

(No. 54.)



1878.

T A S M A N I A.

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

THE MINERAL LANDS ACT, 1877.

REGULATIONS.

Laid upon the Table by the Minister of Lands, and ordered by the House to be printed, July 17, 1878.



REGULATIONS UNDER "THE MINERAL LANDS ACT, 1877."

By virtue of *The Mineral Lands Act, 1877*, His Excellency the Governor, by and with the advice of the Executive Council, doth make the Regulations following:—

LEASES.

- 1** Any person intending to apply for a lease shall first proceed to mark the ground to be applied for, if in timbered country by cutting upon a tree in some conspicuous part of the ground a mark which shall be clearly visible, or if in clear country by erecting a post not less than three feet in height and three inches in diameter, or where impracticable to erect a post by erecting a cairn of stones not less than two feet in height; and shall place upon such tree, cairn, or post, as the case may be, a notice, which shall be clearly visible, with the words "Applied for Lease," his name, the area, and the date legibly written or printed thereon, and shall within seven days, or as soon thereafter as practicable, forward his application to the Commissioner or a Registrar of the District in which the lands applied for are situated. The application shall be in the form in Schedule A., No. 1, and shall contain all the particulars in such form required to be given, and shall clearly state the position of the land in relation to the position of the said notice. The applicant shall keep the notice in its place until the survey is effected or the application is finally disposed of.

Marking land.

Application.
- 2** When more than one application is received for the same ground, the application of the person who first marks off shall have precedence; or, if two or more persons shall simultaneously mark off and apply for the same ground, such persons may agree to hold the same as tenants in common; or failing such agreement, shall draw lots for the same, in the presence of the Commissioner of Mines of the Mining District in which such ground is situated.

Simultaneous applications how dealt with.
- 3** The application shall be recorded by the Commissioner or Registrar receiving the same by numbering it, and endorsing thereupon the day and hour at which it was received, and entering in a book to be kept for that purpose all the particulars contained in it, and such record shall be open to the inspection of any person upon payment of the fee set forth in Schedule B. Every objection to an application shall be entered, with all the particulars thereof, upon the page of the record of such application.

Recording application.

Recording objection.
- 4** Every applicant shall deposit with his application, in addition to the fee set forth in Schedule B., a sum equal to one half year's rent of the land applied for, which deposit, exclusive of the fee of £1, shall be returned to him in the event of the application being refused by the Minister, but the said deposit shall pass to his credit in payment of the rent if he shall obtain a lease of the land applied for. If the application is refused, or if the applicant fails to proceed with the same by paying a sum equal to the second half year's rent within 30 days after notice has been given to the applicant by the Minister that the plan and report of a Surveyor, as hereinafter provided, has been received, the fee of £1 mentioned in Schedule B. shall be forfeited, and the application shall be deemed to be abandoned.

Deposit with application.

Deposit equal to one half year's rent to be returned in case application is refused.
- 5** All claims held under lease shall be in the form of a rectangular parallelogram, where practicable. Claims which include the bed of a stream containing tin in alluvial deposit shall be in the proportion of one along the course of the stream to three across the course of the stream; if fronting on a stream, in the proportion of one along the stream to two in width. Claims along a lode of Mineral shall not exceed the proportion of two along the lode to one across. Claims which include neither a stream containing tin in alluvial deposit nor a lode of mineral shall be in square blocks: Provided that if it appears that the area included in any application contains more than one stream or lode as aforesaid, the Commissioner shall decide in what form the claim shall be leased.

Form and position of claims.

Survey of claim. **6** The Minister shall, upon receipt of the application, cause a Surveyor to be instructed to survey and make a plan of the land, and to report in writing on all matters on which he shall require him to report connected therewith: Provided that if the survey shall not be made after the expiration of three months from the making of the application, the applicant, or any person objecting to the application, as hereinafter provided, may employ any authorised Surveyor to make the same. The plan and report of the Surveyor shall be open to the inspection of any person, or any person shall be furnished with copies thereof upon payment of the fee set forth in Schedule B.

