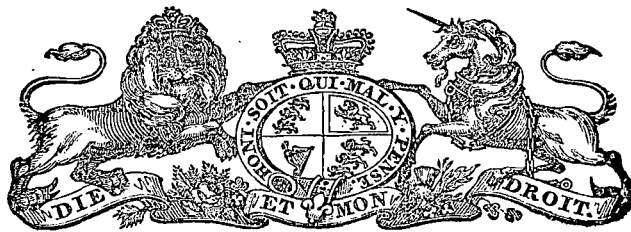


(No. 36.)



1877.

SESSION IV.

T A S M A N I A .

H O U S E O F A S S E M B L Y .

M I N E R A L L E A S E S B I L L .

R E P O R T O F S E L E C T C O M M I T T E E .

Laid upon the Table by the Minister of Lands and Works, and ordered by the
House to be printed, November 8, 1877.



***REPORT of Select Committee appointed to consider the "Mineral
Leases Bill."***

YOUR Committee have the honor to report that they have carefully considered the Bill referred to them; and after obtaining valuable evidence upon the subject, a Report of which evidence is hereto annexed, they have agreed upon certain alterations, and now submit the Bill as revised by them for the consideration of your Honorable House.

NICHOLAS J. BROWN, *Chairman.*

MINUTES OF THE MEETINGS.

THURSDAY, 4 OCTOBER, 1877.

Present—Messrs. Brown, Just, Bromby, and Gellibrand.

Mr. Brown was moved to the Chair.

Resolved that copies of the Mineral Lands Bill be sent to Messrs. Macmichael, W. Ritchie, H. Ritchie, P. M'Intyre, J. Smith, G. Johnson, A. Waggenecht, and A. A. Butler, with a letter requesting them to forward their views thereon to the Chairman.

The Committee adjourned until Tuesday, 9th instant, at 11 o'clock.

Witnesses to be summoned.

Mr. Bernard Shaw to be examined on Tuesday, the 9th instant, at 11 o'clock.

TUESDAY, 9 OCTOBER, 1877.

There being no Quorum the Meeting of the Committee lapsed.

THURSDAY, 11 OCTOBER, 1877.

Present—Messrs. Gellibrand, Just, Dobson, and Brown.

Mr. Ritchie's letter was read.

Mr. Shaw was called in and examined.

Resolved that Mr. J. S. Goodall be written to, and asked to advise on the Bill.

Witnesses to be summoned.

Mr. Bealey, 12th October, at 11 A.M.; Mr. Sprent, 16th October, at 11 A.M.; Mr. A. A. Butler, Tuesday, 23rd October, at 11 o'clock.

Committee adjourned until Friday, 12th instant, at 11 A.M.

FRIDAY, 12 OCTOBER, 1877.

Present—Messrs. Just, Gellibrand, Brown, and Dobson.

Mr. Smith's letter, containing suggestions on the new Mineral Leases Bill, was read.

Mr. Bealey was called in and examined.

Mr. Shaw was further examined.

The Committee adjourned to Monday, 15th inst., at 11 A.M.

MONDAY, 15 OCTOBER, 1877.

There being no Quorum the Meeting lapsed.

TUESDAY, 16 OCTOBER, 1877.

Present—Messrs. Gellibrand, Dobson, and Brown.

Mr. Bernard Shaw further examined.

Committee adjourned to Wednesday, the 17th instant, at 11 o'clock.

WEDNESDAY, 17 OCTOBER, 1877.

Present—Messrs. Brown and Dobson.

There being no Quorum the Meeting of the Committee lapsed.

THURSDAY, 18 OCTOBER, 1877.

Present—Messrs. Brown, Gellibrand, Dobson, and Bromby.

Mr. Sprent was called in and examined.

The Committee adjourned until Friday, the 19th October, 1877.

FRIDAY, 19 OCTOBER, 1877.

Present—Messrs. Brown, Gellibrand, Dobson, and Bromby.
 Mr. Sprent further examined.
 The Committee adjourned until Tuesday, 23rd October, at 11 o'clock.

TUESDAY, 23 OCTOBER, 1877.

Present—Messrs. Just, Gellibrand, Dobson, and Brown.
 Mr. John Watt's letter, offering suggestions on the proposed Bill, was read.
 Mr. A. A. Butler was called in and examined.
 The Committee adjourned until Wednesday, 24th October, at 11 o'clock.

WEDNESDAY, 24 OCTOBER, 1877.

There being no Quorum the Meeting of the Committee lapsed.

THURSDAY, 25 OCTOBER, 1877.

Present—Messrs. Brown, Gellibrand, Lette, Hart, and Just.
 Mr. A. E. Counsel called in and examined.
 The Committee adjourned until Friday, 26th October, at 11 o'clock.

FRIDAY, 26 OCTOBER, 1877.

Present—Messrs. Brown, Gellibrand, Bromby, Just, and Lette.
 Consideration of amendments to Bill.
 Mr. Goodall was called in and examined.
 Committee adjourned until 3 o'clock in the afternoon.

AFTERNOON SITTING.

There being no Quorum the Meeting of the Committee lapsed.

MONDAY, 29 OCTOBER, 1877.

There being no Quorum the Meeting of the Committee lapsed.

TUESDAY, 30 OCTOBER, 1877.

Present—Messrs. Gellibrand, Dobson, Brown, Bromby, Hart, and Lette.
 Consideration of proposed Bill.
 Committee adjourned until 31st October.

WEDNESDAY, 31 OCTOBER, 1877.

Present—Messrs. Brown, Lette, Hart, Douglas, and Gellibrand.
 Consideration of proposed Bill.
 Committee adjourned till Thursday, 1st November, at 11 o'clock.

THURSDAY, 1 NOVEMBER, 1877.

Present—Messrs. Lette, Douglas, Just, Gellibrand, Bromby, and Brown.
 Mr. Lette, in the Chairman's absence, took the Chair.
 Mr. Brown, the Chairman, resumed the Chair.
 Consideration of proposed Bill.
 Committee adjourned till Friday, 2nd November, at 11 o'clock.

FRIDAY, 2 NOVEMBER, 1877.

Present—Messrs. Brown, Just, Gellibrand, and Lette.

Consideration of proposed Bill.

Committee adjourned till 11 o'clock on 6th November.

TUESDAY, 6 NOVEMBER, 1877.

Committee met at 11 o'clock.

Present—Messrs. Brown, Lette, Gellibrand, and Just.

Consideration of proposed Mineral Leases Bill.

Committee adjourned until half-past three o'clock to-morrow.

WEDNESDAY, 7 OCTOBER, 1877.

Committee met at 3.30.

Present—Messrs. Brown, Dobson, Lette, Just, Bromby, and Gellibrand.

Report read and adopted.

Committee adjourned *sine die*.

E V I D E N C E.

THURSDAY, OCTOBER 11, 1877.

BERNARD SHAW, *Esq., Commissioner of Mines and Goldfields, examined.*

By Chairman.—1. My name is Bernard Shaw. I am Commissioner of Mines and Goldfields.

By Mr. Just.—2. Clause 5. There is no sufficient provision in the present Act for issuing Prospecting Licences. The Clause which was intended for that purpose is practically inoperative because it fixes a man to a particular spot. The Clause in the Bill remedies that defect.

By Attorney-General.—3. I do not consider that minors and females holding Prospecting Licences is prejudicial. I think the proposed regulations sufficient to ensure the *bonâ fide* prospecting of the claim by the holders of Prospecting Licences.

By Mr. Just.—4. I think it would be advisable to insert in this Clause a provision requiring the claim to be defined by marking off, instead of leaving the provision of marking off to be made by regulation. I would recommend that Prospecting Licences be in force for twelve months from date of issue.

5. I suggest that the discoverer of any mineral at a place 20 miles distant from where a mineral or metal of a like kind has been found, and one or more claims taken up under this Bill, or the Mineral Leases Act, 1870, should be granted a lease free of rent as a reward.

6. Clause 6. I consider that provision should be made in Clause 6 to permit persons to remove small quantities of ore for specimens or assay purposes.

By Attorney-General.—7. Clause 7. I have reason to believe that a great quantity of minerals belonging to the Crown have been illegally removed. This can only be remedied by appointing Crown Bailiffs, and giving them instructions to rigorously enforce Sections 6 and 7. Cases have come under my notice where land has been worked for a length of time, and tin removed, by persons working as tributors to men who have applied for a lease but have not paid rent on that lease: in one or two cases this has gone on for two years. This has been unavoidably occasioned, I believe, from the large number of applications extending over such a large area of new country, and the inadequacy of the staff of the Department to deal with them.

8. Clause 8. I think that £1 is not too much to demand for a Mineral Right. A Miner's Right under the Goldfields Act is 5s., because it is compulsory to hold one, but a Mineral Right is optional.

By Mr. Just.—9. Clause 9. I think tin in alluvial deposit is the only metal that should be worked under Mineral Rights. There is no occasion to define the term "alluvial deposit."

By Attorney-General.—10. I think there is no occasion to have any special provision in the Act for the renewal of a Mineral Right, because the holder of a Mineral Right applies for a new one as soon as the existing right expires. The same provision as proposed in Clause 9 in this Bill with regard to diversion of water exists in the Gold Fields Act, and has not been found to act prejudicially in any way.

FRIDAY, OCTOBER 12, 1877.

MR. WM. BEALEY *examined.*

By Chairman.—11. My name is William Bealey. I have had some experience in tin mining. I do not see any clause in the new Bill that requires alteration.

By Attorney-General.—12. I think it advisable that prospecting licences should be issued to minors and females. I do not think it leads to undesirable speculation in tin sections.

