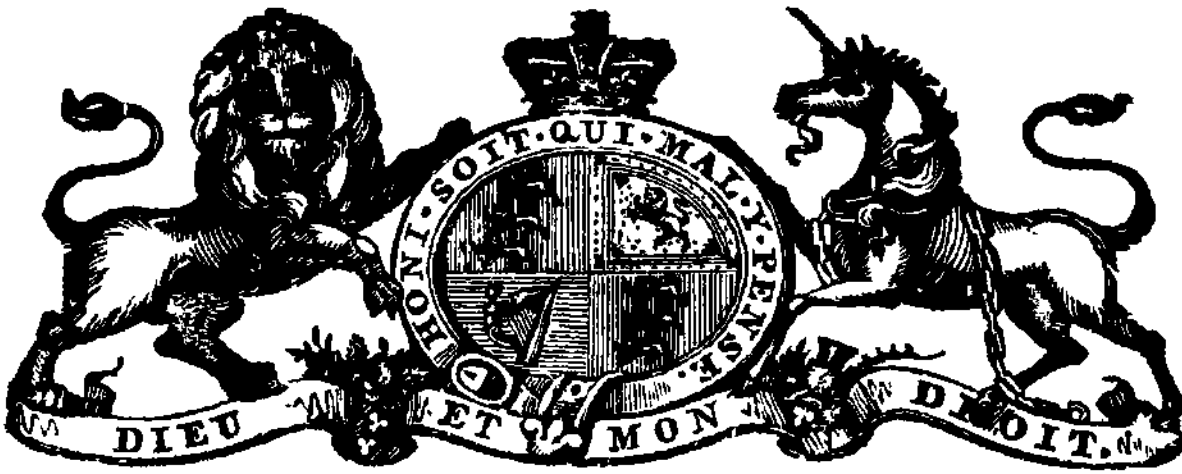


VICTORIA.



ANNO VICESIMO PRIMO

# VICTORIÆ REGINÆ.

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No. XXXII.

## An Act for amending the Laws relative to the Gold Fields. [24th November, 1857.]

**W**HEREAS it is expedient to make provision for the better Preamble.  
management of the gold fields 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)—

I. In the construction and for the purposes of this Act the Interpretation clause.  
following terms shall if not inconsistent with the context or subject matter have the respective meanings hereby assigned to them (that is to say):—

The verb "mine" shall mean any mode or method 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.

The words "mining purposes" shall mean the purpose of obtaining gold by any such mode or method.

The word "gold" shall signify as well any gold as any earth clay quartz stone or other mineral containing gold or having gold mixed in the substance thereof or set apart for the purpose of extracting gold therefrom.

The words "Crown Lands" shall include all lands of the Crown occupied under any license for pastoral purposes.

The words "gold fields" shall mean those parts of the crown lands on which any persons are or may be actually engaged in mining for gold.

The word "claim" shall mean the portion of land which any person in accordance with the bye-laws to be made as hereinafter mentioned shall have taken possession of and be entitled to occupy for the purpose of seeking gold therein but shall not include any land comprised in any lease granted under this Act.

The words "mining partnership" shall mean and include all partnerships and co-adventures entered into by two or more persons for "mining purposes."

The word "business" shall mean and include any profession trade calling or occupation except those of mining of a minister  
of

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of religion or schoolmaster or of a mechanic artizan laborer or servant in the service or employment of any person or any profession trade calling or occupation which may be carried on by any female or by any child under the age of fourteen years.

The word "gaol" shall include any prison or lockup.

The word "warden" shall mean one of Her Majesty's wardens of the gold fields in and for the colony or in and for any district thereof. And

The expression "holder of a miner's right" or "holder of a business license" shall mean the person in whose favor the same respectively shall have been issued.

Miner's Right to issue.

II. It shall be lawful for the Governor in Council to cause documents to be issued each of which shall be called "The Miner's Right" and shall be granted to any person applying for the same upon payment of the sum of one pound and every such document shall be dated of the day and at the place of the issuing thereof and shall be in force for the period of twelve months from the date thereof and shall contain the christian and surname of the person in whose favor the same shall be issued

Occupation under  
miner's right.

III. Every miner's right shall subject to the bye-laws to be made as hereinafter mentioned entitle the holder thereof during the continuance of such miner's right to occupy for mining purposes and for residence so much of the crown lands as may be prescribed by such bye-laws and for either of the purposes aforesaid to put up and at any time to remove any building or other erection and also to cut and remove from such lands for personal use only any trees growing thereon and also to cut construct and use races and dams for mining purposes through and upon any Crown lands and to divert and use for mining purposes any water which Her Majesty could lawfully divert and use and every such holder shall subject as aforesaid and during the continuance of such miner's right be deemed in law to be possessed (except as against Her Majesty only) of the land which he shall occupy by virtue of such miner's right and the property in such land and every share and interest therein shall be deemed a chattel interest for all purposes and may be assigned either by transfer of the existing or by creation of a new interest in such manner as such bye-laws shall direct and in default of such direction either orally or by any instrument in writing and during the continuance of such miner's right all gold then being in and upon any land occupied as a claim shall (except as against Her Majesty) be the absolute property of such holder Provided always that no person shall be entitled by this Act or under any such bye-law to occupy for the purpose of residence more than twenty perches of land.

Certain lands ex-  
cepted.

IV. Nothing hereinbefore contained shall authorize any such person to occupy as aforesaid any crown land which shall have been exempted by the Governor in Council from the operations of mining or which shall have been applied to any public use or purpose or be lawfully and bonâ fide used as a yard garden or orchard or for any race or dam or for any house outhouse shed or other building or to cut or remove from any such crown land any trees growing thereon or to cut or construct any race or dam through or upon any such crown land but nevertheless it shall be lawful for the Governor in Council to authorize the holders of miner's rights to occupy under such miner's rights and also to cut and construct races and dams for the purposes aforesaid through or upon any crown lands which may have been so exempted or applied as aforesaid subject to such conditions and restrictions as the Governor in Council shall impose.

V. It

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V. It shall be lawful for the Governor in Council to cause documents to be issued each of which shall be called a "Business License" and shall be granted to any person applying for the same upon payment of the sums hereinafter mentioned that is to say if such person shall apply for a license for three months two pounds and ten shillings if for six months five pounds or if for twelve months ten pounds and every such document shall be dated of the day and at the place of the issuing thereof and shall be in force for such of the said periods as shall be named therein and shall contain the christian and surname of the person in whose favor the same shall be issued.

Business licenses to be issued.

VI. Every business license shall entitle the holder thereof during the continuance of such license to occupy on any gold-field for the purpose of residence and of carrying on his business so much of the Crown lands not exempted applied or used as aforesaid as may be prescribed under the bye-laws to be made as hereinafter mentioned and for either of the purposes aforesaid to put up and at any time to remove any building or other erection so that the same be not so put up within one quarter of a mile of land situate in any township and previously advertised or specified as about to be offered for sale and every such holder shall during the continuance of such business license be deemed in law to be possessed (except as against Her Majesty only) of the land which he shall occupy by virtue of such business license and the property in such land shall be deemed a chattel interest for all purposes and may be assigned either by transfer of the existing or by creation of a new interest. Provided that no person shall be entitled to occupy for the purposes last aforesaid any land exceeding twenty perches in extent.

Occupation under business license.

VII. When the land on which any such building or erection as aforesaid may have been put up shall be to be sold such building or erection if the same be situate on any gold field and be of a substantial and permanent nature shall be valued and for the purpose of ascertaining such value in case the holder of the miner's right or business license by virtue of which such building or erection shall have been occupied or his assigns and the Board of Land and Works shall not agree upon the value it shall be lawful for the judge of the court of mines of the mining district within which such building or erection shall be situate to order that the same shall be valued by some competent person to be appointed in such order and by two other persons one of whom shall be appointed by the said board and the other by such holder or his assigns and such three arbitrators or any two of them shall make their valuation in writing (so as the amount of such valuation shall not exceed the cost of constructing such building or erection) on or before the day named for that purpose in such order or on or before such further day as the said judge shall by writing indorsed on the same order appoint and such order shall be in the form contained in the first schedule to this Act or to the like effect and shall be filed in the said court and every such award shall be in the form contained in the second schedule to this Act or to the like effect and shall be delivered to the said judge in order that such award may be and the same shall be transmitted to and deposited in the office of the said last mentioned board.

Value of land held under miner's right or business license to be arbitrated.

VIII. Upon any valuation under this Act each party on the request of the other shall appoint an arbitrator by delivering to him and to the said judge respectively an appointment signed by himself or his agent and if for fourteen days after service of such order as aforesaid and notice by one party (who has duly appointed an arbitrator) to the other party stating such request and accompanied by a copy of such appointment the party to whom notice is given fail to appoint an arbitrator the arbitrator appointed

Proceedings on neglect to appoint an arbitrator.

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appointed by the party giving the notice shall be deemed to be appointed by and shall act alone on behalf of both parties and the valuation of any arbitrator or arbitrators appointed in pursuance of this Act shall be binding final and conclusive upon Her Majesty and the said holder of the said license or his assigns to all intents and purposes whatsoever.

Death of arbitrator.

IX. If before the making of such valuation as aforesaid any arbitrator die or refuse or become incapable to act the judge or party by whom such arbitrator was appointed as the case may be shall appoint in like manner another in his stead and if either party fail so to do for the space of fourteen days after notice from the other party in that behalf the arbitrator appointed by the party giving the notice may proceed alone *ex parte* and every arbitrator so appointed shall have the same powers and authorities as were vested in the arbitrator in whose stead the appointment is made.

Holder of business license to have the value.

X. The value so ascertained of any such building or erection as aforesaid shall be added to the upset price of the land without such building or erection and shall together therewith be and constitute the actual upset price of such land and if the said holder of the said business license or his assigns shall bid such last mentioned upset price or more and shall be the highest bidder for such land the value aforesaid shall be deducted from the sum so bidden and the balance shall be the purchase money for such land but if any other person than such holder or his assigns shall become the purchaser of such land and shall pay for the same such holder or his assigns shall be entitled to receive out of such purchase money the said value of the said building or erection.

Mining leases may be granted.

XI. It shall be lawful for the Governor to demise to any person for any term not exceeding ten years from the making of such lease any auriferous Crown land for mining purposes and also to grant water-rights and other easements for such purposes and to fix the amount to be paid by way of rent or royalty for the same respectively Provided always that no such lease shall be granted until the expiration of one month after notice of the intention to grant the same shall have been published by the said Board of Land and Works in the *Government Gazette*.

Regulations of Governor in Council.

XII. It shall be lawful for the Governor in Council from time to time to make such regulations not being contrary to the provisions of this Act as shall appear to be necessary for prescribing the form of documents and leases to be issued under this Act the modes times dates and places of the issue thereof the conditions on which such leases shall be issued and such regulations from time to time to alter vary or amend.

Creation of mining districts.

XIII. It shall be lawful for the Governor in Council from time to time to erect any portion of the colony into a mining district and to give to such district some distinguishing name and to define the limits and boundaries thereof and also again to abolish any such district and from time to time to alter and vary such limits and boundaries Provided always that not more than six such districts shall be erected under this Act unless addresses praying for a greater number shall be presented to the Governor by the Legislative Council and Legislative Assembly.

Court of Mines established.

XIV. Within and for every such district there shall be a court to be called "The Court of Mines" and such court shall be a court of record and shall be holden at such intervals and at such places within such district as the Governor in Council shall from time to time direct before a judge who shall be a barrister-at-law of Victoria and shall have practised as an advocate or barrister and special pleader or as either in England Ireland Scotland and Victoria or any of them for such period as shall make an aggregate of five years and no such judge shall during his continuance in such office practise as a barrister-at-law or hold any claim

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claim or any share or interest therein or in any land comprised in any lease granted under this Act.

XV. In case of illness or unavoidable absence it shall be lawful for the Governor in Council to appoint some other person who shall be a judge appointed under this Act or who shall be qualified as aforesaid to act as the deputy of any judge appointed to hold any court under this Act during such illness or unavoidable absence and it shall also be lawful for the Governor in Council to appoint a deputy who shall be a judge appointed under this Act or who shall be qualified as aforesaid to act for any such judge for any time and every deputy so appointed during the time for which he shall be so appointed shall have all the powers and privileges and perform all the duties of the judge for whom he shall have been so appointed and in case of a pressure of business in any court holden under this Act it shall be lawful for the Governor in Council to appoint some person who shall be a judge appointed under this Act or who shall be qualified as aforesaid to act for any period for any judge appointed to hold any court under this Act at any place within the district for which such judge shall have been appointed and every person so appointed during the time for which he shall be so appointed shall at such place have all the powers and privileges and perform all the duties of the judge for whom he shall have been so appointed and may hold a court simultaneously with such judge.

