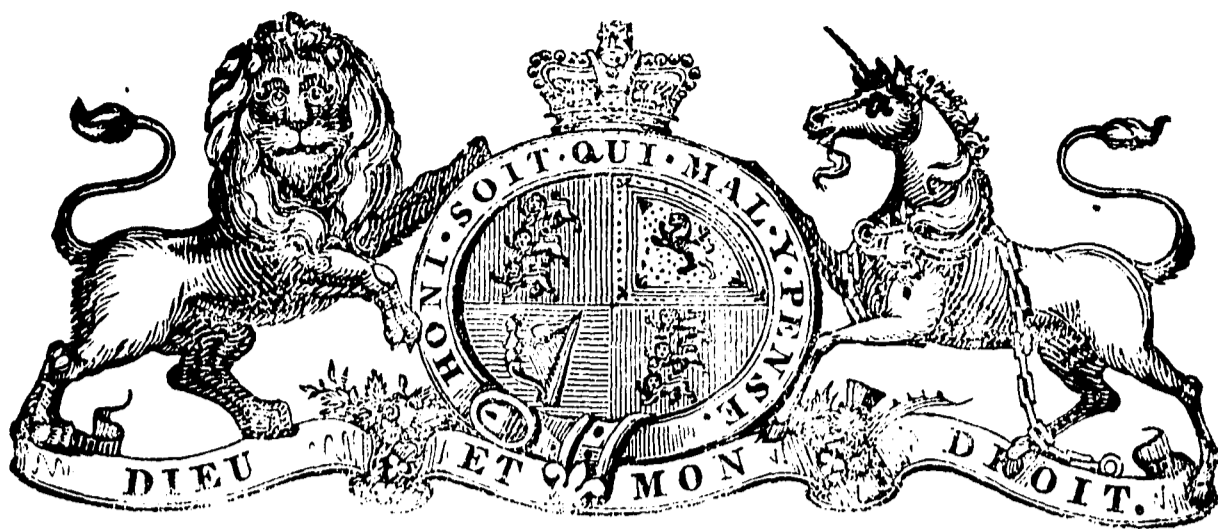


VICTORIA.



ANNO VICESIMO QUARTO

VICTORIÆ REGINÆ.

No. CXV.

An Act to amend an Act intituled "*An Act for amending the Laws relating to the Gold Fields.*" [18th September, 1860.]

WHEREAS by an Act passed in the twenty-first year of the reign of Her present Majesty Number XXXII. intituled "*An Act for amending the Laws relating to the Gold Fields*" certain powers were vested in mining boards elected under the provisions of the said Act and whereas it is expedient to amend the same and to increase the powers of such boards Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say)—

Preamble.

I. It shall be lawful for every mining board in addition to the bye-laws which they are empowered to make under the provisions of twenty-first Victoria Number XXXII. to make bye-laws for enforcing and regulating the drainage of claims for imposing on such claims such reasonable and periodical fees or charges as may be necessary for the purposes of this Act and for disbursing the same for the purpose of carrying out such drainage in accordance with the bye-laws aforesaid to make bye-laws for the appointment of committees who shall for the purpose of clearing and keeping clear all sludge and water channels exercise and enjoy the powers vested in the said boards for the aforesaid purposes to make bye-laws prescribing the duties of officers to be appointed under this Act for imposing and collecting fees for the purposes aforesaid and for the payment of such officers but no bye-law made as aforesaid shall be in force until it shall have been published in the *Government Gazette* as provided in the CXI. section of XXI Vic. No. 32.

Extending power of Mining Boards to make bye-laws in certain cases.

II. It shall be lawful for the Governor in Council to appoint in and for any mining district officers who shall within the limits of the district

Governor in Council to appoint registrars.

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district for which they shall have been appointed perform such duties as may be prescribed for them in the bye-laws of the Mining Board and cause such bye-laws to be carried into effect and any person who shall refuse to comply with any order given by any officer in pursuance of any lawful bye-law shall forfeit and pay for every such offence any sum not exceeding ten pounds.

Power of Mining Boards to establish district committees of miners for certain purposes.