Plan and report may be inspected.

Objections. **7** Any person objecting to the issue of a lease may, at any time after the receipt of the application, and before the Minister has executed the lease, lodge his objection in the form in Schedule A., No. 2, or to the like effect setting forth the grounds thereof: Provided that no lease shall be executed by the Minister until twenty-one days after the receipt of the plan and report from the Surveyor.

Application may be withdrawn. **8** The applicant may at any time withdraw his application by giving notice in writing to the Minister that he so withdraws, and thereupon the application shall be void, and the applicant shall forfeit the fee of £1.

Interest may be transferred. **9** Any applicant may at any time before he executes the lease, upon notice to the Minister and upon payment of the prescribed fee of 10s., transfer his interest to any other person or persons, who shall thereupon be deemed the applicant or applicants, or may at any time as aforesaid, upon notice to the Minister and upon payment of the prescribed fee of 10s., insert the name of any other person as a joint applicant.

Admission of joint applicant.

Rent. **10** The amount of rent shall be—
For all lands containing coal, shale, slate, or limestone, Two shillings and sixpence per acre per annum.
For lands containing any other minerals, Five shillings per acre per annum.

Form of transfer. **11** The form in Schedule A., No. 5, shall be the form of deed for the transfer or assignment of leases; and the same shall be forwarded to the Minister, together with the prescribed fee of £1. So soon as conveniently may be after the assignment or transfer shall be registered or recorded in the office of the Minister, notice thereof shall be forwarded to the assignee or transferee.

MACHINERY SITES.

Lease of sites
Term.
Area.
Rent. **12** Sites for the erection of Machinery shall be granted by lease in the form in the Schedule A., No. 6, for any period not exceeding twenty-one years, and shall not exceed an area of 5 acres, and shall be, where practicable, in the form of a rectangular parallelogram; and the holder shall pay annually in advance a rent of One pound an acre.

Applications.
Provisions for leases to apply. **13** Applications for machinery sites shall be made in the form in the Schedule A., No. 3, and the several provisions of "The Mineral Lands Act, 1877," and of these Regulations relating to the leasing and leases of land for mining purposes, shall apply to the leasing and leases of land for machinery sites, so far as such provisions and Regulations are not inconsistent with Regulations 12 and 13: Provided that any lease may be declared void and forfeited for or in respect of any of the causes of forfeiture mentioned in the form in Schedule A., No. 6, and in the manner provided in the 23rd Section of "The Mineral Lands Act, 1877."

Sites may be forfeited.

WATER-RIGHTS.

Grant.
Term. **14** Water-rights shall be conferred by a grant for any period not exceeding twenty-one years; and such grant may authorise the holders thereof to take and divert water which the Crown may lawfully take and divert, or which at the date of application for a grant is not being used for domestic or other purposes, and to use such water for mining purposes, and for domestic purposes whilst engaged in mining. The grant may be in such form as the Minister shall direct, in accordance with the particular circumstances of each case, and subject to the provisions of these Regulations.

Applications. **15** Any person desirous of obtaining a water right shall apply in the form in Schedule A., No. 4, and shall set forth the name (if any) and the description and position of the river, creek, or other source from which the water is to be obtained, particularising with sufficient accuracy the point from whence the water is to be diverted, the quantity of water in sluice-heads required, the number of dams, if any, in which such water is to be stored, and their situation, and the length of the race and its intended course.

Provisions for leases to apply. **16** The several provisions of *The Mineral Lands Act, 1877*, and of these Regulations relating to the leasing and leases of land for mining purposes, so far as the same are applicable, shall apply to the granting of water-rights: Provided that it shall not be necessary to mark the ground previous to application, but the application first received shall take precedence; and provided also, that any water-right may be declared void

May be forfeited.

and forfeited in the manner provided in the twenty-third section of *The Mineral Lands Act, 1877*, if the yearly payment required as hereinafter provided is not made in advance, or if the holder thereof shall fail or neglect to use the same in a *bonâ fide* manner for mining purposes, and in accordance with these Regulations, for a period of six months.

