

# New Zealand.

ANNO VICESIMO NONO

## VICTORIÆ REGINÆ.

No. 41.

*Repealed by "The  
Gold Fields Act 1866"*

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## **AN ACT to facilitate the Construction of** Title. **Water Races upon the Gold Fields and** **otherwise to amend the Gold Fields Acts** **of 1862 and 1863. [30th October 1865.]**

**W**HEREAS it is expedient to make certain amendments in "The Preamble.  
Gold Fields Act 1862" and "The Gold Fields Act Amendment Act  
1863" as well as to provide for the further development of the Gold  
Fields of the Colony

BE IT THEREFORE 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 Acts Short Title.  
Amendment Act 1865."

### ADMINISTRATION OF JUSTICE.

II. Whereas by the twenty-ninth section of "The Gold Fields Act Sittings of District  
Court as Court of  
Appeal.  
1862" hereinafter referred to as the said Act and by the eighth section  
of "The Gold Fields Act Amendment Act 1863" hereinafter referred  
to as the said Amendment Act an appeal is given in certain  
cases to the District Court having jurisdiction over the district in which  
the matters in dispute shall have arisen And it is thereby enacted that  
such appeal shall be made to the said Court at the first sitting thereof  
which shall be holden after the expiration of one month next after the  
security for said appeal shall be given Be it enacted by the authority  
aforesaid that the words "the first sitting thereof" shall be read and

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interpreted to mean "the first sitting thereof at the place at which the decision appealed against shall have been made or the place nearest thereto."

On appeal Judge may state case for Supreme Court.

III. It shall be lawful for the Judge of any such District Court at any sitting of such Court as a Court of Appeal under the said Act or under the said Amendment Act on any such terms as to the payment of costs or otherwise as he shall think fit upon the hearing of any such appeal to reserve if he shall so think fit 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 in which such question shall have been reserved until such opinion shall have been given and after such opinion given the said District Court shall make a decree or order in accordance therewith.

Appeal from original jurisdiction under 9th section of Act of 1863.

IV. From any decision of such District Court sitting as a Court having original jurisdiction under the ninth section of the said Amendment Act an appeal shall lie to the Supreme Court in the same manner and subject to the like rules conditions and modes of proceeding as in the case of an appeal from the decision of the Warden to the District Court or Supreme Court under the twenty-ninth section of the said Act amended by the eighth section of the said Amendment Act and not otherwise.

When amount under £100 Court not necessarily to lose jurisdiction.

V. In any case under the ninth section of the said Amendment Act in which though the claim made by the plaintiff exceeds in amount in value one hundred pounds but it is found on the hearing that the amount or value in question does not exceed one hundred pounds the said Court shall not thereupon necessarily lose its jurisdiction over such case but if the Judge shall so think fit he shall either nonsuit the plaintiff with costs or the Court shall proceed to determine the case but if the plaintiff shall succeed he shall recover no costs unless the Judge who shall hear and determine the case shall certify that it was in his opinion a fit case to be so heard and determined and the Judge may if he shall so think fit make an order for the payment by the plaintiff of all or any portion of the costs of the defendant and the same shall be recoverable in the same manner as costs on a judgment for the defendant.

To assist Court sitting under 9th section of Amendment Act Assessors may be summoned.

VI. In all original suits brought in any Court holden under the ninth section of the said Amendment Act the Judge of such Court (unless an issue shall be directed as hereinafter mentioned) shall alone determine all matters of fact as well 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 the trial of every such issue shall otherwise proceed in the same manner as if it had been directed by the Supreme Court.

Assistance of skilled witnesses.

VII. It shall be lawful for any Court holden under the said Act or Amendment Act or for any Judge thereof in such way as the Court

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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.

VIII. If any person shall be desirous of appealing from the decision of any Warden or of any Warden and Assessors whether the ground of appeal be matter of law or matter of fact if there be a District Court having jurisdiction over the district within which the matter or dispute shall have arisen such person shall give the notice of appeal required by the said Act and shall within seven days after such decision deposit with the Clerk of the District Court of the district in which such decision shall have been made or the Clerk of such District Court for the locality of its sittings nearest to the place where such decision shall have been given the sum of ten pounds to abide the costs of such appeal in lieu of the bond provided by the twenty-ninth section of the said Act 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 if the ground of appeal be on matter of fact such Court may order the case to be reheard by the Court below and if the ground of appeal be matter of law then such Court shall proceed to make an order reversing or varying such decision or dismissing such appeal and shall if necessary order restitution as the case may require and in and by such order the said Judge 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 upon the hearing of any such appeal the Court may order such issues to be tried by the Court below as it may think fit.

Appeal from Warden's Court.

IX. If there be no District Court having jurisdiction over the District within which the matter in dispute shall have arisen the appeal from the decision of any Warden or Wardens and Assessors shall be to the Supreme Court sitting in the Judicial District within which the matter in dispute shall have arisen and shall be heard at such sitting of the Court specially appointed by the Court for the hearing of appeals from Wardens' Courts as shall be held after the expiration of thirty days next after the security presented by the said twenty-ninth section shall have been given And such appeal shall in all other respects be commenced concluded and determined and such notices and securities shall be given as provided by the said Act and the said Amendment Act special days for the hearing of appeals from Wardens' Courts shall be appointed by the Judge of the Supreme Court in each Judicial District and the Registrar of each District shall give such public notification of the days so appointed as the Court shall direct.