By Mr. Just.—13. I think the control of the water on all alluvial tin fields should be in the hands of the Government. There are thousands of acres in Ringarooma that cannot be worked till water is carried to a higher level, and this is not likely to be done by private enterprise. If the Government took steps to preserve the water the miners in many cases would not object to it, and I think such a course would prove remunerative to the Government. I know of a large area of ground at Thomas's Plains that cannot be worked for the same reason as that I mentioned in Ringarooma. A water supply for this ground could be brought from Thomas's River. I know the locality well, having resided there two years. I do not approve of areas so small as one acre being let to one man under mineral rights; it would be one of the greatest curses which could exist on a mine, as designing men would take advantage of them to remove tin from adjoining blocks. I think the smallest area should be 20 acres. I do not think the present rent of 5s. per acre too high. I do not think the miners would object to paying a royalty of (say) 10s. a ton on their tin, to be devoted to the formation and maintenance of roads in their district. The money spent in packing in the last two years from Thomas's Plains to George's Bay would have paid for the road twice over. From Thomas's Plains to the Junction, a distance of 8 miles, the average price of packing has been £7 per ton. I think some 2000 tons have been packed out up to the present time; and had there been a good road a far larger quantity would have come out from Thomas's Plains, because men would then have worked land that will not pay at the present rate of packing.

By Mr. Gellibrand.—14. Mr. Graves has stated that a tramway could be constructed for £1000 per mile.

By Attorney-General.—15. I have had experience in Victoria in gold mining. The system of miners' rights is in force there. I do not know whether it works well or not. My only objection to the Mineral Rights is the facility they offer for stealing tin. I do not think much tin is removed illegally from Crown Lands. I do not think there is any means of stopping the practice. I do not think it worth while incurring the expense of Crown Bailiffs; a proceeding against and conviction of an offender would have a salutary effect. I know many instances of people having worked ground out before they paid the rent.

By Chairman.—16. I think the present mode of marking out claims by Surveyors is very unsatisfactory. I would suggest that the tree nearest to each corner be plainly marked with a distinguishing number, and the corners of the claim plainly marked with a triangular trench.

By Mr. Just.—17. I think a resident Registrar on the spot, with an office where all claims could be taken up would save a great deal of time and trouble, and prevent litigation.

By Chairman.—18. I think notices under the Mineral Leases Act should be published in other papers besides the *Gazette*, as the *Gazette* is never seen on the mines.

19. With reference to the proposed conditions of lease in Clause 28, I think that the condition that £3 per acre should be expended annually, and the alternative condition as to a man for every 20 acres being employed for every nine months, extremely objectionable. I think in nine cases out of ten they could not be complied with, and if enforced, would cause the mine to be thrown up.

By Attorney-General.—20. I think that a Mining Board elected by the miners of each different district, and presided over by the local Registrar, would be very desirable; the Board to decide disputes and make provision for matters requiring local knowledge.

BERNARD SHAW, *Esq.*, examined.

By Mr. Just.—21. Clause 9. I think Mineral Rights should give the right to mine for all metals or minerals in alluvial deposit. I was not aware that other minerals were found in alluvial deposit.

By Attorney-General.—22. Clause 11. I do not think that payment of rent in advance ought to be compulsory, or that a man should be compelled to take out an Occupation Licence before the lease is issued: the object of an Occupation Licence is to enable a man to go to work before he gets his Lease, which he could not otherwise legally do. I do not think there is danger of men unlawfully working now before the Lease is issued if Clauses 6 and 7 are properly enforced.

By Mr. Just.—23. It has not come under my notice officially that large areas of ground have been locked up under application for lease, it was out of my province. I do not think that the payment of rent in advance would check the locking up of lands.

MONDAY, OCTOBER 15, 1877.

BERNARD SHAW, *Esq.*, further examined.

By Chairman.—24. Clause 9. I do not think, that any inconvenience will arise from granting so small an area as one acre under Mineral Rights.

By Attorney-General.—25. I do not think the one-acre system would tend to diminish the supply of water, or affect its use in any way under the Mineral Rights.

By Chairman.—26. I do not think any difficulty would arise as to getting rid of tailings, or as to encroachment. I would draw your attention to the Queensland Regulations, under which no leases are issued for tin-bearing ground.

By Attorney-General.—27. Clause 13. I think there should be some regulation regarding the exercise of Water Rights. I think the control of water should be in the Government's hands. I think the Government should have the right of making regulations as regards the use of water by miners. There are sometimes complaints of the scarcity of water, but I do not hear this officially. I should not advise the Government, under the present state of mining, to expend money in permanent water-works.

28. Clause 15. I approve of the principle contained in this clause that no lease shall be issued to any Company not registered in Tasmania. I think it would enable the authorities to deal more easily with the owners of claims.

By Chairman.—29. If this clause were not retrospective, I think no mischievous effects would follow its enactment to holders of leases. From my own experience as a Magistrate I know that inconvenience has arisen in dealing with Companies not registered in Tasmania.

By Attorney-General.—30. Clause 16. I do not think it advisable to fix the amount of fine payable upon renewal of lease at such a low sum as £2 10s. per acre. A mine which has been worked for 21 years will probably be worth very much more; and there are instances in the other colonies where very large sums have been paid for the renewal of leases.

31. Clause 20. I do not think 18 months too long to give notice of renewal of leases; but I do not agree with the principle of giving a right to demand renewal at all, in the present uncertain state of mining.

32. Clause 27. I do not think this Clause desirable. I am not aware of any good reason why one person should not be granted as many leases as he chooses to apply for, provided the labour Clauses are enforced. A man holding a lease for one description of metal would be precluded from applying for a lease for any other kind of mineral in any other part of the Colony. Such a Clause would, no doubt, be evaded, giving a great deal of unnecessary trouble to the Department. I would not object to the same person holding more than one lease for the same kind of metal. I do not think it would encourage speculation, or have a prejudicial effect upon *bonâ fide* mining. I believe one person will be the actual holder of several leases in the names of others, in spite of any legislation intended to prevent it.

By Chairman.—33. Clause 28. I do not think the condition that £3 per annum should be spent for each acre of land leased a hard one; and the alternative, that one man should be employed for every 20 acres nine months in the year, still easier.

By Attorney-General.—34. Clause 29. Some further provision is very necessary in this Clause to prevent the serious consequences which might possibly arise in the event of several persons desiring to take possession (by marking off) of a section of land the lease of which was about to be declared void. The *Gazette* notice would take effect at midnight, and the person who first marked off at that hour would secure the land. If several persons were attempting to mark off a serious disturbance might arise. I think the person who first applies for forfeiture of the lease, and at whose instance the forfeiture is made, should have a preferential right to a lease of the land.

By Chairman.—35. Clause 32. I think that at present the system of having Local Mining Boards would be objectionable, because the mining population is in too unsettled a state.

By Attorney-General.—36. I think provision should be made for giving the Governor in Council power to make different regulations for different minerals under Clause 38.

37. Clause 39. I recommend that Regulations made by the Governor in Council under this Act should appear at least once in all the papers as well as in the *Gazette*.

38. Clause 41. Referring to this Clause I think there should be some provision to give effect to the Commissioner's decision. Notwithstanding the Commissioner's decision, I think the Governor in Council should have power to reserve the land from being leased; but I do not think he should have the power to give the lease to any other person than the person in whose favour the Commissioner decides. I think the application for lease should be made to the Commissioner of Mines; but I do not think that both the Commissioner and Deputy-Commissioner of Crown Lands should have the power of entertaining applications or leases.

39. Clause 42. Under the Gold Fields Act the system of receiving applications for leases by the Commissioner works very well.

By Chairman.—40. Clause 46. I am of opinion there should be some clear provision for an appeal from the Commissioner's decision to a higher judicial tribunal upon questions of fact as well as of law. On questions of fact, because the jurisdiction is unlimited as regards amount, and it is a large power and consequent responsibility to vest in one man's hands.

THURSDAY, OCTOBER 18, 1877.

MR. SPRENT *examined.*

By Chairman.—41. My name is Charles Percy Sprent.

42. I am District Surveyor for Wellington.

43. I have seen a copy of the proposed Mineral Leases Bill.

44. Clause 5. I think that Prospecting Licences should be granted for land at least 7 miles from any known deposit of minerals.

45. The objection of Prospecting Licences being issued in the vicinity of ground already worked is that the holders would not be *bonâ fide* prospectors.

46. I think in the last part of Clause 5 it should be 7 instead of 25 miles.

By Attorney-General.—47. Clause 8. I do not approve of the principle of granting Mineral Rights as provided for by this Act. I think that holders of leases would surrender their lease and take up the best parts of the ground under the Mineral Rights.

48. I think it would lead to a great deal of confusion having three modes of taking up land, viz. Prospecting Licences, Mineral Rights, and Leases.

49. A Lease of 80 acres might contain only a few acres of good ground, and I think the lessee would surrender his lease and take up different one-acre lots under Mineral Rights, which would have to be done under the name of himself and others.

By Chairman.—50. I attach no importance to the objection raised against Mineral Rights on the ground that they would afford opportunities to men for stealing tin from adjoining blocks.

51. Clause 9. I think the power proposed to be given under Clause 9 to use races and dams to divert water for mining purposes is extremely objectionable.

52. The power proposed to be granted should be subject to the approval of the Commissioner from his own knowledge of the facts, or upon the report of some competent person.

By Attorney-General.—53. Clause 11. I approve of payment of three months rent in advance, as provided by Clause 11.

54. Because it protects the Revenue, and would not deter men from taking up land under lease.

55. I do not think that applicants for leases should be compelled to take permissive occupation licences, because I do not see why there should be delay in granting the lease. And when the ground is surveyed, it may so happen that the party to whom the occupation licence was issued to is found not to be the rightful owner of the ground.

