



ANNO QUADRAGESIMO OCTAVO ET QUADRAGESIMO  
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# VICTORIÆ REGINÆ.

A.D. 1885.

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## No. 353.

An Act to amend the Laws relating to Gold Mining,  
and for other purposes.

[Assented to, December 11th, 1885.]

**W**HEREAS it is expedient to amend the laws relating to gold mining in South Australia—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: Preamble.

1. This Act shall be divided into three parts, that is to say— Division of Act.

PART I.—Relating to Gold Mining:

PART II.—Relating to Occupation Licences:

PART III.—Miscellaneous.

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### PART I.

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### PART I.

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#### GOLD MINING.

2. So much of Act No. 26 of 1870–71, intituled “An Act to amend the Laws relating to Gold Mining, and for other purposes,” as relates to gold mining, and to making, varying, and altering regulations affecting the issue of gold licences, and of licences for the occupation of Crown lands for purpose of business and residence, together with the words “and *vice versá*” in clause 129 of the “Crown Lands Consolidation Act,” No. 86 of 1877 are hereby repealed: Repeal. Provided that such repeal shall not affect the validity of any regulation, matter, or thing lawfully made or done under or by virtue of the said Act; or prevent any penalty being imposed, enforced, or recovered; or Proviso.  
any

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## Interpretation.

any punishment being inflicted for any offence heretofore committed against the said Act or any regulation thereunder.

**3.** In the construction of this part of this Act, and of any regulations made in pursuance thereof, the following terms shall have the meanings set against them respectively, unless the context or other provisions hereof require a different construction:—

“Business”—Any profession, trade, calling, or occupation, except mining, and any vending or disposing of any goods, wares, merchandise, or chattels:

“Claim”—A parcel of Crown land which any person or number of persons shall be entitled to occupy, or to occupy and mine in by virtue of any miner’s right, or licence issued under the provisions of this part of this Act: Provided that no land comprised in any lease granted for gold mining purposes shall be deemed to be a claim:

“Crown lands”—All lands within the said province vested in Her Majesty which have not been or may not hereafter be granted, or lawfully contracted to be granted in fee simple, or leased with a right of purchase:

“Gold”—As well any gold as any earth, clay, quartz, stone, mineral, or other substance containing gold, or having gold mixed therein, or set apart for the purpose of extracting gold therefrom:

“Goldfield”—Crown lands proclaimed, or which may be proclaimed a goldfield, as hereinafter provided:

“Mine”—Any lands, pit, shaft, drive, level, or other excavation, drift, gutter, lead, vein, lode, or reef, whereon, wherein or whereby any operation for, or in connection with mining purposes, is or shall be carried on upon Crown lands:

“Mining”—Any mode or method of working whatsoever whereby the soil or earth, or any rock or stone, may be disturbed, removed, carted, carried, washed, sifted, smelted, refined, crushed, or otherwise dealt with for the purpose of obtaining gold, whether the same may have been previously disturbed or not, as well as the appropriation of such gold by the finder thereof to his own use:

“Miner’s right”—A miner’s right issued under the provisions of this Act or the provisions of the Act hereby repealed:

“The regulations”—The regulations to be made under this Act:

“Minister” means the Commissioner of Crown Lands and Immigration for the time being:

“Warden”—One of Her Majesty’s Wardens in and for the said Province duly appointed under this Act.

**4.** Subject to the provisions of this Act, and of the regulations to be made hereunder, a “miner’s right” may be granted by the Warden to any person applying for the same upon payment of a fee of Five Shillings, and such right shall be in the form contained in Schedule A to this Act.

**5.** Every

Miner’s rights.

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Duration and effect of miner's right.

5. Every such miner's right shall be in force from the date thereof until the expiration of twelve calendar months from such date, and shall, during the said period, authorise the holder to search and mine for gold upon any Crown lands, and to occupy (except as against Her Majesty), for the purpose of residence in connection with the object of mining, so much land as may be prescribed under the regulations of this Act; and every such holder shall, during the continuance of such miner's right, be deemed in law to be the owner of the claim which shall be occupied by virtue of such miner's right, and during such continuance, as aforesaid, all gold then being in and upon the said claim shall be deemed in law to be the absolute personal property of such holder: Provided that no such search or mining shall be prosecuted or carried on within a radius of fifty yards of any shaft or working then being carried on by the licensee or lessee of Crown lands for mineral purposes unless the consent of such licensee or lessee has first been obtained in writing.

