

VICTORIÆ REGINÆ.

No. 21.

ANALYSIS.

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**An Act to amend and consolidate  
the Law relating to Gold Fields.  
[15th September, 1862.]**

Title.

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

I. The Short Title of this Act shall be "The Gold Fields Act 1862."

Short Title.

II. In the construction and for the purposes of this Act the following terms shall have the respective meanings hereby assigned to them if such meanings be not inconsistent with the context or subject matter thereof that is to say

Interpretation.

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The verb "mine" shall be understood to include any mode or method of working whatsoever whereby the soil or earth or any rock or stone may be disturbed removed carted carried washed sifted smelted refined crushed or otherwise dealt with for the purpose of obtaining gold whether the same may have been previously disturbed or not.

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

The words "gold mine" and "gold field" shall mean that part of the waste lands of the Crown in the Colony on which any persons are or may be actually engaged in mining for gold and which shall be proclaimed to be Gold Fields, as hereinafter provided.

The word "claim" shall mean the portion of land which each person or party shall be entitled to occupy or to occupy and mine in under any miner's right license or lease to be issued under the provisions of this Act.

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

The word "business" shall mean and include any profession trade calling or occupation (except mining) and any vending or disposing of any goods merchandise or chattels whether by hawking or in any other manner.

The phrase "authorised person" shall include all holders of any license or mining lease ministers of religion and schoolmasters and any Warden or Commissioner for the Gold Fields or constable or other person employed exclusively in the Government service and the servants of any such person respectively there residing with and in the actual employment of any of them and not mining for Gold either permanently or occasionally and all holders of agricultural and business leases not mining for gold either permanently or occasionally and their servants as aforesaid and all females and all children under the age of fourteen years who shall only reside and not mine for gold upon any gold field.

*Occupation of Gold Fields.*

Governor may Proclaim Gold Field.

III. It shall be lawful for the Governor from time to time by Proclamation to constitute and appoint any portion of the Colony to be a "Gold Field" under the provisions of this Act and the limits of such Gold Field from time to time to alter as occasion may require and also if he shall see fit to revoke the Proclamation by which such Gold Field shall have been constituted and whenever any District shall have been proclaimed a "Gold Field" the same shall be subject to the provisions of this Act.

Governor to issue Miners Rights.

IV. It shall be lawful for the Governor to cause documents to be issued in the form set forth in Schedule A hereto annexed each of which shall be called "The Miners Right" and shall be granted to any person applying for the same upon payment of the sum of one Pound and every such

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document shall be dated on the day and at the place of issuing the same and shall be in force for the period of twelve months from the date thereof and shall contain the Christian name and Surname of the person in whose favour the same shall be issued.

V. Every Miners Right to be issued as aforesaid shall during the continuance thereof subject to the provisions of this Act and to the Rules and Regulations to be made as herein provided authorize the holder to mine for Gold upon and to occupy for mining purposes and for residence (except as against her Majesty) so much of the Waste Lands of the Crown comprised in any Gold Field within the Province within which such Miner's Right shall have been issued as may be prescribed by such Rules and Regulations.

Effect of Miners Right

VI. It shall be lawful for the Governor in Council subject to the provisions of this Act and to such Rules and Regulations as he may think fit to make for the purpose to cause Licenses to be issued in the form set forth in Schedule B hereto annexed which shall be in force for the period of twelve months from the date thereof respectively authorising the Holder to occupy Waste Lands of the Crown for the purpose of carrying on business upon any Gold Fields and the fee to be paid for every such license shall be Five Pounds Provided always that no person shall be entitled under this Act or any Rules or Regulations to be made in pursuance thereof to occupy except under a Lease more than twenty perches of land.

Governor to issue Business Licenses.

VII. It shall be lawful for the Governor to License any person to sell and to License any house for the sale of spirituous liquors wine ale beer or porter in any quantity in any Gold Field at such times in such manner and upon such terms and conditions and upon payment of such fees as the Governor may think fit and no license for the sale of any spirituous liquor wine ale beer or porter in any quantity within any Gold Field shall be issued except under the authority of this Act and every person who shall sell any spirituous liquor wine ale beer or porter in any Gold Field except he be licensed for the purpose under this Act shall forfeit and pay any sum not exceeding Fifty Pounds and shall also forfeit all spirituous liquors wine beer ale or porter found on the premises or in the possession of the person so convicted.

