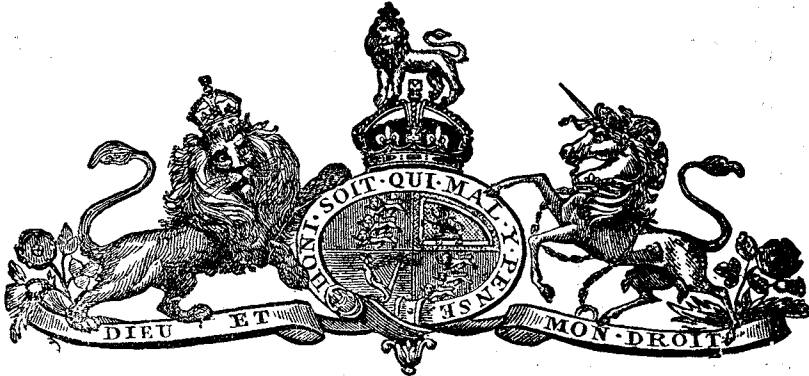


## TASMANIA.



1935.

ANNO VICESIMO SEXTO  
**GEORGII V. REGIS.**  
**No. 22.**

## ANALYSIS.

- |   |  |   |
|---|--|---|
| <p>1. Short title.<br/>         2. Repeal.<br/>         3. Amendment of 48 Vict. No. 15.<br/>             New section 6.<br/>             Interpretation.<br/>             New section 43.<br/>             Contracts.<br/>             New section 62.<br/>             Company may make rules.<br/>             Sections 73, 74, and 86.<br/>             Section 96.<br/>             Part V.<br/>             New section 126.<br/>             Prospecting syndicates may<br/>             become incorporated by registration.<br/>             Mode of obtaining registration.</p> | <p>New section 127.<br/>             Incorporation of registered<br/>             syndicates.<br/>             New section 128.<br/>             Making and registration of<br/>             rules.<br/>             New section 129.<br/>             Scrip.<br/>             New section 130.<br/>             Application of other Parts of<br/>             this Act.<br/>             New section 150.<br/>             General penalty.<br/>             Schedule.</p> | <p>4. Amendment of 48 Vict. No. 15 by<br/>             second schedule.</p> |
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**AN ACT to amend the *Mining Companies***  
***Act 1884.*** [3 *September, 1935.*]

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1** This Act may be cited as the *Mining Companies Act 1935.*

Short title.

A.D.  
**1935.**  
 —

*Mining Companies.*

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Repeal.

**2—**(1) The enactments set forth in the first schedule are hereby repealed.

(2) The repeal by this Act of the enactments set forth in the fourth column of the first schedule shall not affect the operation of the amendments inserted or effected in the Principal Act by such repealed enactments, and the Principal Act shall continue to be read and construed as altered by such repealed enactments as if the same had not been repealed, subject, however, to any amendments or alterations therein made by any subsequent enactments.

Amend-  
ment of 48  
Vict. No.  
15.

**3** The Principal Act is hereby amended—

I. By substituting for repealed section six thereof the following new section six :—

New section Interpretation.  
6.

**“6—**(1) In this Act, unless the contrary intention appears—

‘Advertise’ means publish in a newspaper published at Hobart and in a newspaper published at Launceston and, if a newspaper is published in the mining division in which the mining operations of the company concerned are, or are intended to be, carried on, in such newspaper also :

‘Attorney’ means a duly qualified legal practitioner :

‘Company’ includes a partnership or co-adventure for mining purposes :

‘Court’ means the Supreme Court :

‘Mining purposes’ has the same meaning as in the *Mining Act 1929* :

‘Prospecting purposes’ includes mining purposes and the purpose of forming and floating mining companies :

‘Syndicate’ means any syndicate, association, partnership, or co-adventure for prospecting purposes, the capital of which—

I. Is undefined :

II. Is engaged to be subscribed by the members of the syndicate by an indefinite number of regular subscriptions in respect of each share held therein, payable at fixed periods occurring at regular intervals not exceeding one month : and

III. Would not exceed an aggregate of one thousand pounds if all contributions paid and payable by every shareholder in respect of a period of twelve months were fully paid up :

‘The Secretary’ means the Secretary for Mines.