6. Nothing contained in this Act shall authorise any holder of any miner's right to mine under or upon any Crown lands dedicated for roads or reserves, save and except with the special consent of a Warden.

Miner's right not to authorise mining upon roads or reserves.

7. Any person who shall be the holder of a miner's right shall, subject to the provisions of this Act and to the regulations, be entitled (except as against Her Majesty)—

Privileges conferred by a miner's right.

To take possession of, mine, and occupy Crown lands for gold mining purposes:

To cut, construct, and use races, dams, and reservoirs, roads, and tramways, which may be required for gold mining purposes, through and upon any Crown lands:

To take or divert water from any spring, lake, pool, or stream situate in or flowing through Crown lands, and to use such water for mining purposes and for his own domestic purposes; and to use, by way of an easement, any unoccupied Crown lands:

To take possession of and occupy Crown lands for the purpose of residence on a proclaimed goldfield, but not for business purposes, except as hereinafter otherwise provided:

To put up, and at any time to remove, any building or other erection upon such land so taken up and occupied:

To cut and use timber, stone, clay, or gravel from Crown lands for mining, mine-buildings, residence, or domestic purposes, upon such lands:

And any person or persons so taking up and occupying Crown lands as aforesaid shall, subject as aforesaid, be deemed in law to be possessed (except as against Her Majesty) of such lands so taken

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up and occupied, and the property therein, and every share or interest which may be created therein under this Act or the regulations, shall be deemed a chattel interest. And all gold then being in and upon any such land taken up and occupied for mining purposes shall (except as against Her Majesty) be the absolute property of the person or persons in lawful occupation of the same. And the holder or holders of any such land taken up and occupied as aforesaid for mining purposes, or for the purpose of residence, may assign and encumber the same, or any undivided share or interest therein.

Special prospecting licence.

**8.** A special prospecting licence, securing to the holder the right of search for gold for six months from the date thereof, over all Crown lands or lands comprised within a mineral lease granted by the Crown (to be specified in the special prospecting licence), provided such search is not prosecuted within a radius of fifty yards of any workings then being carried on by the lessee, may be issued by the Warden, upon payment of a fee of One Pound; and such special prospecting licence may be in the form contained in Schedule B to this Act.

Business licence.

**9.** Subject to the provisions of this Act and the regulations aforesaid, any Warden may grant a licence to any person applying for the same, on payment of a fee of One Pound, which licence shall be in force till the expiration of the three calendar months from the date thereof, and may be renewed from time to time, and such licence shall authorise the holder to occupy, for the purpose of carrying on business upon any proclaimed goldfield during such period, so much of the Crown lands, not exceeding one-quarter of an acre in extent, as may be deemed desirable by the Warden, and for the purpose aforesaid to put up any building or other erection, and at any time to remove the same; and every such holder shall, during the continuance of such business licence, be deemed in law to be possessed (except as against Her Majesty) of the land which he shall occupy by virtue of such licence, and the property in such land shall be deemed a chattel interest, and no person shall be entitled by virtue of a business licence to occupy more than one such portion of land; and such business licence shall be in the form in Schedule C to this Act.

Proclamation of gold-fields.

**10.** It shall be lawful for the Governor, by proclamation in the *Government Gazette*, to proclaim any portion of Crown lands to be a goldfield.

Description of gold-fields.

**11.** Such proclamation shall describe by name and boundaries every goldfield proclaimed, and such proclamation may from time to time be altered or cancelled by the Governor in like manner.

Goldfields subject to this Act and regulations.

**12.** Every goldfield so proclaimed may be mined in, used, and occupied according to the provisions of this Act and the regulations thereunder.

**13.** Whensoever

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Provisional proclamation of goldfields to protect discoverer.