17 Any person or persons diverting or using water for mining purposes shall use a gauge or measurement to be called a "sluice-head," which sluice-head shall hold or represent such a quantity of water as shall pass through an aperture sixteen inches wide and one inch deep, with a pressure not exceeding six inches, and every person diverting and using such water as aforesaid shall cause a gate or hatch to be placed at the head of the race or at the source from which the water used by him or them is taken; and in cases where water is obtained from several sources the Minister may direct gates or hatches to be placed by the holders of water-rights in each race or stream as near as possible to the head; and also below the point of confluence from all the sources from which the water conveyed in the main race is obtained; and every such person shall pay yearly in advance the sum of One Pound for each such sluice-head of water.

Measurement of water.

18 Any person or persons occupying a race for the conveyance of water for mining purposes shall be entitled to a width not exceeding ten feet on each side of the race, measuring from the centre: Provided always, that where the depth of a cutting exceeds eight feet, or where a tunnel is used, the width shall not exceed twenty feet on each side of the race, measuring from the centre; and in the event of any objection being made by any person holding any claim through which such water-race passes, the Commissioner of the District shall decide what width shall be allowed.

Width of ground for protection of race.

19 No person or persons shall shift the head or heads of his or their race, or do any other act or thing so as to interfere with the rights of any other person or persons, or to diminish the supply of water to which such last-mentioned person or persons shall be entitled.

Heads of races not to be shifted.

20 Holders of water-rights who shall take or divert water from a common source shall take precedence in respect thereof in the order in which they shall have applied for the same; and if at any time the water becomes insufficient to supply all the persons holding rights, each person shall forego his right during such deficiency of water in favour of the person who shall take precedence of him as aforesaid; but in the event of there being at any time any surplus water, any such person or persons may construct a dam or dams for the purpose of conserving such surplus water, and such last-mentioned person or persons shall be entitled to use the water so conserved.

Order of priority of rights.

21 No person or persons holding water-rights under these regulations shall allow any water to run to waste, but such water shall be appropriated to the use of the next holder or holders of any right in respect of such water according to the date of their respective original applications.

Water shall not run to waste.

MISCELLANEOUS REGULATIONS.

22 Whenever it shall be determined to resume any portion of any lands comprised in any lease for the purposes named in Section 31 of *The Mineral Lands Act, 1877*, the amount of compensation to be paid to the lessee under the said section shall, if the parties disagree, be referred to two arbitrators, one to be appointed by the Minister and one by the lessee or by an umpire to be chosen by the arbitrators before entering on the consideration of the matters referred to them; and if either of the parties in difference shall neglect to appoint an arbitrator for the space of fourteen days after a notice in writing so to do shall have been given to him by the other party, or shall appoint an arbitrator who shall refuse to act, then the arbitrator appointed by the other party shall make a final decision alone; and every such arbitration shall be subject to the provisions as to arbitration contained in *The Common Law Procedure Act, No. 2*, except when the same are hereby expressly varied.

Compensation for land resumed for town, &c.

23 The Upset price of mineral lots for lease by Auction shall be fixed by the Minister after reference to a Commissioner of Mines for the mining district in which such land is situate.

Upset price auction leases.

24 In case of the leasing of any mineral lot that may have been forfeited, a fair valuation shall first be made of all useful surface improvements and of the machinery on the ground, which shall be added to the upset, and paid to the former lessee if the lease be sold.

Valuation of machinery, &c.

25 The value of such surface improvements and machinery shall be ascertained in the manner prescribed by Regulation 22 for determining the amount of compensation to be paid to the lessee under Section 31 of the "*Mineral Lands Act, 1877*."

Valuation of machinery, &c., how ascertained.