License to be issued for sale of Spirits, &amp;c.

VIII. It shall be lawful for the Governor in Council to exempt from occupation under any Miner's Right or Business License any Crown Lands or class of Crown Lands within a Gold Field and such exemption from time to time to revoke and the limits and extent of such exempted land to alter as he shall think fit.

Certain lands may be exempted.

IX. No person shall occupy under any Miner's Right or Business License any Crown Lands so exempted from occupation as aforesaid nor any Crown Land which shall have been

Effect of exemption.

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applied to any public use or purpose or which shall 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 and no person shall cut or remove from any such Crown Land any live or dead timber thereon or cut or construct any race or dam or any tramway through over or upon the same.

Provided that it shall be lawful for the Governor upon application to him for that purpose to authorise the holders of Miner's Rights to occupy under such 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 he shall see fit to impose.

Governor may suspend pasturage licences on gold fields.

X. When any Gold Mine or Gold Field shall be discovered and proclaimed upon any Crown Lands held under License or Lease for depasturing purposes it shall be lawful for the Governor at his discretion to cancel the license or lease under which such land shall have been held in occupation as regards the whole or any part of the lands so held under such license or lease or with the concurrence of the Licensee or Lessee to suspend such lease or license as regards the whole or any part of such lands.

Licensee entitled to Compensation.

XI. The Licensee or Lessee shall be entitled to compensation on account of any such cancelling or suspension of his license or lease and the amount of such compensation shall be determined by agreement between the Licensee or Lessee and any person appointed for that purpose by or on behalf of the Governor and such compensation when ascertained shall be paid by the Governor out of the revenue of the Province within which the lands held under the License or Lease so cancelled or suspended are situate.

Compensation how to be determined.

XII. Provided that in case the amount of such compensation shall not be fixed by agreement in manner aforesaid within one month after the date of the cancelling or suspension of such license or lease in respect of the whole or a portion of any such lands such amount in dispute shall be settled within six months by two arbiters one to be chosen by the Governor and the other by the Licensee or Lessee and an umpire to be chosen by the arbiters before they shall enter upon the reference and if any arbiter or umpire appointed under this Act shall die or refuse or neglect to act another person shall forthwith be appointed to supply the place of the person so dying or refusing or neglecting to act in the same manner as such last mentioned person was appointed and such compensation when ascertained as last aforesaid shall be paid in like manner as compensation ascertained under the last section.

Arbitration how to be conducted.

XIII. In the determination of the matters referred to them the arbiters and umpire shall be guided by equity and good conscience after full deliberation upon all the circumstances which shall be brought under their consideration.

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XIV. It shall also be lawful for the Governor in Council subject to the provisions of this Act to make rules and regulations relating to the terms and conditions upon which Miner's Rights shall be granted and the forms of such Miner's Rights and of Licenses and Leases to be issued under this Act and the modes times and places of the issue thereof and also touching the extent and condition of any claim and the conditions under which it shall be worked held assigned or forfeited the application and use of machinery and all such other rules and regulations relating to mining under Miner's Rights or otherwise in any Gold Field as he may deem most beneficial.

Power to Governor to make Regulations.

*Local Legislation.*

XV. Upon petition of not less than one hundred persons holding Miners Rights or Leases under this Act on any Gold Field and having held such rights or Leases for not less than three calendar months it shall be lawful for the Governor in Council if he shall think fit by Proclamation to declare such Gold Field or any part thereof containing not less than one hundred persons holding Miners Rights or Leases to be a district for the purpose of forming a "Mining Board" with the powers and authority hereinafter described and to declare the name of such district and define the limits thereof and from time to time to alter such limits and make others and to revoke such proclamation if he shall think fit and after the publication of any such proclamation the locality so described shall be and become a Mining District for the purposes aforesaid.

Mining Board to be established on petition.

XVI. The Governor by Order in Council shall from time to time prescribe what shall be the number of members of each such Mining Board what qualification shall be required to render them eligible who shall act as Returning Officers when where and in what manner the elections of such members shall be conducted in what manner erroneous returns shall be corrected for what period such members shall be elected when and in what manner vacancies in any Mining Board shall be created and how the same shall be filled up and generally shall make provision for ensuring the orderly effective and impartial conduct of the Elections of Members of such Mining Board.

Governor to make regulations for Election, &c. of Board.