**13.** Whensoever the discovery of payable gold on Crown lands shall have been reported in writing under the hand of and signed (or if such person shall be unable to write, by a writing attested by some Justice of the Peace, or Warden) by the person claiming to have made such discovery to the Warden of the goldfield nearest the situation of such discovery, or to the Minister in charge of goldfields, the notification of such discovery by such Warden posted outside his office, or by such Minister in the *Government Gazette*, shall operate to proclaim the portion or portions of Crown lands to be a goldfield within the meaning and for the purposes of this Act, which shall be contained in a square the boundary lines of which shall be directed to the cardinal points, and the central point in each boundary line whereof shall be distant half-a-mile from such place of discovery: And such notification as aforesaid shall have the effect of a provisional proclamation of the Crown lands within such area as a goldfield, to be in force until the same or any enlarged or diminished area shall be proclaimed under the provisions of this Act.

Provisional proclamation may be cancelled.

**14.** No notification under the last section shall be posted until the Warden or Minister shall have satisfied himself that payable gold has been actually discovered on such land: And such notification shall refer back to and operate from the day upon which the said discovery shall have been so reported as aforesaid: Provided that, if the Warden of the mining district to whom such discovery as aforesaid shall have been reported, or if any officer authorised in that behalf by such Minister shall, at any time during the continuance of such provisional proclamation, report to such Minister that the alleged discovery of payable gold does not, in his opinion, warrant the proclamation as a goldfield of the said area, then it shall be lawful for such Minister, by notice in the *Government Gazette*, to revoke and cancel the provisional proclamation of such area.

Partial suspension of pastoral leases on proclamation of goldfield.

**15.** When any goldfield shall have been proclaimed upon any Crown lands the Governor may suspend or cancel any lease or licence in respect of the land comprised in such proclamation, subject always to the conditions as to resumption contained in such lease or licence, or upon payment of such compensation as may be agreed upon between the Minister in charge of goldfields or the said lessee or licensee, and shall thereupon remit to the lessee or licensee such portion of the rent of such land as may be reasonable and just.

Certain lands exempted.

**16.** Notwithstanding any provisions to the contrary, all Crown lands which shall be lawfully and *bonâ fide* used as a yard, garden, cultivated field, or orchard, or upon which any house, outhouse, shed, or other building shall have been erected, provided the same be in actual use or occupation, or any artificial dam or reservoir which shall have been made, shall be, and the same are hereby exempted from occupation for mining purposes, and for residence or business, under any miner's right or business licence:

Provided

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Provided that such exemption shall cease upon payment to the lessee of compensation, such compensation to be determined by arbitration, in manner prescribed by the regulations.

## Leases may be granted for mining, &amp;c.

**17.** It shall be lawful for the Governor to grant to any person, subject to the provisions of this Act and the regulations, a lease of any Crown lands, not exceeding twenty acres in area, for gold mining purposes, and to construct thereon races, drains, dams, reservoirs, roads or tramways, to be used in connection with any such mining, and to erect thereon any buildings or machinery to be used for mining purposes, for pumping or raising water from any land mined, or intended to be mined upon, or for any or all of those purposes, and also for residence in connection with any of such purposes, for any term not exceeding twenty-one years, at the yearly rental of Ten Shillings per acre, and to renew the same for any such term, and upon the terms and conditions prescribed by the regulations.

## Land occupied for residence or business may be leased, with consent of holder or without his consent, on compensation being paid.

**18.** Such gold mining lease may include any land occupied for the purpose of residence or business by the holder of a miner's right or business licence under the provisions aforesaid, with the consent of such holder; and if the holder shall not consent to such lease, the land shall nevertheless be included therein, upon the person applying for the same making compensation to such holder for any building erected or other improvements made by him, or any prior holder, on such land; such compensation to be determined by arbitration, in manner to be prescribed by regulations.

## Lease on any gold-field not to be granted until twelve months after proclamation.

**19.** No lease shall hereafter be granted of any Crown lands forming portion of any goldfield for gold mining purposes until twelve months after the date of the proclamation of such goldfield.

## Special condition.

**20.** Every mining lease issued under this Act, or the regulations, shall contain a condition that, if the lessee, his executors, administrators, or assigns fail at any time during the term to fulfil the conditions or terms therein contained, or to use the land *boná fide* for the purpose for which it shall be demised, the lease shall, for any such failure, be voidable, at the will of the Governor.

