorise entry on adjacent claim.

Ibid., s. 64.

Powers given to carry out order in last preceding section.

Ibid., s. 65.

shall have been given: And every such special case shall, after it shall have been prepared by such registrar, be transmitted to the registrar of the Supreme Court, who shall cause the same to be set down for argument before a judge, whose opinion, when given, shall be drawn up and transmitted by the said registrar to the said mining registrar, who shall make his order in accordance with such opinion: And whenever any such special case shall have been reserved it shall be lawful for the registrar, on the application of any of the parties interested in such case, to make any such order for an injunction or receiver or payment of money into court and upon such terms as such registrar shall think proper or otherwise."

"51. NOTWITHSTANDING any of the provisions hereinbefore contained, it shall be lawful for such registrar, if he shall think fit, at the time of the making of any decision under this Act or the regulations, to order that any mineral in the possession of and belonging to the party by whom payment of any sum in respect of any such debt, damages, or costs shall be ordered, to the extent in value of such sum (such value to be fixed by such court), shall be delivered up to the party entitled to such sum by way of satisfaction or in part satisfaction thereof: Provided that as to the balance the procedure herein otherwise provided shall apply."

"52. It shall be lawful for any registrar, upon the application of any person claiming to be legally or equitably interested in any claim, or in any land applied for as a lease or comprised in any mineral lease, or in any other land adjoining any claim or land comprised as aforesaid, by writing under the hand of such registrar, to authorise the applicant, together with a mining surveyor, his assistants, or some experienced miner, to enter upon any claim or land (whether at the time of such application alienated from the Crown or not, if any mining operations shall be then carried on on such land) adjoining such first-mentioned claim or land or other land for the purpose of ascertaining whether the owner or occupier of the claim or land so to be entered upon is encroaching on such first-mentioned claim or land or other land."

"53. It shall be lawful for the persons so authorised to enter upon the claim, lease, or land described in such order as last aforesaid, and to descend any shaft or mine, and to make the necessary surveys, and for such purpose to use the engines and other machinery ordinarily employed for that purpose by the persons whose shaft or mine shall be

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descended, and to make such plans and sections of the claim, lease, or land entered upon, and any of the drives or other works therein as shall be necessary for the purpose aforesaid: And every such surveyor and the other person or persons named in such order shall, before entering on such claim, lease, or land, make a statutory declaration before such registrar (who is hereby authorised to take the same) that he, the said surveyor, and the other person or persons will not (except as witnesses in a court of justice), without the consent, in writing, of the owner, lessee, or occupier of the claim, lease, or land to be entered upon, divulge, or cause to be divulged, to any person whomsoever, any information obtained upon or by such entry, save only as to whether such owner or occupier is encroaching on such first-mentioned claim, lease, or land."

"54. (1.) It shall be lawful for any registrar, upon the application of any person claiming to be legally or equitably interested in any land, lease, claim, water-race, drain, dam, reservoir, or easement or water-bore to hear, receive, and examine evidence, and thereupon, if the registrar in his discretion shall think fit, and upon such terms, if any, as he may consider just, by order under his hand, to enjoin any persons named in such order from encroaching upon, occupying, using, or working such land, lease, claim, water-race, drain, dam, reservoir, or easement or water-bore, or from seeking for, washing out, winning, extracting, or removing any mineral taken from such land, or from selling or disposing of or damaging or otherwise interfering with such land, lease, claim, water-race, drain, dam, reservoir, easement, or water-bore, or mineral, or any share or interest therein respectively, or from doing any act whereby the right, title, or interest of such applicant in or to the same might be affected; and every such order shall be in force for such period as shall be named therein unless the same shall be sooner discharged by the registrar making the same, or by some court of competent jurisdiction."

Registrar may grant injunction on notice.

Ibid., s. 66.

"(2.) Such application shall be made on notice served twenty-four hours at least before the time for the making thereof on the parties interested in opposing the same, or such of them as shall appear to such registrar sufficiently to represent the parties so interested, or upon such of them as such applicant can, by using reasonable diligence or means, in the opinion of such registrar, serve with such notice, and in the presence of such parties or such of them as aforesaid, or in the absence of any of them upon whom service of such notice shall be proved to the satisfaction of the registrar."

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“(3.) Provided that if the registrar shall be satisfied that reasonable attempts have been made to serve notice on the parties aforesaid without success, it shall be sufficient service of any such notice if the same be advertised in some newspaper published in the district or, if none, then by causing such notice to be posted at the registrar’s office.”

Registrar may grant injunction for seven days without notice.

Ibid., s. 67.

