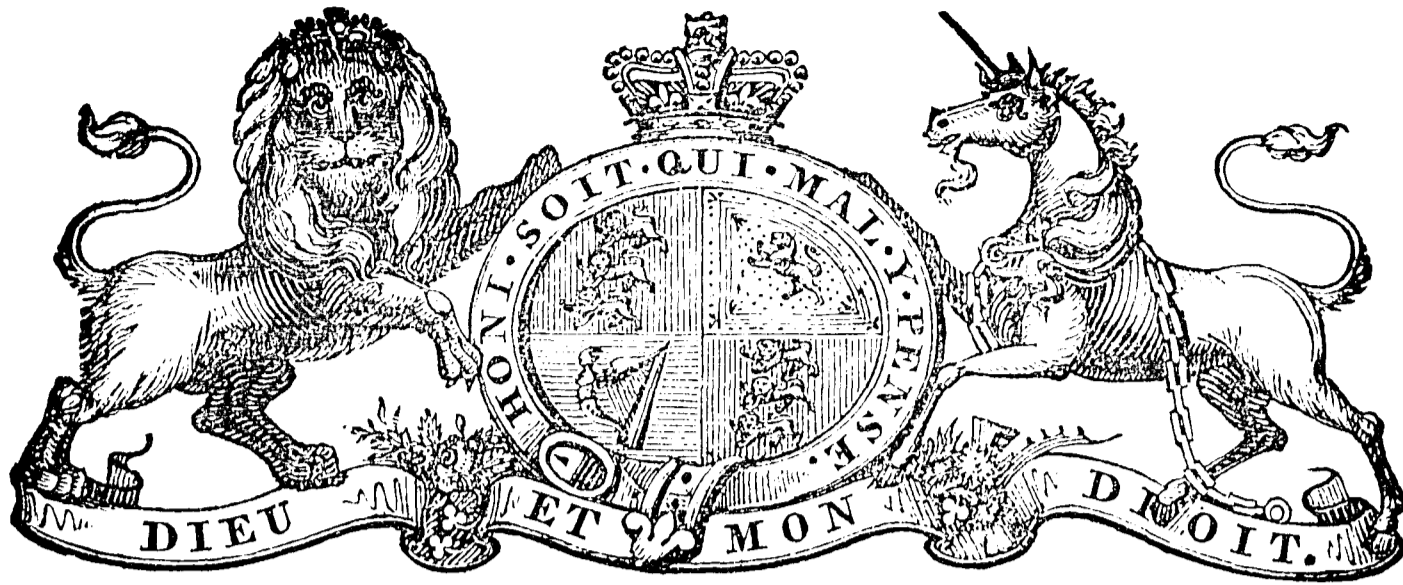


VICTORIA.



ANNO QUADRAGESIMO OCTAVO

VICTORIÆ REGINÆ.

No. DCCCXXVI.

An Act to establish a Fund for the relief of Sufferers
by Mining Accidents and for other purposes.
[12th *December* 1884.]

WHEREAS a large sum of money has been raised by public Preamble.
subscription for the grant of certain benefits pensions and
allowances to divers persons who were injured by an accident which
occurred in the New Australasian Mining Company's mine at Creswick
in the month of December in the year of our Lord One thousand
eight hundred and eighty-two and for the grant of pensions and
other allowances to the widows and orphan children of such persons
as lost their lives by the said accident, and after the satisfaction
of such pensions and other allowances then for the relief of sufferers
from subsequent accidents in mines in Victoria: And whereas the
said sum of money (known as "The Victorian Mining Accident
Relief Fund") is administered under the direction of a committee
known as "The Creswick Mining Disaster Relief Fund Executive
Committee," and consisting of James Dodgshun, Robert Glover Benson,
Emanuel Steinfeld, William Mountford Kinsey Vale, Ephraim Lamén
Zox, and Edmund Gerald FitzGibbon: And whereas the said sum of
money was deposited in the Union Bank of Australia in Melbourne
in the name of James Dodgshun (formerly Mayor of the city of
Melbourne) in order that the same might be applied to the purposes
aforesaid in such manner as the said committee should direct: And
whereas the sum of Twenty thousand pounds being a portion of the said
sum of money remains in the said Union Bank unexpended: And
whereas the said committee have agreed to a scheme for the distribution
of the said sum of Twenty thousand pounds or of the income to be
derived

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derived therefrom or so much thereof as may be required for the purposes hereinbefore recited: And whereas certain persons are entitled under such scheme to a certain portion of the said sum of Twenty thousand pounds or of the income to be derived therefrom on certain conditions: And whereas the persons forming the said committee are anxious to be relieved from the duties and obligations imposed on them in connexion with the management and control of the said monies: And whereas it is expedient that they should therefore be relieved therefrom and that trustees should be appointed and provision be made for enforcing the conditions on which such monies have been allotted and also for disposing of any surplus or other monies which may be hereafter from time to time voted by Parliament or subscribed by the public and for relieving the sufferers by any accident which has occurred or may hereafter occur in any mine in Victoria: Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title.

