



ANNO VICESIMO OCTAVO ET VICESIMO NONO

VICTORIÆ REGINÆ.

A.D. 1865.

No. 11.

An Act to facilitate the Drainage from Mines in South Australia.

[Assented to, 4th August, 1865.]

WHEREAS it is desirable to grant further inducement for any Preamble.
 person or company to construct works of drainage under the powers and provisions contained in "The Drainage from Mines Act, 1861," and for that purpose to amend the aforesaid Act—Be it therefore Enacted by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

1. The third section of "The Drainage from Mines Act, 1861," shall be read and shall take effect as if the words "for any term not exceeding twenty-eight years" had been substituted for the words "for any term not exceeding fourteen years" prior to the passing of the said Act. Amendment of third section of "The Drainage from Mines Act, 1861."

2. The sixth section of "The Drainage from Mines Act, 1861," shall be read and shall take effect as if the words "not exceeding Twenty-five Pounds per centum per annum" had been substituted for the words "not exceeding Fifteen Pounds per centum per annum," prior to the passing of the said Act: Provided always, that in no case shall any individual person or company leading water into the said public drainage works mentioned in the said Act, be liable to pay any greater amount or sum for such tolls than shall, after paying the cost of maintenance and management, be sufficient Amendment of sixth section of "The Drainage from Mines Act, 1861."

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Drainage from Mines Act Amendment Act.—1865.

to pay interest on the gross outlay, not exceeding Fifteen Pounds per centum per annum: Provided also, that in every such licence to be granted in pursuance of the aforesaid Act, and of this Act, there shall be inserted a clause providing that the said licence shall determine and cease whenever the person or company to whom the said licence shall have been granted, or who shall have become entitled thereto, shall have been reimbursed from the said tolls all the principal money, which may have been expended in constructing the said drainage works, together with interest thereon after the rate of Ten Pounds per centum per annum.

The Inspector of Mines to fix and determine amount to be paid for tolls.

3. If the parties shall be unable to enter into an agreement for the purpose, the Inspector of Mines for the time being shall fix and determine the amount or sum to be paid for tolls under the provisions contained in "The Drainage from Mines Act, 1861," and this Act, by any person or company leading water into such public drainage works as aforesaid, and the certificate of the Inspector of Mines for the time being that he has fixed and determined the amount or sum to be paid for the said tolls, shall be conclusive evidence as to the said amount or sum to be paid or recoverable by and from any such person or company as aforesaid for the said tolls, in any action at law to be brought for recovery of the said tolls.

Repeal of ninth section of Act No. 18 of 1861.

4. The ninth section of "The Drainage from Mines Act, 1861," is hereby repealed.

Penalty on persons allowing water to flow on to, or to remain on surface.

5. If any person after such public drainage work shall have been proclaimed, as provided for in "The Drainage from Mines Act, 1861," and after one calendar month's notice in writing shall have been given to him that such drainage works have been completed, shall permit or suffer any water pumped or raised from any lands comprised in the area referred to in the said Proclamation mentioned in the aforesaid Act, to flow into, over, along, or across, or to remain on any lands mentioned or comprised in the said Proclamation, so as in the judgment of the said Inspector of Mines for the time being, after inspection thereof, to impede or injure the working of neighboring mines, such person shall forfeit and pay to the persons who shall have agreed to make the said public drainage work, a penalty or sum of Five Pounds per day for each and every day the said water shall be allowed to flow on, to, over, along, or across, or to remain on the said last-mentioned lands, such penalty to be recovered by action at law as and for liquidated damages: Provided nevertheless, that such penalty shall be in addition to any actual damage which may be caused or arise in consequence of the said water having been allowed to flow on to, over, along, or across, or to remain on the said last-mentioned lands, or any of them."

Drainage from Mines Act Amendment Act.—1865.

6. This Act and “The Drainage from Mines Act, 1861,” shall be construed as one Act, and may be cited as “The Drainage from Mines Acts, 1861 and 1865.” Short title.

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

D. DALY, Governor.