“55. If by reason of the pressing emergency of any particular case it shall seem proper to the registrar so to do, he may, on the application of any such person as aforesaid, but without any notice as aforesaid, by order under his hand, grant such injunction as aforesaid, but to be in force for a period of seven days only, inclusive of the day upon which such order shall have been made, or until the registrar shall sooner discharge the same: And no subsequent order for an injunction shall be made for the same cause under this section, but any person at whose instance any injunction shall have been granted under this section shall be at liberty at any time before the expiration of the said period of seven days, as well as thereafter, to apply, under the provisions of the last preceding section, for an injunction for any longer period.”

Injunction to be notified to Minister.

Ibid., s. 68.

“56. UPON the granting of any injunction relating to any lease, as provided in the last two preceding sections, the registrar shall at once notify by telegraph, or if there shall be no telegraph, by letter, to the Minister of Mines the fact of such injunction being granted, and the particulars thereof; and on receipt of such notification, a note of the injunction being granted shall immediately be made in the register of mineral leases.”

Beneficiary may enter caveat.

Ibid., s. 69.

“57. ANY beneficiary or other person claiming any estate or interest in a lease or land applied for as a lease may, subject to the regulations, register a *caveat* against dealings with the said land.”

Enforcing orders and decisions of registrar’s court.

Ibid., s. 70.

“58. THE registrar’s court shall, as regards all matters and proceedings within its jurisdiction, for the time being, and for the purpose of enforcing the decisions and orders of the court, have power to grant, and shall grant in any proceeding before such court, such relief, redress, or remedy, or combination of remedies, either absolute or conditional, in as full and ample a manner as might and ought to be done in the like case by the Supreme Court.”

Interpleader.

Goldfields Act, 1895, s. 78.

“59. If any claim shall be made to or in respect of any goods or chattels taken in execution under any process issued by a registrar, or in respect of the proceeds or value

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thereof by any person not being the party against whom such process shall have issued, it shall be lawful for such registrar, upon application to the officer charged with the execution of such process, as well before as after any action brought against such officer, to issue a summons calling before such registrar as well the party issuing such process as the party making such claim, and thereupon any action which shall have been brought in any court in respect of such claim shall be stayed, and the court in which such action shall have been brought, or any magistrate or judge thereof, on proof of the issue of such summons, and that the goods and chattels were so taken in execution, may order the party bringing such action to pay the costs of all proceedings had upon such action after the service upon him of such summons issued out by the registrar; and the registrar shall adjudicate upon such claim and make such an order between the parties in respect thereof and of the costs of the proceedings as to it or him shall seem fit; and such order may be enforced in like manner as any order made in any suit brought or any proceedings before such registrar, as the case may be."

"60. ALL lands held under a mining license, consolidated mining license, business license, or mineral lease, shall, on the death or bankruptcy of the holder or holders thereof, devolve on his or their personal representatives, or assignee or trustee in bankruptcy, and shall be liable to seizure and sale under any execution issued from the Supreme Court, any local court, registrar's court, warden's court, or any other competent court in the said Colony: And the proper officer appointed to sell the same shall have full power to give an effectual transfer of the interest sold by him."

Land held under
mining license.

Ibid., s. 79.

"61. WHEN any sum of money shall be awarded in a registrar's court by way of debt, damages, or costs or otherwise, and the same shall not be forthwith paid, the registrar, on the application of the person entitled to receive such sum, or of any attorney on his behalf, shall grant to the party so applying a writ of execution under his hand; and any bailiff of a registrar's court or local court to whom such writ shall be delivered for execution, and all constables and other peace officers within their several jurisdictions shall do and perform all things in respect of such writ which such bailiff, constables, and peace officers are required to do and perform in respect of a warrant or writ of execution issued out of a local court in the case of the non-payment of money under a judgment of such court; and every such bailiff may, by virtue of such writ, seize and take such property, and dispose thereof

Enforcing decision
in case of debt.

Ibid., s. 80.

in the manner in which he could seize, take, and dispose thereof by virtue of a warrant issuing out of a local court, and shall have the same powers in respect of the sale and disposal of such property, and do and execute all duties in respect thereof as are by law conferred and imposed on the bailiff of a local court, upon a warrant issued therefrom. Provided that no such writ shall, except upon special cause shown to the satisfaction of the registrar, be issued until after the expiration of seven days from the day on which the decision under which such sum of money was awarded shall have been made."

Allowance and
taxation of costs.

Ibid., s. 81.