## Penalty for unlawfully mining.

**21.** If any person, not holding a miner's right, licence, or lease under this Act, shall mine for gold on Crown lands, whether on his own behalf or on behalf of any other person, whether or not the lawful possessor of any claim, or as partner with any such person, he shall be liable, on conviction, to pay for each such offence a penalty not exceeding One Pound for every day he shall so mine, and the burden of proving that he is the holder of a miner's right, licence, or lease shall rest upon him.

## Penalty for carrying on business without licence.

**22.** Any person not holding a business licence who shall occupy any Crown lands for the purpose of business on any proclaimed gold-field, or shall carry on business thereon, shall, on conviction before the

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the Warden, be liable to a penalty not exceeding Five Pounds for the first such offence, and not exceeding Ten Pounds nor less than Five Pounds for every second or any subsequent such offence, and the burden of proof that he is duly licensed shall rest upon him.

**23.** The Governor may from time to time appoint one or more person or persons to be warden or wardens, who shall have and exercise the jurisdiction conferred upon them herein or by the regulations, and the Governor may appoint such and so many registrars, mining surveyors, mining engineers, clerks, officers, bailiffs, and assistants, as he shall think necessary for the efficient performance of the duties of inspection, surveying and registration of claims and mines, and of all other duties in connection with mining and with the administration of this Act which the Governor may think fit; and may, by regulations, define the powers and duties of such warden, officers, clerks, and assistants, and the mode of exercising and performing the same, in all cases where such powers and duties have not been defined by this Act, and also the amount of and mode of providing the remuneration of such warden, officers, clerks, and assistants, and the time for which the same shall be paid.

Appointment of  
Warden and other  
officers.

**24.** It shall be lawful for any Warden to hear and determine, in a summary way, all suits and disputes between the holders of miner's rights, either amongst themselves or in relation to themselves and third parties, which may arise—

Powers of Warden.

- I. Concerning any Crown lands which any person shall be or claim to be entitled to take possession of or occupy by virtue of a miner's right granted for mining for gold, or wherein or whereon any person shall be or claim to be entitled to cut, construct, or use any race, drain, dam, or reservoir, for gold mining purposes by virtue of a miner's right, and concerning any share or interest therein respectively, and of or in which land, race, drain, dam, or reservoir, any other person shall be or shall claim under any such miner's right or licence to be entitled to be in the occupation or possession, or to search for such metals or minerals, or to cut, construct, or use any such race, drain, dam, or reservoir, or which shall be alleged to have been abandoned, or to have been forfeited under some of the regulations to be made as aforesaid; and concerning the title to, or possession, or enjoyment, or recovery thereof by reason of any such abandonment, forfeiture, or otherwise, and concerning any sum claimed in the nature of mesne profits thereof:
- II. Concerning any Crown lands, or share or interest therein, which the complainant shall claim to be entitled to take possession of and occupy for business, under a business licence, and concerning any trespass or encroachment on any such land:

III. Concerning

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- III. Concerning the right which any person shall have or claim to have by virtue of a miner's right, or of any such licence as aforesaid, to the use and enjoyment or sale of any water to which any person shall claim to be entitled, and concerning the right which any person shall have or claim to have to any priority of water taken, diverted, or used, or claimed to be taken, diverted, or used, under the provisions of any such Act, as against any other person claiming the same:
- IV. Concerning any encroachment or trespass upon any such land, race, drain, dam, or reservoir as aforesaid, and concerning the diversion or abstraction of any water possessed or used under a miner's right, or under any such licence as aforesaid, of which land, race, drain, dam, reservoir, or water, any person shall be and shall claim to be entitled to be in the occupation, possession, use of, or enjoyment, for mining purposes, and concerning any unlawful interference therewith or injury thereto, whether wilful, or by negligence, or wrongful omission, causing damage thereto, and whereby mining shall have been hindered or delayed, or any machinery on any such land damaged, or the supply of water to which any person shall be lawfully entitled shall be lessened, and concerning the unlawful ouster or exclusion of any person from any share or interest in any such land, race, drain, dam, reservoir, or water, and concerning the damages and compensation for any such encroachment, trespass, ouster, diversion, abstraction, interference, or injury:
- V. Concerning or out of any contract, verbal or otherwise, relating to mining under a miner's right or licence as aforesaid, or respecting any such land or water as aforesaid, or any share or interest therein, and concerning any debt or money due in respect of any such contract:
- VI. Concerning any gold in or to be taken out of any land occupied or held as aforesaid, or out of land in which any person shall be entitled to search for gold under any such licence as aforesaid, and concerning or out of any contract relating to such gold, or to any money due in respect of the same, or relating to any share or interest therein:
- VII. Concerning or out of any contract respecting the using for mining purposes of any such land, race, drain, dam, reservoir, or water as aforesaid, or otherwise, in relation to gold mining on Crown lands occupied under miners' rights or licences, and concerning any money due in respect of any such contract:
- VIII. Concerning or out of any partnership or agreement in the matter thereof, written or verbal, relating to mining in any Crown lands occupied under miners' rights or licences as aforesaid, or for or in relation to the searching for any such