56. Under any circumstances I object to applicants for leases being compelled to pay rent in advance. I approve of Section 11, but do not approve of it being made compulsory.

By Attorney-General.—57. Clause 14. I approve of the scale of rent, and think it ought to be fixed by the Act rather than left to the Governor in Council.

58. Clause 16. I think it would be advisable to retain the latter part of this clause providing for renewal of lease.

59. I do not think that a large fine should be charged for a renewal, and the amount per acre should be fixed.

60. Clause 19. I think that where a lessee surrenders his lease, he should have power to remove machinery, plant, and minerals brought to the surface, and that he should be allowed the period of 6 months for this purpose.

61. Clause 27. I think that a man should be allowed to take up more than one section, provided the sections were distant not less than 7 miles from one another.

62. These remarks apply to any metal.

63. A good deal of land is taken up by speculators in fictitious names; I see no objection and no remedy.

By Chairman.—64. Clause 28. I think that the condition that £3 per acre per annum shall be expended is a fair one.

65. I do not approve of the alternative condition, the employment of one man for every 20 acres.

66. I would suggest the Commissioner or Minister of Lands should have the power to determine what is *bonâ fide* mining with respect to every particular claim.

67. It frequently happens that holders of leases will stand by until other parties have done a large amount of dead work and established a field, and will then without any expenditure on their part derive advantage from the working lessees.

By Mr. Gellibrand.—68. I do not think giving power to the Minister of Lands or Commissioner that I have suggested would prevent people from taking up leases.

FRIDAY, OCTOBER 19, 1877.

MR. SPRENT *examined.*

By Chairman.—69. Clause 29. I would not approve of the person giving information as to default having a preferential right to forfeited lease, because I think it would be likely to lead to more quarrelling than leaving it open.

By Mr. Bromby.—70. I agree with Mr. Bealey as to avoidance of lease being published in the newspapers.

71. Clause 32. I approve of this clause. I refer the Committee to Regulation of 13th September, 1872, under the Gold Fields Act of 1866 of New South Wales, under which a royalty of 5 per cent. is charged for gold raised from land taken up for other minerals. The latter part of this clause, I think, is objectionable. I don't think that a lease should be forfeited if the original lessee shall mine for the mineral for which he applied for the lease; but other persons might obtain the ground for the purpose of mining for gold as well as the original lessee. If this were carried out, it would have to be under proper regulations to prevent annoyance of the original lessees by miners under Gold Fields Act. I suggest that in case of alluvial tin and gold occurring together, to allow the lessee to work the ground under the Mineral Leases Act; but in case of underground works or rock works, to permit miners to work the alluvial gold under the Gold Fields Regulations.

By Chairman.—72. Clauses 34, 35, 36. I think these powers should be given to a Mining Board and not to trustees of a road district.

73. Clause 37. I think trustees should not authorise the construction of roads without the approval of a Mining Board.

By Mr. Bromby.—74. Clause 38. I think it would be advisable that the Regulations include power to appoint Mining Boards to carry out the Regulations. For the present I would suggest that the Mining Boards be appointed by the Governor in Council.

75. Clause 39. I suggest the notice of the Regulations should be published in the local papers as well as the *Gazette*.

By Chairman.—76. Clause 40. I do not think it necessary that the Commissioner of Mines should hold Courts at appointed times to decide disputes.

By Mr. Gellibrand.—77. I would suggest that persons be appointed to receive applications; such persons to give applicants a certificate of application, to sign the application, endorse it with the date and hour of its receipt by him, and forward it to the Minister of Lands. The appointment of such officers for the development of the mines is now necessary. The Registrar on the spot to be supplied with plans.

By Chairman.—78. Schedule 2. I think the condition of lease as to refuse and tailings could not in many cases be complied with.

TUESDAY, OCTOBER 23, 1877.

A. A. BUTLER, *Esq.*, examined.

By Chairman.—79. My name is Alfred Butler. I am a Legal Manager of Mining Companies. I have no knowledge of the practical working of Mines, my knowledge is restricted to the management only. I have seen a copy of the proposed Mineral Leases Bill, and think some of the clauses require alteration.

80. Clause 8. I think the granting of so small an area of ground as one acre under Mineral Rights would operate injuriously to the holders of larger claims. Tin would probably be stolen by holders of ground under these Rights from adjoining Claims. I object to Mineral Rights altogether. I do not think the issue of Mineral Rights would increase the *bonâ fide* working of ground by working miners. I do not know of any ground being worked in Ringarooma or in any stanniferous district by working miners. Sections are generally taken up by working miners under lease for sale. Mineral Rights give no security of tenure, and it would therefore be difficult to sell under them.

By Attorney-General.—81. Clause 5. I think Clause 5, as to the issue of Prospecting Licences, a necessary one. I do not consider the distance of 25 miles in the last part of Clause 5 to be too great, but a great deal depends on the country.

By Mr. Just.—82. I do not think it would be possible to specify any distance, and that discretionary power should be given to the Minister of Lands to take into consideration the nature of the country in which the discovery may be made.

By Attorney-General.—83. Clause 11. I think the issue of a Permissory Occupation Licence, upon payment of three months rent until the issue of the lease, advantageous. I think rent should be made payable in advance, in order to protect the Revenue, many claims have been worked out before the rent has been paid. I do not think it would operate harshly with working miners to make the rent payable in advance, nor would it prevent *bonâ fide* working of the ground. If ground is worth anything at all, it is worth the rent. It would not deter *bonâ fide* workers of ground from applying but it might deter speculators.

By Mr. Just.—84. I hardly consider it advisable to enforce the payment of rent under a lease before survey, because three or four persons might apply for the same piece of ground.

By Attorney-General.—85. I think arrangements should be made for the return of rent under Permissory and Occupation Licence, if it should prove that Government could not issue the lease.

By Mr. Just.—86. The return of the rent would not compensate holders of ground for the money they had spent on it. I do not think £1 as deposit on each application would be sufficient to deter speculators; I think that in lieu of £1 three months' rent in advance would have that effect.

87. I think three months' rent in advance would be quite a sufficient deposit on a 20-acre section.

By Chairman.—88. Clause 15. I think this clause might prevent foreign capital being brought into the Colony for investment in mining.

By Mr. Just.—89. I cannot see how any inconvenience would arise in dealing with Companies not registered in Tasmania. I know that Victorian capitalists prefer the registration in Victoria. The value of shares in Victoria would be depreciated if the registration and management was here. Double registration would tend to great inconvenience of management, and it would also create great additional expense. I think claims for wages and contracts could be legally enforced here under Victorian registration.

90. Clause 16. I think that the fine of £2 10s. per acre on a renewal for a Mineral Lease excessive. I do not think there is any necessity to provide for a renewal of leases of alluvial tin sections at all, as all the claims will be worked out before the first lease expires. I think a maximum fine of £1 per acre sufficient.

By Mr. Gellibrand.—91. I think that the right of renewal would encourage holders to spend more money than they otherwise would on their property. I think the Government get a large rent in five shillings per acre.

By Chairman.—92. Clause 19. I think provision should be made to give the lessee the right to remove machinery, troughing, &c. within a given time.

By Mr. Just.—93. Clause 20. I think 6 months would be sufficient for application of lease.

94. Clause 21. I think 3 months would be quite sufficient in this clause.

By Mr. Gellibrand.—95. Clause 22. I entirely approve of this clause.

By Chairman.—96. Clause 23. I see no objection to the transfer of the lease being conditional upon the consent of the Minister. I do not see any advantage to be gained by advertising transfers.

97. Clause 27. Any number of areas may be held provided a distance of seven miles exists between each; such provision would tend to prevent evasion of the law.

98. I think that the sum to be expended should be £6 in 2 years instead of £3 per acre to be expended each year. I would approve of power being given to the Governor in Council to grant immunity from this clause in special cases, such as on Iron or Coal Fields, or for other minerals requiring the erection of heavy machinery.

By Mr. Just.—99. Clause 29. I think the provision for the forfeiture of leases a very arbitrary one, because it leaves it entirely in the hands of the Minister of Lands to enforce forfeiture. If every applicant for a lease were on application compelled to give a registered address, and service of notice at that address made due legal service, I do not think it would be a harsh provision. Leases might then be forfeited by the Supreme Court as at present.

100. Clause 32. I think that the proof "that gold exists in such quantities as to make mining alone for it remunerative" should be decided by the Commissioner and two Arbitrators, not by the Commissioner alone.

101. Clause 42. It would not be desirable that both the Minister of Lands and the Commissioner should receive application. I think it desirable that the Government should appoint some local resident person to whom applications for lease could be made.

By Mr. Gellibrand.—102. I think it desirable that some resident in each Mining District be appointed and empowered by the Government to receive applications for lease. I have known instances of working men who have had to come to town at a great expense to make an application for lease, and these have had to wait in town a week or ten days to learn if their application had been successful, thus incurring additional expense. It would be a great convenience to the miners and the Public if this suggestion was carried out.

THURSDAY, OCTOBER 25, 1877.

EDWARD ALBERT COUNSEL, *Esq., examined.*

By Chairman.—103. My name is Edward Albert Counsel. I have had some experience in surveying tin sections. I have seen a copy of the proposed new Mineral Leases Bill.

104. Clause 5. I think Prospecting Licences should be issued, but I think the distance from any known discovery entitling the discoverer to a lease should be restricted to five miles. I think 25 miles too great a distance. I think the centre of the area proposed to be taken up should be marked by the applicant. I think six months a reasonable time in which to enforce the provisions of this clause.