26 On termination of the lease the Minister at his option may purchase useful improvements and machinery, pumps, and mining materials.

Purchase of machinery optional.

27 Mineral lots put up for leasing by Auction and passed may be put up again, on request of any one guaranteeing upset price.

Mineral lots may be offered again.

Penalty for injuring
road, race, &c.

28 Any person who shall cause or permit sludge or tailings to flow from his claim, or to accumulate so as to cause injury to any public road, or to any claim, drive, water-race, dam, or any machinery belonging to any other person, or displace, deface, injure, or destroy or in any way interfere with any notice, post, peg, cairn, or reference mark made or used by any person or persons marking off any claim, making any survey, or doing any act proper to be done, or holding any privilege under "The Mineral Lands Act, 1877," or these regulations, shall for every such offence forfeit and pay a penalty not exceeding Twenty Pounds.

Notice, post, &c.

Penalty for per-
mitting notice, &c.
unlawfully to remain.

29 Any person who wilfully permits any stake, post, notice, or other thing indicating occupation by him of a claim or of ground held under application for lease to remain on any waste lands, when in fact he does not lawfully occupy such lands or has not taken the further steps prescribed by "The Mineral Lands Act, 1877," and these regulations to secure such claim, shall forfeit and pay a penalty not exceeding Five Pounds.

Schedule of fees.

30 The fees in the Schedule B. shall be the fees payable for the several matters therein respectively set forth, and shall be paid in advance, and all survey fees shall be paid at the time of making application for the claims to which they relate.

31 Any words or terms used in these Regulations shall have the like interpretation as is provided for the same words or terms in *The Mineral Lands Act, 1877*.

Commencement.

32 These Regulations shall commence and take effect on the Thirteenth day of February, 1878; and all regulations heretofore made under *The Mineral Leases Act, 1870*, shall thereupon be rescinded.

SCHEDULE A.

No. 1.

FORM OF APPLICATION FOR LEASE.

(Place) _____

(Date) _____

To the Honorable the Minister of Lands and Works.

SIR, I HEREBY apply for a Lease under "The Mineral Lands Act, 1877," the particulars of which are hereunder set forth.

I have the honor to be,
Sir,
Your most obedient Servant,

(Signature of Applicant) _____

Name of Applicant in full.	Address of Applicant.	Date when marked off.	Area.	Description of Mineral intended to be worked.	Proposed length and width of Lot.	Situation of the Land applied for in relation to the position of the posted Notice, and land-marks, streams, &c., if any.	General Remarks.

No. 2.

FORM OF OBJECTION.

(Place) _____

(Date) _____

To the Hon. the Minister of Lands and Works.

SIR, I HEREBY object to the issue of the Lease applied for by _____
of land situate at _____

And the grounds of my objections are _____

I have, &c.

(Signature of Objector) _____

No. 3.

FORM OF APPLICATION FOR LEASE OF MACHINERY SITE.

(Place) _____

(Date) _____

To the Hon. the Minister of Lands and Works.

SIR, I HEREBY apply for a Lease of a Machinery Site under "The Mineral Lands Act, 1877," the particulars of which are hereunder set forth.

I have the honor to be,

Sir,

Your most obedient Servant,

(Signature of Applicant) _____

Act. 19.

Name of Applicant in full.	Address of Applicant.	Term of Years not exceeding 21.	Area.	Proposed length and width of Lot.	Situation of the Land applied for in relation to the position of the posted Notice, and land-marks, streams, &c., if any.	General Remarks.

No. 4.

FORM OF APPLICATION FOR WATER RIGHT.

(Place) _____

(Date) _____

To the Hon. the Minister of Lands and Works.

SIR, I HEREBY apply for a Water Right under "The Mineral Lands Act, 1877," the particulars of which are hereunder set forth.

I have the honor to be,

Sir,

Your most obedient Servant,

(Signature of Applicant) _____

Particulars.