"62. It shall be lawful for the registrar, in all proceedings before him, in his discretion to give or refuse to either party the costs of the suit, hearing, or other proceeding, or any part thereof, and in case of giving them to give them in his discretion as between the parties. The registrar shall tax the costs of such suit, hearing, or proceedings to be paid by either or any of the parties, and such taxed costs shall form part of the decree or order of the registrar's court, and in default of any special direction each party shall pay his own costs."

Penalty on wit-
nesses neglecting
to appear.

Ibid., s. 82.

"63. ANY person on whom any summons issued by any registrar requiring such person to appear as a witness in court or before such registrar shall have been served personally or in such other manner as shall be directed by the regulations, and to whom at the same time payment or tender of his expenses shall have been made on the fixed scale, and who shall refuse or neglect, without sufficient cause, to appear according to the tenor of such summons, or who, having so appeared, shall refuse to be sworn or answer any lawful question, shall, on conviction thereof before the registrar, forfeit and pay any sum not exceeding Ten pounds, and in default of immediate payment thereof he shall be liable to imprisonment in the nearest lock-up for any period not exceeding one calendar month, unless, in the meantime, the whole amount shall have been paid; and the order in writing of the said registrar shall be sufficient authority to the keeper of the said lock-up for the detention of the offender, but no such conviction shall exempt such person from any proceeding for disobeying such summons."

Minors and repre-
sentatives may sue.

Ibid., s. 83.

"64. It shall be lawful for any assignee, executor, or administrator to sue and be sued in the registrar's court, or take any proceedings by way of appeal or otherwise in like manner as if he were a party in his own right: And it shall be lawful for any person under the age of twenty-one years,

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being the holder of a mining license, to sue and be sued in the registrar's court or before a registrar in the same manner as if such person were of full age."

"65. EVERY person working for wages shall have a lien upon the claim, lease, or authorised holding whereon he shall have been employed, for three months' wages, to be enforceable in the manner to be prescribed by the regulations: Provided always, that within twenty-one days from ceasing to work on any such claim, lease, or authorised holding, such workman shall register his lien in the prescribed manner with the registrar of the mining district in which the claim, lease, or authorised holding is situate, and in default the lien shall be deemed to have been abandoned.

Lien for wages.
Ibid., s. 84.

APPEALS.

"66. (1.) IF either party to any complaint or proceeding in a registrar's court shall be dissatisfied with the decision of the said court, where such decision is not hereby declared to be final, and whether such decision be a dismissal of the case or otherwise, such party may appeal from the same to the Supreme Court in Banco on any question of law, or upon the admission or rejection of any evidence; and in any such case proceedings may be stayed upon such terms as the registrar shall think fit until such decision shall have been given. Such appeal shall be in the form of a case agreed on, and signed by both parties or their solicitors; and if they cannot agree, the registrar on being applied to by either of the parties, or their solicitors, at the expiration of fourteen days from the hearing, shall settle a case and sign it.

Appeals.
Ibid., s. 86.

(2.) Every case for appeal, after it shall have been signed as aforesaid, shall, together with a certified copy of the evidence taken in the registrar's court, be transmitted by the registrar to the registrar of the Supreme Court: Provided that the party so appealing shall, within seven days from the hearing in the registrar's court, give to the other party, or his solicitor, and to the registrar a notice, in writing, of such appeal, stating clearly the grounds of his appeal, signed by the appellant or his solicitor. The appellant shall also deposit in the hands of the registrar or his clerk such sum as the registrar shall direct to answer the costs of appeal if such appeal be dismissed.

(3.) At the trial or hearing of any complaint or proceeding in a registrar's court, where the decision of the court is not hereby declared to be final, the registrar, at the request of either party, before the decision is delivered, shall make a note of any question of law raised at such trial or hearing,

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and of the facts in evidence in relation thereto, and shall state in writing the decision on such questions and facts and the decision of the complaint or proceeding. Any party to a complaint or proceeding shall, upon payment of a sum not exceeding threepence per folio of seventy-two words, be entitled to a copy of the notes of evidence taken by the registrar, and of the note of any questions and facts raised and found (if any), and of the decision thereon."

Decision of court on appeal.

Ibid., s. 87, as amended, 62 Vict., 16.

"67. As soon as the decision of the Supreme Court in Banco shall have been given on any appeal, the registrar of the said court shall cause the same to be transmitted in due form to the mining registrar, who shall make his order in accordance with the decision of the said court on such appeal."

Decision may be enforced.

Ibid., s. 88, as amended, 62 Vict., 16.

"68. AFTER any appeal against the decision of any registrar shall have been determined, and the decision of the Supreme Court in Banco recorded as the decision or order of the registrar in the registrar's court, it shall be lawful for any registrar to proceed to enforce such decision in the same manner as such registrar might have done if no such appeal had been brought."