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(2) Any company registered under the *Mining Companies Limited Liability Act* 1869 shall be deemed to be registered under Part I., and the provisions of this Act shall apply to such company accordingly, but the word 'Registered' after the name of such company shall be sufficient without the addition of the word 'Limited' as provided by this Act. Production of the certificate of registration issued under the lastmentioned Act shall be sufficient proof of the registration of the company under that Act”:

A.D. 1935.

II. By substituting for repealed section forty-three thereof the following new section forty-three:—

New section  
43.

“**43** Any contract made by or on behalf of a company Contracts. which, if made between private persons, would be—

- i. Required to be under seal may be made under the common seal of the company :
- ii. Required to be in writing signed by the parties thereto, may be made in writing in the name and on behalf of the company and signed by any person acting under the express or implied authority of the company :
- iii. Valid if made by parol, may be made by parol by any person acting under the express or implied authority of the company—

and any such contracts may be varied or discharged in the like manner respectively.

III. By substituting for repealed section sixty-two thereof the following new section sixty two:—

New  
section 62.

“**62**—(1) Subject to the provisions of this Act, the Company majority in number and value of the shareholders in any may make company may make and alter rules, both before and after rules. incorporation, for the management and purposes of the company.

“(2) Any such rule, after incorporation, may be made or altered only at an extraordinary meeting of the shareholders, and a copy of every rule so made or altered shall be filed with the Secretary immediately after such making or alteration.

“(3) The fact that the rules of a company registered under this Act include a rule not within the power of the company to make shall not invalidate the registration of such company, but this provision shall not be construed to validate any rule which would otherwise be inoperative.”:

IV. By inserting after the word “clerk” in sections seventy-three, Sections 73, seventy-four, and eighty-six thereof respectively the words 74, and 86. “of the Supreme Court” :

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A.D. 1935. Section 96.

New section 126. Part V.

Prospecting syndicates may become incorporated by registration. Mode of obtaining registration.

V. By inserting after the word "twice" (inserted in section ninety-six by the *Mining Companies Amendment Act 1913*) the words "in consecutive numbers of each of the prescribed newspapers:"

VI. By expunging the heading and sub-heading to Part V. and substituting therefor as Part V. the following heading, and inserting thereunder the following new sections one hundred and twenty-six to one hundred and thirty in place of the repealed sections of those numbers—

## "PROSPECTING SYNDICATES.

"**126**—(1) Any syndicate may become incorporated as a syndicate for prospecting purposes by obtaining registration as hereinafter provided if two-thirds of the shares therein shall have been allotted to and subscribed for by members of such syndicate.

"(2) In order to obtain such registration there must be lodged in the office of the Secretary a memorandum which shall contain the several matters, indicated in Form VI. in the second schedule, and which shall be signed by each of the shareholders in such syndicate, in the presence of one attesting witness at least.

"(3) The Secretary shall keep a register book, to be entitled 'The Prospecting Syndicate Register Book'; and, on receipt by him of such memorandum as aforesaid, shall register the prospecting syndicate in such memorandum mentioned, by entering in the said register book the date of such receipt, and by subscribing and signing at the foot of the said memorandum the words 'the above prospecting syndicate was registered by me on the day of by the above name.'

"(4) In the case of a registered syndicate, in lieu of the certificate prescribed by section twelve, the Secretary shall issue a certificate in Form VII. in the second schedule, and the same shall have the effect provided by section twelve in respect of the certificate therein mentioned.

"**127** Upon registration as aforesaid the persons who shall have signed the said memorandum as shareholders of and in such syndicate shall become a body corporate, which, subject to the provisions of this Part, shall be similar in all respects to a company for mining purposes incorporated and registered on the no liability system under this Act.