Deputy judge.

XVI. For every court under the authority of this Act there shall be a clerk at each place at which the court shall be holden and in any case in which it shall appear to be expedient it shall be lawful to appoint two or more persons to execute jointly the office of clerk under such regulations as to the division of the duties of the said office as shall be from time to time made by order of court in case of difference between them.

Clerk of the court.

XVII. It shall be lawful for any clerk of any such court with the approval of the judge or in case of inability of the clerk to make such appointment for the judge to appoint from time to time a deputy to act for such clerk of the said court at any time when he shall be prevented by illness or unavoidable absence from acting in such office and to remove such deputy at his pleasure and such deputy while acting under such appointment shall have the like powers and privileges and be subject to the like provisions duties and penalties for misbehaviour as if he were the clerk of the said court for the time being.

Deputy clerk.

XVIII. The clerk of the court with such assistant clerks as aforesaid in cases requiring the same shall issue all summonses precepts and warrants and register all orders and decrees of the said court and keep an account of all proceedings of the court and shall take charge of and keep an account of all court fees and fines payable or paid into court and of all moneys paid into and out of court and shall enter an account of all such fees fines and moneys in ledgers belonging to the court to be kept by them for that purpose and shall from time to time at such times as the Governor in Council shall direct submit their accounts to be settled by the judge.

Clerks to issue process and keep accounts

XIX. For every court holden under this Act there shall be one or more bailiffs whom the judge in case of inability or misbehaviour may by order under his hand remove and every such bailiff may subject to the restrictions hereinafter contained by any writing under his hand appoint a sufficient number of able and fit persons not exceeding such number as shall be from time to time allowed by the judge to be officers to assist the said bailiff and at his pleasure to dismiss all

Bailiffs.

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all or any of them and appoint others in their stead and every officer so appointed may also be suspended or dismissed by the judge.

Bailiffs' duty responsibility and fees.

XX. The said bailiffs or one of them shall if required by the judge attend every sitting of the court unless when their absence shall be allowed for reasonable cause by the judge and shall by themselves or by the officers appointed to assist them as aforesaid serve all such summonses issued out of the said court as may be delivered to them for service and shall execute all the warrants and precepts issued out of the court and the said bailiffs and officers shall in the execution of their duties conform to all such general rules as shall be from time to time framed for regulating the proceedings and practice of the court as hereinafter provided and subject thereunto to the order and direction of the judge and the said bailiffs shall be entitled to receive through the clerk and retain for their own use for and in respect of such duties as shall have been performed by them or by the officers appointed to assist them all fees and sums of money allowed as hereinafter mentioned in the name of fees payable to the bailiff out of which they shall provide for the execution of the duties for which such fees are allowed and for the payment of the officers appointed to assist them and such fees shall be paid to the bailiff upon the performance of such duties but not before and every such bailiff shall be responsible for all the acts and defaults of himself and of the officers appointed to assist him in like manner as any sheriff in Victoria is responsible for the acts and defaults of himself and his officers. Provided always that in every court holden under this Act in which the fees allowed to be taken by the bailiffs of the court shall appear to be more than sufficient it shall be lawful for the Governor in Council to declare that a certain specified part only of their fees shall be paid to them respectively and in that case and so long as such order shall be in force the amount of the residue of such fees shall be accounted for paid and applied in the same manner as all other fees payable to such clerk.

Clerk and bailiff to be distinct and not to practise in the court of mines.

XXI. It shall not be lawful for any clerk of any court holden under this Act or the partner of any such clerk or any person in the service or employment of such clerk or of his partner to act as bailiff of the court or for any bailiff his partner or clerk or any person in the service or employment of such bailiff or of his partner to act as clerk and no officer of the court shall either by himself or by his partner be directly or indirectly engaged as counsel attorney or agent for any party in any proceeding in the said court.

Clerk and bailiff to give security.

XXII. Every clerk and bailiff of any court holden under this Act who may receive any moneys in the execution of his duty shall give security for such sum and in such manner and form as the Governor in Council from time to time shall direct for the due performance of their several offices and for the due accounting for and payment of all moneys received by them under this Act or which they may become liable to pay for any misbehaviour in their office.

Defence in actions for things done under this Act.

XXIII. In every action against a clerk of any court holden under this Act for anything done in obedience to any warrant issued by him under this Act it shall be a sufficient justification for such clerk to plead the decree or order of such court or of the judge thereof or the certificate of the warden and the warrant thereupon without alleging or setting forth the previous proceedings or that the matter whereon such decree order or certificate was founded was cognizable by or accrued within the jurisdiction of such court judge or warden and in every action against the bailiff of any such court or any officer servant or agent of such bailiff or

**against**

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against the keeper of any gaol for anything done by such bailiff or by his command or authority or by such keeper in obedience to any warrant or precept issued under this Act it shall be sufficient for such bailiff officer servant or agent or for such keeper to justify under such warrant alone without alleging that the same was made and issued within the jurisdiction of such court and without alleging or setting forth the decree order certificate or previous proceedings in the same manner as any sheriff can and may justify under any writ issued out of the Supreme Court and in either of the cases aforesaid proof of the matters so alleged shall be sufficient evidence in support of such plea.

XXIV. There shall be payable on every proceeding in the courts holden under this Act to the clerks of the several courts such fees as shall be allowed in the manner next hereinafter mentioned and none other and a table of such fees shall be put up in some conspicuous place in the court house and also in the clerk's office at every place in which such court shall be holden and the fees on every proceeding shall be paid in the first instance by the party on whose behalf such proceeding is to be had on or before such proceeding and the fees upon execution or commitment shall be paid into court before or at the time of the issue of the warrant of execution or commitment and it shall be lawful for the Governor in Council to direct what amount of fees shall be taken in the courts holden under this Act in such manner as to him shall seem fit and from time to time to lessen or increase the same and such fees may be regulated by way of percentage on the amount or value of the demand and it shall be lawful for the Governor in Council from time to time to appoint instead of all or any of the fees which may from time to time be payable as aforesaid other fees by way of percentage or otherwise and to be payable on such proceedings under this Act as the Governor in Council may direct.

Court fees.

XXV. The judge of each court holden under this Act shall attend and hold such court at such places within the district thereof as the Governor in Council shall have directed that such court shall be holden at such times as such judge shall appoint for that purpose so that a court shall be holden in every such place once at least in such interval as the Governor in Council shall in each case direct and notice of the days on which the court will be holden at any place shall be published in the *Government Gazette* and be put up in some conspicuous place in the court house and in the office of the clerk of the court at such place and no other notice thereof shall be needed and whenever any day so appointed for holding the court at any place shall be altered notice of such intended alteration and of the time when it will take effect shall be published in the manner aforesaid and be put up in some conspicuous place in the court house and in the clerk's office at such place.

Time place and notice of holding court.

XXVI. For every court holden under this Act there shall be a seal and a fac-simile of such seal shall be kept by the clerk of the court at each place at which such court shall be holden and all summonses certificates warrants and other process issued by the clerks of the said court shall be sealed or stamped with one of such seals.

Seal of Court.

XXVII. Every court holden under this Act shall have original jurisdiction to hear and determine all suits cognizable by a court of equity which may arise concerning the title to any land occupied by virtue of any miner's right issued under this Act or comprised in any lease granted under this Act or to any share or interest therein respectively or which may arise out of any contract respecting any such land or any share

What matters are cognizable by the court in its original jurisdiction.

or

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or interest therein respectively or out of any contract respecting any gold to be taken out of any such land or respecting any share or interest in such gold or out of any contract respecting the working of any such land or out of any mining partnership or between tenants in common or joint tenants in any such land or in any water right or other easement lawfully enjoyed under this Act or under any grant made in pursuance hereof and in relation to such land right or easement and generally all questions and disputes cognizable as aforesaid which may arise between miners in relation to mining and in determining such matters every such court shall have power to make such decree in the nature of an award as shall be just without regard to any rules of law affecting the form of relief only or the practice of any court of law or equity and to decree the sale of any such land share or interest or of the property of any such partnership and to exercise such powers and make such order in any of the matters aforesaid as the Supreme Court could exercise or make and every summons warrant or other process issuing out of any court holden under this Act may be served or executed in any part of the colony.

Minors and representatives may sue.

XXVIII. It shall be lawful for any assignee executor or administrator to sue and be sued in any court holden under this Act in like manner as if he were a party in his own right and it shall be lawful for any person under the age of twenty-one years to sue or be sued in any court holden under this Act in the same manner as if he were of full age and no privilege shall be allowed to any attorney solicitor or other person to exempt him from the provisions of this Act.

Mode of instituting proceedings.

XXIX. No pleading shall be allowed in any suit under this Act but on the application of any person desirous to bring a suit in a court holden under this Act the clerk of the court at the place at which such suit is to be heard shall enter in a register to be kept for this purpose in his office in the form in the third schedule to this Act a plaint in writing stating the names and the last known places of abode of the parties the nature of the relief sought and the amount sought to be recovered or if the demand shall not be pecuniary the value (to be ascertained as next hereinafter mentioned) of the subject matter of such suit and every one of such plaints shall be numbered in every year according to the order in which it shall be entered and thereupon a summons in the form contained in the fourth schedule to this Act stating the nature of the relief sought and bearing the number of the plaint shall be issued and be served at the option of the plaintiff by himself or his agent or the bailiff of the court so many days before the day on which the cause is to be heard as shall be directed by the general rules to be framed as hereinafter mentioned and delivery of such summons to the defendant or in such other manner as shall be specified in such rules shall be deemed good service and no misnomer or inaccurate description of any person or place in any such plaint or summons shall vitiate the same so that the person or place be therein described so as to be commonly known.

Plaintiff to value his demand and defendant may pay into court.

XXX. Every person who shall bring any suit under this Act shall at the time of entering the plaint specify the amount sought to be recovered in such suit or if the demand shall not be pecuniary the value of the subject matter of such suit and such amount or value shall be entered in the said register in the proper column for that purpose and it shall be lawful for the defendant within such time as shall be directed by the general rules (to be framed as hereinafter mentioned) to pay into court such amount or value together with the costs incurred by the plaintiff

up



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up to the time of such payment and of delivering the notice next hereinafter mentioned and notice of such payment shall be communicated by the clerk of such court to the plaintiff by causing the same to be delivered at his usual or last known place of abode or business and the said sum of money shall be paid to the plaintiff and after such payment no other suit shall be brought in respect of the same matter in any court.

XXXI. Any defendant in any suit in a court holden under this Act for a money demand only may within such time as shall be directed by the general rules to be framed as hereinafter mentioned pay into court such sum of money as he shall think a full satisfaction for the demand of the plaintiff together with the costs incurred by the plaintiff up to the time of such payment and of delivering the notice next hereinafter mentioned and notice of such payment shall be communicated by the clerk of such court to the plaintiff by causing the same to be delivered at his usual or last known place of abode or business and the said sum of money shall be paid to the plaintiff but if he shall elect to proceed and shall recover no further sum in the suit than shall have been so paid into court the plaintiff shall pay to such defendant the costs incurred by him in the said suit after such payment and the court may decree the same accordingly.

Payment into court of less than the demand.

XXXII. In all original suits brought in any court holden under this Act the judge of such court (unless an issue shall be directed as hereinafter mentioned) shall alone determine all questions as well of fact as of law but it shall nevertheless be lawful for such court if and whenever such court shall think fit so to do to direct an issue to be tried before such court and six assessors to be summoned as hereinafter mentioned the verdict of a majority of whom shall be received and no summons or pleading shall be necessary but upon the day appointed for the trial the parties shall appear and the clerk of the court shall read the issue and the party asserting the affirmative shall unless the court at the time of directing such issue shall have otherwise ordered be entitled to begin. Provided also that whenever any of the parties to the suit shall upon the suit being called on to be heard or during the hearing thereof require that any particular facts shall be tried by assessors and shall pay into court the sum of three pounds for assessors the court shall direct issues for the trial of such facts before the said court and six assessors in the manner hereinbefore mentioned and every such issue shall be proceeded on in the same manner as if it had been directed by the Supreme Court.

Judge may act alone or direct issue.

XXXIII. It shall be lawful for any court holden under this Act or for any judge thereof in such way as the said court or judge may think fit to obtain the assistance of accountants engineers surveyors or other scientific persons the better to enable such court or judge to determine any matter at issue in any suit or appeal in such court and to act upon the certificate of such persons respectively.

Court may refer certain matters.