If no District Court appeal lies to Supreme Court.

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Clerk to summons  
Assessors on appeals.

X. The Clerk of every Court holden under this Act shall before any sitting of such Court under section VI. of this Act cause a sufficient number of indifferent persons not less than twelve to be summoned from the neighbourhood 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 four of such persons and the Judge shall administer or cause to be administered to each of the said persons who shall be impanelled to try any 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 to serve as such Assessor shall be fined such sum of money as the Judge shall think fit not exceeding five pounds.

Remuneration of Assessors.

XI. 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 day of such attendance the sum of five shillings and the additional sum of five shillings for every 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 but every person summoned to act as an Assessor under section XVIII. of this Act shall be entitled to receive the sum of one pound one shilling in addition to such travelling expenses as the Judge of the Warden's Court may allow.

Deficiency of Assessors supplied by bystanders.

XII. 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 neighbourhood until the number of persons required shall be obtained and any of the bystanders so nominated and acting as Assessors 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 of the Assessors so added as he would have had to any person originally summoned.

Decision upon appeal from Warden's Court to be deemed decision of Warden.

XIII. 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 such decision 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 such Warden and Assessors and had been affirmed upon 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 of Appeal sitting under the provisions of this Act shall upon 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 hereinafter 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

May be enforced by Clerk of Appeal Court.

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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. Warden may enforce order for possession.

XIV. The jurisdiction given by the said Act and the said Amendment Act to any Warden shall extend to all cases of any complaint of any person that any other person is indebted to him or withholds from him any sum of money due to the complainant upon any contract relating to mining or in respect of any share or interest in any land occupied for mining purposes or in respect of any gold taken from any such land or upon any mining partnership account or in any way accruing to the complainant from any mining partnership or mining adventure or mining interest. Warden to have jurisdiction in cases of contract.

XV. Whenever any sum of money shall be awarded by way of debt 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 the said debt damages or costs may be recovered as provided in section XXVIII. of the said Act or such Warden on the application of the person entitled to receive such costs or damages or of any attorney or agent on his behalf shall grant to the party so applying a certificate to that effect and such certificate when filed in any District Court 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 to issue execution therein in the same manner as upon a decree of such Court for the payment of money Provided always that without the order of the Judge of such Court no execution shall issue upon the certificate of any decision until after the expiration of three days from the day on which such decision shall have been made. Damages or costs how to be recovered.

XVI. Notwithstanding any of the provisions hereinbefore contained it shall be lawful for such Warden 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 and the value whereof shall be fixed by such Warden or Assessors 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 shall be entered and signed in a book to be provided for that purpose 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. Auriferous earth may be seized.

XVII. If any claim shall be made to or in respect of any goods or chattels taken in execution under the process of any Wardens' Courts or District Courts 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 Interpleader

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have been brought in the Warden's Court or District 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 Wardens' Courts or District Courts and the judge of such Courts 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 Courts.

## GENERAL.

Miner's Right to authorize diversion of streams.

XVIII. Every Miner's Right lawfully issued shall during the continuance thereof subject to the provisions of the several Acts and to the rules and regulations in force relating to gold fields authorize the holder thereof to cut construct and use water races for mining purposes through and upon any Crown lands and through any private lands included within any gold field proclaimed at the time of the passing of this Act and to divert and use for mining purposes any water which Her Majesty may lawfully divert and use and to occupy for the purpose of depositing matter removed from such water races the land immediately adjoining such water races to a distance not exceeding five (5) feet on each side subject to the conditions hereinafter described that is to say—

- (1.) Any person intending to divert and use water for mining purposes by means of any water race to be constructed under authority of this Act shall give notice thereof in writing to the Warden of the Gold Fields District in which such water race is intended to be constructed and to any person whose interests may be affected by the diversion of such water as well as to the owner or occupier of any land through which it is proposed to carry such water race and such notice shall be in the form set forth in Schedule A. and copies of such notice shall be posted and maintained for fourteen clear days at the source whence it is proposed to obtain water and at the proposed termination of such water race and the intended course thereof shall be indicated by pegs not less than two inches square or by large stones marked A and placed not more than two hundred yards apart and such notices shall state the mean breadth and depth of the proposed water race and the quantity of water it is capable of carrying. And if no valid objection be entered against the construction of such water race within thirty clear days from the posting or delivery of such notice a license in the form in Schedule B. may be granted by the Warden to the applicant subject to the provisions and conditions herein contained.
- (2.) The Warden shall not grant a license for the construction of any water race through or over private lands until he shall have received a report from a Mining Surveyor or other competent person to be appointed by him that the only course by which such water race can be carried lies through such land and until he shall be further satisfied that the conditions herein contained have been complied with. The cost of obtaining such report shall be paid by the persons applying for such license before such license shall be issued.
- (3.) Whenever a water race shall be constructed cut and used through and over private lands the person or persons cutting

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or constructing the same shall pay such compensation to the owner lessee or occupier of the said land as may be adjudged by Assessors not exceeding four (4) in number who shall be summoned and chosen for such purpose in the same manner as is provided in section X. by the Judge of Warden's Court and all expenses connected with the said assessment shall be paid by the party cutting or constructing the water race.