1. This Act may for all purposes be cited as "*The Mining Accident Relief Fund Act 1884.*"

Incorporation of trustees.

2. The Minister of Mines the Speaker of the Legislative Assembly the Mayor of the city of Melbourne the Mayor of the city of Ballarat the Mayor of the city of Sandhurst and the Mayor of the town of Ballarat East and the Mayor of the borough of Creswick and the President of the Miners' Association for the time being respectively shall be a body corporate by the name of "The Victorian Mining Accident Relief Trustees" (hereinafter referred to as the "trustees"), and shall by that name have perpetual succession and a common seal and shall be capable in law of suing and of being sued, and shall subject to the provisions of this Act have power to purchase take and hold lands tenements and hereditaments for the purpose of any mortgage or for the purpose of providing offices for the conduct of their business and may sell and convey any such lands tenements and hereditaments.

Quorum and appointment of officers.

3. Anything by this Act authorized to be done by the trustees may be done by any three of such trustees at any meeting of the trustees duly convened by the Mayor of Melbourne on the requisition of any two trustees by a notice addressed to the public office of each trustee and posted four days before such meeting. The Mayor of Melbourne shall be chairman of the trustees and shall if present preside at their meetings, and if he be not present at any such meeting then such other trustee as the trustees present at such meeting shall choose shall preside thereat. The trustee presiding at any meeting of the trustees shall in the event of an equal division of votes at such meeting have a second or casting vote. The trustees may from time to time appoint a secretary and such other officers and employés as they think fit and may remove any persons so appointed, and they may pay such secretary officers and employés such salaries and remuneration as they think fit.

4. All

4. All monies raised by public subscription for the relief of the sufferers by the accident which occurred in the New Australasian mine at Creswick in the month of December in the year of our Lord One thousand eight hundred and eighty-two and forming the Victorian Mining Accident Relief Fund, and which at the time of the passing of this Act remain unexpended and are under the control of "The Creswick Mining Disaster Relief Fund Executive Committee," consisting of James Dodgshun, Robert Glover Benson, Emanuel Steinfeld, William Mountford Kinsey Vale, Ephraim Lamén Zox, and Edmund Gerald FitzGibbon, are hereby vested in the trustees.

Monies vested in trustees.

5. All monies vested in the trustees by this Act shall form subject to the provisions herein contained a permanent and indefeasible fund under the name of "The Victorian Mining Accident Relief Fund" hereinafter referred to as the "fund."

The Victorian Mining Accident Relief Fund.

All future subscriptions donations grants and bequests to the fund and all other monies whatsoever from time to time received by the trustees in virtue of their office as such trustees shall form part of the fund, and all such subscriptions donations grants and bequests shall unless specially directed by the donors thereof to be otherwise applied form part of the capital monies of the fund.

6. All monies forming part of the fund may be invested in Victorian Government Debentures Victorian Government Inscribed Stock or Victorian Government Stock or may be placed on deposit in any bank incorporated by Act of Parliament or Royal Charter or registered as a trading company in amounts not exceeding Five thousand pounds in any one bank, or may be lent on first mortgages of freehold lands tenements and hereditaments in the city of Melbourne or its suburbs.

Investment of fund.

7. In addition to such monies as the trustees may from time to time receive and which do not under the provisions of this Act form part of the capital monies of the fund only the interest arising from such capital monies of the fund shall subject to the provisions hereinafter contained be appropriated in making payments for the purpose of carrying out the objects of this Act.

Restriction on alienation of capital monies of fund.

8. The income derived from the investment of the fund shall be applied first in defraying all proper and reasonable costs charges and expenses of controlling and managing the fund and carrying this Act into effect, and then in making payments to the persons named in and in accordance with the provisions of the Schedule hereto. Any income remaining thereafter in any year and any monies specially directed by the donors thereof to be so applied shall be used by the trustees in assisting persons who may be injured by any other mining accident in Victoria and permanently disabled from supporting themselves or may be applied in assisting the relations of persons who may be killed or injured by any such accident.

Application of income.

Schedule.

In

In event of the income as aforesaid not being sufficient after paying costs charges and expenses as aforesaid for making payments in accordance with the provisions of the Schedule hereto, then (but for that purpose only) the trustees may from time to time apply such portion of the capital monies of the fund as may appear necessary to make such payment in accordance with such provisions.

If after all payments authorized by this Act and directed by the trustees have been made in any year ending the thirty-first day of December any monies of the fund not forming part of the capital monies thereof remain unexpended, such monies shall be deemed to form part of such capital monies.