XXXIV. No suit in any court holden under this Act shall be dismissed without the consent of the plaintiff by reason only that the plaintiff shall appear at the hearing to be entitled to different relief from that which is sought by any plaint or summons but in every such case such court shall cause the plaint to be amended and in case it shall appear to such court that the defendants or some of them were in fact deceived by such summons and that injustice would be done by proceeding at once in such suit it shall be lawful for such court to adjourn the hearing on such terms (if any) as to payment of costs or otherwise as the court shall think just.

Suits not to be dismissed for informality.

XXXV. At the time and place named in that behalf in any summons issued out of any court holden under this Act the plaintiff shall

Proceedings where both parties appear.

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shall appear and thereupon the defendants shall be required to appear to answer such suit and on answer being made in court by the defendants or by such of them as shall in the opinion of such court sufficiently represent the defendants such court shall proceed to hear the suit in a summary way and upon the hearing of any such suit any defendant may obtain the same relief which he could now obtain by way of cross bill in the Supreme Court.

When plaintiff does not appear suit to be struck out.

XXXVI. If at the time and place so named as aforesaid or at any continuation or adjournment of the court or suit the plaintiff shall fail to appear the suit shall unless the court shall otherwise order be "struck out" and shall be thereupon ended and determined and a memorandum to that effect shall be entered by the clerk of the said court in the said register but such entry shall not bar any future suit for the same cause Provided always that it shall be lawful for the judge to order any such suit to be reinstated if he shall think fit.

Costs when suit struck out.

XXXVII. Whenever any suit shall be "struck out" under the provisions hereinbefore contained and the plaintiff and defendants shall both have failed to appear the said parties respectively shall bear and pay their own costs but if any defendant shall have appeared the court shall decree to such defendant his costs of the suit.

Proceeding where defendant does not appear.

XXXVIII. If at the time and place so named as aforesaid or at any continuation or adjournment of the court or suit none of the defendants shall appear or sufficiently excuse their absence or answer when called in court the court upon due proof of service of the summons upon such of the defendants as shall in the opinion of such court sufficiently represent all the defendants may proceed to the hearing of the suit in the absence of the defendants and the decree thereupon shall be as valid as if all the defendants had appeared Provided always that the judge in any such case at the same or any subsequent court may set aside any decree so given in the absence of any defendant and may grant a rehearing of the suit upon such terms if any as to payment of costs giving security or otherwise as he may think fit on sufficient cause shown to him for that purpose.

Mode of proceeding where there is want of parties or some who do not appear.

XXXIX. If at the time and place so named as aforesaid or at any continuation or adjournment of the court or suit it shall appear that any person interested in the subject matter of the suit is not a party to the suit or has not been duly summoned or does not appear or sufficiently excuse his absence the court may either proceed to the hearing of the suit in the absence of such person and make a decree either binding or saving the rights of such person or adjourn the suit in order that such person may be summoned on such terms if any as to payment of costs by the plaintiff to any defendant who shall have appeared as such court shall think fit or may dismiss the suit without prejudice to the right of the plaintiff to commence a fresh suit for the same cause Provided that whenever the court shall make a decree in the absence of such person binding the rights of such person it shall be lawful for the judge in his discretion at the same or any subsequent court to set aside such decree or any part thereof and to grant a rehearing of the suit upon such terms if any as to payment of costs giving security or otherwise as he may think fit on sufficient cause shown to him for that purpose.

Judge may stay proceedings grant time or adjourn.

XI. The judge of any court holden under this Act may in any case make orders for staying proceedings until security shall be given for costs or for granting time to the plaintiff or defendant to proceed in the prosecution or defence of the suit and may also from time to time adjourn any court or the hearing or further hearing of any

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any suit in such manner and on such terms (if any) as to payment of costs or otherwise as to the judge may seem fit.

XLI. It shall not be necessary to serve any decree or order made at the hearing of any suit or appeal in any court holden under this Act but whenever such court shall decree the payment of money and the same shall not be paid into court either forthwith or within the time limited for that purpose the clerk of the said court at the request of the person entitled under such decree shall after the expiration of the time limited for the payment of such money and without any previous notice or summons to the person required to pay the same issue out of such court a warrant in the form contained in the fifth schedule to this Act and the bailiff of the said court shall execute the said warrant and all constables and other peace officers within their several jurisdictions shall aid and assist in the execution of every such warrant and every bailiff or officer executing any such warrant as last aforesaid may by virtue thereof seize and take any of the goods and chattels personal of the person against whom such warrant shall have issued (excepting the wearing apparel and bedding of such person or his family and the tools and implements of his trade to the value of ten pounds which shall to that extent be protected from such seizure) and may sell any share or interest at law or in equity which the person against whom such warrant shall have issued shall have in any land or building occupied by virtue of any miner's right or business license issued under the provisions of this Act and may also seize and take any money or bank notes and any cheques bills of exchange promissory notes bonds specialties or securities for money belonging to any such person against whom any such execution shall have issued as aforesaid and the bailiff of the said court shall hold any cheques bills of exchange promissory notes bonds specialties or other securities for money which shall have been so seized or taken as aforesaid as a security or securities for the amount directed to be levied by such warrant or so much thereof as shall not have been otherwise levied or raised for the benefit of the person entitled as aforesaid who may sue in the name of the party against whom any such warrant shall have issued or in the name of any person in whose name such party might have sued for the recovery of the sum or sums secured or made payable thereby when the time of payment thereof shall have arrived.

XLII. Whenever the bailiff of any court holden under this Act shall sell any share or interest at law or in equity in any land or building occupied by virtue of any miner's right or business license issued under the provisions of this Act such bailiff shall give to the purchaser thereof a certificate of sale specifying such claim land or building and every such certificate shall forthwith vest in such purchaser all the right title and interest which the person against whom such warrant was issued had at the time of the issuing thereof in such claim land or building.

XLIII. If any bailiff or officer shall make a return to any warrant of execution that he could find no sufficient property of the person against whom such warrant shall have issued liable to satisfy such execution the clerk of the court out of which such warrant shall have issued shall forthwith and without any previous notice or summons to the person against whom such warrant shall have issued issue a warrant in the form in the sixth schedule to this Act or to the like effect and the bailiff of the said court and the keeper of the gaol to whom such warrant is directed shall respectively execute and obey the

Execution against goods.

Sale of interest under miner's right and business license.

On return of *nulla bona* party to be committed for one month.

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the said warrant and all constables and other officers shall aid and assist in the execution of such warrant but no imprisonment under any such warrant shall operate as a satisfaction or discharge of the amount due under any decree order or certificate but it shall be lawful for the clerk of such court at any time to issue a fresh execution upon such decree order or certificate Provided always that save as hereinafter mentioned no warrant of commitment shall issue upon the return to any such fresh execution.

On disobedience of decree for payment of money debtor may be summoned.

XLIV. Whenever any sum of money recoverable for costs damages or otherwise under any decree or order made at the hearing of any suit or appeal in any court holden under this Act or under any decision of any warden or warden and assessors (a certificate whereof shall have been filed in any court holden under this Act) shall remain unsatisfied it shall be lawful for the person entitled to recover such money whether any such warrant as aforesaid shall or shall not have been issued for the same to obtain from the clerk of the said court a summons in the form contained in the seventh schedule to this Act or to the like effect directed to the person liable to pay such money and such summons shall be served personally and if he shall appear in pursuance of such summons he may be examined upon oath touching his estate and effects and as to the property and means he has of paying satisfying and discharging such sum of money and as to the disposal he may have made of any property and as to his intention to leave the colony without paying such money as is still unsatisfied or to depart elsewhere within the colony with intent to evade payment and in case such sum of money shall be recoverable under the decree of any such court as to the mode in which the liability the subject of such decree was contracted and the person obtaining such summons as aforesaid and all other witnesses whom the judge shall think requisite may be examined upon oath touching the inquiries authorized to be made as aforesaid.

And may be examined and imprisoned till payment

XLV. If a party so summoned as aforesaid shall not attend as required by such summons and shall not allege a sufficient excuse for not attending or shall if attending refuse to be sworn or to disclose any of the things aforesaid or if he shall not make answer touching the same to the satisfaction of such court or if it shall appear to such court by oral testimony or affidavit or by both that such party contracted the liability which was the subject of such decree by any fraud or breach of trust or has made or caused to be made any gift delivery or transfer of any property or changed removed or concealed the same with intent to defraud the person entitled to such money as aforesaid or with intent to defeat any execution issued upon such decree order or decision or if on such evidence as aforesaid it shall appear to the satisfaction of such court that the party so summoned has then or has had since the time of making such decree order or decision sufficient means and ability to pay the sum so recovered against him and so due and unsatisfied as aforesaid or that he is about to leave the colony without paying such money as is still unsatisfied or to depart as aforesaid it shall be lawful for such court if the judge thereof shall think fit to order that unless such party shall pay into such court either forthwith or within the time limited in such order the money so unsatisfied together with the costs of and occasioned by such summons and examination he shall be committed to prison.

Examination may be had on the original hearing.

XLVI. In any case in which any defendant in any suit in any court holden under this Act shall personally appear at the hearing of the same the court at the hearing of the cause or at any adjournment thereof if a decree shall be made against the defendant shall have the same

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same power and authority of examining the plaintiff and defendant and other parties touching the things hereinbefore mentioned and of making an order as such court might have exercised under the provisions hereinbefore contained in case the plaintiff had obtained a summons for that purpose after decree made as hereinbefore mentioned.

XLVII. Whenever any order for commitment shall have been made under the provisions hereinbefore contained and the money and costs named therein shall not have been paid into court in pursuance thereof the clerk of such court shall without any previous notice or summons to the party required to pay the same issue a warrant in the form in the eighth schedule to this Act or to the like effect and the bailiff of the said court and the keeper of the gaol to whom such warrant is directed shall respectively execute and obey the said warrant and all constables and other peace officers shall aid and assist in the execution of such warrant.

Form of commitment.

XLVIII. Any person imprisoned under this Act by virtue of any such warrant as aforesaid who shall have paid or satisfied the sum of money remaining due at the time of the issuing of such warrant together with all subsequent costs shall be discharged out of custody upon the certificate of such payment or satisfaction signed by the clerk of the court in which such order of commitment shall have been made.

Prisoner to be discharged on payment.

XLIX. Whenever any court holden under this Act or any judge thereof shall make any decree or order other than a decree for the payment of money and any person named therein and intended to be bound thereby shall disobey such decree or order it shall be lawful for any person entitled to the benefit thereof to obtain a summons from the clerk of such court requiring the party so disobeying to appear at such time and place as shall be directed by the said summons before the same or any other court of mines to show cause why he should not be committed to prison until the judge of such court shall otherwise order for disobedience to such decree or order and stating in what respects such decree or order has been disobeyed and such summons shall be served personally and if the person so summoned shall appear in pursuance of such summons or shall not attend as required by such summons and shall not allege a sufficient excuse for not attending it shall be lawful for such court to inquire into the matters mentioned in such summons on affidavit or on the oath of one or more credible witnesses or upon oath and affidavit and if it shall appear to such court that the person so summoned has in fact disobeyed such decree or order it shall be lawful for such court to order that such person be committed to prison and thereupon the clerk of such court shall without any previous notice or summons to the person so ordered to be committed issue a warrant in the form in the ninth schedule to this Act or to the like effect and the bailiff of the said court and the keeper of the gaol to whom such warrant is directed shall respectively execute and obey the said warrant and all constables and other peace officers within their several jurisdictions shall aid and assist in the execution of any such warrant.

On disobedience of other decrees party may be summoned and committed.

L. Whenever any person shall be in custody under such warrant as last aforesaid it shall be lawful for the officer in whose custody such person may be on receiving an order for that purpose under the hand of the judge of the court in which such order of commitment was made from time to time to bring such person before such judge and it shall be lawful for such judge either verbally to remand such person to his former custody or if it shall appear to such judge that such person has either performed the decree or order for disobedience to which such

Prisoner may be discharged on performance.

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such person was committed or has paid to the person obtaining such order of commitment or to the clerk of such court in his behalf full compensation for the breach of such part of the decree or order as can no longer be performed together with all subsequent costs verbally to order the person so in custody to be forthwith discharged and he shall be discharged accordingly or it shall be lawful for such judge on being satisfied of the matters aforesaid instead of causing the person so in custody to be brought before him by order under his hand directed to such officer to order the immediate discharge of such person who shall be discharged accordingly.

Order may be *ex parte*.

LI. Any order of commitment under the provisions hereinbefore contained may (if the special circumstances of the case shall appear to any such judge to warrant it) be made by such judge *ex parte* and without notice on proof by affidavit only of any of the matters aforesaid and in that case such order of commitment under the hand of such judge may be filed in any court holden under this Act in the district for which such judge shall be appointed and such person may be dealt with as if an order of commitment had been made as hereinbefore directed.

