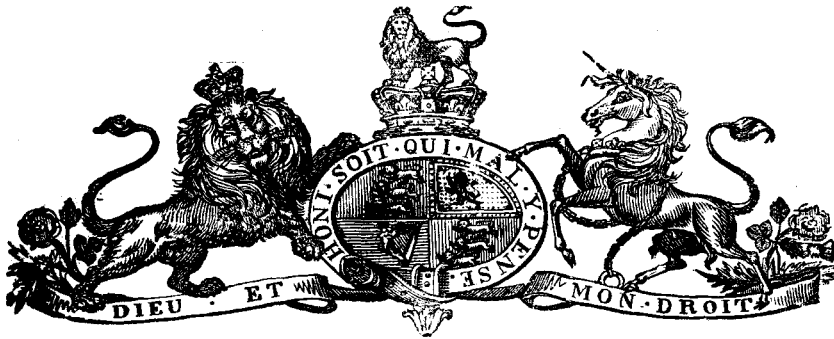


T A S M A N I A.



1 8 8 1.

ANNO QUADRAGESIMO-QUINTO

VICTORIÆ REGINÆ,

No. 7.



AN ACT to further amend "The Mineral Lands Act, 1877." [8 November, 1881.] A.D. 1881

WHEREAS it is necessary and expedient to further amend "The Mineral Lands Act, 1877:" PREAMBLE. 41 Vict. No. 7.

Be it therefore 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 Mineral Lands Amendment Act, 1881." Short title.

2 In this Act, unless the context otherwise determines— Interpretation. "The said Act" means "The Mineral Lands Act, 1877," and every Act amending the same.

3 This Act shall commence and take effect on the First day of December, 1881. Commencement of Act.

4 Notwithstanding anything contained in the said Act or any Act repealed thereby, or in any lease issued thereunder, any person authorised in writing in that behalf by a Commissioner may enter into occupation of or under any land comprised in any such lease for the purpose of mining for gold or any other metal or mineral than that intended to be mined for under any such lease; but no such occupation shall interfere with or obstruct the lessee in conducting mining operations under his lease. Lands leased for mineral purposes may be entered upon for purpose of mining for gold, &c.

5 Whenever land leased under the said Act or any Act repealed thereby, for the purpose of mining for coal, shale, slate, or limestone, If land leased for mineral purposes be found, &c. to

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 contain any other mineral than that intended to be mined, land may be leased for mining such other mineral.

shall be found to contain any other metal or mineral than those intended to be mined for under such lease, such land, or such portion thereof as may be required for the purpose of mining such other metal or mineral, shall be deemed to be Waste Lands of the Crown, and may be leased under the provisions of the said Act for such purpose: Provided such leasing shall not interfere with the lessee in mining for coal, shale, slate, or limestone, as the case may be.

Where land leased for mineral purposes be found to contain gold, land may be dealt with under Acts relating to mining for gold.

6 Whenever land leased under the said Act or any Act repealed thereby, or this Act, shall be found to contain gold, such land may be dealt with under the provisions of any Act in force to regulate mining for gold and the Regulations made thereunder, in all respects as if such land had never been leased.

Nothing hereinbefore contained shall authorise any person to mine for gold upon any portion of a claim leased as aforesaid upon which the lessee is *bonâ fide* conducting mining operations under the terms and conditions of his lease, or upon any portion of such claim which the lessee shall prove to the satisfaction of the Commissioner is required by him for or in connection with mining under his lease.

Rent may be remitted in certain cases.

7 When any land leased under the said Act shall be occupied under this Act the Minister may remit a proportionate part of the rent payable by the original lessee for so much of such land as shall be occupied under this Act.

When dispute arises Commissioner may select Assessors to decide same.