By Mr. Lette.—105. I think the power to issue Prospecting Licences should be given to the Commissioner of Mines.

By Mr. Just.—106. I think six months would be sufficient time to prospect any area of ground contemplated by this Act. I think six months quite long enough time for the prospector's licence to run.

By Chairman.—107. Clause 8. I think it would be detrimental to the revenue to grant Mineral Rights as proposed by this Act, as lessees would surrender their leases and take up the richer portions of the land in acre sections.

By Mr. Lette.—108. I think Mineral Rights should be issued by the Commissioner of Mines as well as by the Minister of Lands; and I think, further, if Mineral Rights were granted, that the lessee should forfeit possession unless he proceeded to work the claim within a month.

109. I object to the principle of Mineral Rights altogether, and my objection would not be removed by increasing the area.

By Mr. Just.—110. I think the maximum period within which a man should go to work should be defined by the Act.

By Mr. Hart.—111. I think granting small areas under Mineral Rights would entail inconvenience in the supply of water, and difficulty as to the riddance of the tailings; it would cause a loss of part of the acre of ground providing a bed for the tailings.

By Mr. Just.—112. I think the number of small areas under Mineral Rights would greatly increase the work of the Survey Department.

By Chairman.—113. Clause 7. I approve of Clause 7 as it stands,—it is in all respects a good one. I do not think the Revenue has lost much from the unlawful removal of minerals from Crown lands. Minerals have been removed before the issue of the leases, but this has been caused by the delay of the Lands Department. In cases which have come under my notice this delay has arisen from the insufficiency of the office and surveying staff. I refer to some time back; recently the work has been kept well up.

By Mr. Just.—114. I think the delay is mainly attributable to the system under which districts were parcelled out to Surveyors, who had vested rights in them. I think it would be a great improvement on the system if the staff of Surveyors could be ordered wherever the Minister of Lands thought fit, but the remuneration should be by contract.

By Mr. Lette.—115. I think the applicant for a lease ought to have the power of calling in another surveyor in event of unreasonable delay on the part of the District Surveyor.

By Mr. Hart.—116. I think the applicant in event of unreasonable delay should have the power to appoint his own surveyor on giving notice thereof to the District Surveyor.

By Chairman.—117. Clause 9. I think the power of diverting water should be subject to the approval of the Commissioner of Mines.

By Mr. Just.—118. If there is a regulation as to the diversion of water, I do not think the approval of the Commissioner should be required.

By Chairman.—119. Clause 11. I think the regulation as to Permissory Occupation Licences would act beneficially.

By Mr. Just.—120. I do not think the Permissory Occupation Licences being granted before survey likely to cause confusion, but I think the holders of such licences should be compelled to go to work at once.

By Chairman.—121. I think that leases should be granted across the stream instead of the present system of fronting the stream. I do not think under the present system either of the holders on either side could claim the bed of the stream.

By Mr. Lette.—122. I think the words "upon the recommendation of the Commissioner of the District" should be inserted after the word "Minister" in the first line of this clause.

By Chairman.—123. Clause 16. I think the fine for renewal of lease should be fixed at One Pound.

By Mr. Just.—124. I do not think that many leases of alluvial tin sections will want renewal at the expiration of the present term. I think it might be desirable to sell these tin sections at once, instead of leasing them.

By Mr. Lette.—125. Clause 18. I do not think the period of three months is too long to give an applicant to execute his lease.

126. Clause 24. I think the words "upon the recommendation of the Commissioner of the District" should be inserted after the word "Council" in the 5th line of this clause.

By Chairman.—127. Clause 27. I think that persons should be allowed to hold more than one section, provided that such sections are more than 5 miles apart, as it would be unfair to prospectors to limit them to one section.

128. Clause 28. I approve of the provision of this clause that £3 should be expended annually per acre, but I do not approve of the alternative as to the work to be done, as I do not think it adequate to the provision for monetary outlay.

By Mr. Lette.—129. I think the words "upon the recommendation of the Commissioner of the District" should be inserted after the word "Minister," in the last line of this clause.

By Mr. Gellibrand.—130. Clause 29. I do not think it would be advisable to give any person giving information as to default any preferential claim as to the forfeited land, though I think that allowing such claim would benefit the Revenue; I think the notice of voidance of ground should appear in the local newspapers as well as in the *Gazette*, the *Gazette* being little read by the public. Of my own knowledge great inconvenience has arisen from the want of intelligence as to when ground was forfeited.

By Chairman.—131. Clause 32. I think that the fact that "gold is in sufficient quantity to make mining alone for it remunerative" should be proved to satisfaction of the Commissioner and two arbitrators, one to be appointed by the lessee and the other by the Minister of Lands.

132. Clause 34. I think District Mining Boards should be appointed to deal with the matters referred to in Clauses 35, 36, and 37. Such Boards to be elected by those interested in mining.

133. Clause 38. I think the regulation providing for preventing the accumulation of sludge, &c. should be under a Mining Board. I think the present mode of marking the boundaries of claims by Surveyors sufficient. I also think that numbering the corner pegs would facilitate the finding of claims.

134. Clause 39. I think all regulations made by the Governor in Council under this Act should be advertised in the local newspapers as well as in the *Gazette*.

135. Clause 40. I think it would be desirable to continue the present regulations as to marking ground before application. I think it would be desirable that a Mining Registrar's Office should be established in every important mining centre, and that applications for claims should be made there and there only. A case in point which came under my own notice,—Some miners had made a discovery of some good stanniferous ground, another party accidentally overhearing them mentioning it obtained an interest by the threat of sending off at once and putting in a prior application in Hobart Town. This would have been obviated had there been a Registrar's Office on the spot.

By Mr. Gellibrand.—136. I think the power proposed to be given to the Commissioner under this Act would entail a large staff, and would not work so well as the appointment of a District Registrar, or be so convenient to the miners.

By Mr. Just.—137. I think it might be advisable that the Government should retain the management of the water in their own hands, and let it out at a fixed rate per sluice head to the miners requiring it, but I cannot give any positive opinion at present not having given the matter consideration.

FRIDAY, OCTOBER 26, 1877.

MR. JOHN S. GOODALL *examined*.

By Chairman.—138. My name is John S. Goodall; I have had some experience in tin mining, and 23 years practical experience in general mining in the colonies. I have seen a copy of the proposed new Mineral Leases Bill.

139. Clause 5. I suggest the words "in payable quantities" should follow the word "metal" in line 52 in this Clause. I would approve of leases being issued at a peppercorn rent to a discoverer of any mineral in any ground, provided such mineral exists in payable quantities, and is situated at a distance of not less than 15 miles from any known payable discovery.

By Mr. Just.—140. I object to the issue of Prospecting Licences at a distance of less than 10 miles from any known claim. I also think the Prospecting Licences should have a labour clause inserted in them enforcing a stated amount of labour.

By Mr. Gellibrand.—141. If this clause were passed as it stands I do not think there would be any applications for leases at all. I believe if Prospecting Licences were issued under the Act as it now stands the revenue would suffer, as minerals would be removed in spite of any precautions to the contrary from unleased Government lands.

By Mr. Bromby.—142. If that portion of the clause which provides for the possession and occupation of ground was struck out, and the provision for reward for actual discovery retained, my objection to this clause would be removed.

143. Mr. Goodall then read the following evidence on Clauses 8 and 9:—"I object to Mineral Rights Claims being issued in this form, unless each claim was to be registered within a given time, and also notice of abandonment of same be given as soon as such takes place. If this is not carried out it will cause endless disputes, as an applicant for a lease would not be prepared to swear that a Mineral Right claim was not in existence or marked off in the very ground he has marked off for a lease. As the claim held under a Mineral Right is so small (1 acre), it would be hard to find in a thickly-wooded locality; therefore I believe, on the whole, the Mineral Right system would hamper and decrease the revenue derived from rents of leases, unless the above form of holding and abandoning the claims were followed out, as registration would prove locality, name, and date of each claim on the back of each Mineral Right. If this is not done a holder of same could, if he so chose, mark a fresh claim off any other day, and any one would be in ignorance (except himself) of what claim or number of claims he does hold, either in his own or dummy names. Consider Permissory Occupation Licence quite unnecessary, and fatal to revenue of leases."

By Mr. Bromby.—144. Even supposing the registration of the locality for Miners' Rights were provided for, my objection to the system would remain, because their issue at all would interfere with the Revenue derived from leases. I cannot see that the issue of Miners' Rights would in any way assist miners who were unable to take up leases. I am sure, from personal knowledge, that the issue of Miners' Rights would seriously curtail the issue of leases, and would greatly complicate the working of the ground.

145. Clause 11. I consider Permissory Occupation Licences quite unnecessary, and fatal to the Revenue derived from leases.

146. Clause 32. I consider this a most important clause, and I would suggest some alterations. I suggest that the lessee should make application for a Gold Mining Lease or Leases of any portion or the whole of such lands as may have been declared by the Governor in Council by *Gazette* notice to be gold bearing, if the lessee shall desire to mine for gold, either in alluvial ground or in quartz reefs, or in a free state, or in combination with any other metals or minerals, or in any land demised under this Act or the Minerals Act, 1870, or any amendment Act; and I think all applications for such gold-mining lands should be made under the Gold Fields Regulations Act, in addition to any lease he may hold under this or any former Act. And if the lessee, after due notice given him by the Governor in Council that the land held under lease is proclaimed gold bearing, fail to make application for a Gold Mining Lease, or after the Gold Mining Lease is granted refuse or neglect to comply with the labour clauses as provided in such lease, or knowingly conceal or remove gold from land so leased for the working of minerals or metals other than gold, before he has made application for a Gold Mining Lease, then his lease shall be declared void, and forfeited after one month's notice inserted in the *Gazette* and in the nearest newspaper to the said locality. And the land so declared void shall be available for the first applicant under Gold Fields Regulations Act.