Audit of accounts.

9. The accounts of the trustees for the year ending on the thirty-first day of December shall in each and every year be audited in such manner as may from time to time be directed by the Governor in Council, and the Governor in Council may appoint any person or persons to be auditors of such accounts and may remove any such person or persons. Every such person or persons shall be paid such fees for auditing such accounts as the Governor in Council directs, and such fees shall be deemed to form a portion of the costs charges and expenses of controlling and managing the fund.

Statement of receipts and expenditure to be laid before Parliament.

10. The trustees shall in each and every year so soon as the yearly audit of their accounts is complete cause to be prepared a statement under their common seal of monies received and monies expended by them, and shall forward the same to the Governor in Council with a request that he will cause the same to be laid before both Houses of Parliament.

Persons named in Schedule becoming possessed of means of support.

11. If any person named in the Schedule hereto becomes whilst entitled to any payment from the fund possessed of any means of support from any other source, the trustees shall reduce the amount of such payments or may cease to make any such payments to such person; and if such person be a person described in the said Schedule as a widow, then the children of such widow shall be deemed to be persons who have become possessed of such means of support. The trustees may notwithstanding that they have previously reduced the amount of or ceased to make any such payments as aforesaid to any person increase the amount of such payment to the amount which would be payable under the provisions of the said Schedule or to any smaller amount, or may where any such payments have been wholly discontinued by them again make such payments as may be authorized by the provisions of the said Schedule. If any person named in the said Schedule be in the receipt of relief from or become an inmate of any charitable institution (except on account of temporary illness or temporary bodily infirmity), such person shall cease to be entitled to receive any payments from the fund. If any person named in the said Schedule dispose of transfer or assign his or her interest in any monies coming to him from the fund, all payments therefrom to or on behalf of such person shall thereupon cease.

12. Every

12. Every agreement made by any trustees or officers to pay any money out of the fund except as herein provided shall be null and void, and any trustee or other officer making such agreement or paying any monies out of the fund contrary to the provisions of this Act shall be guilty of a misdemeanour, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding seven years.

Misappropriation
of monies.

13. No trustee or officer shall as such be under personal liability to any creditor beyond the property (if any) of the trust in his hand.

Liability of trustee
or officer.

14. The trustees shall have power from time to time subject to the approval of the Governor in Council to make alter and repeal rules and regulations not inconsistent with the provisions of this Act for regulating their proceedings and the conduct of their business, for regulating the duties of their officers and employés, and for taking security for the due and faithful performance of their duty by such officers and employés, for prescribing the conditions upon which relief shall be given from the fund, and for regulating generally such relief, and generally for carrying out the provisions of this Act.

Power to make
rules and
regulations.

All such rules and regulations and all such amendments and repeals thereof shall not be of any force or effect until the same have been notified by publication in the *Government Gazette*.

SCHEDULE.

Section 8.

SCHEDULE.

A weekly allowance of the sum of money set opposite the name of each person shall be paid to such person by the trustees. The persons hereinafter described as widows shall be entitled to such allowances respectively so long as they remain widows chaste and of good repute.

The persons hereinafter described as boys shall (with the exception of William Curtis, for whom special provision is herein made) receive their allowances respectively until they attain the age of seventeen years.

The persons hereinafter described as girls shall receive their allowances respectively until they attain the age of seventeen years.

The boys and girls hereinafter mentioned shall for the purposes of this Act be taken to have attained the ages set opposite their names on the 31st December 1882, and in the case of those described as under one year shall be taken to have attained the age of one year on the 31st December 1883.

No one family shall receive from the fund more than Thirty-one shillings a week. When the eldest boy or girl in any family (except in the case of the Wyatt family, for whom special provision is herein made) ceases to receive an allowance from the fund, then each younger child shall receive an increased allowance of One shilling a week.

If any widow marry with the approval of the trustees, the trustees may pay her a sum of £50.

The sum of £50 shall be paid to the father of the late Mrs. Wyatt, one of the widows.

The provisions of this Schedule shall be read and construed as though the same took effect on the 31st December 1882.

LIST OF PAYMENTS TO BE MADE TO SUFFERERS FROM CRESWICK
MINING ACCIDENT, 1882.