8 Whenever any dispute shall arise between two or more persons holding leases under the said Act or any Act repealed thereby, and this Act, touching the right to conduct mining operations, or any question shall arise touching the right to remove any metal or mineral, the Commissioner may, upon the hearing of any such dispute or question, select two persons from amongst those who are present and willing to act as Assessors, or may summon any number of persons not exceeding four, and shall select two from amongst those who may attend at the time appointed, and the persons so selected shall be and act as Assessors; and before any such person acts as such Assessor the Commissioner shall and he is hereby authorised to administer to such person an oath to the effect that such person will well and truly enquire into the dispute or question then submitted and a true finding and decision give according to the evidence; and the decision of the Commissioner and one Assessor shall be binding upon all parties, and may be enforced in any manner authorised by law.

Penalty for non-attendance as Assessors.

9 If any person having been duly summoned to act as an Assessor disobeys such summons and fails to attend at such time and place as may be named therein, or duly attends but refuses to be sworn as aforesaid, every such person upon proof that such person was duly summoned, or upon such person refusing to be sworn, shall, unless some reasonable cause for such non-attendance or refusal is made to appear to such Commissioner, be liable to a penalty not exceeding Five Pounds, which penalty may be recovered before such Commissioner, and be levied in a summary way; and for the purpose of enforcing payment of any such penalty, the Commissioner shall have the powers of a Justice of the Peace for enforcing payment of a penalty recovered before such Justice; and every person who attends in obedience to any such summons and acts as such Assessor shall be entitled to demand and receive any sum not exceeding Two Pounds, which sum, or any part thereof, shall be paid by such of the parties as the Commissioner may determine and order to pay the same.

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10 Whenever any dispute shall arise between any person holding a lease under the said Act or any Act repealed thereby and any other person who may desire to proceed under this Act to mine for gold or any metal or mineral, or otherwise, the Commissioner may upon the hearing of any such dispute select Assessors; and the provisions of the last two preceding Sections shall apply in all respects to the hearing and determination of any such dispute by the Commissioner and such Assessors.

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Settlement of dispute where land occupied for gold mining.

11 In any case where an area of twenty acres of Waste Lands of the Crown shall not be available for leasing under the said Act, it shall be lawful to lease any smaller area.

Less than 20 acres may be leased.

12 Any person prospecting for a deposit of any metal or mineral at a place distant not less than Five miles from any previously known deposit of such metal or mineral shall be entitled to such area of ground, not exceeding Eighty acres, as the Commissioner deems requisite for the purposes of protection; and such protection shall hold good, provided ground is being actually prospected, for a period not exceeding Six months against all persons until a discovery has been made and reported to the Commissioner, and a claim laid off by the prospectors. And such protection may be renewed by the Commissioner at his discretion for a further period not exceeding Six months.

Protection to person prospecting at a distance from previously known deposit.

13 Any person who discovers any mineral at a place not less than Ten miles from any place where a mineral of a like kind has before then been found and taken up as a claim, shall be entitled to a lease under the said Act at a peppercorn rent, with right of renewal for such term and on such conditions as are provided for other lessees under Section Thirteen of the said Act: Provided that the Minister may refuse to grant such lease whenever it shall appear to him that the applicant is not justly entitled to the same.

Discoverer of mineral entitled to lease at a peppercorn rent.

14 Notwithstanding anything to the contrary contained in the Thirty-eighth Section of the said Act, it shall be lawful for the Governor in Council to appoint Commissioners of Mines for *Tasmania* and its Dependencies, and such Commissioners shall have and exercise such powers and perform such duties as are assigned to or imposed upon Commissioners by the said Act and this Act and by any regulations made under the said Act or this Act.

Appointment of Commissioners.

Where in any case any act, matter, or thing is directed by the said Act or the regulations made thereunder or under this Act to be done by or before the Commissioner of any District, such act, matter, or thing may be done by or before any Commissioner for *Tasmania*.

15 This Act and the said Act as amended by this Act shall be read and construed together as one Act.

Acts to be read together.

16 Section Five of "The Mineral Lands Act, 1877," and Sections Four, Five, Six, and Seven of "The Mineral Lands Amendment Act, 1880," are hereby repealed, save as to all proceedings pending, all rights acquired, and all things duly done thereunder before the commencement of this Act.

Repeal.