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such gold, or concerning or out of any partnership in any such land, water, race, drain, dam, reservoir, gold, or concerning or out of any contract for or in connection therewith, or for dissolving in the whole or in part, any such partnership, or which may arise between tenants in common or joint tenants in relation to any such land or water, or in any share or interest therein :

- ix. Concerning boundaries for the purpose of ascertaining the same between portions of any such land in all cases where any such boundaries shall be in dispute or be confused, and whether there may exist or not the circumstances required by a Court of Law to sustain an action or claim for the ascertainment of boundaries, and the Warden may ascertain such boundaries by such means as shall be found convenient, and shall decide about the same, and shall make and give all such orders and directions as shall be necessary for the purpose of carrying out such decision :
- x. Generally concerning all questions and disputes which may arise between miners holding miners' rights or licences in relation to mining on Crown lands :

And the jurisdiction hereby given to the Warden shall extend not only to cases where the litigants shall be the parties originally interested in the cause of suit, but to cases where the title of any such litigants shall be derived as assignees or personal representative or otherwise, from or through any of such parties, and in exercise of his jurisdiction every such Warden may make such order as may be just, and without regard to any rule of law affecting form only, or to the practice of any Court of Law or Equity, and in every case may award such reasonable costs to be paid the successful party as he may deem fit.

**25.** Every Warden, so long as he shall continue to hold his office, shall have and exercise the same powers and authorities as a Justice of the Peace for the said province within the limits of the goldfield or goldfields of which he may be appointed warden.

Warden to exercise powers of Justice of the Peace.

**26.** The mode of proceeding in any complaint before the Warden shall be as follows:—The person complaining shall lodge a plaint note with the Warden, in the form in Schedule D to this Act, specifying therein shortly the subject-matter of the complaint, and the remedy sought to be obtained. Upon receipt of such plaint note the Warden with whom the same is lodged shall give notice in the form in Schedule E to this Act, by post or otherwise, to the party complained against of the nature of the complaint, and the time and place at which the same will be heard and determined. At the time and place appointed the parties shall attend and state their case before the Warden, and may call evidence on oath, which oath the Warden is hereby authorised to administer in support thereof, and the Warden, having heard such statement and evidence, shall give his decision, and such decision shall be final and conclusive: Pro-

Mode of proceeding before Warden.

vided

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vided that the Warden shall have power to adjourn the hearing of such complaint to any other time or place, and may, either at the original hearing or at any adjournment, proceed in the absence of either party.

Lessee to furnish  
statement of  
workings.

**27.** Every lessee of a gold mining lease or claim shall furnish such statements of the workings and proceeds of the mine or claim as may be set forth by the regulations.

Penalty on default.

**28.** If any such lessee shall neglect or refuse to furnish such statement, in accordance with the regulations, he shall be liable to a penalty not exceeding Five Pounds for the first offence; and, for the second and every subsequent offence, to a penalty of not exceeding Ten Pounds.

Power of Warden to  
inspect gold mine and  
accounts.

**29.** The Warden shall have power to enter upon and inspect any claim or gold mine, and to examine any books or accounts of any gold mining company or association, and shall furnish a report containing a statement of the amount of the work done, of the money expended, and of the quantity and value of the proceeds of the mine or claim to the Minister of Goldfields at the end of each calendar month.

Decision need not be  
in writing.

