



Western Australia.

ANNO SEXAGESIMO PRIMO

VICTORIÆ REGINÆ.

No. IV.

AN ACT to re-establish the title of the Hainault Gold Mine, Limited, to the Gold Mining Lease No. 81E.

[Assented to, 26th August, 1897.]

WHEREAS, on or about the 19th day of November, 1896, the Gold Mining Lease No. 81E (formerly No. 223) was, by an error on the part of the Crown, made void; And whereas, by reason of such avoidance, certain persons holding Miner's Rights regarded the land comprised in the said Lease as being by law open to occupation for Mining purposes by persons holding such rights, and entered upon and occupied the said land accordingly for the purpose of Mining: 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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THE avoidance of Gold Mining Lease No. 81E (formerly No. 223) is hereby annulled, and all the estate, right, title, and interest of the Hainault Gold Mine, Limited, in the land comprised in the

Confirmation of
Gold Mining Lease
81E.

61° VICTORIÆ, No. 4.

Hainault Gold Mine.

said Lease are hereby re-established and confirmed as if such avoidance had not happened.

Protection of holders of miner's right who, after the avoidance of the Lease, entered upon the land therein comprised.

2. NO action, or other proceeding, civil or criminal, shall lie against any person for having, after the said avoidance and before the passing of this Act, being the holder of a miner's right, entered upon or occupied, for mining purposes, the land comprised in the said Lease, nor against the agents or servants of any such person so entering or occupying, nor for anything done or suffered, or property acquired, in the course of such entering or occupation which, but for this Act, would have been lawfully done, suffered, or acquired.

Provision for stay of litigation and award of costs.

3. ON the passing of this Act the actions described in the Schedule hereto, and all litigation between any of the parties to any of such actions, founded upon the fact of the avoidance of the said Lease, shall cease, but the Court, Judge, or person before whom any such litigation is pending shall have power, notwithstanding this Act, to make any order in Court or in Chambers that may appear just for costs and taxation of costs in favour of any party to such litigation, and may order one party to pay the costs of another as between solicitor and client.

In the name and on behalf of the Queen I hereby assent to this Act.

GERARD SMITH, Governor.

SCHEDULE.

Actions in the Supreme Court of Western Australia between:—

Loftus C. Antill, Plaintiff, and the Hainault Gold Mine, Limited, John Rutherford, and Frederick A. Hare, Defendants.

George Woods, Plaintiff, and the abovenamed Defendants.

Alick Antill, Plaintiff, and the abovenamed Defendants.

John Eather, Plaintiff, and the abovenamed Defendants.