"**128**—(1) The rules of any syndicate, if not filed at the office of the Secretary at the time of the registration of the syndicate, shall be made by the shareholders at a general meeting convened for that purpose, in such manner as shall be provided by the memorandum required by this Act.

New section 127. Incorporation of registered syndicates.

New section 128. Making and registration of rules.

*Mining Companies.*

“(2) Such rules whenever made shall be filed by the manager of the syndicate by depositing with the Secretary a copy thereof signed by the manager and by two or more directors (if any) of the syndicate, and verified by the declaration of such manager in Form VII. in the second schedule.

A.D. 1935.

“**129** The scrip of every such syndicate shall bear upon the face thereof the name of the syndicate as registered, together with the additional words ‘registered as a prospecting syndicate under the *Mining Companies Act 1884*,’ and also a notice inscribed across such scrip containing the words included in the paragraph of the registered memorandum of such syndicate which corresponds with the sixth paragraph of Form VI. in the second schedule; and such additional words and such notice shall be printed in ink of a colour different from that in which any other words upon the face of such scrip may be printed or written.

New  
section 129

“**130**—(1) Subject to the provisions of this Part, the provisions of this Act, wherever applicable, shall apply to syndicates in the same manner and to the same extent as they apply to no liability companies.

Applica- New  
tion of other section 130  
Parts of this  
Act.

“(2) In the application of the provisions of other Parts of this Act to syndicates—

- I. The word “company” shall include syndicate :
- II. The word “call” shall include any contribution mentioned in the definition of syndicate:
- III. References to the Mining Companies’ Register Book shall be construed as references to the Prospecting Syndicates Register Book :
- IV. Sections eight, nine, eleven, thirteen, fifty-four, and fifty-five shall be excluded : and
- V. The application of sections forty-nine, and fifty-eight to sixty-one may be excluded or varied by the rules of the syndicate.

“(3) If the registered office of a syndicate is situate elsewhere than in the City of Hobart or the City of Launceston, the rules of such syndicate may exclude or vary the application of the provisions of section forty-four as hereinafter provided but not otherwise.

“(4) In any such case, as regards notice of an extraordinary meeting to be given to the shareholders of such syndicate, such rules may provide that, fourteen days at least before the date appointed for holding the extraordinary meeting, the manager shall—

- I. In the case of shareholders resident in such town, or who ordinarily receive their letters from the post-office at such town, post up written copies

*Mining Companies.*

A.D. 1935/

of the notice of the meeting outside the post-office aforesaid and outside the registered office of the syndicate and at such other places as the rules may provide : and

- ii. In the case of any other shareholders, send by post to each of such shareholders a copy of such notice signed by the manager—

in lieu of advertising the same as prescribed by section forty-four.” :

New section  
150.

VII. By substituting for repealed section one hundred and fifty thereof the following new section one hundred and fifty:—

General  
penalty.

“ **150** Every person who does any act prohibited by this Act, or fails or neglects to do any act which he is by this Act required to do, shall be liable, if no other penalty is expressly provided for such act or omission, to a penalty of twenty pounds.” :

Schedule.

VIII. As to the schedule thereto—

- (a) By inserting “ First ” before “ schedule ” in the heading and deleting “ (1) ” :
- (b) By deleting “ (2) ” and substituting “ Second Schedule ”, and inserting beneath that heading “ Form i. ” :
- (c) By deleting “ (3), ” “ (4), ” “ (5), ” and “ (6), ” and substituting therefor respectively “ Form ii. ”, “ Form iii. ”, “ Form iv. ”, and “ Form v. ” :
- (d) By deleting “ (7) ” and substituting “ Third Schedule ” :
- (e) By deleting “ (8), ” “ (10), ” and “ (11) ” (inserted by the *Mining Companies Amendment Act 1913*) and substituting therefor respectively “ Form vi. ”, “ Form vii. ”, and “ Form viii. ”, and transposing the forms respectively following those numbers to follow Form v. in the second schedule : and
- (f) By deleting “ or as the case may be ” in the heading in Form iv. ; and deleting “ A ” (or “ a ”) wherever occurring in the citation of “ Part V. ”.