**30.** It shall not be necessary that any order or decision made by the Warden shall be formally drawn up in the first instance, but the record in the Warden's book, which he is hereby required to keep for the purpose, shall be sufficient evidence of the making of any such order, and of the terms thereof, and either party to a suit shall be at liberty to obtain a copy of record therein on payment to the Warden of a fee of Two Shillings and Sixpence.

Warden may order  
gold to be seized.

**31.** The Warden, upon the hearing of any complaint as aforesaid, and upon proof of any gold having been unlawfully taken or removed from the claim of any person encroached or trespassed upon, of which any finding as aforesaid shall be sufficient evidence, may cause any such gold to be summarily seized and delivered to the person encroached upon, and may also cause the whole or any part of the damages ascertained as aforesaid, to an amount not exceeding Fifty Pounds, to be paid by the person so having encroached or trespassed, to be recovered by distress and sale of the goods and chattels of such person in manner prescribed by law for the recovery of any sum adjudged by Justices of the Peace as a pecuniary penalty or compensation: Provided that no person shall be imprisoned for default in payment of such damages for a longer period than three months: Provided also that nothing herein contained shall prejudice the right of any person to resort to any remedy which he may already have at law or in equity.

Protection of Warden.

**32.** Every person who shall assault or resist any Warden, or any person duly authorised by him, whilst in the execution of any duty under this Act, or who, after the hearing and determining of any complaint

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complaint as aforesaid, and having had the boundaries of his claim or his mode of operation pointed out by such Warden, shall again encroach or trespass, or who shall work or attempt to work any claim or ground, or pursue any operation the working or pursuit of which shall have been duly enjoined or suspended under this Act, or who shall be guilty of any contempt of the proceedings before the Warden at any sitting, shall be liable to a penalty not exceeding Twenty-five Pounds, or, at the discretion of the adjudicating Warden, be imprisoned, with or without hard labor, for any period not exceeding three months, and the warrant of commitment therein may be in the form in Schedule F to this Act: Provided that a Warden shall not adjudicate in any case in which he may be interested.

## PART II.

## PART II.

## OCCUPATION LICENCES.

**33.** The Governor may grant to any person engaged in mining a licence to occupy, for the purpose of residence only for himself and his family, any portion of the Crown lands, not exceeding in extent half an acre, and such licence may be for such period not exceeding seven years, and at such annual rent, payable in advance, not exceeding Ten Shillings, as may be prescribed by the regulations to be made under this Act; and such licence shall be transferable and may be renewed on the recommendation of the Warden: Provided that in respect to any lands now held under a mineral lease, no licence shall be granted without the consent of the lessee.

Occupation licences may be granted to miners.

**34.** When any land included in any licence so granted as aforesaid is sold or alienated in fee simple from the Crown, during the term for which such licence is granted, the licence shall thereupon cease, but the licensee shall be entitled to such compensation as the Governor may consider just for the loss which the said licensee has sustained; and if such land is sold or alienated in fee simple, the value of any improvement made thereon shall be paid to such licensee by the purchaser.

Determination of licence on sale of land.

**35.** Any mineral lease hereafter to be issued shall contain a provision to the effect that occupation licences, as last aforesaid, may be issued for the lands demised by such lease, or any part thereof, under regulations to be made as hereinafter provided.

Reserves for occupation licences in mineral leases.

**36.** If any unlicensed person shall reside on any such lands as aforesaid, or any person having been licensed shall hold over any such lands after the expiration of his licence, whether by effluxion of time or by any other determination thereof, he shall, on conviction thereof before any Warden, or any Special Magistrate, or two Justices of the Peace for the said province, forfeit and pay a penalty

Penalties for residing on Crown lands without licence, and for holding over.

of

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of not exceeding Ten Pounds for such offence, and the proof that such person is the holder of a valid existing licence shall rest upon him.

## PART III.

## PART III.

## MISCELLANEOUS.

Reward for the discoverers of goldfields.

**37.** It shall be lawful for the Governor to cause to be paid to the actual discoverer of any new goldfield a sum not to exceed One Thousand Pounds, under the terms and conditions of Schedule G hereto, and to prescribe by regulation such other provisions as he may deem advisable for the further encouragement of mining.

