

New Zealand.

ANNO TRICESIMO PRIMO

V I C T O R I Æ R E G I N Æ .

No. 69.

AN Act to amend "The Gold Fields Act 1866." Title.
[10th October 1867.]

WHEREAS it is expedient to amend the Act of the General Assembly of New Zealand number thirty-two passed in the thirtieth year of the reign of Her present Majesty the short title whereof is "The Gold Fields Act 1866" Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

1. The Short Title of this Act shall be "The Gold Fields Act Amendment Act 1867 (No. 2)." Short Title.

2. This Act shall be read and construed with and as forming part of "The Gold Fields Act 1866" hereafter referred to as "the said Act." Construction of Act.

3. Every warden shall make or cause to be made a list of persons not less than fifty in number or of such a number under and as near fifty as the population of the neighbourhood will permit of good repute and who shall be holders of miners' rights or business licenses residing within five miles of the court house or building wherein such warden usually holds his court and the said list shall be the roll of wardens' assessors of such district. Warden to make roll of assessors.

4. It shall be lawful for either of the parties previous to the hearing of any complaint or case in any warden's court to require from the warden or for the warden either before or during such hearing to require that such complaint or case shall be heard before such warden and four assessors and thereupon such warden shall summon before him either orally or in writing a sufficient number of the persons whose names shall appear upon such roll as aforesaid or if there shall be no such roll or if a sufficient number of persons whose names shall be on such roll cannot be found then of indifferent persons to act as such assessors until the number of four assessors be obtained. Provided also that before any such assessors as aforesaid shall be summoned by any warden such warden shall demand and receive the sum of two pounds from the person demanding assessors and each of the assessors before whom the complaint is heard shall be entitled to receive thereout the sum of ten shillings and in case the hearing of any complaint or case shall be adjourned to any future day the warden shall demand and receive the further sum of two pounds for every such adjournment and each of the assessors shall be entitled to receive thereout the further sum of ten shillings. Provided that where the warden without a requisition from either of the parties shall summon assessors the warden shall before the hearing demand and receive from the complainant the sum of two pounds as aforesaid and also in case of any such adjournment such Assessors to be summoned by warden.
Fees to assessors.

Gold Fields Act Amendment (No. 2).

further sum of two pounds for the payment of such assessors at the rate aforesaid and any part of any of such sums which shall not be required for the payment of assessors shall be returned to the complainant and the residue thereof shall eventually be paid as part of the costs of the proceeding by such of the parties as the warden shall in that behalf direct.

Challenges.

5. Either party shall be admitted to challenge any number of such persons as aforesaid called as assessors not exceeding two without assigning cause and any additional number provided he assigns of his challenge a cause certain and the truth of such challenges shall be inquired of by the warden.

Fines for non-attendance.

6. Any person so summoned who without lawful excuse shall neglect or refuse to attend or to be sworn or serve as such assessor shall be fined such sum of money not exceeding five pounds as such warden shall think fit.

In eighty-first section of Gold Fields Act "fourteen" substituted for "five."

7. In the eighty-first section of the said Act the word "fourteen" shall be substituted for the word "five" where it occurs in the said section and the said Act shall be read and construed accordingly.

Rules of guidance in warden's courts.

8. Whereas by the sixty-eighth section of the said Act it is provided that "every warden shall have power in every case brought before him to make such decree or give such judgment as shall be just without regard to any rule of law or the practice of any court of law or equity" it is hereby expressly provided that every such warden shall in the exercise of such powers comply with the express provisions of the said Act and every order decree or award of any such warden shall be in accordance with the express provisions of the said Act and this Act and the rules and regulations made or to be made under the said Act or this Act.

Regulations under "The Gold Fields Act 1862" declared valid.

9. It is hereby declared that miners' rights issued under "The Gold Fields Act 1862" and any regulations made thereunder or purporting to be made thereunder did authorize the holders thereof subject to such regulations to cut construct and use water races dams and reservoirs through and upon Crown Lands and to take or divert water from any spring lake or pool or stream situate or flowing through or adjoining Crown Lands and to use such water for mining or for domestic purposes and all rules and regulations purporting to have been made under and by virtue of "The Gold Fields Act 1862" by the Governor or Governor in Council or by any Superintendent of a Province or other person as delegate of the Governor relating to the diversion of water the cutting and construction of water races dams and reservoirs and the occupation of Waste Lands of the Crown by such construction and the use of such water and water races dams and reservoirs are hereby declared to have been duly made under and by the authority of "The Gold Fields Act 1862" and it is hereby enacted that all such rules and regulations shall be deemed to have had the force of law from the making thereof until the expiration or cancellation thereof.

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