

Mining on Private Property Act, 1898.

62° Vict. No. 29.

As amended by Acts No. 31 of 1899 (a), and No. 15 of 1904 (b), and
reprinted as approved for reprint on the 2nd April, 1954, pur-
suant to the Amendments Incorporation Act, 1938.

AN ACT to permit Mining on Private Property.

[Assented to 28th October, 1898.]

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

[Sections 1 to 55 repealed by No. 15 of 1904, sec. 4.]

(12)—*Hampton Plains Estate.*

56. It is declared as follows:—

- (a) By an agreement, in writing, dated the 18th
day of June, 1890, made between Sir
Frederick Napier Broome, Knight Com-
mander of the Most Distinguished Order of
St. Michael and St. George, Governor of the
Colony of Western Australia, acting therein
for and on behalf of the Government of the
said Colony of the one part and the Hamp-
ton Lands and Railway Syndicate, Limited,
of the other part, it was agreed that the
Government should sell and the Syndicate
should purchase 216,000 acres of Crown
Lands on the terms and conditions in the
said agreement mentioned:

The Hamp-
ton Lands
and Railway
Syndicate,
Limited.

- (b) The said purchase was duly completed by
the said Syndicate:

(a) Assented to 16th December, 1899: repealed by No. 15 of 1904, s. 4.

(b) Assented to 16th January, 1904.

- (c) It was one of the terms of the said Agreement that the Government should grant to the Syndicate on its application a permit to work all the metals reserved by the Crown Grants of the said lands in accordance with the Regulations authorising such permit:
- (d) The lands which were granted to the said Syndicate, under the said Agreement, are those set forth in the Schedule hereto, and the same are now held in fee simple by the said Syndicate or its assigns:
- (e) By the regulations authorising the permit aforesaid a royalty of Two shillings per ounce is payable on all gold won from the said lands:
- (f) With the object of facilitating the settlement and development of the said lands it is expedient to release the said royalty, and to enact the following provisions.

Regulations to be made.

57. The respective owners of the said lands mentioned in the Schedule hereto, may, from time to time, with the approval of the Governor, but not otherwise, make, alter, amend, and repeal regulations for the management of gold-mining on their lands.

And on publication to have the force of the law.

58. Such regulations shall be published in the *Government Gazette*, and after publication shall have the force and effect of law, and shall be judicially noticed in every Court of Justice: Provided that all such regulations shall be submitted to Parliament in the manner prescribed by Section 55.¹

¹By Section 55 of this Act it was enacted as follows:—

Power to make regulations.

55. (1) It shall be lawful for the Governor, from time to time to make, alter, and repeal such regulations as may be deemed necessary for the purpose of giving effect to this Act, and for the management of mining on private property generally.

Regulations may be partial or general.

(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 then be in session, and if not, then within fourteen days after the commencement of the next session thereof; and such regulations shall, as from such publication as aforesaid, and 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.

To be published and have effect of law.

To be laid before Parliament.

Penalties for breach may be imposed.

(3) It shall be lawful by such regulations to impose for any breach thereof, or for any disobedience of a lawful order of the warden, or Warden's Court, a fine not exceeding Twenty pounds, and in default of payment imprisonment with or without hard labour for any period not exceeding six months.

59. By such regulations there may be imposed a fine for any breach thereof not exceeding Ten pounds.

Fines may be imposed.

60. All proceedings for the breach of any such regulations and for the recovery of any fine or penalty may be commenced and prosecuted as if such proceedings related to the breach of the regulations made under the Goldfields Act, 1895,† and the recovery of fines or penalties thereby imposed.

Proceedings on breach of regulations.

61. Subject to the said regulations being duly made and published, and so long as the same shall continue binding on the Syndicate and its assigns, the royalty of two shillings per ounce now payable in respect of all gold won from the said lands shall be, and the same is hereby released.

Royalty released.

62. The provisions of the preceding divisions of this Act shall not apply to the lands in the said Schedule hereto.

Provisions of preceding divisions of this Act not to apply.

The Schedule.

Section 57.

					Acreage.
East Location	36	....	....	....	6,375
Do.	41	....	....	....	3,995
Do.	48	....	....	....	27,349
Do.	51	....	....	....	6,369
Do.	53	....	....	....	34,468
Do.	55	....	....	....	1,989
Do.	57	....	....	....	1,000
Do.	59	....	....	....	50,830
Do.	32	....	....	....	21,077
Do.	35	....	....	....	2,500
Do.	39	....	....	....	1,920
Do.	40	....	....	....	7,680
Do.	42	....	....	....	13,452
Do.	44	....	....	....	5,120
Do.	45	....	....	....	18,808
Do.	50	....	....	....	8,000
Do.	37	....	....	....	3,000
Do.	61	....	....	....	1,000
Do.	62	....	....	....	1,068

† Repealed by the Mining Act, 1904. See No. 15 of 1904, s. 4.