Family No.	Names of the Widows and Names and Ages of the Children at the Date of the Accident, December, 1882.	Weekly Allowance.		Total.
		s.	d.	£ s. d.
1	Anderson, Millian, widow	15	0	1 4 0
	„ Alice Jane, 8 years, girl	5	0	
	„ Annex, 7 years, girl	4	0	
2	Baulcomb, Ellen, widow	15	0	1 10 0
	„ George, 14 years, boy	5	0	
	„ Louisa, 13 years, girl	4	0	
	„ Elizabeth, 10 years, girl	3	0	
	„ Christina, 6 years, girl	2	0	
	„ John, 3 years, boy	1	0	
	„ Lavinia, under 1 year, girl	
3	Bellingham, Elizabeth, widow (<i>enceinte</i>)	15	0	1 4 0
	„ James Thomas, 1 year 9 months, boy	5	0	
	„ Stanley, under 1 year, boy	4	0	
4	Bellingham, Hanna, widow	15	0	1 7 0
	„ Rachel, 14 years, girl	5	0	
	„ Sarah Jane, 12 years, girl	4	0	
	„ Lucy, 10 years, girl	3	0	
5	Carmody, Margaret, widow	15	0	1 0 0
	„ „ jun., 15 years, girl	5	0	

LIST

LIST OF PAYMENTS, ETC.—*continued.*

Family No.	Names of the Widows and Names and Ages of the Children at the Date of the Accident, December, 1882.	Weekly Allowance.	Total.
		s. d.	£ s. d.
6	Chegwin, Eliza A., widow	15 0	1 9 0
	„ Elizabeth Ann, 5 years, girl	5 0	
	„ Alice, 3 years, girl	4 0	
	„ Sarah, 1 year, girl	3 0	
	„ Thomas Pembertha (posthumous), under one year, boy	2 0	
7	Croughey, Mary Ann, widow	15 0	1 10 0
	„ Louisa, 11 years, girl	5 0	
	„ John, 7 years, boy	4 0	
	„ Charlotte, 4 years, girl	3 0	
	„ George, 2 years, boy	2 0	
	„ Josiah, under 1 year, boy	1 0	
8	Curtis, Mary, widow	15 0	1 9 0
	„ William, 15 years till 20 years, boy	5 0	
	„ Ellen, 12 years, girl	4 0	
	„ John, 9 years, boy	3 0	
	„ Jerusha, 8 years, boy	2 0	
9	Dargon, Margaret, widow	15 0	0 15 0
10	Fisher, Martha, widow	15 0	1 0 0
	„ Henry, 13 years, boy	5 0	
11	Gower, Sarah J., widow	15 0	1 9 0
	„ Frederick Oscar, 13 years, boy	5 0	
	„ Sydney Ernest, 11 years, boy	4 0	
	„ Annie Rebecca, 9 years, girl	3 0	
	„ John William, 5 years, girl	2 0	
12	Hayes, Mary, widow	15 0	1 10 0
	„ Michael, 13 years, boy	5 0	
	„ Martin, 11 years, boy	4 0	
	„ Margaret, 9 years, girl	3 0	
	„ Mary Ann, 7 years, girl	2 0	
	„ James, 5 years, boy	1 0	
	„ John, 2 years, boy	
13	Minihan, Mary, widow (<i>enceinte</i>)	15 0	1 10 0
	„ Milly, 13 years, girl	5 0	
	„ Thomas, 11 years, boy	4 0	
	„ Maggie, 6 years, girl	3 0	
	„ Lucy, 5 years, girl	2 0	
	„ Silby, 3 years, boy	1 0	
	„ Daney, 1 year, boy	

LIST

LIST OF PAYMENTS, ETC.—*continued.*

Family No.	Names of the Widows and Names and Ages of the Children at the Date of the Accident, December, 1882.	Weekly Allowance.		Total.		
		s.	d.	£	s.	d.
14	O'Shea, Eliza J. H., widow	15	0	1	7	0
	„ Henry P. L., 4 years, boy	5	0			
	„ James T. L., 2 years, boy	4	0			
	„ Henrietta L. L., under 1 year, girl ...	3	0			
15	Surrurier, Annie, widow	15	0	1	9	0
	„ Alice Elizabeth, 8 years, girl... ..	5	0			
	„ Georgiana Annie, 6 years, girl	4	0			
	„ Paulina Louisa, 3 years, girl	3	0			
	„ Martha Ann E., under 1 year, girl ...	2	0			
16	Tenby, Jane, widow	15	0	1	4	0
	„ William, 4 years, boy	5	0			
	„ Mary Louisa, 1 year, girl	4	0			
17	Tregloan, Mary Jane, widow	15	0	1	7	0
	„ Ethel May, 4 years, girl	5	0			
	„ William N., 3 years, boy	4	0			
	„ Olive Phoebe, 2 years, girl	3	0			
18	Wood, Mary, widow	15	0	1	4	0
	„ Eli, 10 years, boy	5	0			
	„ Ada, 6 years, girl	4	0			
19	Wyatt, George, 6 years till 15 years, boy ...	5	0	0	15	0
	„ Martha P., 4 years till 16 years, girl ...	5	0			
	„ Abraham, 2 years till 15 years, boy ...	5	0			

MELBOURNE:

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