Provision for discharging out of custody.

LII. Notwithstanding the provisions hereinbefore contained it shall be lawful for the judge of any court of mines at any time by order under his hand (if under the special circumstances of any particular case he shall think fit so to do) to direct that any person in custody under any such order as aforesaid shall be forthwith discharged and he shall be forthwith discharged accordingly.

Power to grant injunction.

LIII. It shall be lawful for the judge of any court holden under this Act upon the application of any person claiming to be legally or equitably interested in any claim or in any land comprised in any lease granted under this Act or being a member of any mining partnership by order under the hand of such judge to enjoin any person named in such order from encroaching upon occupying or working such claim or land or from washing out or removing any gold taken therefrom or from selling or disposing of or otherwise interfering with such claim or land or any share or interest therein respectively or such gold or the property of such partnership or any part thereof respectively or from doing any other act whereby the right title or interest of such applicant in or to such claim land gold or property might be affected until the hearing or determination of any suit or appeal or until the further order of such judge or court with power to impose such terms if any on the granting of such order as such judge may deem just.

Receiver may be appointed.

LIV. It shall be lawful for the judge of any court holden under this Act upon such application as aforesaid by order under the hand of such judge to appoint some one or more fit and proper persons to be a manager or managers under whose direction any such claim or land may be worked or any such gold washed out and who shall receive all gold taken from such claim or land and by such order to direct all persons interested in such claim land or gold to deliver up possession to such manager or managers.

Gold, &c., may be ordered to be deposited.

LV. It shall be lawful for the judge of any court holden under this Act upon the application of any party to any suit or appeal in such court by order under the hand of such judge to direct any person party to or interested in such suit or appeal to deposit within the time or times mentioned in such order with any person or at any place named in such order in the name of the clerk of such court or in the name of any other person mentioned in such order to abide the decision of such court any gold money or other chattel described in such order which may then be or which

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at any time before the final termination of such suit or appeal may come into the possession power or control of such person party to or interested in such suit or appeal and the right to which will in the opinion of such judge be put in issue in the course of such suit or appeal.

LVI. It shall be lawful for the judge of any court holden under this Act on the application of any person party to any suit or appeal in such court by order under his hand to direct any other person party to or interested in the same suit or appeal to produce and leave with the clerk of such court or at any other place for the inspection of such applicant any book letter account or other document (saving all just exceptions) in the possession or power or under the control of such other person and which in the opinion of such judge relates to any matter in issue in such suit or appeal.

Production of documents may be ordered.

LVII. It shall be lawful for any such judge in his discretion upon the application of any person who shall have appealed from the decision of any warden or warden and assessors to be made under the provisions hereinafter contained and upon such terms if any as such judge shall think just by order under his hand to direct that all further proceedings shall be stayed under such decision until the hearing of such appeal or the further order of such judge or of such court and such proceedings shall be stayed accordingly.

Power to stay proceedings on appeal.

LVIII. Every such order not being an order of commitment may at the discretion of the judge be made either *ex parte* or upon notice to the parties to be affected thereby their counsel or attorney and may also be discharged or varied on the application of any person affected thereby Provided always that every *ex parte* order shall be made on affidavit only but any order made upon notice as aforesaid may be made either on affidavit or oral testimony or both.

Orders may be had *ex parte* and varied.

LIX. Every order made by any judge under any of the provisions hereinbefore contained may be in the form contained in the tenth schedule to this Act without any further recital than is directed by such form and every such order not being an order of commitment shall be served by delivering a copy to the person to be bound thereby and at the same time showing the original order if such person shall require to see the same and every such order may be filed with the clerk of any court holden under this Act within the district for which such judge shall be appointed and shall be enforced and proceeded on in all respects like any decree of such court.

Form of order and mode of enforcing it.

LX. Any of the parties to any suit or appeal in a court holden under this Act may obtain at the office of the clerk of the court summonses to witnesses to be served at the option of such party either by himself or his agent or by the bailiff of the court with or without a clause requiring the production of books deeds papers and writings in their possession or under their control.

Summons to witnesses.

LXI. All affidavits to be used in any court holden under this Act shall and may be sworn before any judge of the Supreme Court or any commissioner for taking affidavits in that court or before the judge of any county court or of any court holden under this Act or any justice of the peace.

Who may take affidavits.

LXII. It shall be lawful for the party to any suit or appeal in any court holden under this Act or for an attorney of the Supreme Court being an attorney acting generally in the matter for such party but not an attorney retained as an advocate by such first mentioned attorney or for a barrister retained by or on behalf of the party on either side to address the court and examine and cross-examine the witnesses but subject to such regulations as the judge may from time to time prescribe for the orderly transaction of the business of the court.

Appearance in person or by attorney.

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Fees to counsel and attorneys.

LXIII. The fees to be allowed to barristers-at-law and attorneys practising in any court holden under this Act for appearing or acting on behalf of any other person in any suit appeal or other proceeding in such court and to accountants engineers surveyors and other scientific persons whose assistance shall be obtained as hereinbefore mentioned and the expenses to be paid to witnesses shall be fixed by some scale in the general rules to be made as hereinafter mentioned and such fees and expenses shall together with the court fees be deemed costs in the suit appeal or other proceeding unless the court or judge shall otherwise order.

Clients may procure taxation of bills and counsels' fees.

LXIV. It shall be lawful for the judge of any court holden under this Act upon the application of any person who shall have employed any attorney or barrister in any suit appeal or other proceeding in such court or before such judge to issue a summons requiring any attorney or any barrister (who in the opinion of such judge shall not have been *bonâ fide* instructed by an attorney) to appear before such judge at a time and place named in such summons and at such time and place upon the appearance of such attorney or barrister or upon proof of due service of such summons such judge shall proceed to tax the charges and fees of such attorney or barrister for any such proceedings in such court or before such judge and if in the opinion of such judge the charges or fees of such attorney or barrister are unreasonable it shall be lawful for such judge notwithstanding any contract between the parties by order under his hand to direct such attorney or barrister to repay any part of such charges or fees and such order may be filed with the clerk of any court holden under this Act within the district to which such judge shall belong and may be enforced in the same manner as any decree of the court for payment of money.

Allowance and taxation of costs.

LXV. In every case it shall be lawful for the judge in his discretion to give or refuse the costs of the suit appeal or other proceeding or any part thereof and in order to abolish the expense and delay occasioned by the taxation of costs after the hearing the judge shall either at the hearing of any suit appeal or other proceeding or at the time of pronouncing his decision or of making any order under this Act tax the costs of such suit appeal or proceeding to be paid by the plaintiff or defendant respectively and the amount of costs to be paid by either or any of the parties shall form part of the decree or order of the court or judge and in default of any special direction each party shall pay his own costs.

Minutes of proceedings to be kept and to be evidence.

LXVI. The clerk of every court holden under this Act shall cause a minute of all complaints decrees and orders of the court and executions and returns thereto to be entered in the said register and of all fines and other proceedings of the said court or of the judge thereof and of all certificates filed as hereinafter mentioned to be fairly made from time to time in a journal belonging to the said court which shall be kept at the office of such court and such entries in the said register and journal respectively or a copy thereof respectively bearing the seal of the court and signed and certified as a true copy by the clerk of the said court shall at all times be admitted in all courts and places whatsoever as evidence of such entries and of the proceedings referred to by such entry or entries and of the regularity of such proceeding without any further proof and no record of any decree or order of the court other than such minute as aforesaid shall be necessary.

Contempt of Court.

LXVII. If any person shall wilfully insult the judge or any assessor or any bailiff clerk or officer of any court holden under this Act during his sitting or attendance in court or shall wilfully interrupt the proceedings of such court or being summoned or examined as a witness in any suit or appeal or upon the trial of any issue in any such court shall refuse to be sworn or to produce any books papers or writings required



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required by such summons to be produced or to answer any lawful question or shall in the opinion of the judge of such court be guilty of wilful prevarication or shall otherwise misbehave in court it shall be lawful for the judge of such court if he shall think fit to commit any such offender to prison for any time not exceeding two months or to impose on any such offender a fine not exceeding ten pounds for every such offence and in default of immediate payment thereof to commit the offender as aforesaid for any time not exceeding two months unless the said fine be sooner paid and in either of the cases aforesaid an order in the form contained in the eleventh schedule to this Act shall and may be issued by such judge and shall be good and valid in law without any other order summons or adjudication whatsoever.

LXVIII. If any claim shall be made to or in respect of any goods or chattels taken in execution under the process of any court holden under this Act or in respect of the proceeds or value thereof by any person not being the party against whom such process has issued it shall be lawful for the clerk of such court upon application of the officer charged with the execution of such process as well before as after any action brought against such officer to issue a summons calling before the said court as well the party issuing such process as the party making such claim and thereupon any action which shall have been brought in the Supreme Court or in any county court in respect of such claim shall be stayed and the court in which such action shall have been brought or any judge thereof on proof of the issue of such summons and that the goods and chattels were so taken in execution may order the party bringing such action to pay the costs of all proceedings had upon such action after the issue of such summons out of the court of mines and the judge of such court shall adjudicate upon such claim and make such order between the parties in respect thereof and of the costs of the proceedings as to him shall seem fit and such order may be enforced in like manner as any order made in any suit brought in such court.

LXIX. It shall be lawful for any person in custody under any order of commitment made under this Act upon giving reasonable notice to the person (or to one of such persons if more than one) on whose application such order was granted or if such person or none of such persons can be found to the judge by whom such order was made to apply in a summary way on affidavit to any judge of the Supreme Court for his discharge and it shall be lawful for such judge in his discretion and on such terms if any as he shall think fit by order under his hand directed to the gaoler or other person in whose custody such applicant may be to direct that such applicant shall be discharged and such applicant shall be discharged accordingly. Provided that it shall not be lawful for such judge of the Supreme Court upon such application to inquire into the merits of the decree or original order on which the order of commitment was founded.

LXX. It shall be lawful for the judge of any court holden under this Act upon such terms if any as to payment of costs or otherwise as such judge shall think fit to grant a rehearing of any suit issue or appeal in such court and upon the hearing and rehearing of any suit or appeal in any such court it shall be lawful for the judge of such court if he shall think fit to reserve any question in the form of a special case for the opinion of the Supreme Court and in such case no decree or order shall be made in respect of any matter on which such question shall have been reserved until such opinion shall have been given and after such opinion the said first mentioned court shall make a decree or order in accordance therewith.

LXXI. If

Interpleader.

Party imprisoned may be discharged by Supreme Court.

Judge may re hear or state a case.

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Appeal from Court  
of Mines.

LXXI. If any party to any suit in any court holden under this Act or to any proceeding before the judge of any such court shall be dissatisfied with the determination or decision of the said court or with any order of a judge thereof not being an order of commitment such party may appeal from the same to the Supreme Court. Provided such party shall within seven days after such determination or decision or order give notice in writing of such appeal to the opposite party or his attorney and also give security (to be approved by the clerk of the said court of mines) for the costs of the appeal or in lieu of giving such security deposit in the hands of the clerk of the court the sum of fifteen pounds to answer the cost of the appeal if such appeal be dismissed and the Supreme Court shall make such order in the matter of such appeal as shall appear just and may either affirm or vary the decree or order appealed from and may make such order with respect to the costs of the said appeal as such court may think proper and such orders shall be final and every such appeal shall be in the form of a case agreed on by both parties or their attorneys or counsel and if they cannot agree the judge shall settle the case and sign it and such case shall be transmitted by the appellant to the proper officer and be set down for argument in the Supreme Court in the same manner as special cases in actions in that court. Provided that no such appeal shall operate as a stay of proceedings unless the judge of the court of mines shall so order and whenever the said Supreme Court shall on appeal order that any decree of the court whose decision is appealed from shall be reversed or varied the clerk of such last mentioned court shall enter in the said register a minute of such reversal or variation and the decree as reversed or varied shall be deemed to be the decree of such last mentioned court and shall be proceeded on accordingly.

Power to make rules  
of practice.

LXXII. It shall be lawful for the several persons who for the time being shall be attorney general solicitor general and judges of the courts of mines or any four of them of whom the said attorney or solicitor shall be one from time to time to frame such general rules as to them shall seem expedient for and concerning the practice and proceedings of the courts holden under this Act either in their original or appellate jurisdiction and for the execution of process of such courts and in relation to any of the provisions of this Act which relate to the courts to be holden under this Act and as to which there may arise any doubts and also to frame forms for every matter or proceeding in the said courts for which they shall think it necessary that a form should be provided and also for keeping all books entries and accounts to be kept by the clerks of the said courts and for and concerning the fees to be paid to barristers-at-law and attorneys practising in the courts holden under this Act and the expenses to be paid to witnesses in the said courts and from time to time to alter any such rule or form and the rules and forms so framed shall be observed and used in all the courts holden under this Act and in any case not expressly provided for herein or by the said rules the general principles of practice in the Supreme Court may be adopted and applied at the discretion of the judges to suits and proceedings in their several courts and all such rules as aforesaid shall from and after the expiration of the time fixed therein for the commencement thereof be of the same force and effect as if the same had been enacted by the Legislature.