XVII. Every Mining Board shall subject to the provisions of this Act have power to frame rules and regulations and the same from time to time to revoke or amend touching their own proceedings and for regulating the quantity and forms of land which may be occupied under any Miners Rights or Business Licences and the conditions under and mode in which such land shall be worked assigned or forfeited and all such other rules and regulations relating to mining under Miners Rights and applicable to the "Mining District" for which they may be elected as they shall deem most beneficial.

Powers of Mining Boards.

Provided always that when any such rule or regulation of the "Mining Board" shall have come into operation in any "Mining District" the power of the Governor to make

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rules and regulations for such District for the same purposes shall cease. Provided also that no such rule revocation or amendment shall be in force until it shall have received the assent of the Governor and been published in the New Zealand Gazette or the Gazette of the Province in which such "Mining District" is situated and at least one of the local newspapers best calculated in the opinion of the Governor to give publicity to the same amongst the persons specially interested.

Governor to have power to Suspend and Revoke Regulations of Board in certain cases.

XVIII. If it shall appear to the Governor at any time that any "Mining Board" has habitually failed or neglected to make rules and regulations for the purposes enumerated in the preceding sections or any of them or to carry out and enforce the same or to act in such a manner as to provide for the orderly and effective conduct of its business within the "Mining District" it shall be lawful for the Governor by Proclamation to suspend such Mining Board for such time as he shall think fit and to revoke such rules and regulations or any of them and to make others in lieu thereof.

*Administration of Justice.*

Warden's Courts to be constituted.

XIX. It shall be lawful for the Governor by Order in Council from time to time to constitute for any Gold Field or for any part thereof Wardens Courts for the Administration of Justice therein and to appoint Wardens as Judges of such Courts with power to act alone or with Assessors or Juries and in such manner and to exercise all or any of the powers hereinafter mentioned as the Governor shall think fit to direct.

Jurisdiction of Wardens' Courts.

XX. It shall be lawful for every such Court subject to the provisions of this Act to hear and determine all complaints respecting boundaries of claims or respecting any encroachments upon the same to enquire into and decide upon breaches of Rules and Regulations of Mining Boards or of any Laws Rules or Regulations relating to the Gold Fields in force for the time being and to inflict the penalties imposed by the same to entertain partnership questions and generally to hear and determine all disputes between Miners relating to Gold mining and to ascertain damages and award compensation as hereinafter more particularly provided.

Power in case of Mining Encroachment.

XXI. It shall be lawful for any such Court upon the complaint of any person holding the Miner's Right or any License or Lease under the provisions of this Act that any other person has encroached upon the claim of the complainant to investigate the matter of such complaint and to enquire into the case and upon view or upon the Oath of any witness to determine the same in a summary way and if it shall appear to such Court that the person so complained against has so encroached by occupying mining or undermining such claim or unlawfully interfered therewith in any other way whatsoever whereby the right title or interest of such applicant in or to such claim shall have been injuriously affected it shall be lawful for such Court to

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adjudge accordingly and to assess and award to the complainant the amount of damage if any sustained by the complainant and to cause the encroaching persons his servants implements goods and chattels to be removed from the claim so encroached upon and every such Court shall have the like powers of making order by way of injunction for restraining future encroachments as a Court of Equity would have in like case and may enforce such Orders in like manner as a Court of Equity.

XXII. It shall be lawful for such Court upon the hearing of any complaint as aforesaid upon proof of any Gold having been unlawfully or improperly removed from any claim to cause any Gold which may have been so taken or removed to be summarily seized and delivered to the person whose claim has been encroached upon.

Power to order seizure of gold unlawfully removed.

XXIII. It shall be lawful for any such Court upon any complaint made by the holder of any Miners Right Lease or License as aforesaid that he is or has been whilst such holder engaged in a Gold Mining Partnership with any other person within the Mining District wherein the Land held or occupied under such Miner's Right Lease or License is situated and that a balance is due to him on account thereof or upon the application of any such holder so engaged in such Partnership that the Partnership may be dissolved and that the sums respectively due to the several Members thereof may be ascertained and paid to issue a summons requiring such Members of the said Partnership as he shall deem necessary to appear before such Court and upon such appearance or in default thereof after service of such a Summons to procure and compel the same as hereinafter provided or in the absence of such Members as shall not appear to be necessary parties to such case to enquire into and hear such complaint or application and order that such Partnership shall be dissolved and ascertain and determine the amount to be paid by any Member or Members thereof and to exercise all such powers in making and enforcing any award judgment or order in the matter as are hereinafter more particularly provided and such Court shall have further power to hear and determine all questions in dispute relating to their Partnership affairs between Partners in any such Partnership provided that the amount or value in question shall not exceed one hundred pounds.