Subsidy to gold-mining companies.

**38.** It shall be lawful for the Governor to appropriate a sum not exceeding Five Thousand Pounds for the purpose of subsidising mining companies, or persons engaged in mining, to assist them in sinking or otherwise prospecting for gold, either by loan of diamond drills, or by loan of money: Provided that any such subsidy shall be a charge on the property of the company or persons so subsidised, to be repaid out of profits at the rate of fifty per cent. of any dividends paid to the shareholders, on such terms and conditions as may be prescribed by the regulations.

Penalty for forging miner's rights, or occupation licences.

**39.** Any person who shall forge any miner's right, licence, or lease, or any occupation licence issued or purporting to be issued under the authority of this Act, or fraudulently use, utter, or exhibit any such forged miner's right, licence, or lease, or any occupation licence, knowing the same to be forged, or fraudulently personate the holder of any such miner's right, licence, or lease, or any such occupation licence, shall be guilty of felony, and, on conviction, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding ten years, with or without hard labor, and with or without solitary confinement; and any person who shall fraudulently use or exhibit as his own any miner's right, licence, or lease, or any occupation licence belonging or granted to any other person, or use or exhibit as a valid miner's right, licence, or lease, or occupation licence, any miner's right, licence, or lease, or any occupation licence, which shall have expired, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, either with or without hard labor.

Governor may make regulations.

**40.** The Governor may from time to time make, alter, repeal, and vary such regulations, not being contrary to the provisions of this Act, as shall appear necessary for regulating the form of any rights, leases, and licences to be issued under this Act, and the mode, times, dates, and places of the issue thereof, the conditions on which the same shall be issued, the mode of transferring or assigning the same, and of prohibiting any such transfer or assignment, for regulating where necessary the forms of proceedings, and generally for

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for the purpose of carrying the provisions of this Act and of every part thereof into execution, and may by such regulations repeal or alter any existing rules or regulations. And any person being duly convicted of a breach of any of such regulations shall forfeit and pay, for the first offence, a penalty not exceeding Five Pounds, and for the second and subsequent offences not more than Ten Pounds. And any such penalty shall be irrespective of any forfeiture as may be therein provided; and all such regulations, when published in the *Government Gazette*, shall have the force of law: Provided that all regulations to be so made shall be laid before both Houses of Parliament within fourteen days after their publication, if Parliament be in session, and if otherwise, within a like period after the opening of the then next session.

**41.** The provisions of Ordinance No. 6 of 1850, "To facilitate the performance of the Duties of Justices of the Peace out of Sessions, with respect to summary convictions and orders," shall apply to all proceedings before a Warden in the discharge of the duties and powers given to him by Part 1. of this Act, and also generally to all proceedings for a penalty for breach of this Act, or the regulations aforesaid: Provided that the Governor may, if he think fit, remit the whole or part of any such penalty.

Provisions of Ordinance No. 6 of 1850 to apply to this Act.

**42.** There shall be an appeal from any order, conviction, judgment, or decision of any Warden, which appeal shall be to the nearest Local Court of Full Jurisdiction; and such appeal shall be conducted in manner provided by Ordinance No. 6 of 1850.

Appeals.

**43.** All fees or other moneys received under this Act, unless otherwise expressly appropriated, shall be paid over to the Treasurer, and become a part of the public General Revenue of the said Province.

Fees part of General Revenue.

**44.** This Act may be cited for all purposes as "The Gold Mining Act, 1885."

Short title.

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

WILLIAM C. F. ROBINSON, Governor.

## SCHEDULES REFERRED TO.

## A.

SOUTH [Royal Arms.] AUSTRALIA.

No.

Date

*Miner's Right.*Issued to A. B., of  
"The Gold Mining Act, 1885."

, under the provisions of

To be in force until the  
Fee paid—

day of

18 .

C. D., Warden.

## B.

SOUTH [Royal Arms.] AUSTRALIA.

No.

Date

A. B., of , having paid the sum of One Pound,  
on account of the Public Revenue, is hereby licensed for six months from this  
date, and no longer, to dig, search for, and remove gold from Crown Lands, within  
the limits of Mineral Lease No. , situate at  
Fee paid—

E. F., Commissioner of Crown Lands.

## C.

SOUTH [Royal Arms.] AUSTRALIA.