Amend-  
ment of 48  
Vict. No.  
15 by  
second  
schedule.

**4** The Principal Act is hereby further amended to the extent and in manner set forth in the second schedule.

*Mining Companies.***FIRST SCHEDULE.**

A.D. 1935.

Regnal Year and Number.	Title of Act.	Extent of Repeal.	Enactments of which the Effect is Preserved notwithstanding Repeal.
48 Vict. No. 15.	<i>The Mining Companies Act 1884</i>	Sections 1, 2, 6, 7, 43, 57, 62, 123, 126 to 132, Part Va. and sections 132a to 132j, 136, 136a, 136b, 142a, and 153a	
4 Geo. V. No. 44	<i>The Mining Companies Amendment Act 1913</i>	The whole Act	Sections 3, 6, 8 to 24, 29, 30, and 32
20 Geo. V. No. 76	<i>The Mining Companies Act 1929</i>	The whole Act	Section 2
24 Geo. V. No. 12	<i>The Mining Companies Act 1933</i>	The whole Act	Section 2

**SECOND SCHEDULE.**

Regnal Year and Number.	Title of Act Amended.	Part or Section Amended or Expunged.	How Amended.
48 Vict. No. 15.	<i>The Mining Companies Act 1884</i>	Section 3	<p>By expunging, or by deleting the words (as the case may be) —</p> <p>“and take effect”; “and” to “after”; “and shall be called”; and “and is” to “offences.”</p> <p>“Notwithstanding” to “1869”; “association or partnership” (twice occurring); “formed” (secondly occurring); and “without” to “Patent”; and transposing “may be” to follow “company” (first occurring)</p> <p>“in the” to “case”; “the form” to “(2)” and substituting “Form I. in the second schedule”; “forwarded” to “therein” (secondly occurring, as inserted by 4 Geo. V. No. 44) and inserting “in the Gazette” (after “published”) and “the” (after “copies of”); “or such” to “contains”; and inserting “(1)” (before “any company” at the beginning of the section); “(2)” (before “in order”); “(3)” (before “The said memorandum”); and “(4)” (before “at any time”)</p> <p>“under” to “mining”; and “Provided” to “country” (inserted by 4 Geo. V. No. 44)</p> <p>“the form” to “(3)” and substituting “Form II. in the second schedule”; and “in all courts”</p>
		Section 4	
		Section 8	
		Section 10	
		Section 12	

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A.D. 1935.	Regnal Year and Number.	Title of Act Amended.	Part or Section Amended or Expunged.	How Amended.
	48 Vict. No. 15	<i>The Mining Companies Act 1884.</i> continued.	Section 16 Section 26 Section 29 Section 32 Section 34 Section 35 Section 36 Section 37 Section 38 Section 38A Section 38B Section 40 Section 44 Section 46 Section 47 Section 48 Section 49 Section 56	By expunging, or by deleting the words (as the case may be)— “thereof” (secondly occurring) “either”; “at Hobart” to “Launceston”; and “or the” to “be” “in any” to “company” “the preceding” and inserting “thirty-one” (after “section”) “the thirty-first”; “hereof” and substituting “thirty-one” “the preceding” and inserting “thirty-four” (after “section”) “the particulars following” “advertisement” to “situated” and substituting “publication in a newspaper” (in subsection (2) inserted by 4 Geo. V. No. 44) “decide” (last occurring) and substituting “be decided” “whether.” to “otherwise” “the immediately preceding” (twice occurring) and inserting “thirty-eight A” (after “section” in each case) “and” (before “the Secretary”) and substituting “(3)”; “prescribe” and substituting “direct”; and “prescribed” and substituting “directed”; and inserting “(1)” (at the beginning of the section) and “(2)” (before “No book”) “pursuant to section six” (inserted by 4 Geo. V. No 44); and “Provided” to “notice” and substituting “(2) The advertisement”; “in any newspaper”; “such” and substituting “each” and inserting “(1)” at the beginning of the section “The provisions” to “No. 3” “and” in line three “in such company” and substituting “present at such meeting” “open” and substituting “available”; “directed” to “(4)” and substituting “indicated in Form III. in the second schedule”; “a copy” and substituting “copies”; “or the pages thereof respectively”; “as hereinbefore directed” (inserted by 4 Geo. V. No. 44); and inserting “so.” before “gazetted” (in the preceding line); “the form” to “(4)” and substituting “Form III. in the second schedule”; and “in the” to “(4)” “or payment thereof” to “same proceeding”