Power to decide in cases of Partnership.

XXIV. Every such Court shall have power to summon witnesses and Parties necessary to any case to be heard by such Court and to administer an Oath to any such Witness and any party to the suit and to issue warrants to compel the attendance of any such Witnesses Parties Jurymen and Assessors and no proceedings taken before any such Court shall be quashed for want of form or be removed into the Supreme Court by *certiorari* or otherwise.

Power to Summon Witnesses, &c.

XXV. Before any Juryman or Assessor shall proceed to hear any case in any such Court the Judge thereof shall

Oath to be administered.



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administer to him an Oath to the effect that he will well and truly enquire into the matter of complaint or in dispute then submitted and a true finding and decision give according to the evidence and thereupon the Court shall proceed to hear such complaint.

Power to Award  
Damages and Costs.

XXVI. Every such Court shall have power in every Case brought before it to make such decree or give such judgment as shall be just without regard to any Rule of Law or the practice of any Court of Law or Equity and to award damages and reasonable costs or direct payments to be made to either party. Provided that the amount of damages in any Case or to any one party shall not exceed one hundred pounds.

Decision to be record-  
ed.

XXVII. A Minute of every such decision shall be entered by the Judge of every such Court 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.

Judgment how to be  
enforced.

XXVIII. Every Order Decree or Judgment made by any such Court shall be carried out and enforced in the same manner as any Order or Judgment of a Resident Magistrate may be enforced according to the law for the time being in force for regulating summary proceedings before Justices of the Peace.

Appeal to District or  
Supreme Court.

XXIX. If any person ordered decreed or adjudged under the authority of this Act to forfeit or pay any fine or penalty damages or compensation (exclusive of costs) amounting to Twenty pounds or upwards shall feel aggrieved by any such Order Decree or Judgment or by any other Order Decree or Judgment of any such Court in the nature of an Order for specific relief and shall within five days after the making of the same give notice of Appeal and of the matter and ground thereof to the Court and to the other party to the case in respect whereof the Order Decree or Judgment to be appealed against was made and also shall within seven days give sufficient security by Bond or otherwise to the satisfaction of such Court to appear and try such appeal and abide the Judgment of the Court to which such case shall have been appealed and to pay such costs as shall be awarded it shall be lawful for the persons so feeling aggrieved to appeal to the District Court having jurisdiction over the District within which the matter in dispute shall have arisen at the first sitting thereof which shall be holden after the expiration of one month next after the security shall have been given as aforesaid and upon such security being given the Appellant if in custody shall be forthwith liberated.

Provided always that if there be no District Court having such jurisdiction an Appeal in like manner shall lie to the Supreme Court at the first sitting thereof which shall be held after the expiration of one month as aforesaid in the Province within which the matter in dispute shall have arisen.



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XXX. It shall be lawful for any such Warden's Court whenever it shall seem fit or requisite so to do to order the working of any claim affected by any matter in dispute brought before it to be suspended until such matter shall have been investigated and adjudicated upon as herein provided.

Court may suspend working of any claim.

XXXI. It shall be lawful for the Governor in Council from time to time to make alter and revoke Rules regulating the procedure and practice in the Courts to be established under this Act and in cases of Appeal therefrom and also to fix the fees to be taken in respect of proceedings therein and it shall be lawful for the Wardens or Judges of the said Courts to prescribe such regulations as may from time to time be necessary for the orderly transaction of the business of the said Courts respectively and for enforcing the Orders and Decrees of the said Courts.

Governor may make regulations as to Procedure &c.

*Mining Leases.*

XXXII. It shall be lawful for the Governor in Council in the name and on behalf of Her Majesty to demise to any person for any term not exceeding fifteen years from the making of the 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.

Governor may Grant Leases of Auriferous Land.

Provided always that no such Lease shall be granted until the expiration of three months after notice of the intention to grant the same shall have been published in the *Government Gazette* and at least one of the local Newspapers best calculated in the opinion of the Governor to give publicity to the same amongst the persons specially interested.