No.

Date

*Business Licence.*Issued to A. B.,  
"The Gold Mining Act, 1885."

, under the provisions of

To be in force until the  
Fee—

day of

, 18 .

C. D., Warden.

## D.

SOUTH AUSTRALIA.

["The Gold Mining Act, 1885."]

To. C. D., Esq., Warden.

A. B., of , complains of E. F., of , and  
says—1. That, &c. }  
2. That, &c. } [Set forth the subject-matter of complaint in paragraphs.]The complainant therefore prays [set forth relief sought], or such other or further  
relief as shall be just.

The amount sought to be recovered so far as the demand is pecuniary is £

Dated the

day of

18 .

A. B.

E.

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*The Gold Mining Act.—1885.*

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## E.

SOUTH AUSTRALIA.

[“The Gold Mining Act, 1885.”]

Plaint No.

To [*insert names of all the defendants*], of

You are hereby summoned to appear before me, or some other Warden, at  
 , on the                      day of                      next, at  
 o'clock in the                      of the same day precisely, to answer the complaint of  
 A. B., of [*insert names of all the complainants*], by which complaint he seeks [*here  
 insert nature of complaint, showing whether for encroachment, or forfeiture, or  
 otherwise*].

You may have a summons to compel the attendance of any witness or for the  
 production of any books or documents by applying at my office.

Bring this summons with you when you come to my office.

Given under my hand this                      day of                      18

C. D., Warden.

## F.

SOUTH [Royal Arms.] AUSTRALIA.

[“The Gold Mining Act, 1885.”]

Plaint No.

To [*name of officer*], and to the keeper of the gaol at

These are to command you, the said                      , to apprehend  
 O. B., and to convey him to the said gaol, and to deliver him to the said keeper  
 thereof: And you, the said keeper, are hereby required to receive him into your  
 custody in the said gaol, and him there safely to keep for the term of

unless the sum of  
 shall be sooner paid. I, the undersigned [*name of warden*], Warden, having now  
 here adjudged the said O. B. to pay a fine of  
 and in default of immediate payment thereof to be imprisoned for the said term, for  
 that he the said O. B. [*here state the case*].

## G.

SOUTH [Royal Arms.] AUSTRALIA.

[“The Gold Mining Act, 1885.”]

*Reward for Discoveries of new Goldfields.*

Rewards will be paid to the discoverers of new goldfields in accordance with the  
 following regulations:—

- I. That person or those persons will be deemed to be the discoverer or discoverers who shall first find gold, mark out a claim, and give information of the same in writing to the nearest goldfield's Warden or Police Magistrate, together with particulars of the locality and the route thereto, the quantity of gold obtained, the nature of the workings, and the distance from the nearest gold workings on which miners are then actually employed.
- II. If two or more parties simultaneously discover a new goldfield in localities immediately adjacent, and severally comply with these regulations, the sum to be awarded will be divided amongst the persons composing the several parties who have made the discoveries in such manner as the Government may deem just.
- III. Rewards shall be given in accordance with the following scale, viz.:—  
 For the discovery of a goldfield distant more than three (3) miles from any place where payable gold has previously been obtained, and on which there shall be employed, three months after the report of the discovery, not less than two hundred (200) miners, a sum not exceeding One Hundred Pounds (£100).

For

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*The Gold Mining Act.—1885.*

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- For the discovery of a goldfield distant more than five (5) miles from the nearest place where payable gold has previously been obtained, and on which there shall be employed, six (6) months after the report of the discovery has been made, not less than five hundred (500) miners, a sum not exceeding Two Hundred and Fifty Pounds (£250).
- For the discovery of a goldfield distant more than ten (10) miles from the nearest place where payable gold has previously been obtained, and on which there shall be employed, six (6) months after the report of the discovery has been made, not less than five hundred (500) miners, a sum not exceeding Five Hundred Pounds (£500).
- For the discovery of a goldfield distant more than twenty (20) miles or over from the nearest place where payable gold has previously been obtained, and on which there shall be employed, six (6) months after the report of the discovery has been made, not less than five hundred (500) miners, a sum not exceeding One Thousand Pounds (£1,000).