This Bill is now printed as altered by the Committee upon this Bill.

NICHOLAS J. BROWN, *Chairman.*

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B I L L

TO

Make provision for the Leasing and Occupation A.D. 1877.
of the Waste Lands of the Crown in *Tasmania*
for Mineral Purposes.

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 Mineral Lands Act, 1877.”

Short title.

5 **2** In this Act, and the Regulations made hereunder—

Interpretation.

“Claim” means the portion of land which each person or body of persons is entitled to occupy, or to occupy and mine and work, under the authority of this Act :

10 “the Commissioner” and “Commissioner” mean one of the Commissioners of Mines :

“Gazette” means *The Hobart Town Gazette* :

“Mineral” means any metal or mineral except gold and the ore of any metal or mineral except gold ore :

15 “Gold” signifies as well any gold, as any earth, clay, quartz, stone, or other mineral containing gold, or having gold mixed therein, or set apart for the purpose of extracting gold therefrom :

[Bill 19.]

A.D. 1877.

“Lessee” means any person or body of persons to whom a lease has been granted, assigned, or transferred, under this or any former Act for mining purposes :

“Mine,” used as a verb, shall extend to and include any mode or method whatsoever whereby the soil or earth, or any rock or stone, may be disturbed, removed, carted, carried, washed, sifted, smelted, refined, crushed, or otherwise dealt with for the purpose of obtaining Minerals or Metals whether the same may have been previously disturbed or not, as well as the appropriation of such Metals by the finder thereof to his own use :

“the Minister” means the Minister of Lands and Works for the time being :

“Mining purposes” means the intention to mine and work land for minerals and metals and the ores of metals, except gold : 15.

“Person” shall include any body of persons corporate or unincorporate :

“Prescribed” means prescribed by Regulations made under this Act :

“Waste Lands” means any lands in this Colony which are or may become vested in the Crown, and have not been, and are not, dedicated to some public use, and shall include all lands of the Crown which are or may be occupied for pastoral purposes under any lease or licence from the Crown, but shall not include any lands leased under the provisions of this or any former Act for mining purposes. 25.

Governor empowered to except defined area of Crown land from operation of Section 24 of 34 Vict. No. 10.

3 It shall be lawful for the Governor in Council if he sees fit, from time to time, upon being satisfied that there is good and sufficient reason for believing that there are minerals on any Waste Lands, by Proclamation in the *Gazette* to except any area of such lands described in such Proclamation from the operation of Section Twenty-four of *The Waste Lands Act*, 1870, and any such Proclamation from time to time in like manner to revoke as to the whole or any portion of such area ; and as to the area in respect of which any such Proclamation is so revoked, the same may be dealt with as if it had never been included in any such Proclamation. 30.

Applications to purchase mineral Crown land may be refused.

4 It shall be lawful for the Minister to decline to accede to any application, or to decline to enter into a contract, for the sale of land under Sections Twenty-four or Thirty-eight of *The Waste Lands Act*, 1870, in any case in which the land selected or applied for is known or is reported by the Commissioner of the District in which such land is situated, to contain minerals. 40.

Discoverer entitled to lease at peppercorn rent in certain cases.

5 Every person who discovers any mineral, which mineral may be reasonably supposed by a Commissioner to yield profitably when worked, such discovery being at least ten miles distant from any place where a mineral of a like kind has before then been found and profitably worked, shall be entitled to a lease under this Act at a peppercorn rent for any term not exceeding Twenty-one years, of an area of Eighty acres of the land on which such mineral has been found by such person as a reward for such discovery ; provided that the Minister may, upon the report of the Commissioner of the District in which such land is situated, refuse to grant such lease whenever it shall appear to him that the applicant is not justly entitled to the same. 50.

6 If any person not holding a lease or lawful authority to search for minerals under any former Act, or not holding a lease under this Act, removes from any Waste Land or any Crown Reserve any minerals he shall be liable to a penalty not exceeding Fifty Pounds; and in any proceedings taken against any person hereunder proof that such person was duly authorised shall lie upon him.

A.D. 1877.

Unlicensed persons removing minerals, &c. liable to penalty.

7 It shall be lawful for any Bailiff of Crown Lands to seize and detain any mineral which is being or has been unlawfully removed, or which he has good cause to suspect to have been unlawfully removed from any Waste Land or any Crown Reserve, and it shall be lawful for any such Bailiff by the authority of a Commissioner to seize and detain any mineral which is being or has been unlawfully removed, or which such Commissioner has good cause to suspect to have been unlawfully removed from any Waste Land or any Crown Reserve; and all minerals seized as aforesaid may be forfeited to Her Majesty upon proof to the satisfaction of a Commissioner that it has been unlawfully removed as aforesaid.

Minerals, &c. unlawfully removed from Waste Land may be seized and forfeited.

8 Nothing hereinbefore contained shall authorise any such person to occupy as aforesaid any Waste Lands of the Crown which have been exempted by the Governor in Council from the operations of mining, or which are lawfully and *bonâ fide* used as a yard or garden, or for any race or dam, or for any house, out-house, shed, or other building, or to cut or remove from any such lands any trees growing thereon, or to cut or construct any race or dam through or upon any such lands; but nevertheless it shall be lawful for the Governor in Council to authorise the holders of Mineral Leases to occupy under such Mineral Leases, and also to cut and construct races and dams for the purposes aforesaid through or upon any Waste Lands of the Crown which may have been so exempted as aforesaid, subject to such conditions and restrictions as the Minister shall see fit to impose.

Certain lands excepted from mining.

9 It shall be lawful for the Commissioner to grant to any person who shall have applied for a lease of land under this Act, upon payment of Three months' rent in advance, a Permissory Occupation Licence, which licence shall be in force for Three months, and shall authorise the holder to carry on mining operations on the said land and remove metals or minerals therefrom during such period; and the Commissioner may renew such Licence at his discretion for a further period of Three months.

Commissioner may issue Permissory Occupation Licences.

10 It shall be lawful for the Minister, with the consent of the Governor in Council, to grant leases for mining purposes of any portion of the Waste Lands of the Crown: and the Minister may, with the like consent, grant water rights over and sites for the erection of machinery upon any Waste Lands, and other easements for mining purposes.

Leases of Waste Lands for mining purposes.

11 It shall be lawful for the Minister, with the consent of the Governor in Council, to grant leases for mining purposes on such terms and conditions as the Governor in Council sees fit of;

Leases of public reserves for mining purposes.

Any lands reserved by the Governor in Council for roads or other internal communication, whether by land or water:

Any land reserved along the margin of any river or stream or along the sea shore:

A.D. 1877.

Any land forming part of the sea shore, and any land below low water mark adjacent to the sea coast of this colony :

Any land reserved by the Governor in Council for any public purpose.

But no such lease shall extend to the total obstruction of any road or reservation, or the endangering or preventing the use or enjoyment thereof; and every such lease shall contain a clause in the nature of a condition of forfeiture in case of the breach or non-performance of any of the conditions to be contained in such lease.

Scale of Rent.

12 The amount to be paid by way of rent for any lease of any portion of the Waste Lands shall be as follows :—

For all lands containing coal, shale, slate, or lime, any sum not less than Two Shillings and Sixpence nor more than Five Shillings per acre per annum :

For all lands containing any other minerals, any sum not less than Five Shillings per acre per annum.

Leases not to be granted, &c. to Company not registered in *Tasmania*.

13 No lease shall be granted under this Act, nor shall any lease for mining purposes heretofore granted to any person or Company be transferred to, any Mining Company which is not registered in this Colony nor shall any consolidated lease be issued to any such Company. 20.

Term of lease and area of Waste Lands.

14 Any lease granted under this Act may be for any term not exceeding Twenty-one years from the making thereof, and of any portion of the Waste Lands of the Crown not less than Twenty acres and not exceeding Eighty acres if containing minerals other than those next mentioned, and if containing coal, shale, slate, or lime, not exceeding Three hundred and twenty acres, with right of renewal for a further period of Fourteen years, upon payment of a yearly rent equal to double the amount of rent payable for such land when the same was first demised. 25.

Form of lease.

15 Leases may be in the form in the Schedule (1) or as may be prescribed, or in such other form as the Minister may in any case direct: Provided that each lease shall be by Deed and shall be in duplicate, one part whereof shall be signed, sealed, and delivered by the Minister and the other part shall be signed, sealed, and delivered by the lessee, and shall bind such lessee, his heirs, executors, administrators, and assigns, to occupy, mine, and work the land described therein and remove the minerals and metals therein and thereunder, under and subject to the conditions and stipulations and clauses of forfeiture set forth in this Act; and every lease shall be subject to and not inconsistent with the provisions of this Act. 30. 35.

Time for execution.

16 If the Governor in Council shall consent to a lease of the land applied for notice thereof shall be forthwith given to the applicant, who shall execute the lease within One month after the receipt from the Minister of notice that the Governor in Council consents to the grant thereof and that such lease is ready for execution; and after that time the lessee shall not be allowed to execute the lease unless by the permission of the Minister; but in no case shall the lessee execute the lease after the expiration of Three months after the above-mentioned notification; and the lease shall thereupon be deemed void. 40. 45.