XXXIII. 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 he shall think fit for regulating the granting of Leases for mining purposes and the terms and conditions on which such Leases shall be granted and such regulations from time to time to alter or abolish.

Governor to make Regulations as to Granting Leases.

XXXIV. When application shall have been made for a lease of any land to the whole or any part of which any person other than the applicant shall claim to be entitled by virtue of prior occupation under a miners right or business licence the objection to the granting of such lease may be heard by the Warden in the same way as a case of encroachment under this Act and such Warden shall immediately report the hearing of any such objection and the decision arrived at therein to the Superintendent of the Province.

Wardens' Court to determine leases in dispute.

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*Agricultural and Business Leases.*

Governor may grant Leases of Agricultural Land within gold field.

XXXV. Subject to the provisions hereinafter contained it shall be lawful for the Governor in the name and on behalf of Her Majesty by deed from time to time to demise for agricultural or business purposes to any person for any term not exceeding seven years from the making of the lease any land within a Gold Field not exceeding ten acres in the whole subject to such rent costs and conditions on the part of the lessee his executors administrators and assigns to be paid observed and performed as to the Governor shall seem fit.

If land prove auriferous Lease may be determined.

XXXVI. Provided that if at any time after the granting of any such lease the land thereby demised or any part thereof shall in the judgment of the Governor be proved to be highly auriferous it shall be lawful for the Governor or any person appointed by him to give notice in writing as hereinafter mentioned of his intention to determine such lease.

Notice how to be given.

XXXVII. At the expiration of three months from the delivery of such notice to the lessee or occupier or to some servant of one of them on the demised land or from the affixing of such notice to some conspicuous object on the demised land in case there is no occupier or servant as aforesaid thereon such lease shall become null and void and all interest of the lessee his executors administrators and assigns therein shall cease and determine.

Lessee to be Compensated.

XXXVIII. Provided nevertheless that such lessee his executors administrators or assigns shall be entitled to compensation on account of the determination of his lease by such notice as last aforesaid and for any improvement he may have made on such land during the subsistence of such lease to be ascertained in manner hereinafter contained.

Provided always that in so far as such improvements shall consist of buildings such buildings shall have been erected in accordance with conditions to be expressed in the Lease.

Compensation to be settled by agreement.

XXXIX. Such compensation may be settled by agreement between the lessee and any person appointed by and on behalf of the Governor.

Arbitration in case of difference.

XL. If the amount of such compensation shall not be determined by agreement then and in every such case the matter in difference shall be settled by arbitration by two arbiters one to be named by the Governor or some person deputed by him for such purpose and the other arbiter to be named by the person so interested in such lands and the matter in difference shall be determined by the said arbiters or by any umpire to be appointed by them before they shall enter upon the reference and if any arbiter or umpire appointed under this Act shall die or refuse or for seven days neglect to act another person shall forthwith be named or

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appointed to supply the place of the person so dying or refusing or neglecting to act in the same manner as such last mentioned person was named or appointed. And further the said arbiters or umpire shall determine by whom and how the costs of the reference and award or umpirage shall in each case be paid and they or he may summon and examine upon Oath any witness and administer the Oath for that purpose and such compensation when ascertained shall be paid in like manner as compensation ascertained under the XI Section of this Act and every such award or umpirage may be made a Rule of the Supreme Court.

XLII. Every lease of land within a Gold Field and every lease or license to dig or work for Gold within a Gold Field under this Act may be made by deed signed by the Governor in the presence of and attested by one credible witness and may be in the form or to the effect set forth in Schedule C to this Act.

Form of Lease.

XLIII. The Governor may by Proclamation in the *Government Gazette* of the Colony proclaim and declare the exceptions to be made from leases and licenses granted under this Act and he may also proclaim and declare the covenants clauses provisos conditions and agreements applicable to such leases and licenses respectively and he may in like manner from time to time rescind alter or vary the same.

Covenants in Leases to be proclaimed.

XLIV. In every such lease and license as aforesaid it may be expressly declared that the same is made subject to the exceptions covenants clauses provisos and agreements so proclaimed and declared as aforesaid or such of them as shall be expressly specified or referred to in such lease or license and every such lease or license shall be deemed and taken to contain as applicable to the respective parties thereto the exceptions covenants clauses provisos conditions and agreements so specified and referred to as effectually as if the same were expressly contained in such lease or license.