Wardens to be ap-  
pointed.

LXXIII. It shall be lawful for the Governor in Council to appoint in and for this Colony or any district or portion thereof certain judicial officers who shall be called "Wardens of the Gold Fields" and who shall within the limits for which they shall have been so appointed

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appointed have and exercise the jurisdiction hereinafter mentioned and all such wardens shall be appointed in the same manner as justices.

LXXIV. It shall be lawful for any warden in his discretion upon the application of any person claiming to be legally or equitably interested in any claim or in any land comprised in any lease granted under this Act or in any other land adjoining any claim or land comprised as aforesaid by writing under the hand of such warden to authorise the applicant or any other person named in such writing to enter upon any claim or land adjoining such first mentioned claim or land and it shall be lawful for the person so authorised to enter upon the claim or land described in such writing and to descend any shaft or mine therein and to make plans and sections of such claim or land and of any drives therein.

Warden may authorise entry on adjacent claim.

LXXV. It shall be lawful for any warden upon the application of any person claiming to be legally or equitably interested in any claim or in any land comprised in any lease granted under this Act to proceed to such claim or land or to any other place and in the presence of all the parties interested or of such of them as shall appear to such warden sufficiently to represent all the parties interested or in the absence of any of the parties interested who having had reasonable notice of the hearing of such application shall not appear to hear receive and examine evidence and thereupon if he in his discretion shall think fit by order under his hand in the form in the twelfth schedule to this Act or to that effect to enjoin any person named in such order from encroaching upon occupying or working such claim or land or from washing out or removing any gold taken therefrom or from selling or disposing of or otherwise interfering with such claim land or gold or any share or interest therein respectively or from doing any other act whereby the right title or interest of such applicant in or to such claim land or gold might be affected and every such order may be served and in case of a breach thereof may be filed in any court holden under this Act and proceeded on and enforced in like manner to all intents as if the same had been made by the judge of any court holden under this Act Provided always that no such order shall operate as aforesaid for a longer period than seven days inclusive of the day upon which such order shall be made and no second order made by any warden for the same cause shall be of any force or validity and any such order may at any time be discharged by the judge of any court holden under this Act.

Warden may grant injunction.

LXXVI. It shall be lawful for any warden upon the complaint of any person that any other person has encroached upon or occupied any land which such complainant has taken possession of and is entitled to occupy by virtue of any miner's right or business license issued under this Act or any land vested in such complainant by any lease granted under this Act or has unlawfully interfered in any way whatever with any water right or other easement lawfully enjoyed under this Act or under any grant made in pursuance thereof to proceed to the spot and to enter on the claims of any of the parties and verbally to order any other person to enter upon such claims for the purpose of investigating the matter of such complaint and thereupon in the presence of all the parties interested or of such of them as shall appear to such warden sufficiently to represent all the parties interested or in the absence of any of the parties interested who having had reasonable notice of the hearing of such complaint shall not appear to hear receive and examine evidence and to determine such complaint in a summary way with full power to adjourn the hearing of such complaint to any other time or place and if it shall appear to such warden that

General jurisdiction of warden.

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that the person complained against has occupied or encroached upon any such land or has so interfered as aforesaid it shall be lawful for such warden to adjudge the same accordingly and at the same time to assess and award to the complainant the amount of damage if any sustained by the complainant by reason of such occupation encroachment or interference and it shall be lawful for the same or any other warden to cause the person so found to have occupied or encroached as aforesaid his servants implements goods and chattels to be removed from the land so encroached upon or occupied and to place in possession the rightful claimant to any such land.

Possession of abandoned claims.

LXXVII. It shall be lawful for any warden upon the complaint of any person holding a miner's right that the title of any other person to any claim or to any undivided share in any claim has been forfeited or is to be deemed to be abandoned under any bye-law to be made as hereinafter mentioned and that no other person has been put into possession as next hereinafter mentioned or that such complainant is entitled to take possession of and occupy by virtue of any miner's right or business license issued under this Act any portion of crown land which any other person has in possession and claims to occupy under this Act or that such complainant is entitled to use for mining purposes or to divert any water or to remove any race or dam to the use of which any other person claims to be entitled under this Act or that such complainant is the assignee of or otherwise legally entitled to any claim or other land occupied by virtue of any miner's right or business license issued under this Act or any undivided share therein to proceed to the spot and to enter on any claim or other place and verbally to order any other person to enter upon any claim or other place for the purpose of investigating the matter of such complaint and thereupon in the presence of all the parties interested or of such of them as shall appear to such warden sufficiently to represent all the parties interested or in the absence of any of the parties interested who having had reasonable notice of the hearing of such complaint shall not appear to hear receive and examine evidence and to determine such complaint in a summary way (with full power nevertheless to adjourn the hearing of such complaint to any other time or place) and if it shall appear to such warden that the title to such claim or share has been forfeited or is to be deemed to be abandoned as aforesaid and that no other person has been put into possession as next hereinafter mentioned or that the complainant is entitled to take possession of and occupy as aforesaid any such portion of crown land as aforesaid or is entitled to use for mining purposes or to divert such water or to remove such race or dam as aforesaid or is such assignee or so entitled as aforesaid it shall be lawful for such warden to adjudge the same accordingly and for the same or any other warden to cause such complainant to be put into possession of any such claim share or land as aforesaid and if necessary to cause any defendant his servants implements goods and chattels to be removed from such claim or from the claim of which such share shall form a part or from such land.

Assessors to be summoned by warden.

LXXVIII. It shall be lawful for either of the parties previous to the hearing of any such complaint to require that such complaint shall be heard before such warden and four assessors and thereupon it shall be lawful for such warden and he is hereby required to summon before him either verbally or in writing a sufficient number of indifferent persons to act as such assessors until the number of four assessors shall be obtained and either party shall be admitted to challenge peremptorily to the number of six and also any further number provided he assigns  
of

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of his challenge a cause certain and the truth of such challenges shall be inquired of by the warden and 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.

LXXIX. Before such warden and assessors shall proceed to hear any such complaint such warden shall administer to each of such assessors an oath in the form in the thirteenth schedule to this Act and thereupon such warden and assessors shall proceed to hear such complaint and the decision of the majority of them the said warden and assessors in any of the matters aforesaid shall have the same force and effect as the decision of such warden if acting alone would have had and thereupon such decision shall be carried into effect by the same or any other warden alone.

Oath to be administered.

LXXX. A minute of such decision in the form contained in the fourteenth schedule to this Act or to that effect shall be entered by such warden in a book to be kept for that purpose and shall be signed by the persons who concur in making such decision and no formal order shall be necessary and a copy of such minute shall on demand be given to any of the parties interested therein and the decision of any such warden or of any such warden and assessors as the case may be shall be binding and conclusive on all parties unless appealed from as hereinafter provided.

Warden's decision to be recorded.

LXXXI. Whenever any sum of money shall be awarded by way of damages or costs in or by any decision of any warden or of any warden and assessors and the same shall not be forthwith paid such warden on the application of the person entitled to receive such costs or damages or of any person on his behalf shall grant to the party so applying a certificate in the form contained in the fifteenth schedule to this Act or to the like effect and such certificate when filed in the court of mines of any district shall have the same force and effect as a decree of such court for the payment of money and may be proceeded upon accordingly and it shall be lawful for the clerk of such court immediately to issue execution thereon in the same manner as upon a decree of such court for the payment of money. Provided always that it shall be lawful for such warden or for a majority of them the said warden and assessors as the case may be at the time of making such decision to order that any auriferous earth in the possession of and belonging to the party against whom such damages or costs shall be awarded the value whereof shall be fixed by such warden or majority shall be delivered up to the party entitled to such damages or costs by way of satisfaction or in part satisfaction of such damages and costs or of either of them and such warden shall forthwith cause such earth to be seized and delivered accordingly and thereupon a minute of such order in the form contained in the fourteenth schedule to this Act or to that effect shall be entered and signed as aforesaid and a certificate for the balance only of such damages and costs after deducting the value of the earth seized and delivered as aforesaid shall be given by such warden.

Mode of enforcing such decision.

LXXXII. It shall be lawful for any warden on the application of either of the parties to any complaint to issue a summons under his hand in the form in the sixteenth schedule to this Act or to the like effect calling on any person therein named to attend at a time and place therein named for the purpose of giving evidence on the hearing of such complaint.

Summons for witnesses.

LXXXIII. Before any assessors shall be summoned by any warden such warden shall demand and receive the sum of one pound from the person demanding assessors and each of the assessors before being sworn shall be entitled to receive thereout the sum of five shillings and

Fees to assessors.

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and the said sum of one pound shall be deemed the costs of the hearing and shall be paid by such of the parties as such warden or such warden and assessors as the case may be shall in and by their decision award and such costs shall be recoverable in the same manner as damages awarded to any complainant under this Act.

Appeal from warden  
and assessors.

LXXXIV. If any person shall be desirous of appealing from the decision of any warden or of any warden and assessors he shall within seven days after such decision pay to the clerk of the court of mines of the district in which such decision shall have been made the sum of three pounds for assessors and shall at the same time deposit with such clerk the sum of ten pounds to abide the costs of such appeal and thereupon such clerk shall issue out of such court a summons directed to the persons interested in supporting such decision or to such of them as shall appear to the judge sufficiently to represent all the parties interested requiring them to show cause to such court at a time and place to be named in such summons why such decision should not be reversed or varied and every such summons shall be made returnable at the next sitting of the court at such place as shall be nearest to the place at which such decision was made and every such appeal shall be heard before the said court and six assessors to be summoned as hereinafter mentioned in like manner as issues in an action at law in the Supreme Court and the verdict of such assessors or of any four of them shall be final and such court shall proceed to make an order reversing or varying such decision or dismissing such appeal in accordance with such verdict and shall if necessary order restitution as the case may require and in and by such order the said court may award such costs to either party as the judge shall think fit Provided always that no such appeal shall be so heard unless the said summons shall have been served seven days before the same is returnable upon all parties interested in supporting such decision or upon such of them as shall appear to the judge sufficiently to represent all the parties interested or in case no such party can be found upon the warden who made the decision nor unless at the hearing of such appeal a copy of the minute of such decision certified under the hand of a warden shall be produced to such court and proof of the handwriting of such warden to such copy shall be *prima facie* evidence of such decision and if such verdict as aforesaid shall not be given within two hours after the case shall be left to them the appeal shall be dismissed without costs.

Assessors to hear all  
appeals and issues.

LXXXV. The clerk of every court holden under this Act shall before any sitting of such court for the trial of appeals or issues if any appeal or issue shall have been entered cause a sufficient number of indifferent persons not less than ten to be summoned from the neighborhood to attend the court as assessors at a time and place to be mentioned in the summons and either party shall be admitted to challenge any number of such persons provided he assigns of his challenge a cause certain and the truth of such challenges shall be inquired of by the judge who shall administer or cause to be administered to such of the said persons as shall be empanelled to try any appeal or issue an oath to give a true verdict according to the evidence and 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 as the judge shall think fit not exceeding five pounds Provided always that no person shall be summoned or compelled to serve as such assessor more than twice in one year.

Their remuneration.

LXXXVI. Every person who shall be summoned to act as an assessor in any court holden under this Act shall be entitled to receive for every

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every day of such attendance the sum of five shillings and the additional sum of five shillings for every appeal or issue upon the hearing of which he shall act as assessor. Provided that no such person shall be entitled to receive in the whole more than one pound for any one day.

LXXXVII. In case a sufficient number of the persons summoned to act as assessors in any court to be holden under this Act shall not attend or shall be challenged and set aside it shall be lawful for the clerk of such court as often as need be either to nominate and appoint any one of the bystanders to act as assessor or to summon a sufficient number of persons from the neighborhood until the number of assessors required shall be obtained and any of the bystanders so nominated and acting as assessor shall be entitled to receive the same sum for such attendance as if he had been originally summoned to attend and any of the parties shall have the same right of challenge to any assessor so added as he would have had to any person originally summoned.

Assessors may be taken from bystanders.