- 17** Every lessee shall have power to determine the lease on giving at the expiration of any year of the term of the said lease Six calendar months notice in writing to the Minister, and upon payment of rent in advance equal to the period embraced in such notice. A.D. 1877.
Lessee may determine lease.
- 18** Any lessee desirous of obtaining a renewal of his Lease shall make application to the Minister for renewal, at least Twelve calendar months before the expiration of the current term of such lease; and in default of such application the right of the lessee to a renewal shall be forfeited. Renewal of lease.
- 19** In any case in which it is made to appear to the satisfaction of the Governor in Council by any Mining Company registered in *Tasmania* that greater facilities for the working of adjoining mineral lots for which applications for leases have been made, would be ensured by the issue of one lease for the whole of the said lots, it shall be lawful for the Governor in Council to authorise the issue of one lease for the whole of the said lots if the same shall not exceed in the whole Three hundred and twenty acres of land, upon the payment of such fee for each such lot as may be prescribed, and the lease so granted shall be subject to all the provisions of this Act. Amalgamation of lots.
- 20** Any lessee under this Act or "The Mineral Leases Act, 1870," may, with the consent of the Minister, and upon payment of all such fees and expenses as may be prescribed, transfer or assign his interest in the lease to any other person, who shall for all purposes be deemed to be the lessee of the land described in such lease; and such transfer or assignment shall be by deed, and in such form as may be prescribed. Lessees may, with consent of Minister, transfer or assign leases.
- 25** It shall not be lawful for any lessee to assign or transfer his interest in the land leased without the consent in writing of the Minister, and every such assignment or transfer without such consent shall be void. Transfer without consent void.
- Notice of every such intended transfer shall be advertised by the person applying for such transfer as prescribed in the *Gazette*, and at least once in one newspaper published in *Hobart Town*, and also at least once in one newspaper published in *Launceston*, and until such notice shall be advertised as herein provided such transfer shall not be made. To be advertised.
- 21** Lessees under this Act or "The Mineral Leases Act, 1870," may, by memorial to the Governor, apply to surrender any leases of lands contiguous to each other, in order to have a new lease granted to them, or their assigns, of the whole of the lands included in their respective leases; and it shall be lawful for the Governor in Council after the publication of such memorial in four successive numbers of the *Gazette*, and after the time appointed for the receipt and publication of any counter-memorial, as hereinafter provided, to grant such application or some modification thereof, and to fix the term of the new lease, or refuse the same, as may appear necessary and expedient; but no such new lease shall include more than Three hundred and twenty acres of land, nor be for any term exceeding Twenty-one years; and all such leases shall be subject to the provisions of this Act. Leases may be consolidated.
- 22** Any person prior to the expiration of the Fourteenth day next after the last publication of the memorial mentioned in the last preceding Section may, by counter-memorial to the Governor, show cause against the application, stating the reasons against the application, a copy of which counter-memorial shall be forthwith published in Four successive numbers of the *Gazette*. Persons may oppose.

A.D. 1877.

Area of land to be held by One person.

23 No area of land shall, subject to the provisions contained in Section Twenty-one of this Act, be held for Mining purposes under this or any former Act by any person of a greater area in the whole than Eighty acres if containing minerals other than those next mentioned or of a greater area in the whole than Three hundred and twenty acres if containing coal, shale, slate, or lime; and no person shall be capable of holding any area of land for mining purposes under this Act within a radius of seven miles from any other land held by such person for like purposes; but nothing herein contained shall apply to any Mining Company registered in *Tasmania*. 5 10

Leases may be declared void in certain events.

24 It shall be lawful for the Governor in Council, on the application of the Minister, to declare any lease issued under this Act or "The Mineral Leases Act, 1870," to be void and forfeited if it be proved to the satisfaction of the Governor in Council that default has been made by the lessee in any or all of the following conditions of such lease; 15 that is to say,—

If the rent is not paid yearly in advance to the Colonial Treasurer: or

If a sum equal to at least Three Pounds per acre is not expended in mining in every year on the land so leased, or if One man for every Twenty acres of land so leased is not employed for at least Nine months in each year of the term of the lease in working on the land leased, and in searching for or raising minerals or metals: 20

If the lessee permits any portion of the land to be occupied for other than mining purposes without the permission in writing of the Minister. 25

It shall also be lawful for the Governor in Council on the application of the Minister to declare any lease to be void and forfeited—

If the lessee is convicted, under the Twenty-ninth Section of the Act of the Parliament of *Tasmania* of the 27th *Victoria*, No. 30 8, of having feloniously stolen or severed with intent to steal any mineral or metal from or under any land not leased to or owned by him.

No lease shall be declared void and forfeited under this Section until fourteen days' notice of the intention of the Minister to apply to have such lease declared void and forfeited has been given in the *Gazette*, and also to such lessee by leaving the same at, or posting the same addressed to the last known place of abode or business of such lessee or his agent in *Tasmania*; and any lessee dissatisfied with the decision of the Governor in Council may, within One month after such decision, appeal therefrom to the Supreme Court, and such Court shall hear and determine such appeal, and may make such order in relation to the matter and as to costs as to the Court may seem fit, and all such orders shall be final and conclusive on all parties. 35 40

Notice of voidance of lease to be published.

25 When any lease is declared void and forfeited by the Governor in Council, there shall be published in the *Gazette*, under the hand of the Minister, a notice to the effect that such lease has been declared by the Governor in Council to be void and forfeited, which notice shall be published after the expiration of the time hereinbefore limited for appealing from the decision of the Governor in Council; and if such decision is not reversed, such notice shall be conclusive evidence that 50

such lease has been lawfully declared void and forfeited, and thereupon the land described in such lease may be dealt with as if no lease had been granted of such land, or such land may be put up for lease by auction if the Minister sees fit. A.D. 1877.

- 5 If the decision of the Governor in Council shall be reversed on appeal, the notice hereinbefore mentioned shall not be advertised as hereinbefore provided.

- 26 If any lessee becomes bankrupt, or if the affairs of such lessee are to be liquidated by arrangement with his creditors under *The Bankruptcy Act, 1870*, his interest in such land shall pass to his Trustee under the said Act, upon such Trustee producing to the Minister the order adjudging such lessee a bankrupt and the resolution of the creditors appointing such person to be trustee, or the special resolution appointing such person to be trustee under such liquidation. Interest of bankrupt lessee to pass to trustee.

- 15 27 The interest of any lessee in any land held under this Act or "The Mineral Leases Act, 1870," may be taken in execution and sold by the proper officer, under any Writ of Execution issued out of any Court of competent jurisdiction, or under any Warrant of Distress issued by a Justice. Interest of lessee may be seized and sold.

- 20 28 Where gold is found to exist in any land demised under this Act, or "The Mineral Leases Act, 1870," if the lessee shall desire to mine for such gold, or where gold is associated or combined with any other mineral in any such land, and the nature of the mining operations is, in the opinion of a Commissioner, such as to lead to the removal of such gold, or it is proved to the satisfaction of a Commissioner that such gold is in sufficient quantity to make mining for it alone remunerative, then such lessee shall make application for a gold-mining lease of such auriferous land under "The Gold Fields Regulation Act, 1870," in addition to any lease he may hold under this or any former Act; and if such lessee wilfully or knowingly conceals the existence of gold in such land, or proceeds to mine for or remove such gold before he has obtained such gold-mining lease, the lease for mining purposes granted to him may be declared void and forfeited by the Governor in Council, in the same manner as leases may be declared void and forfeited by the Governor in Council under this Act. Lessee of mineral lands to take out gold-mining lease where gold associated with minerals.
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- 35 If such lessee refuses or neglects to apply for such gold-mining lease, the Minister may, with the consent of the Governor in Council, grant a lease or leases of such land to any person or persons applying for the same under "The Gold Fields Regulation Act, 1870."

- 29 It shall be lawful for the Governor in Council to resume any portion of the lands comprised in any lease for the purpose of laying out a Township, for constructing Roads or Tramways, or other purpose of public convenience; and at any sale that may be made of any of the lands so resumed the right of working for minerals or metals may be reserved to the Crown or to the lessee from whom the land so sold may have been resumed, who shall be entitled to compensation out of the Consolidated Revenue Fund for all buildings and mining works on such lands when resumed, such compensation to be ascertained by arbitration in such manner as may be prescribed. Lands may be resumed for Township and Roads.
- 40
- 45

- 50 30 For the purposes of the next Three Sections the expression "Trustees" means the Trustees of a Road District, or where there is no Road District then the persons or body of persons having the care and management of streets, roads, and highways. Meaning of "Trustees" in next three Sections.

A.D. 1877.

Mining upon or
under public
roads.

31 Any lessee may mine upon or under any street, road, or highway, provided that he applies in writing for and obtains an order in writing signed by the Trustees of the Road District in which the street, road, or highway sought to be mined upon or under is situate, permitting him so to do, upon such terms and conditions and subject to such restrictions 5 as they see fit; and such Trustees shall, before they grant such permission, enquire and determine whether such mining can be carried on without injury to adjoining property, or injury or obstruction to such street, road, or highway; and such Trustees may, if they see fit, refuse any such permission. 10

Trustees may
allow sluice-
boxes, tramways,
and culverts under
public roads.