Leases may be made subject to the Covenants or any of them.

XLV. All covenants on the part of the lessee his heirs executors administrators or assigns in any lease and all powers reserved to the lessor his heirs executors administrators or assigns in any lease implied and all other covenants agreements stipulations reservations and conditions expressed in any lease made in pursuance of this Act on the part of the lessee his heirs executors administrators or assigns to be made entered into reserved or undertaken to and with the Governor shall be deemed and taken to be made entered into reserved or undertaken to and with the Governor for the time being and when and so often as the present Governor and any succeeding Governor shall cease to hold such office shall by virtue of this Act be vested in and be enforceable by his successor in the said office.

Leases to be enforceable by Governor for the time being,

XLVI. The Governor for the time being may bring prosecute and maintain any action of ejectment or other pro-

Actions to be carried on in name of Governor.

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ceedings for recovering possession of any lands so demised and may sue and distrain for any arrears of rent which shall have become due for or in respect of any parol or other demise from him or any predecessor in office made in pursuance of any former or of this Act and also may bring prosecute and maintain any other action in respect of any covenants agreements, stipulations reservations and conditions whatsoever contained or implied in any such demise and in every such action or other proceeding shall be styled "the Governor" without being named Provided that nothing in this Act contained shall interfere with the powers or functions for the time being vested in any Commissioner of Crown Lands.

Action not to abate on change of Governor.

XLVI. No such action or other proceeding shall abate by the death resignation or removal from office of the Governor.

Governor not personally liable.

XLVII. Nothing in any lease made in pursuance of any former or of this Act shall extend to charge the person of the Governor or the heirs executors or administrators of such Governor or any of his or their own proper lands tenements goods or chattels with or for the performance of all or any of the covenants conditions or agreements in such lease contained on the part of the Governor.

Gold field not to be subject to Waste Lands Act.

XLVIII. Any District proclaimed or to be proclaimed a Gold Field and subject to the provisions of this Act shall not be subject to the provisions of the Waste Lands Act 1858 or the several Acts Ordinances Bills and Regulations specified in the schedule thereto.

Governor may Reserve land for Sale.

Provided always that it shall be lawful for the Governor at any time subsequent to the proclamation of a Gold Field to reserve or withdraw for purposes of sale any Waste Land or Lands within any portion of a Gold Field over which a Pastoral License does not exist or has been cancelled or suspended and which he may deem necessary for settlement public purposes or roads which lands shall then be dealt with under the Waste Land Regulations of the Province in which such Gold Field shall be declared.

*Penalties &c.*

Penalty on person mining without Miner's Right.

XLIX. Any person not being the owner of a Miners' Right or of a Lease under this Act who shall mine for gold upon any proclaimed gold-field and any person who shall employ any such unauthorised person so to mine and any person not being the holder of a Miner's Right License or Lease duly empowering him in that behalf and not being an authorised person within the meaning of this Act who shall occupy any Waste Lands in or become resident upon or at any proclaimed Gold Field shall be liable to the penalties following that is to say For the first offence a sum not exceeding Five Pounds for the second or any subsequent offence a sum not exceeding Ten Pounds nor less than Five Pounds.

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L. Any person who shall knowingly mine or employ any person to mine for gold on any land belonging to a private individual without the consent of the owner thereof or his duly authorised Agent shall be subject to the like penalties as are mentioned in the last preceding clause provided that nothing in this section contained shall prejudice any claim for damages on the part of any such private individual or owner against the person so mining or employing any person to mine.

Penalty for mining on Private Property.

LI. If any person shall forge or alter any Miner's Right License Lease or other document issued under the authority of this Act with intent to defeat the provisions thereof or to defraud any person whomsoever he shall be guilty of a Misdemeanour and on conviction thereof before any Court of competent jurisdiction shall be subject to a fine not exceeding one hundred pounds or imprisonment with or without hard labour not exceeding three years or both at the discretion of the Court.

Forgery of Miner's Right a misdemeanour.