LXXXVIII. After any appeal against the decision of any warden or warden and assessors shall be determined if such appeal shall be dismissed it shall be lawful for any warden to proceed to enforce the same in the same manner as such warden might have done if no such appeal had been brought and in case any such decision shall be varied upon appeal the decision so varied shall be deemed to be the decision of the warden or warden and assessors whose decision was appealed against and it shall be lawful for any warden to proceed to enforce the decision so and as varied in the same manner as if it had been the original decision of such warden or of such warden and assessors and had been affirmed on appeal. Provided always that if any decision when so affirmed or varied shall contain an award of damages and costs or either of them the clerk of the court shall on the application of the person entitled to such damages and costs or either of them and without any summons or notice to the person required to pay the same forthwith issue execution for the amount thereof although no certificate shall have been filed as hereinbefore provided and in case such court shall order that any money received by any respondent under the decision appealed against shall be paid into court and the same shall not forthwith or within the time limited for that purpose be paid into court or in case such court shall decree costs against any party to such appeal and the same shall not be paid into court within the time limited for that purpose the clerk of such court shall (upon the application of the person entitled to receive the same and without any summons or notice to the person required to pay the same) forthwith issue execution for the amount thereof in the same manner as upon any decree of the said court for payment of money or in case the said court of appeal shall order that possession of any claim or of any share therein shall be restored to the appellant then it shall be lawful for any warden to proceed to the spot and to cause possession thereof to be delivered to such appellant and if necessary for that purpose to cause to be removed from such claim any other person his servants goods and chattels.

Mode of enforcing decision after appeal.

LXXXIX. Whenever any warden is empowered or required by this Act to cause any act to be performed and the mode of performing such act is not otherwise expressly provided for it shall be lawful for any person verbally authorised by such warden and in his presence or for any peace officer or constable authorised in writing under the hand of such warden to perform such act and all peace officers and constables shall and may if thereunto required aid and assist any warden or person authorised as aforesaid in the performance of his duty under this Act.

Mode of enforcing warden's order where not specially provided.

XC. Notwithstanding anything hereinbefore contained no person shall

No person to sue unless holding a miner's right.

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shall be entitled to institute proceedings in any court holden under this Act or in any other court or before any warden to recover possession of any land occupied by virtue of any miner's right issued under this Act or of any share in such land or to recover any damages for the occupation of or encroachment upon such land or any part thereof or to obtain any relief as tenant in common joint tenant copartner or coadventurer in any such land against his tenant in common joint tenant copartner or coadventurer unless such person shall have been the holder of a miner's right at the time when his alleged title to recover such possession or damages or to obtain such relief first arose or accrued.

Mining Board constituted.

XCI. Within and for every such district as aforesaid there shall be a Mining Board which shall consist of ten members to be elected as hereinafter mentioned and such board shall meet for the despatch of business at such place or places within the said district as the Governor in Council shall appoint.

Returning officer and deputies.

XCII. Within and for every such district as aforesaid there shall be a returning officer whom the Governor in Council shall appoint and from time to time may remove And it shall be lawful for every such returning officer from time to time to appoint by writing under his hand a sufficient number of deputies for the purposes hereinafter mentioned.

Duration of Board.

XCIII. The chairman of such board shall be elected by and from the members thereof and every member of such board shall continue in office until his successor shall be elected as hereinafter mentioned but notwithstanding anything hereinbefore contained it shall be lawful for any member of the mining board by writing under his hand addressed to the returning officer to resign his seat in such board and the same shall thereupon become vacant from the time of the receipt of such writing by the said returning officer.

Payment of members.

XCIV. There shall be paid annually out of the Consolidated Revenue to every mining board the sum of five hundred pounds by two equal instalments to be paid respectively at the expiration of six and twelve months after each general election under this Act and such sum shall be apportioned amongst the members of such board according to some scale to be from time to time adopted by the said board and approved by the Treasurer of the Colony for the time being Provided always that no person shall be entitled to receive any part of any such instalment who shall have resigned his seat as a member of the said board before such instalment shall have become payable.

Mining districts to be divided.

XCV. It shall be lawful for the Governor in Council to split any such district as aforesaid into any number of divisions and to define the limits and boundaries thereof respectively and also to determine the number of members of the mining board of such district which shall be elected within and for every such division and from time to time to alter any such division and the limits and boundaries thereof and to vary the number of members which shall be elected within and for every such division but so that the total number of members elected for such district shall in no case exceed or be less than ten.

General election to be held yearly.

XCVI. The first general election of members in any district shall take place on such Saturday as the Governor in Council shall direct and on the corresponding Saturday in every subsequent year ten other members shall be elected to serve on such board in lieu of those previously elected and within each division there shall be elected the number of members determined as aforesaid and whenever any seat in any board shall become vacant in the interval between two general elections a member shall be elected to fill such vacancy within and for the division for which the member whose seat is vacant shall have been elected.

XCVII. Every



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XCVII. Every male person of the full age of twenty-one years holding a miner's right or business license and being a natural born or naturalized subject of the Queen and resident within any such division as last aforesaid shall be entitled to vote at every election for as many members as are then to be returned for such division.

Qualification of voters.

XCVIII. One month before any election under this Act the returning officer shall give public notice of such election requiring the names of all candidates and of their proposers to be forwarded to him within such time not less than sixteen days from the time of giving such notice as shall be named in such notice and any persons desirous of nominating a candidate for any such division shall within the time named in such notice forward to such returning officer in writing the christian and surname of such candidate and the division for which he is proposed and such nomination shall be signed by not less than ten persons duly qualified to vote at such election and no person shall be capable of being elected at any such election unless he shall have been proposed in the manner above mentioned and his name as a candidate shall have been published twenty-one days before such election in some newspaper circulating in such division.

Notice of election and nomination of candidates.

XCIX. If the number of candidates nominated as aforesaid for any division shall not exceed the number of members to be elected for such division the returning officer shall declare such candidates to be duly elected and they shall be deemed to be duly elected accordingly but if the number of such candidates shall exceed the number of members to be elected for such division the returning officer shall cause voting papers to be printed with the christian and surnames of all the candidates in full in the form in the seventeenth schedule to this Act and shall give public notice that a poll will be taken for the election of members on the day appointed for that purpose and on that day a poll shall be taken at such places within such division as the Governor in Council shall from time to time direct and every poll shall commence at nine o'clock in the forenoon and close at five o'clock in the afternoon and shall be taken in such buildings as the returning officer shall select.

Mode of proceeding at elections.

C. The returning officer of every such district as aforesaid or one of his deputies shall preside at each polling place for taking the poll within such district or division thereof as the case may be And every such returning officer and deputy shall have power and authority to maintain and enforce order and keep the peace at any election held by him and without any other warrant than this Act to cause to be arrested and taken before a justice any person reasonably suspected of knowingly and wilfully making a false answer to any of the questions aforesaid or of personating or attempting to personate any voter or of attempting to vote more than once at the same election or who shall cause a disturbance at any election.

Duty and power of returning officer and deputies.

CI. Each candidate shall be entitled to appoint in writing one scrutineer to be present in each polling room and such scrutineers and the returning officer or deputy and any electors not exceeding six in number shall alone be permitted at any one time to enter or remain in the polling room without the consent of the returning officer or deputy and every returning officer or deputy shall have power to cause any person to be removed who shall obstruct the approaches to any polling room or shall conduct himself in a disorderly manner and all constables and peace officers shall aid and assist such returning officer or deputy in the performance of his duty.

Appointment of scrutineers.

CII. The returning officer or deputy in each district shall provide pencils or pens and ink in every polling room for the use of the

The ballot-box.

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the electors and also a locked box with a cleft or opening therein capable of receiving the ballot papers and such box shall stand on a table opposite the returning officer who shall keep the key of such box.

Voters to produce  
miner's right

CIII. Every elector before voting shall produce his miner's right or business license to the returning officer or deputy who shall stamp or otherwise mark the same and shall deliver to such elector a ballot paper with such stamp or mark and every such elector shall without leaving the room strike out the names of every candidate for whom he shall not desire to vote and in case any elector shall be unable to read or write the returning officer or deputy if required shall in view of such one of the scrutineers as such elector may desire strike out the names of such candidates as such elector may designate and after such names shall have been so struck out the voting paper shall be deposited in the said box.

And answer questions.

CIV. It shall be lawful for any returning officer or deputy or for any one candidate or scrutineer to put to any person tendering his vote the questions following—

1. Are you of the age of twenty-one years ?
2. Are you residing in this division ?
3. Are you a natural born or naturalized subject of the Queen ?
4. Are you the person named in this miner's right ? [*or business license?*]
5. Have you already voted at this election ?

And no other question shall be put to any person tendering his vote and no person who shall refuse to answer any such question or who shall not answer the same to the satisfaction of the returning officer or deputy or whose miner's right or business license as the case may be shall have thereon when first produced as aforesaid such stamp or mark as aforesaid shall be permitted to vote.

Ballot papers to be  
counted and result  
declared.

CV. Immediately upon the close of the poll the returning officer or deputy at each polling place shall proceed in the presence of the scrutineers of the candidates to ascertain the number of votes for each candidate and every deputy and shall immediately afterwards forward the voting papers sealed up together with a list of the total votes for each candidate to the returning officer and such returning officer shall as soon as conveniently can be after the day of the poll give public notice of the number of votes given to each candidate and shall declare the candidates who have received the greatest number of votes in each division not exceeding the number to be elected for the same to be duly elected and if two or more candidates shall have received an equal number of votes the returning officer shall have the casting vote.

Proviso in case of  
riot at the polling.

CVI. When the proceedings at any election under this Act shall be interrupted or obstructed at any place by any riot or open violence the returning officer or deputy shall not finally close the poll but shall adjourn the taking of the poll at the polling place at which such interruption or obstruction shall have happened to the Monday following and if necessary such returning officer or deputy shall further adjourn such poll until such interruption or obstruction shall have ceased when such returning officer or deputy shall again proceed with the taking of the poll at the place at which the same may have been so interrupted or obstructed.

Meeting of Board.

CVII. Every mining board shall hold its first meeting on the second Tuesday after every general election and shall have power to adjourn from time to time but it shall be lawful at all times for the chairman to convene a special meeting of such board on giving fourteen days notice thereof by advertisement in one or more newspapers published or circulating in the district to which he belongs.

CVIII. At

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CVIII. At the first meeting of any mining board after any general election and whenever the office of chairman of any such board shall become vacant the members of such board shall proceed to the election of a chairman and the member who shall receive the greatest number of votes shall be the chairman of such board but no member shall be entitled to vote for himself and in case any two or more members shall receive an equal number of votes the chairman shall be selected from such members by lot.

Chairman to be elected.

CIX. Any five members of the board shall form a quorum and all questions before the board shall be determined by the majority of votes. Provided that the chairman shall have no vote unless in case of an equality of votes when he shall have a casting vote and provided also that in case a quorum shall not assemble within one half hour after the time appointed for any meeting or having so assembled shall disperse the board shall stand adjourned till the next day at the same hour.

Quorum and casting vote.

CX. In case of the absence of the chairman it shall be lawful for the members present being a quorum to appoint an acting chairman who during such absence may exercise the powers by this Act vested in the chairman.

Deputy Chairman.

CXI. Every board constituted under this Act notwithstanding any vacancy therein shall have power from time to time but subject to the provisions of this Act to make bye-laws for prescribing the mode in which the validity of disputed elections shall be decided for regulating their own proceedings for determining the quantity and form of land which may be occupied for mining purposes by virtue of any miner's right issued under this Act the events on which the title to any claim or to any share therein shall become forfeited or be deemed to be abandoned the mode in which the right to any land occupied by virtue of any miner's right issued under this Act or to any share or interest therein may be assigned the mode in which claims shall be worked the quantity and form of land and the sites which may be occupied for the purpose of residence or business by virtue of any miner's right or business license issued under this Act for registering claims or any share or interest in any claim for imposing on such registration such reasonable fee as may be necessary for the purpose of defraying the expenses thereof for disbursing the said fees for the purpose last aforesaid for regulating the mode in which the rights and privileges conferred by any miner's right issued under this Act may be exercised or enjoyed for limiting qualifying or restricting the exercise and enjoyment of such rights and privileges when exercised or enjoyed by means of puddling quartz or other machines such reasonable and periodical fees as may be necessary for the purpose of clearing and keeping clear the sludge and water channels connected with such machines for disbursing the said fees for the purpose last aforesaid and generally all such bye-laws as may be necessary for the protection of the holders of miner's rights and business licenses issued under this Act in the exercise and enjoyment of the rights privileges and interests conferred by this Act and all such bye-laws may be in the form contained in the eighteenth schedule to this Act and shall be signed by the members who concur in making the same and forwarded to the Chief Secretary who shall forthwith certify and publish the same in the *Government Gazette* and at the expiration of twenty-one days next after such publication but not before such bye-laws shall have the force of law throughout the district for which such board shall be elected. Provided always that nothing in this Act contained or any bye-law

Mining Board to make bye-laws.