*Mining Companies.*

Regnal Year and Number.	Title of Act Amended.	Part or Section Amended or Expunged.	How Amended.	A.D. 1935.
48 Vict. No. 15	<i>The Mining Companies Act 1884</i> —continued.	Section 63	By expunging, or by deleting the words (as the case may be)— “in any” to “say)” and substituting “whenever”; “when” and “where” (wherever occurring at beginning of paragraphs)	
		Section 64	“at” to “equity”; “decree”; “action” to “other”	
		Section 66	“the sixth” to “section” and substituting “paragraph VI. of section sixty-three”	
		Section 68	“on” to “of” and substituting “upon”; and “on”	
		Section 70	“the form” to “(5)” and substituting “Form IV. in the second schedule”; “and if” to “to”	
		Section 94	“present”; and inserting “(1)” (at the beginning of the section) and “(2)” (before “section”)	
		Section 103	“in a prepaid letter”; “insertion” to “advertisements” and substituting “service of such notice”; and “such” to “post-office”	
		Section 105	“magistrates” to “Act” and substituting “ <i>Justices Procedure Act 1919</i> ”; and “Bankruptcy” to “1870” and substituting “law relating to bankruptcy”; and inserting “(1)” (at the beginning of the section) and “(2)” (before “If any”)	
		Section 110	“the next preceding” and inserting “one hundred and nine” (after “section”)	
		Section 120	“the form” and substituting “Form v. in the second schedule”; “in the” to “6” and substituting “set forth therein”	
		Section 124	“The” to “or”; “after” to “Act”; and “of any” to “or”	
		Section 134	“to be” (secondly occurring)	
		Section 135	“made” (secondly occurring) to “Tasmania” and substituting “a statutory declaration”	
		Section 139	“herein” to “provided” and substituting “provided by this Act”	
		Section 141	“but” to “Rules” and substituting “make regulations”; and “and” (after “witnesses”) to “enacted”	
		Section 142	“but” to “Act”; and “(7)” and inserting “third” (before “schedule”)	
		Section 143	“penalty” to “on” and substituting “daily penalty of five pounds”	

*Mining Companies.*

A.D. 1935.	Regnal Year and Number.	Title of Act Amended.	Part or Section Amended or Expunged.	How Amended.
	48 Vict. No. 15	<i>The Mining Companies Act 1884.</i> continued.	Section 144	By expunging, or by deleting the words (as the case may be)— “in” to “thereof”; and “any” to “exceeding” and inserting “if he” (after “months”); “If he” (twice occurring); “if” and “he” (in paragraphs III. and IV. respectively); “either”; and “or” to “Launceston” (in paragraph IV.)
			Section 145	“in” to “cases”; “not exceeding” and substituting “of”; and inserting “if he” (after “Pounds”); “if he” (in paragraphs I., II., and III respectively); “if” and “he” (in paragraph IV.)
			Section 146	“for” to “offence”; and “not exceeding” and substituting “of”
			Sections 147 and 149	“not exceeding” and substituting “of”
			Section 148	“in” to “thereof”; and “any” to “exceeding”; and inserting “if he” (after “months”); “if he” (in paragraphs I. and II. respectively)
			Section 151	“guilty” to “and”; and “a” to “exceeding”
			Section 154 Wherever occurring (except in the schedules)	“it has” to “believe” “for Mines” (after “Secretary”—as substituted by 4 Geo. V. No. 44)