LII. If any person shall use or exhibit any forged Miner's Right License or Lease issued or purporting to be issued under the authority of this Act knowing the same to be forged or if any person shall fraudulently personate the holder of any such Miner's Right License or Lease or shall falsely and fraudulently represent that any servant or other person is an authorised person within the meaning of this Act or shall fraudulently use or exhibit as his own any Miner's Right License or Lease belonging to or granted to any other person or shall use or exhibit as valid a Miner's Right License or Lease which shall have expired he shall be liable to a penalty for every such offence not exceeding Fifty Pounds.

Penalty on Personation or Misrepresentation.

LIII. Every person committing any breach whether by way of omission or commission of any of the rules or regulations made under the authority of this Act shall for every such breach be liable to a fine or penalty not exceeding Ten Pounds for the first offence and Twenty Pounds for any second or subsequent offence.

Penalty for breach of Rules.

LIV. If any person summoned to attend the hearing of any suit or matter to be heard or determined under the provisions of this Act whether as Juryman Assessor Witness or Party to the suit having been duly summoned shall neglect or refuse to attend at such time and place as shall be named in the Summons or if he shall refuse to be sworn as Witness or to be sworn or serve as a Juryman or Assessor it shall be lawful for the Judge of any such Court in any such case unless some reasonable cause for such non-attendance or refusal be made to appear to such Judge to fine such person any sum not exceeding Five Pounds as to the Judge shall seem fit.

Penalty for non-attendance as Witness Juryman &c.

LV. If any person shall assault or resist any Judge of any Court constituted under this Act or any Resident Magistrate or any other person whilst in the execution of the duties to be performed by him under this Act or if any

Penalty for assault on person executing duties, to be fine or imprisonment.



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*Gold Fields.*

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person having had the boundaries of his claim pointed out by any such Court shall encroach or trespass upon the claim of any other person every such person so assaulting resisting or encroaching shall be fined any sum not exceeding Fifty Pounds with imprisonment till payment in some Gaol or House of Correction there to remain for any time not exceeding one calendar month for every Five Pounds or fractional part of Five Pounds so to be paid Provided that the time of imprisonment shall in no case exceed six calendar months and shall cease upon payment of the penalty ordered to be paid together with costs.

Penalty for working Forfeited Claim.

LVI. If any person after having been ordered to suspend the working of any claim as hereinbefore provided shall work such claim he shall be liable to a penalty not exceeding Twenty Pounds.

Proceedings how to be taken.

LVII. All proceedings for any infringements in any Gold Field of the provisions of this Act or of any rules or regulations to be made in pursuance hereof shall if there be any Court constituted under this Act for such Gold Fields be had and taken in such Court and if there be no such Court then before a Resident magistrate or Justice of the Peace according to the law for the time being in force for regulating summary proceedings before Justices of the Peace.

*Revenue and Expenses.*

Rents. &c., to be Land Revenue.

LVIII. All rents royalties and fees which shall be receivable under this Act shall be paid to a Receiver of Land Revenue and shall for all purposes be deemed to be revenue and receipts arising from the sale letting disposal and occupation of the Waste Lands of the Crown and shall be chargeable in the first instance with all the costs charges and expenses of carrying this Act into execution.

Costs to be paid out of Receipts.

LIX. All the costs charges and expenses incident to the management and administration of the Gold Fields of the Colony and to the construction and repair of works of public utility and convenience therein or leading thereto shall be from time to time regulated in such manner as shall be directed by the Governor in Council and shall be paid out of the Revenues and Receipts to arise from fees fines rents royalties or in any other manner howsoever under this Act any provision in any other Act or Ordinance contained to the contrary notwithstanding.

When powers delegated to Superintendents, costs to be regulated by Provincial Legislature.

LX. Provided always that whenever the Governor shall have delegated to the Superintendent of any Province as hereinafter provided all or any of the powers vested in the Governor or in the Governor in Council by this Act it shall be lawful for the Governor by order in Council to appoint and declare that all the cost charges and expenses incident to the management and administration of the Gold Fields within such Province shall be regulated by Acts or Ordinances to be passed by the Superintendent and Provincial Council of such Province.



*Gold Fields.*

*General Provisions.*

LXI. In all cases where no provision or no sufficient provision is made by this Act it shall be lawful for the Governor in Council from time to time for the purpose of facilitating or more effectually carrying into execution any of the objects thereof to make and prescribe all such Rules and Regulations touching any of the matters intended to be hereby provided for and touching all matters having reference to the provisions of this Act as to the said Governor in Council may seem expedient and such rules and regulations from time to time to alter and revoke as to the Governor in Council may appear requisite.