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law made under the provisions hereof shall affect the rights of Her Majesty in any crown land or the right of voting under this Act or shall prevent the operation of any bye-law made or to be made by any municipal corporation.

Governor in Council  
may cancel bye-  
laws.

CXII. If any person shall dispute the validity or propriety of any such bye-law it shall be lawful for such person to insert twice in some newspaper published or circulating in the district of such board a notice in the form contained in the last schedule to this Act stating therein the number and date of the bye-law the validity or propriety of which he disputes and the reasons for disputing the same and every such notice shall be dated on the day of the first insertion thereof as aforesaid and the person disputing as aforesaid shall apply to the Chief Secretary in writing specifying the title and date of the said newspapers and at the time of such application shall forward such newspapers to the Chief Secretary who as soon as conveniently may be after the time mentioned in such notice shall bring such bye-law application and newspapers and all objections if any to the revocation of such bye-law before the Governor in Council and it shall thereupon be lawful for the Governor in Council to revoke such bye-law and every order by which any bye-law shall be so revoked shall be published in the *Government Gazette* and shall take effect from the time of such publication.

Stealing gold.

CXIII. If any person who shall steal or sever with intent to steal any gold from any claim or from any land comprised in any lease granted under this Act every such offender shall be guilty of felony and being convicted thereof shall be liable to be punished in the same manner as in cases of simple larceny.

Penalty on clerk and  
bailiff.

CXIV. Every person who being a clerk of any such court or the partner of such clerk or a person in the service or employment of any such clerk or of his partner shall accept the office of bailiff of such court or who being a bailiff of such court or the partner of any such bailiff or a person in the service or employment of any such bailiff or of his partner shall accept the office of clerk in the execution of this Act and also every officer of any such court who shall be by himself or his partner in any way directly or indirectly concerned as counsel attorney or agent for any party in any proceeding in the said court shall for every such offence forfeit and pay the sum of one hundred pounds with full costs of suit to any person who shall sue for the same by action of debt or on the case.

Penalty for extortion.

CXV. Every clerk bailiff or other officer employed in putting this Act or any of the powers thereof in execution who shall wilfully and corruptly exact take or accept any fee or reward whatsoever other than and except such fees as are or shall be appointed and allowed respectively as aforesaid for or on account of anything done or to be done by virtue of this Act or on any account whatsoever relative to putting this Act into execution shall on conviction thereof forfeit and pay any sum not exceeding fifty pounds and shall be for ever incapable of serving or being employed under this Act in any office of profit or emolument.

Penalty for unauthor-  
ised occupation.

CXVI. Any person who shall mine or employ any other person to mine in or shall cut or construct any race or dam through or upon any crown lands exempted or applied as aforesaid without being authorized so to do as hereinbefore mentioned or upon any crown land used as aforesaid without the permission of the occupier thereof and any person not being the holder of a business license issued under this Act or any Act repealed by this Act who shall carry on or follow any business within the meaning of this Act

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Act on any gold field shall be liable on conviction to forfeit and pay for the first offence a penalty not exceeding ten pounds and for the second offence a penalty not exceeding twenty pounds and not less than ten pounds for the third or any subsequent offence a penalty not exceeding fifty pounds nor less than twenty pounds Provided that no conviction shall take place for any second or subsequent offence committed within fourteen clear days from the previous conviction.

CXVII. If any person shall forge or alter any document or lease issued under the authority of this or any other Act relating to the gold fields or shall use or utter any such forged or altered document or lease knowing the same to be forged or altered with intent in any of the cases aforesaid to defeat the provisions of this Act or to defraud any person whatsoever he shall be guilty of a misdemeanor and shall on conviction before any court of competent jurisdiction be subject to imprisonment for any period not exceeding three years with or without hard labor at the discretion of such court.

Forgery of mining documents or leases.

CXVIII. Every person who shall forge the seal or any process of any court holden under this Act or who shall serve or enforce any such forged process knowing the same to be forged or deliver or cause to be delivered to any person any paper falsely purporting to be a copy of any summons certificate warrant order or other process of such court or of the judge or clerk thereof knowing the same to be false or who shall act or profess to act under any false color or pretence of such process shall be guilty of felony and being convicted thereof shall at the discretion of the court be kept to hard labor upon the roads or other public works of the colony for any period not exceeding seven years or be imprisoned for any term not exceeding three years.

Forgery of the seal of the court or serving forged process.

CXIX. If the holder of any lease issued under the provisions of this or any other Act relating to the gold fields shall by any fraudulent device or contrivance defraud or attempt to defraud Her Majesty of any gold or money payable or reserved by such lease or shall with such intent as aforesaid conceal or make a false statement as to the amount of any gold procured by him such person shall be guilty of a misdemeanor and shall on conviction thereof before any court of competent jurisdiction be subject to fine and imprisonment at the discretion of such court.

Penalty for concealing royalty.

CXX. If any person with intent to defraud his co-partner co-adventurer joint tenant or tenant in common in any claim or in any share or interest in any claim shall secretly keep back or conceal any gold found in or taken from such claim every such person shall be guilty of felony and being thereof convicted shall be liable to be punished in the same way as if he had feloniously stolen the same.

Punishment of fraud on partners.

CXXI. No person shall in any civil suit action or proceeding be permitted to refuse to answer any question which is relevant and material to the matter in issue on the ground that he may criminate himself under the last preceding section but no answer given by any such person shall be given in evidence upon the trial of any information for any offence committed under such section.

Witness must answer questions which may criminate.

CXXII. Any person who shall insult assault obstruct or resist any warden or any person duly authorized by any warden to enter any claim or land or to perform any other act or any bailiff or other person in the performance of his duty or in the exercise of his powers under this Act or who after being removed by any warden under the provisions of this Act from any claim or other place shall forcibly or clandestinely retake or retain or endeavour to retake or retain possession thereof or of any portion thereof or of any share therein or who upon or in consequence

Assault on warden and other offences.

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consequence of the decision of any warden or warden and assessors against him shall assault or threaten to assault any person in whose favour such decision shall have been made shall on conviction thereof forfeit any sum not exceeding fifty pounds.

Penalty on witness neglecting to appear.

CXXIII. Any person on whom any summons issued by any warden or out of any court holden under this Act requiring such person to appear as a witness in such court or before such warden shall have been served personally or in such other manner as shall be directed by the rules to be framed as aforesaid and to whom at the same time payment or tender of his expenses shall have been made on the scale hereinbefore mentioned and who shall refuse or neglect without sufficient cause to appear or who having appeared before such warden shall refuse to be sworn or to answer any lawful question shall on conviction forfeit and pay any sum not exceeding ten pounds but no such conviction shall exempt such person from any action for disobeying such summons.

Penalty for offences connected with elections.

CXXIV. If any person tendering his vote under this Act shall knowingly and wilfully make a false answer to any of the questions aforesaid or personate or attempt to personate any voter or attempt to vote more than once at the same election or if any returning officer shall knowingly and wilfully make a false return of the number of votes for any candidate at any election under this Act or if any returning officer or deputy shall wilfully falsify or fraudulently suppress any voting paper such person or such returning officer or deputy shall be guilty of a misdemeanor and shall on conviction before any competent court be sentenced to imprisonment either with or without hard labor for some period not exceeding twelve months.

Penalty on warden acting if interested.

CXXV. If any warden appointed under this Act shall knowingly adjudicate in any matter in which he shall have any pecuniary interest he shall be guilty of a misdemeanor and shall on conviction before any competent court be liable to fine or imprisonment or both in the discretion of such court.

Penalty for breach of bye-law.

CXXVI. If any person shall infringe any lawful bye-law of any board he shall on conviction thereof forfeit and pay for every such offence any sum not exceeding ten pounds.

Certiorari.

CXXVII. No proceedings under this Act shall be removed or removable into the Supreme Court save and except as hereinbefore provided.

Appeal to general sessions.

CXXVIII. Any person who shall feel himself aggrieved by any conviction or order of any justice or justices under this Act may appeal from any such conviction or order to the next court of general sessions of the peace which shall be held nearest to the place where such conviction or order shall have been given or made and the execution of every such conviction or order so appealed from shall be suspended in case such person shall with two or more sufficient sureties immediately before such justice or justices enter into a bond or recognizance to Her Majesty in the sum of fifty pounds which bond or recognizance respectively such justice or justices is and are hereby authorized and required to take and such bond or recognizance shall be conditioned to prosecute such appeal with effect and to be forthcoming to abide the determination of the said court of general sessions and to pay such costs as the said court shall award on such occasion and such court of general sessions is hereby authorized and required to hear and determine the matter of the said appeal and the decision of such last mentioned court shall be final to all intents and purposes.

CXXIX. Every

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CXXIX. Every order in council made for the purposes of this Act and all general rules framed under the power hereinbefore contained shall be published in the *Government Gazette* and every such order and all such rules respectively shall be laid before both Houses of Parliament within fourteen days after the making thereof respectively if Parliament be sitting and if Parliament be not sitting then within fourteen days after the next meeting of Parliament.

Orders in Council and rules to be laid before Parliament.

CXXX. From and after the commencement of this Act an Act of the Governor and Legislative Council passed in the eighteenth year of the reign of her present Majesty intituled "*An Act to amend the Laws relating to the Gold Fields*" shall be and the same is hereby repealed. Provided always that any offence committed against the said Act before the day on which this Act shall come into force shall and may be tried or inquired into and every conviction or order of any justice or local court made or given before the commencement of this Act shall and may be enforced and proceeded with as if this Act had not been passed.

Repeal of existing Acts.

CXXXI. All rules and regulations made or to be made by any local court under the said last mentioned Act shall at the expiration of one year next after the commencement of this Act be absolutely void and of no effect except as to matters and things concluded before that time but it shall nevertheless be lawful for the mining board of any district to annul all or any of such rules and regulations so far as the same may be in force in such district and every miner's right lease or business license issued under the said Act shall continue in force as if this Act had not been passed and shall respectively confer the same rights and privileges as any miner's right lease or business license issued under this Act and nothing herein contained shall in any manner affect any right title or interest existing at the time of the commencement of this Act.

Saving existing regulations and rights.

CXXXII. This Act shall commence and come into operation on the first day of January next after the passing thereof.

Commencement of this Act.

SCHEDULES.

THE FIRST SCHEDULE.

In the Court of Mines of the Mining District of

Upon [the application of the Board of Land and Works or] reading the business license [or miner's right] of A.B. I do order that the building or erection occupied by [A B. or] him under the said license [or right] at said district shall be valued by E F. of &c. and two other persons to be appointed according to law and their award shall be made on or before the day of

Sect. 7.

Given under my hand and the seal of the said court this day of

J H. (L S.)

THE SECOND SCHEDULE.

We A.B. of &c. C.D. of &c. and E.E of &c. have valued the building or erection occupied by A.B. under a business license and situate at mining district of at the sum of In witness whereof we have hereunto set our hands the day of

Sect. 7.

A. B.  
C. D.  
E. F.

THE THIRD

*Gold Fields Act.*

**THE THIRD SCHEDULE.**

Sect. 29.

| Number of Plaintiff. | Date of Plaintiff. | Plaintiffs. |          | Defendants. |          | Nature of relief sought. | Amount or Value of the demand. | Payment into Court. | Decree. | Date of Execution Against. |         | Amount Levied. | Memorandum | Remarks and Observations. |
|----------------------|--------------------|-------------|----------|-------------|----------|--------------------------|--------------------------------|---------------------|---------|----------------------------|---------|----------------|------------|---------------------------|
|                      |                    | Name.       | Address. | Name.       | Address. |                          |                                |                     |         | Goods.                     | Person. |                |            |                           |
|                      |                    |             |          |             |          |                          |                                |                     |         |                            |         |                |            |                           |

**THE FOURTH**



*Gold Fields Act.*

## THE FOURTH SCHEDULE.

## PLAINT No.

To  
of

Sect. 29.

You are hereby summoned to appear in the Court of Mines at \_\_\_\_\_ on  
the \_\_\_\_\_ day of \_\_\_\_\_ next at ten o'clock in the forenoon of the  
same day precisely to answer the plaint of A.B. who resides at \_\_\_\_\_ and C.D. who  
resides at \_\_\_\_\_ by which plaint they seek to

If you neglect to appear then upon proof of the due service of a copy of this summons  
the suit when called for hearing will be heard and such decree made against you as may  
appear to be just

You may pay into court the sum of \_\_\_\_\_ in full satisfaction of the demand  
of the plaintiff together with the costs incurred in this matter \_\_\_\_\_ clear days  
before the time at which you are hereby required to appear and by so doing you will avoid  
any further expense.