PENALTIES, FORFEITURES, ETC.

Penalty for not having a mining license.

Ibid., s. 90.

"69 IF any person shall be found by the registrar or his duly authorised officer to be engaged in mining on any Crown land, not being the holder of an unexpired or valid mining license or mineral lease under this Act, or any Act hereby repealed, such person shall be liable for every such offence to a penalty not exceeding Ten pounds, and shall be deemed to have abandoned the claim or other authorised holding of which he may be in possession, and such claim or holding shall and may be dealt with as an abandoned claim or holding: Provided that this section shall not apply to any person working in any claim, lease, or other authorised holding for wages."

Penalty for not having a business license.

Ibid., s. 91.

"70. IF any person shall be found by the registrar or his duly authorised officer to be engaged in carrying on any business other than mining on any Crown land, not being the holder of an unexpired or valid business license under this Act or any Act hereby repealed, he shall be liable for every such offence to a penalty not exceeding Ten pounds, and the forfeiture of any business area he may be occupying or be in possession of, in the discretion of the registrar."

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“71. ANY Asiatic or African alien found mining on any Crown land shall be liable for every such offence to a penalty not exceeding Ten pounds, and the registrar shall, in his discretion, cause such person to be removed from any mining district, and whether such person has or has not been prosecuted for an offence against the provisions of this section.”

Asiatic or African alien prohibited.

Ibid., s. 92.

“72. WHENEVER any registrar's court or registrar is empowered or required by this Act or the regulations to cause any act to be performed, and the mode of performing such act is not otherwise expressly provided for, it shall be lawful for any person verbally authorised by the registrar, and in his presence, or of any constable or peace officer authorised, in writing, under the hand of such registrar, to perform such act, and all constables and peace officers shall, if thereunto required, aid and assist any registrar or person authorised as aforesaid in the performance of his duty under this Act and the regulations.”

Mode of enforcing registrar's order where not specially provided for.

Ibid., s. 93.

“73. IT shall be lawful for any person in custody, under any order of commitment made under this Act or the regulations, upon giving reasonable notice to the person (or to one of such persons if more than one) on whose application such order was granted, or if such person or one of such persons cannot be found, to the registrar by whom such order was made, to apply in a summary way, on affidavit, to the magistrate of any local court, or of a Judge of the Supreme Court, for his discharge, and it shall be lawful for such magistrate or Judge, in his discretion, and on such terms (if any) as he shall think fit, by order under his hand, directed to the gaoler or other person in whose custody such applicant may be, to direct that such applicant shall be discharged, and such applicant shall be discharged accordingly: Provided that when such order of commitment shall have been founded on any previous decree or order, it shall not be lawful for such magistrate or Judge of the Supreme Court, upon such application, to inquire into the merits of such previous decree or order.”

Party imprisoned may be discharged by magistrate of local court or Judge of Supreme Court.

Ibid., s. 94.

“74. IF any person shall forge any mining license, consolidated mining license, or any lease, license, or permit issued or purporting to be issued under the authority of this Act or the regulations, or fraudulently use, utter, or exhibit any such forged mining license, consolidated mining license, lease, business license, or official receipt, knowing the same to be forged, such person shall be guilty of a misdemeanour, and

Penalty for certain offences.

Ibid., s. 95.

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shall, on conviction thereof, be sentenced to imprisonment, either with or without hard labour at the discretion of the court, for any period not exceeding twelve months."

Penalties on registrar and other officers.

Ibid., s. 96.

"75. If any registrar, registrar's clerk, or mining surveyor shall, at any time during his appointment, hold any interest or share in any claim or mineral lease, or mining adventure, or if any registrar adjudicates in any matter in which he shall have any pecuniary interest, the person so offending in any such case shall be guilty of a misdemeanour, and be liable to fine or imprisonment, or both, in the discretion of the court."

Penalty for extortion.

Ibid., s. 97.

"76. ANY person who shall wilfully and corruptly, exact, take, or accept any fee, sum, or reward whatsoever other than and except such fees or sums as are or shall be lawfully appointed or allowed for, or on account of, anything done under the authority of this Act, shall be liable, on conviction thereof before two Justices of the Peace, to a fine not exceeding Fifty pounds, and in default of immediate payment thereof to imprisonment, with or without hard labour, not exceeding six calendar months."

Assault on registrar and other offences.

Ibid. s., 98.