Governor may make regulations in cases where none provided.

LXII. It shall be lawful for the Governor in Council under his hand and the Public Seal of the Colony from time to time to delegate to the Superintendent of any Province or to such other person as the Governor may deem fit all or any of the powers vested in the Governor or the Governor in Council by this Act except the powers conferred by sections XIX XXXI XXXII XXXIII and LXI thereof subject or not to any limitations or restrictions as he may think fit and in like manner to alter or revoke any such powers.

Governor may delegate powers.

XLIII. Every rule and regulation of this Act shall be laid before both Houses of the General Assembly within twenty-eight days from the issuing thereof if the General Assembly be then in Session and if not then within fourteen days after the commencement of the next Session thereof.

Regulations to be laid before General Assembly.

LXIV. Nothing in this Act contained shall be deemed to abridge or control the Prerogative Rights and Powers of Her Majesty the Queen in respect of the Gold Mines and Gold Fields of the Colony.

Saving Her Majesty's rights and powers.

LXV. This Act shall not come into operation until Her Majesty's pleasure shall have been taken thereon and the same shall have been confirmed by Her Majesty with the advice of the Privy Council and a Proclamation of such confirmation having been given shall have been made by the Governor of the Colony.

Act to be reserved for Her Majesty's Assent.

LXVI. "The Gold Fields Act 1858" and "The Gold Fields Act 1858 1860" are hereby repealed.

Repealing Clause.

SCHEDULE A.

Miners Right.	Province of	Schedule.
	No. £1	
No.	District in which issued	
Date	Date	
Name	Miners Right.	
	Issued to	under
	the Provisions of the Gold Fields	the Provisions of the Gold Fields
	Act 1862 No.	to be in
	force until	186

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SCHEDULE B.

No.	Business License.	Province of
£5		No.
District in which issued		£5
Date		District in which issued
Name		Date
		Quarterly Business License
		Issued to
		under
		the Provisions of the Gold Fields Act
		1862 No.
		to be in force until
		186

The holder of this License is permitted to occupy an area of and an additional License must be taken out for every similar area or portion of such area held in addition.

SCHEDULE C.

FORM OF LEASE.

This Deed made the \_\_\_\_\_ day of \_\_\_\_\_ between Her Majesty Queen Victoria the Lessor (or Licensor) of the one part and A B the Lessee (or Licensee) of the other part Witnesseth that in consideration of the rents covenants provisos conditions and agreements in and by this Lease (or License) contained or implied on the part of the Lessee (or Licensee) his executors administrators and assigns Her Majesty the Queen doth hereby grant and demise unto the said A B his executors administrators and assigns All that piece or parcel of land (or in the case of a License to mine for gold full and free liberty to mine for gold in through and over all that piece or parcel of land) described in the map or plan \_\_\_\_\_ on the "margin" or "back" as the case may be of these presents together with all appurtenances thereto belonging except as hereinafter is mentioned to be excepted for the term of \_\_\_\_\_ from the day of the date of these presents yielding and paying therefor yearly and every year the rent or sum of £ \_\_\_\_\_ by \_\_\_\_\_ payments ( \_\_\_\_\_ ) and it is hereby declared and agreed that this Lease (or License) shall be deemed to contain certain exceptions mentioned in the Governors Proclamation of the \_\_\_\_\_ day of \_\_\_\_\_ to wit the exceptions specified in \_\_\_\_\_ [Here enumerates the exceptions referred to.] And further that this Lease (or License) shall be construed to contain and imply certain covenants provisos conditions and agreements on the part of the Lessor (or Licensor) mentioned in the Governors Proclamation of the \_\_\_\_\_ day of \_\_\_\_\_ to wit the \_\_\_\_\_ [Here enumerate the covenants, &c., referred to.] And further that this Lease (or License) shall be construed to contain and imply certain covenants conditions provisos and agreements on the part of the Lessee (or Licensee) mentioned in the Governors Proclamation of the \_\_\_\_\_ day of \_\_\_\_\_ to wit the \_\_\_\_\_ [Here enumerate the covenants, &c., referred to.] (Add any special covenants &c.) In witness whereof the Governor of the Colony of New Zealand by virtue of and in exercise of the powers vested in him by the Gold Fields Act 1862 and the said Lessee have hereto respectively set their hands the day and year above written.