32 It shall be lawful for such Trustees upon the application of any lessee, and upon the report of any Engineer or Surveyor that a sluice-box, tramway, or culvert can be laid or constructed on or under any such public road, street, or highway, without any substantial injury to, or obstruction of, the traffic thereon, and that such sluice-box, tram- 15 way, or culvert is necessary for the due and proper working of any mine, or for the conveyance of water for mining purposes, by order in writing made after inspection by some officer of such Trustees of the road, street, or highway mentioned in such report, subject to the rights of occupiers of adjoining or contiguous lands, to allow such sluice-box, 20 tramway, or culvert to be laid or constructed by any lessee for the purpose of conveying any water, tailings, sludge, or waste water, or earth, provided that such works shall be so constructed as not to substantially injure such road, street, or highway, or obstruct the traffic thereon; and if after the construction of any such sluice-box, tramway, or 25 culvert under such order it is made to appear to such Trustees that the same does so injure such road, street, or highway, or obstruct the traffic thereon, it shall be lawful for such Trustees to order that the obstruction be removed, and if after Seven days from the date of such last-mentioned order the obstruction caused by such sluice-box, tramway, 30 or culvert is not removed or remedied, the same shall be deemed a nuisance, and the person who obtained the said first-mentioned order, or the owner or occupier, shall be liable to a penalty not exceeding Twenty Pounds; and the said nuisance may be abated by an order of any Justice upon proof of the said last-mentioned order, and of the 35 disobedience thereof.

Trustees may
make roads over
mining works.

33 It shall be lawful for the Trustees to authorise any person to make or construct any roads or temporary or permanent ways or other works over, across, or through any part of any works made or constructed by a lessee under this or any former Act; provided that, before 40 the Trustees give such authority, Seven days notice thereof shall be given to the person lawfully interested in such last-mentioned works, who shall be entitled to compensation out of the funds at the disposal of the Trustees for all damage sustained thereby, and such compensation shall be ascertained by arbitration in such manner as may be prescribed. 45

Regulations.

34 It shall be lawful for the Governor in Council from time to time to make, alter, and rescind regulations for the following purposes, which shall apply to the whole Colony or such portions thereof as may be prescribed:—

For prescribing the manner in which applications for leases shall be 50 made, entertained, and dealt with, and the manner in which objections to such applications shall be made and investigated:

- For prescribing the shape and position, and for regulating the survey of claims : A.D. 1877.
- 5 For fixing the amount of the fees to be paid upon the application for registration, amalgamation, and transfer of claims, and other matters required to be done under this Act or the regulations made hereunder :
- For prescribing, subject to the provisions of this Act the form of Lease and such other forms as may be necessary or expedient for carrying out the provisions of this Act, and the Regulations made hereunder :
- 10 For regulating the occupation of Waste Lands as sites for the erection of machinery and for water rights :
- For regulating the cutting, construction, use, and maintenance of races, dams, sluice heads, and reservoirs :
- For enforcing and regulating the drainage of claims :
- 15 For preventing the accumulation of, and for the removal to some convenient place of sludge, tailings, and other mining refuse :
- For the protection from injury and destruction of races, drains, dams, and reservoirs, and other similar mining works :
- 20 For regulating the mode of construction, and materials and strength of embankments of dams, reservoirs, and other similar mining works :
- For the construction and keeping in repair suitable bridges or other crossings where required :
- For securing the baling of water from mines :
- 25 For prescribing the conditions under which any lessee whose lease may be determined or declared void shall be entitled to compensation for any surface improvements effected by him, or for any machinery erected by him and then being upon the land demised :
- For determining the mode in which such compensation shall be assessed and become payable :
- 30
- And generally respecting all other matters and things necessary to give effect to the objects and intentions of this Act so far as the same are not herein provided for; and such regulations may be enforced in case of any breach or default thereof by such penalty not exceeding Twenty Pounds as may be prescribed by such regulations.
- 35 All Regulations in force under "The Mineral Leases Act, 1870," when this Act takes effect, shall be deemed to have been made under this Act, and shall remain in force until rescinded by any Regulations made under this Act.
- 40 35 All Regulations made by the Governor in Council under this Act shall be published in the *Gazette*, and once in one newspaper published in *Hobart Town*, and once in one newspaper published in *Launceston*, and shall take effect from the date of such publication in the *Gazette* unless otherwise provided in such Regulations; and all such Regulations shall be laid before both Houses of Parliament within Fourteen days from the making thereof if Parliament is then in Session, and if not, then within Fourteen days after the commencement of the next Session.
- [Bill 19.]
- To be published
in the *Gazette*
and laid before
Parliament.

A.D. 1877. **36** It shall be lawful for the Governor in Council by notice in the *Gazette* to divide the Colony into Mining Districts and define the boundaries thereof, and to alter such districts from time to time, and from time to time to appoint a Commissioner or Registrar for any such District as he sees fit, and such Commissioners and Registrars shall 5 have and exercise such powers and perform such duties as are assigned to or imposed upon such Commissioners or Registrars respectively by this Act, or by any regulations to be made under this Act.

Commissioner to hear and determine disputes. **37** It shall be lawful for a Commissioner to hear and determine in a summary way any dispute which may arise between any two or more 10 persons under this Act or the Regulations made hereunder.

Powers of Commissioner in proceedings. **38** In any proceedings brought before any Commissioner under this Act or the said regulations, such Commissioner shall, for the purposes of this Act and the said regulations have and exercise all the powers conferred upon a Justice of the Peace, by *The Magistrates Summary 15 Procedure Act*, for the purpose of procuring and enforcing the attendance of witnesses and for hearing and determining any complaint brought before him under the said Act, and for enforcing compliance with any order made by him under the said Act; and such Commissioner may in and by any order or determination made by him under this Act 20 award and order that one party shall pay to the other party such costs as to such Commissioner shall seem just and reasonable in that behalf, such costs shall be recoverable in the same manner as any other order made by such Commissioner is enforceable.

Commissioner may receive applications for leases, and determine objections thereto. **39** It shall be lawful for a Commissioner or Registrar to receive 25 applications for leases under this Act, and any objections thereto, and such Commissioner shall hear and determine the same; and in any case where an objection to an application shall be established, such Commissioner shall reject such application, or make such order in reference thereto as the circumstances of the case shall require. 30

Persons encroaching may be removed by a Commissioner. **40** It shall be lawful for any Commissioner, upon the complaint of any Lessee that any other person has encroached, or trespassed upon the Claim of the complainant, to enquire into the case, and to determine the same in a summary way; and if it appears to such Commissioner that the person complained against has so encroached by occupying, mining, or under- 35 mining such Claim, or in any other way whatsoever, or that the person complaining has so encroached or trespassed upon the Claim of the person complained against, it shall be lawful for such Commissioner to cause the person so found to have encroached as aforesaid, his servants, implements, goods and chattels, to be removed by any 40 Bailiff of Crown Lands or any Constable or Constables from the Claim so encroached upon, or direct the discontinuance of such trespass, or may, if he sees fit at any time after the complaint has been made, prohibit the working of such Claim by any or either party until the dispute shall be finally decided.

Agreement to bar Appeal. **41** In any proceedings brought before any Commissioner under this Act or the said Regulations the parties thereto may, previously to the hearing thereof, agree to accept the decision of the Commissioner as final; and a Memorandum of every such Agreement shall be entered by the Commissioner, and kept by him; and no Appeal shall in such case be 50 made from the decision of the Commissioner.

- 42** In any proceedings brought before any Commissioner under this Act or the said Regulations, such Commissioner shall upon the application of either party, or such Commissioner may without any such application, reserve any question of law or fact arising upon such case in the form of a Special Case for the hearing and determination of the Supreme Court; and every such special case shall be prepared by such Commissioner, and be transmitted forthwith by the Commissioner to the Clerk of the Supreme Court, who shall cause the same to be set down for argument before the said Court. **A D. 1877.**
Commissioner may state special case for opinion of Supreme Court.
- 43** Whenever any such Special Case has been reserved it shall be lawful for the Commissioner who reserved such Case, on the application of any of the parties interested in such Case, to make such order for an injunction, or receiver, or payment of money into Court, or for stay of proceedings or otherwise, and upon such terms as such Commissioner thinks proper; but without such order no Special Case shall operate as a stay of proceedings. **In case of a special case an injunction, &c. and stay of proceedings may be had.**
- 44** The Supreme Court shall hear and determine any questions whether of Law or fact arising upon any Case transmitted to it under this Act, and shall thereupon reverse, affirm, or amend the determination in respect of which the Case has been stated, or remit the matter to the Commissioner, with the opinion of the Court thereon, or may make such other order in relation to the matter, and may make such orders as to costs, as to the Court may seem fit; and all such orders shall be final and conclusive on all parties. **Supreme Court to determine the questions on the Case.**
Its decision to be final.
- 45** The Supreme Court shall have power, if it thinks fit, to cause the Case to be sent back for amendment, and thereupon the same shall be amended accordingly, and Judgment shall be delivered after it has been amended. **Case may be sent back for amendment.**
- 46** The authority and jurisdiction vested in the Supreme Court under this Act may, subject to any Rules and Orders of such Court in relation thereto, be exercised by a Judge of such Court sitting in Chambers, and as well in Vacation as in Term Time. **Powers of Court may be exercised by a Judge at Chambers.**
- 47** The Judges of the Supreme Court may from time to time make and alter Rules and Orders to regulate the practice and proceedings of the Supreme Court under this Act. **Supreme Court may make Rules for proceedings.**
- 48** Any person who assaults, obstructs, or resists any Commissioner, or any person duly authorised by any Commissioner to enter upon any Claim or Land or to perform any other act, or any Bailiff of Crown Lands or any Constable or other person in the performance of his duty or in the exercise of his powers under this Act, or who, after being removed by any Commissioner under the provisions of this Act from any Claim or other place, 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 upon or in consequence of any decision under this Act of any competent authority assaults or threatens to assault any person in whose favour such decision has been made, shall incur a penalty not exceeding Ten Pounds. **Assault on Commissioner and other offences.**
- 49** All offences against this Act, or any Regulation made hereunder, shall be heard and determined and all penalties shall be recovered in a **Recovery of penalties.**

A.D. 1877.

summary way by and before any Two Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*; and any person who deems himself aggrieved by any summary conviction under this Act may appeal against the same in the mode prescribed by *The Appeals Regulation Act*.