"77. ANY person who assaults, obstructs, or resists any registrar, or any person duly authorised by any registrar in lawfully entering upon any lease, claim, or other authorised holding, or in performing any other act authorised hereby, or any bailiff or other officer, or any clerk or assistant of such bailiff or officer, or any inspector or other person in the performance of his duty, or in the exercise of his powers under this Act, or any person who, after being removed by any registrar, under the provisions of this Act, from any lease, claim, or other authorised holding, who forcibly or clandestinely retakes or retains, or endeavours to retake or retain possession thereof or of any portion thereof, or of any share therein, or who, after any decision of a warden that any complainant is entitled to use for mining purposes or to divert any water, resists such complainant or his agents in such use or diversion, or who upon or in consequence of the decision of any registrar's court against him, assaults or threatens to assault any person in whose favour such decision has been made, shall, on conviction thereof before any two justices, forfeit any sum not exceeding Fifty pounds, and in default of payment, shall be liable to be imprisoned for any period not exceeding six months."

Power to make regulations.

Ibid., s. 99.

"78. (1.) THE Governor may, from time to time make, alter, and repeal such regulations as may be necessary for the purpose of giving effect to this Act, and for the management of mining districts generally.

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(2.) Such regulations may be made for the whole Colony or for any particular part thereof, and shall be published in the *Government Gazette*, and after publication therein shall have the force and effect of law, and shall be judicially noticed in every court of justice. Copies of all regulations made under this Act shall be laid before both Houses of Parliament within fourteen days from the making thereof, if Parliament shall be then in session, and if not, then within fourteen days after the commencement of the next session thereof; and such regulations shall, in so far as not disallowed by Parliament, be deemed to be within the powers conferred by this Act, and to have been legally and properly made.

Regulations may be partial or general.

To be published and have effect of law.

To be laid before Parliament.

(3.) Such regulations may impose for any breach thereof, or for any disobedience of a lawful order of a registrar or of the registrar's court, a fine not exceeding Ten pounds, and in default of payment, imprisonment with or without hard labour for any period not exceeding three months."

Penalties for breach may be imposed.

" 79. ANY person who infringes any regulation made under this Act for the infringement whereof no penalty is prescribed shall, on conviction thereof, be liable to a penalty not exceeding Ten pounds."

Penalty for breach of regulation not otherwise provided for.

Ibid., s. 100.

" 80. ALL fees, charges, and sums of money which shall or may be imposed or made payable under this Act, and all penalties incurred thereunder or under the regulations, for which no other mode of recovery is provided herein, or by the regulations, may be recovered or enforced by any registrar in the manner in which Justices of the Peace are now by law authorised to enforce any order or award made in any Court of petty sessions."

Fees, penalties, etc., how recoverable.

Ibid., s. 102.

9. THE holder of any mineral lease issued under the provisions of this Act, or any Act hereby repealed, and the executors, administrators, or assigns of such holder shall be entitled at any time, with the consent of the Minister, to surrender the said lease; and any such mineral lease may, with the like consent, be renewed, provided that every such renewed lease shall be for the like term, and subject to such rent, covenants, conditions, reservations, and exceptions as may be prescribed by any Act or Regulations for the time being in force regulating the management of mining districts.

Surrender of lease. See Goldfields Act, 1895, section 41.

10. (1.) THERE shall be kept at the office of the registrar of each mining district, or division thereof, a complete record of all leases, claims, transfers, liens, or other dealings or matters connected with any lands situated within the mining district or division

Records to be kept. See Goldfields Act, 1895, section 11.

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thereof, 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 registrar 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. There shall also be kept in the office of the Minister of Mines, in Perth, in respect of each mining district or division thereof, a register to be called The Register of Mineral Leases, wherein shall be registered all leases and applications therefor and transfers thereof, and of any shares or interests therein respectively, and all liens, charges, and other dealings and transactions relating thereto.

Ibid.

(2.) No transfer of any lease, or of any share or interest therein, nor any lien, charge, or other dealing or transaction relating thereto respectively, shall, until registered as aforesaid, be effectual to pass any share or interest in any such lease or render the same liable to any charge or encumbrance.

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

GERARD SMITH, Governor.

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SCHEDULE.

Register of Complaints.

Sections 44 and 49.

No. of Complaint.	
Date of Complaint.	
Name.	Com- plainant.
Address.	
Name.	De- fendant.
Address.	
Relief sought.	
Amount of Demand.	
Decision.	
Date when and name of person to whom writ granted.	
Date of injunction or other order in a suit.	
Memorandum.	
Date of notice of appeal (if any) received by the Registrar.	
General remarks, etc., by the Registrar.	

Rego's letter,