You may have a summons to compel the attendance of any witness for the pro-  
duction of any books or documents on applying at my office.

Bring this summons with you when you come to the court or to my office.

Given under my hand and the seal of the said court this \_\_\_\_\_ day of \_\_\_\_\_ 185 .

Clerk of the said Court.

## THE FIFTH SCHEDULE.

## PLAINT No.

To the Bailiff of the Court of Mines of the Mining District of

Sect. 41.

These are to command you to seize and take the goods chattels personal money bank  
notes cheques bills of exchange promissory notes bonds specialties or securities for money  
belonging to O. B. (except the wearing apparel and bedding of himself or his family and the  
implements of his trade to the value of ten pounds which are to that extent protected from  
such seizure) and if within the space of twenty-four hours next after such seizure the said  
O.B. shall not pay to you the sum of \_\_\_\_\_ which A. T. lately in the said court  
recovered against him and also \_\_\_\_\_ for this warrant together with  
the costs and charges of the said seizure and of keeping possession you must retain the said  
money and bank notes for the purpose of satisfying the said several sums and the said costs  
and charges but if the said several sums costs and charges shall not be thereby satisfied you  
must forthwith sell the said goods and chattels (except as aforesaid) for the purpose of  
levying and raising the same together with the expenses of such sale and if the said sums  
costs charges and expenses shall not be thereby levied and raised you must forthwith sell  
any share or interest which O. B. has at law or in equity in any claim or in any other land or  
building occupied by virtue of any miner's right or business license issued under the  
provisions of this Act and if the said sum costs charges and expenses shall not be thereby  
levied and raised you shall hold the said cheques bills of exchange promissory notes, bonds  
specialties and securities as a security or securities for the said sums costs charges and  
expenses or so much thereof as shall not have been otherwise levied or raised for the benefit  
of the said A. T.

Given under my hand and the seal of the said court this \_\_\_\_\_ day of \_\_\_\_\_

(L.S.)

JOHN DOE,  
Clerk of the said Court.

*Gold Fields Act.*

## THE SIXTH SCHEDULE.

## PLAINT No.

Sect. 43.

To the Bailiff of the Court of Mines of the Mining District of  
and to the Keeper of the Gaol at

Whereas on the \_\_\_\_\_ day of \_\_\_\_\_ A. B. by the order of the  
said court recovered against C. D. the sum of \_\_\_\_\_ and you the said bailiff have  
returned to a warrant of execution in that behalf that you can find no sufficient property  
of the said C. D. liable to satisfy the said execution.

These are therefore to command you the said bailiff to take the said C. D. 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 the said C. D. into your custody in the said gaol and  
him there safely to keep for the space of one calendar month unless you shall previously  
receive a certificate signed by the clerk of the said court and sealed with the seal thereof  
that the said C. D. has paid the said sum and all subsequent costs or unless he be sooner  
discharged by due course of law and for so doing this shall be your sufficient warrant.

Given under my hand and the seal of the said court this \_\_\_\_\_ day of \_\_\_\_\_

(L.S.)

JOHN DOE,  
Clerk of the said Court.

## THE SEVENTH SCHEDULE.

## PLAINT No.

Sect. 44.

In the Court of Mines of the Mining District of

To A. B. of

Whereas the said court did on the \_\_\_\_\_ day of \_\_\_\_\_ order  
that you should pay to C. D. the sum of \_\_\_\_\_ and the said sum is still wholly  
due and unpaid.

These are therefore to require you to appear personally before the said court at  
\_\_\_\_\_ on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock in  
the \_\_\_\_\_ noon to be examined by the said court touching your estate and effects and as  
to the property and means you have of paying the said sum and as to the disposal you have  
made of your property and the mode in which you incurred the liability and if you disobey  
this summons you will be committed to prison.

Given under my hand and the seal of the said court this \_\_\_\_\_ day of \_\_\_\_\_

(L.S.)

O. P. Clerk of the said Court.

## THE EIGHTH SCHEDULE.

## PLAINT No.

Sect. 47.

To the Bailiff of the Court of Mines of the Mining District of \_\_\_\_\_ and to the  
keeper of the gaol at \_\_\_\_\_

Whereas the said court did on the \_\_\_\_\_ day of \_\_\_\_\_ order  
that O.B. against whom A.T. has in the said court recovered the sum of \_\_\_\_\_  
should be committed to prison unless he did forthwith [or within \_\_\_\_\_ days next]  
after the making of the said order pay into the said court the said sum together with the  
costs in that behalf amounting to \_\_\_\_\_. And whereas the said sum and costs have  
not been paid into the said court according to the said order.

These are therefore to command you the said bailiff to take the said O.B. and convey  
him to the said gaol and 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  
until you shall receive a certificate (signed by the clerk of said court and sealed with the  
seal thereof) that the said O.B. has paid or satisfied the said several sums together with all  
subsequent costs or until the said O.B. shall be otherwise discharged by due course of law.

Given under my hand and the seal of the said court this \_\_\_\_\_ day of \_\_\_\_\_

(L.S.)

JOHN DOE,  
Clerk of the said Court.

THE

*Gold Fields Act.*

## THE NINTH SCHEDULE.

PLAINT No. .

Sect. 49.

To the Bailiff of the Court of Mines of the Mining District of \_\_\_\_\_ and to the  
Keeper of the Gaol at \_\_\_\_\_

THESE are to command you the said bailiff to take 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 the said O.B. into your custody in the said gaol and him there safely to keep until the judge of the said Court of Mines shall otherwise order or until the said O.B. shall be otherwise discharged in due course of law.

Given under my hand and the seal of the said court this \_\_\_\_\_ day  
of 185 .

(L.S.)

(Signed)

JOHN DOE

Clerk of the said Court.

## THE TENTH SCHEDULE.

In the Court of Mines of the Mining District of \_\_\_\_\_

Sect. 59.

Upon reading the affidavit of A.B. sworn the \_\_\_\_\_ day of  
and upon hearing Mr. \_\_\_\_\_ of counsel (or attorney) for C.D.  
of \_\_\_\_\_ (or if a suit or appeal pending) for C.D. the plaintiff (or  
defendant or appellant or respondent) in the suit of \_\_\_\_\_ plaintiff and  
defendant (or in the appeal of \_\_\_\_\_ appellant and \_\_\_\_\_ respondent)  
(or) upon hearing C.D. of \_\_\_\_\_ in person and (when the parties do not appear  
on notice) upon reading the affidavit of service of notice of this application upon E.F. (or  
where both parties appear) upon hearing Mr. \_\_\_\_\_ of counsel (or attorney) for  
E.F. of \_\_\_\_\_ (or) for E.F. the above named plaintiff (or defendant appellant  
or respondent as the case may be) I do (state ordering part as) order that the said E.F.  
do abstain from &c. (or) order that the said E.F. do produce and leave on or before the  
day of \_\_\_\_\_ with G.H. the clerk of the court at \_\_\_\_\_ all account  
books &c. &c.

Given under my hand and the seal of the said court this \_\_\_\_\_ day of

(L.S.)

J. H.

Judge of the said Court.

## THE ELEVENTH SCHEDULE.

To the Bailiff of the Court of Mines of the Mining District of \_\_\_\_\_ and to the \_\_\_\_\_ Sect. 67.  
keeper of the gaol at \_\_\_\_\_

These are to command you the said bailiff to apprehend O. B. and 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 the judge of the said court 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 cause as follows.)

has now in open court "wilfully insulted me the said judge [or] an assessor bailiff &c. [as the case may be] of the said court during my sitting [or] his attendance therein" [or] "interrupted the proceedings of the said court" [or] "having been summoned as a witness in a suit" [or] "appeal between &c. &c.] refused to be sworn" [or] "being sworn as a witness before me refused to answer a certain lawful question that is to say 'whether &c.'" [or] "been guilty in the opinion of me the said judge of prevarication as such witness" [or] "misbehaved himself towards the said court."

Given under my hand and sealed with the seal of the said court this \_\_\_\_\_ day of

(L.S.)

J.G.F.

Judge of the said Court.

THE

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*Gold Fields Act.*


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## THE TWELFTH SCHEDULE.

Sect. 75. I A.B. one of Her Majesty's Wardens of the Gold Fields in and for the Colony of Victoria do hereby order that C.D. of \_\_\_\_\_ and E.F. of \_\_\_\_\_ do abstain from [*state the matter in the words of the Act as near as may be*] for the space of \_\_\_\_\_ days inclusive of this present day.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ 185 .  
A.B. Warden.

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## THE THIRTEENTH SCHEDULE.

Sect. 79. I A.B. do swear well and truly to try and determine the matters which shall be brought before me and a true judgment to give according to the evidence without fear or favor.

So help me God.

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## THE FOURTEENTH SCHEDULE.

Sect. 80. I [*or we*] find that E.F. and G.H. have [*or have not*] occupied the claim of A.B. and C D the complainants [*follow the complaint as near as possible*] and I [*or we*] award that the said E.F. and G.H. do pay to the said A.B. and C.D. the sum of \_\_\_\_\_ pounds for damages and \_\_\_\_\_ pounds for costs [*or as the case may be*] and do order that possession of such claim be delivered to A.B. and C.D.

I [*or we*] also order that certain auriferous earth in the possession of the said E.F. and G.H. which we have valued at \_\_\_\_\_ shall be delivered to the said A.B. and C.D. in satisfaction [*or in part satisfaction*] of such damages and costs.

(Signed)

J.K. Warden.  
L.M. } Assessors.  
N.O. }

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## THE FIFTEENTH SCHEDULE.

Sect. 81. I certify that on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 185 a sum of \_\_\_\_\_ pounds was awarded by the undersigned (*or by the undersigned and E.F. and &c assessors to be paid to A.B. by C.D. by way of damages*) (*or damages and costs*) (*or costs*) and that the same (*or* \_\_\_\_\_ pounds the balance of the said sum was not paid or satisfied at the time of making such award.

day of \_\_\_\_\_ A.D.

Y.Z. Warden.

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## THE SIXTEENTH SCHEDULE.

Sect. 82. You are hereby required to appear on the \_\_\_\_\_ day of \_\_\_\_\_ (instant *or next or on this* \_\_\_\_\_ day of \_\_\_\_\_ ) at the hour of \_\_\_\_\_ o'clock in the forenoon (*or afternoon*) at (*describe place of attendance*) before me one of Her Majesty's Wardens of the Gold Fields in and for the Colony of Victoria to testify what you know concerning a matter in which (*the person demanding the summons*) is interested.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_

A.D.  
Signed A.B.

Warden.

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*Gold Fields Act.*


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## THE SEVENTEENTH SCHEDULE.

Mining District of \_\_\_\_\_ Division of \_\_\_\_\_ Sect. 99.  
 Candidates names.  
 A. B.  
 C. D.  
 &c. &c.

The voter is to strike out the name or names of the candidate or candidates for whom he does not intend to vote by drawing a line through the same with a pen or pencil.

He must be careful not to leave uncanceled the names of more than candidates otherwise his ballot paper will be invalid

The ballot paper so marked by or for the voter is to be dropped by him into the ballot box.

The voter is not to be permitted to take his ballot paper out of the polling room.

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 THE EIGHTEENTH SCHEDULE.

At a meeting of the Mining Board of the Mining District of \_\_\_\_\_ Sect. 111.  
 begun and holden at \_\_\_\_\_ in the said district on the \_\_\_\_\_ day of \_\_\_\_\_  
 One thousand eight hundred and \_\_\_\_\_ it is ordained by the said Board  
 as follows (that is to say):—  
 I. Every claim &c.  
 II. No miner &c.

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 THE LAST SCHEDULE.

MINING BYE-LAW.—Notice is hereby given that I dispute the validity [*or propriety*] Sect. 112.  
 of a bye-law made by the Mining Board of the mining district of \_\_\_\_\_ and dated the  
 day of \_\_\_\_\_ and numbered \_\_\_\_\_

My reasons for disputing the validity [*or propriety*] of the said bye-law are as follows (that is to say):—[*Here specify the objections*]

I further give notice that at the expiration of twenty-one days from this date I shall apply to the Chief Secretary in order that such bye-law may be revoked by the Governor with the advice of the Executive Council within which period all persons objecting to such revocation must send their objections in writing to the Chief Secretary at his office in Melbourne otherwise they cannot be received.

Dated the \_\_\_\_\_ day of \_\_\_\_\_

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 MELBOURNE:

By Authority: JOHN FERRES, Government Printer.