Repeal.

50 The Acts set forth in the Schedule (2) are hereby repealed, but this repeal shall not affect any thing duly done, or any rights acquired thereunder before the commencement hereof, except so far as by this Act is provided; and every licence and lease issued or granted and in force under any former Act when this Act takes effect shall remain good and valid in law, and may be dealt with in all respects as if issued or granted under this Act.

Limitation of actions.

51 No plaintiff shall recover in any action commenced against any person for anything done in pursuance of this Act or the Regulations made hereunder unless such action is commenced within Three months after the cause of action has accrued, and unless notice in writing has been given to the defendant, One month at least before such action is commenced, of such intended action, signed by the plaintiff or his attorney, specifying the cause of action: nor shall the plaintiff recover in any such action if tender of sufficient amends has been made to him or his attorney by or on behalf of the defendant before such action brought; and in case no such tender is made, it shall be lawful for the defendant in any such action, at any time before issue joined, to pay into Court such sum of money as he thinks proper; and the defendant in every such action may plead the general issue, and give the special matter in evidence, and that the same was done in pursuance and under the authority of this Act or the said Regulations; and if the same appears to have been so done, or if such action or suit has been brought before the expiration of One month next after such notice has been given as aforesaid, or after sufficient satisfaction made or tender as aforesaid, or after the time limited for bringing the same as aforesaid, then and in every such case the jury shall find a verdict for the defendant; and upon such verdict, or if the plaintiff is nonsuited or discontinues his action, or if upon demurrer or otherwise judgment is given against the plaintiff, then and in every such case the defendant shall have double costs, and shall have the same remedy for recovering the same as any defendant has for his costs in any other cases by law.

SCHEDULE.

(1.)

THIS Indenture made the day of in the year of our Lord 18 between the Minister of Lands and Works (hereinafter called the Minister, which term shall also include the Minister of Lands and Works for the time being) of the one part, and of his heirs, executors, administrators, and assigns, (hereinafter called the Lessee), of the other part—Witnesseth that, in consideration of the rent herein reserved, the Minister doth (subject to the reservations hereinafter contained) demise and lease unto the said lessee executors, administrators, and assigns, all, &c., together with all ways, waters, watercourses, privileges, and appurtenances to the same now belonging, or therewith occupied or enjoyed, together also with full and free liberty for the said lessee executors, administrators, and assigns, and agents and workmen,

in and upon the said land hereby demised to dig, sink, drive, make, and use all such pits, shafts, levels, watercourses, and other works which it may be necessary to use in finding, seeking for, winning, working, and obtaining the minerals and ores, not being gold, therein contained, and also to appropriate and use such part of the said lands either underground or on the surface as may be proper and requisite, as well for depositing and laying down such ores and minerals, and placing and heaping the waste refuse and rubbish which may be worked along with them from time to time, as for washing and obtaining such ores and minerals, and for effectually separating them from all the soil and other substances mixed with them, and for smelting or reducing such ores into metal, and also for supplying the said mines and works with water or with good and fresh air, as for freeing the same from water or foul air, and for the purposes aforesaid to erect, make, and employ all such fire, steam, water, or other engines, buildings, smelting works, furnaces, workmen's houses, shops, crushing mills, sheds, or hovels, machinery, and works as may be proper and reasonable, together also with liberty for him and them to erect upon the said land hereby demised smelting works and furnaces, hovels, and other offices belonging to or necessary for the said works, and all other necessary or convenient powers, authorities, privileges, and advantages for all or any of the purposes aforesaid, subject to the provisions of "The Mineral Lands Act, 1877," and the regulations made under the authority of the same Act, except and always reserved out of this demise unto the Minister and his agents, servants, and workmen (on behalf of Her present Majesty Queen Victoria, Her heirs and successors) full power and authority at all times during this demise to enter on the land hereby demised and to make or cause to be made through, over, along, or across any part or parts thereof all such water-races, tail-races, drains, dams, sluice-heads, reservoirs, and tramways for public purposes or otherwise as such Commissioner shall think fit, and also to keep the same in proper repair and condition, and also to deposit on any part of the land hereby demised all soil, stones, and substances which may be dug up or removed in executing any such works as aforesaid. To have and to hold the said lands demised with all mines and minerals (except and subject as aforesaid) and all and singular other the premises with their appurtenances unto the said lessee executors, administrators, and assigns, from the day of One thousand eight hundred and for and during the full term of years from thence next ensuing, and fully to be complete and ended. Yielding and paying therefor yearly unto Her Majesty, Her heirs and successors, in advance, on the day of and thenceforth in advance at the commencement of every current year during the said term, the yearly rent or sum of Pounds of lawful British money, the first payment of such rent in advance to be made on the day of And the Lessee doth

hereby for himself, his heirs, executors, and administrators, covenant with the Minister that the lessee, his executors, administrators, or assigns, shall yearly during the said term, at the commencement of every current year of the said term, pay or cause to be paid in advance to the Colonial Treasurer of *Tasmania* for the time being on behalf of Her Majesty, Her Heirs, or Successors, the reserved rent free and clear of all taxes, rates, and outgoings whatsoever: And will not during the continuance of the said term apply the land for any other use or purpose than for the purpose of mining and smelting without the permission in writing of the Minister; and will, during the continuance of the said term, work and carry on such mines in a fair, orderly, skilful, and workmanlike manner: And also, that it shall be lawful for Her Majesty, Her Heirs, and Successors, and to and for the Governor for the time being of the said Colony, his and their agents and workmen, at all proper and reasonable times during the said term, without any interruption from the lessee, or his agents, servants, or workmen, to enter into and upon the premises, and into and upon any mines or works that may be found therein, to view and examine the condition thereof, and whether the same be worked in a proper, skilful, and workmanlike manner, and for such purpose to make use of any of the railroads or other roads or ways, machinery, and works belonging to such mines and premises: And also, that the lessee, his executors, administrators, or assigns will not at any time during the continuance of the said term place or leave any waste or dead heaps, refuse, or rubbish, which may be brought out of the said mines and premises near to any river, brook, or channel of water, whereby such waste or dead heaps, refuse, or rubbish, may reasonably be supposed to be liable to be disturbed or carried away by floods or other natural causes: And also, will build and keep in proper repair a sufficient and substantial stone wall or other fence round all the pits and shafts which may at any time during the said term be open in any part of the demised premises or elsewhere for the purpose of this demise, so as effectually to prevent all access thereto by all kinds of cattle: And also, will at all times during the continuance of the said term keep and preserve the said mines and premises from all unnecessary injury and damage, and also all the levels, drifts, shafts, pits, sumps, watercourses, houses, erections, sheds, washing places, puddles, and other conveniences, roads and ways in good order, repair, and condition, and in such state and condition, at the end or other

A.D. 1877.

sooner determination of the said term, deliver peaceable possession thereof : And also, will lay out and expend in every year during the said term a sum equal to at least Three Pounds for each and every acre of the land comprised in this demise in mining on the said land, or at the option of the said lessee, his executors, administrators, and assigns, shall, during at least Nine months in each year of the term, employ and keep employed not less than One man for every Twenty acres of the and demised in working upon the said land, and in searching for or raising minerals or metals and will, whenever thereunto required by the Minister furnish him with satisfactory evidence that such sum of money has been laid out, or such mining operations carried on for the objects and purposes aforesaid : And also, that it shall be lawful for the holder of a lease of the run, or of any portion thereof, on which the land demised may have been surveyed, to have free access at all times to any surface water, or any water which such person may have procured by artificial means upon the land demised with or without cattle, horses, sheep, and other live stock, and to use and enjoy such water for the purpose of consumption by such cattle, horses, sheep, and live stock, and generally for his own benefit, use, and advantage as he shall think proper : And also, that the lessee, his executors, administrators, and assigns, will observe and conform to and hold the demised premises according to the Laws and Regulations from time to time in force regulating the leasing and occupation of Waste Lands in *Tasmania* for mineral purposes, and will occupy, mine, and work the land hereby demised, and the minerals and metals therein and thereunder, subject to the conditions, stipulations, and clauses of forfeiture hereinafter set forth : Provided also, that the lease may be declared void and forfeited by the Governor in Council, in manner provided by Law, if default shall be made by the lessee, his executors, administrators, or assigns, in all or any of the following conditions ; that is to say,—if the rent be not paid yearly in advance to the Colonial Treasurer as aforesaid, and if a sum equal to at least Three Pounds per acre be not expended in mining in every year on the land demised, or, if One man for every Twenty acres of the land demised be not employed for at least Nine months in each year of the term of the demise in working on the land demised and in searching for or raising minerals or metals ; or if the lessee shall permit any portion of the land demised to be occupied other than for mining purposes without the permission in writing of the Minister ; or if the lessee is convicted under the twenty-ninth section of the Act of the Parliament of *Tasmania* of the 27th *Victoria*, No. 8, of having feloniously stolen or severed with intent to steal any mineral from or under any land not leased to or owned by him : Provided also, that it shall be lawful for the Governor from time to time to resume any land demised for the purpose of making roads or tramways for public utility and convenience. In witness whereof the said parties to these Presents have hereunto set their hands and seals, the day and year first above written.

Signed, sealed, and delivered by the Minister,
in the presence of—

Signed, sealed, and delivered by the above-named
, in the presence of—

(2.)

ACTS TO BE REPEALED.

<i>Date and Number of Act.</i>	<i>Title of Act.</i>
34 Vict. No. 11.	“ The Mineral Leases Act, 1870.”
40 Vict. No. 2.	“ The Mineral Leases Amendment Act.”