



ANNO TRICESIMO OCTAVO ET TRICESIMO NONO

VICTORIÆ REGINÆ.

A.D. 1875.

No. 18.

An Act to authorize the issue of Mineral Leases to the holders of Gold Mining Leases.

[Assented to, 15th October, 1875.]

WHEREAS doubts have arisen as to the power of the Governor Preamble.
to grant leases for mineral purposes over land included in gold mining leases: And whereas it is desirable that such power should exist—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

1. The lessee, or the executors, administrators, or assigns of the lessee under any gold mining lease of the Waste Lands of the Crown, now or hereafter to be subsisting, may apply to the Commissioner of Crown Lands and Immigration for a lease for the purpose of mining for any minerals, mineral ores, and metals in the land included in such gold mining lease; and thereupon it shall be lawful for the Governor in Council to grant to such applicant a lease of such land for any term not exceeding fourteen years, at an annual rental of Two Shillings and Sixpence per acre. Such leases shall be in such form as may be prescribed by the regulations to be made under this Act or to the like effect, and shall bind the lessee, his heirs, executors, administrators, and assigns to occupy, mine, and work the said land, and the minerals and metals therein and thereunder, and with right of renewal for two further periods of fourteen years, on payment of a fine on each renewal of not more than One Hundred Pounds per acre on the land so leased, under and subject to the conditions, stipulations, and clauses of forfeiture set forth in such lease and regulations respectively. Special mineral leases may be granted to holders of gold mining leases.

Form of leases.

The Mineral Leases Amendment Act.—1875.

Lease may be forfeited.

2. Leases granted under the authority of this Act shall be liable to forfeiture, and may be declared void, and be forfeited, for breach of the conditions in such lease, in the same manner and subject to the same rules of procedure as leases granted pursuant to "The Mineral Leases Act, 1867," and the provisions of section 14 of such last-mentioned Act shall be applicable to leases granted under this Act.

Granting of mineral leases not to affect gold mining leases.

3. The granting of any lease for the purpose of mining under the provisions of this Act, or under section 14 of "The Mineral Leases Act, 1867," shall not operate to extinguish or affect the gold mining lease of the land comprised in the said lease for the purpose of mining, or the term by such gold mining lease granted; but such gold mining lease, and the term and rights thereby granted shall, until surrendered, as hereinafter mentioned or otherwise determined, vest in the person who shall from time to time be entitled to the said lease for the purpose of mining under this Act, or section 14 of "The Mineral Leases Act, 1867."

Surrender of gold mineral leases.

4. On its being shown to the satisfaction of the Commissioner of Crown Lands that the land reserved by any gold mining lease is not sufficiently auriferous to be worked at a profit, such lease may be surrendered without affecting the validity of any lease under this Act, or section 14 of "The Mineral Leases Act, 1867," and notice of such surrender shall be given in the *Government Gazette* within one month of the date thereof, and thereupon such land shall be deemed to be "waste lands" within the meaning of section 3 of Act No. 26 of 1870-1: Provided always that nothing in this Act shall be construed to prejudicially affect any existing rights.

Regulations may be made.

5. The Governor in Council may, from time to time, make, rescind, and alter regulations respecting the terms and conditions under which mineral leases shall be granted under this Act, the forms of leases and covenants, and respecting all other matters and things necessary to give effect to this Act, and may by such regulations fix a penalty not exceeding One Hundred Pounds for any breach thereof. Every such regulation, when published in the *Government Gazette*, shall have the force of law; and a copy of all regulations made under the authority of this Act shall be laid before Parliament within fourteen days from the publication thereof, if the Parliament be then sitting, and if Parliament shall not then be sitting, then within fourteen days from its next sitting for the dispatch of business.

Short title and Incorporation.

6. This Act may be cited for all purposes as "The Mineral Leases Amendment Act, 1875," and shall be incorporated and read together with "The Mineral Leases Act, 1867," and Act No. 26 of 1870-1, intituled "An Act to amend the laws relating to gold mining and for other purposes," as forming one Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

A. MUSGRAVE, Governor.