III. Upon application in writing to the mining board of not less than six claimholders being holders of miners' rights interested in claims under the meaning of the said hereinbefore mentioned Act liable to be interfered with by the drainage proposed to be effected every mining board shall have power to establish in any mining district or portion of a district committees composed of such number of claimholders being holders of miners' rights as may be deemed to be advisable by the said mining board and to fix and define the limits or boundaries of the jurisdiction of every such committee and such committee or a majority of them shall have authority within the limits of such jurisdiction to carry out and exercise the powers and privileges by this Act conferred upon the said mining boards for the purposes of drainage as aforesaid.

Mining Board to certify any change in committee and names of the committee for the time being.

IV. On the appointment of any such committee as aforesaid and on any change taking place in the constitution of such committee the chairman of the mining board of the district shall forthwith certify the same and the names of the claimholders constituting the committee for the time being to the clerk of the court of mines of the district and a copy of such certificate sealed with the seal of the court of mines of the district shall in all courts of law and equity be *primâ facie* evidence that such committee has been duly appointed.

Power to Chief Secretary in certain cases to appoint Commissioners in mining districts.

V. In the event of any Mining Board neglecting to make such bye-laws as may be necessary for the clearing and keeping clear any main sludge and water channels which shall have been constructed by the Government within the limits of such mining district and in the event of such committee not being established as hereinbefore directed the Chief Secretary may by a notice in writing under his hand addressed to the Chairman of the Board having so neglected as aforesaid require the Board to make all necessary bye-laws within twenty days from the receipt of such notice and in case the Board shall not comply with such requisition or if such committee shall not be established it shall be lawful for the Governor in Council to appoint for a limited period any number of persons not being less than three nor more than seven to be Commissioners for the district for which such Board shall have been constituted and to fill up vacancies amongst the persons so appointed and from time to time to renew for a further limited period the authority of the said Commissioners.

Powers of Commissioners.

VI. Such Committee or Commissioners (as the case may be) shall have power from time to time to assess all mills sluices and machines discharging any sludge either into intermediate channels or otherwise into any main channel so cut or constructed as aforesaid at such a rate as may appear to such Committee or Commissioners fair and reasonable to make such assessment as shall be necessary for the clearing and keeping clear such channels and to collect the periodical rates assessed and to disburse the money thereby raised for the purpose of clearing and keeping clear such main sludge and water channels as aforesaid and in defraying all expenses necessary for such purpose and for the making of the said assessments and the collection or recovery of the said rates and also to appoint and out of the said rates to pay all such surveyors collectors and other officers as the said Committee or Commissioners may deem necessary for effecting the objects aforesaid.

VII. In

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VII. In case any person liable under this or the said Act to pay any fees or charges imposed by any Mining Board or any rate assessed by such Commissioners or Committee as aforesaid shall after fourteen days notice fail to pay the same such fees charges and rates respectively may be recovered before any justice.

Mode of enforcing payment of rates or assessments.

VIII. Notwithstanding anything contained in the ninetieth section of the Act of the Parliament of Victoria numbered thirty-two any person who shall within one month from the passing of this Act become the holder of a miner's right shall be entitled to institute proceedings to obtain relief as co-partner or co-adventurer against his co-partner or co-adventurer notwithstanding that such person shall not have been the holder of a miner's right at the time when his title to obtain such relief first arose or accrued Provided further that when any holder of a miner's right shall die become insolvent or execute any assignment for the benefit of his creditors the executor administrator or assignee of such holder or the trustees under such assignment as the case may be shall be entitled to institute proceedings to recover possession of any land which shall at the time of such death insolvency or assignment have been occupied by such holder by virtue of his miner's right and of any share in such land and to recover damages for the occupation of or encroachment upon such land or any part thereof and to obtain relief against any tenant in common joint tenant co-partner or co-adventurer of such holder notwithstanding that such executor administrator assignee or trustee may not be or may not have been the holder of a miner's right at the time of his instituting such proceedings or at the time when his title to recover such possession or damages or to obtain such relief first arose or accrued.

Repeal of part of the ninetieth section of the Gold Fields Act.

MELBOURNE:

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