Name of Applicant in full.	Address of Applicant.	Term of years not exceeding 21.	Number of Sluice-heads.	Number of Dams, if any, and Situation.	Point from which the water is to be diverted, naming river or other source. Length and direction of race.

No. 5.

TRANSFER OF LEASE.

(Place) _____

(Date) _____

To the Minister of Lands and Works, Hobart Town.

I, _____ of _____, being the holder of a lease under ["The Mineral Leases Act, 1870," or "The Mineral Lands Act, 1877,"] of a claim containing [] acres, and situate at [description in lease] do by these presents transfer and assign all my right, title, and interest in the said lease to [insert name, address, and occupation of the proposed transferee], and I hereby request that this transfer may be registered or recorded in your office.

In witness whereof I have hereunto set my hand and seal this _____ day of _____ 18 _____
(Seal.)

Signed, sealed, and delivered by the said—
in my presence.

Witness—

I, _____ the above-named transferee doth accept the above transfer.

In witness whereof I have hereunto set my hand and seal this _____ day of _____ 18 _____
(Seal.)

N.B.—The above form may be altered to meet the case of a Company, or of more persons than one being transferors or transferees.

No. 6.

LEASE OF A SITE FOR MACHINERY.

THIS Indenture made the _____ day of _____ in the year of our Lord 18 _____ between _____ 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 make, and use all such levels, watercourses, and other works which it may be necessary to use in washing, sifting, smelting, refining, crushing, or otherwise dealing with soil, earth, rock or stone, for the purpose of obtaining mineral therefrom, and also for supplying the said works with water as for freeing the same from water, 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 the Minister 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 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 _____ 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 _____ 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 purposes herein specified without the permission in writing of the Minister: 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 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 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 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 at all times during the continuance of the said term keep and preserve the said premises from all unnecessary injury and damage, and also all the 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 sooner determination of the said term, deliver peaceable possession thereof: 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 the land hereby demised, 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; or if the lessee shall permit any portion of the land demised to be occupied other than for the purposes herein specified without the permission in writing of the Minister; or if the lessee shall not for a period of Six months actually occupy and use the said land, with the machinery thereon, for the purpose of washing, sifting, smelting, refining, crushing, or otherwise dealing with soil, earth, rock, or stone, for the purpose of obtaining mineral therefrom: Provided also, that it shall be lawful for the Governor from time to time to resume any land demised for the purpose of laying out a town, for constructing 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—

SCHEDULE B.

	£	s.	d.
Amalgamation of lots under application for lease. (Each lot.)	1	0	0
Transfer of lease	1	0	0
Consolidation of leases. (Each lease.)	1	0	0
Application for lease	1	0	0
Objection fee	0	10	0
Transfer of interest in application registered	0	10	0
Insertion of another as joint applicant, ditto.	0	10	0
Application for machinery site	1	0	0
Application for water right	1	0	0
Inspection of records. (Each.)	0	1	0
Inspection of Surveyor's plan and report	0	1	0
Copy of Surveyor's plan	0	5	0
Copy of Surveyor's report	0	2	6

Particulars.	Ordinary Land.			Densely wooded or Scrub Lands.		
	£	s.	d.	£	s.	d.
Survey Scale,—						
Under 2 acres	1	5	0	1	12	0
2 and under 10 acres	2	0	0	2	10	0
10 and not exceeding 20 acres	2	17	0	3	12	0
Above 20 and not exceeding 50 acres	4	0	0	5	0	0
Above 50 and not exceeding 100 acres	7	0	0	8	15	0
Above 100 and not exceeding 150 acres	8	0	0	10	0	0
Above 150 and not exceeding 200 acres	9	11	0	11	5	0
Above 200 and not exceeding 250 acres	10	0	0	12	10	0
Above 250 and not exceeding 320 acres	11	0	0	13	15	0
Water rights	1s. 3d. per chain.					

NICHOLAS J. BROWN, *Minister of Lands and Works.*
11th February, 1878.