- (4.) The persons intending to cut any water race through or over any private lands shall not except by consent of the owners or occupiers of such land enter upon such land until they shall have paid or tendered to such owner or occupier the compensation agreed or awarded to be paid to them as provided in this Act Provided always that for the purpose merely of surveying and taking levels such persons may after giving not less than twenty-four hours nor more than seven days' notice enter upon such lands without previous consent of such owner or occupier provided that the consent of the Warden shall have been first obtained before the issue of such notice.
- (5.) The cutting and formation of water races must be commenced within one calendar month from the issue of the license authorizing the same and the holders of such license shall continue cutting and forming the same until the work is completed.
- (6.) All right to any water race authorized to be constructed under the provisions of this Act shall become forfeited if abandoned by the owner thereof for the space of one calendar month unless in cases of sickness or unavoidable absence or in consequence of failure of water but it shall be lawful for the Warden in his discretion upon sufficient cause being shown to suspend the operation of this regulation for a further period of one month and a certificate of such suspension shall be given in writing to the holders of such license.
- (7.) Every license for a water race shall be brought to the Warden for renewal annually and if any such license is not so brought within thirty days after the expiration of twelve months from the date at which it has been or may be granted it shall be deemed to be forfeited and the registration thereof be cancelled.
- (8.) The alteration or extension of a water race at any time shall not in any way affect any right or privilege attached to such water race and the holders thereof shall during such alteration or extension be deemed to be in occupation of all the rights and privileges attached to such water race provided the sanction of the Warden be obtained in the same manner and subject to the same conditions as provided in respect of the first construction of a water race under the authority of this Act.
- (9.) The holder or occupier of any water race shall keep the same in repair and shall make an efficient bridge where any road in ordinary use crosses the water race upon being required to do so by the Warden.
- (10.) No license shall be granted under authority of this Act for the use or diversion of any water which is or may be required for public purposes or for the use of the miners generally.
- (11.) Two sluice heads of water shall if required be at all times allowed to flow in the natural course of a creek or river for general use.

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(12.) Where a water race crosses any watercourse the use of which is required by holders of Miners' Rights or by the owners or occupiers of any land such water race shall be carried either over or under such watercourse so as not to interfere with the natural flow of water therein.

(13.) The construction maintenance and use of any water race made under authority of this Act shall be subject to all regulations affecting water races for the time being in force on the gold field in which such water race is situated.

Governor may extend provisions of last section to any gold field.

XIX. It shall be lawful for the Governor in Council by proclamation in the *New Zealand Gazette* to declare that on and from a day named in such proclamation the provisions contained in the last section and sub-sections respectively shall be extended to any gold field which may be proclaimed after the passing of this Act and the same shall be extended accordingly.

Effect of Miner's Right.

XX. Every Miner's 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 and every Miner's Right or Business License issued to any person who shall previously have held a Miner's Right or Business License shall be entitled and marked with the word "renewed" by the Warden or other person who may issue the same. Provided that if no more than one week shall have elapsed from the expiration of the previous right or license then the said renewed right or license shall be antedated to the day of the expiration of the said previous right or license and the said renewed right or license shall confer all the privileges of a Miner's Right or Business License issued under any Gold Fields' Act. And in case the said right or license shall have been lost or destroyed the records of the Mining Registrar's Office shall be admitted in proof of the existence of such right or license provided that a statutory declaration be made as to identity and the facts of the case.

To be marked "renewed."

Penalty on person mining without Miner's Right.

XXI. Any person not being the owner of a Miner's 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 unauthorized person so to mine and any person not being the holder of a Miner's Right or license or lease duly empowering him in that behalf and not being an authorized person within the meaning of this Act who shall occupy any waste lands within 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. Provided always that in any case where a Miner's Right or Business License may have been lost or destroyed the existence of such right or license may be proved by reference to the books of the Mining Registrar of the district wherein such right or license may have been issued and in such case a certificate shall be granted to the holder of such right or license securing to him all the privileges held under such right or license until the due expiration of the same and for which the fee of one shilling shall be paid in the case of a Miner's Right and five shillings in the case of a Business License and a statutory declaration shall in all such cases be made as to identity and the facts of the case.



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XXII. The proviso in the sixth section of the said Act "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" shall apply only to occupation under Business Licenses issued under the said section.

Extension of Miner's Rights.

XXIII. And whereas it is desirable to encourage in certain cases the construction of roads bridges wharves and other public works for the use and benefit of the public by means of private enterprise to be remunerated by tolls to be paid for a limited period by all persons using such roads bridges wharves or other public works Be it enacted it shall be lawful for the Governor within the limits of any gold field to authorize the construction of any such road bridge wharf or other public work for the use and benefit of the public and to provide for the payment of such tolls for a limited period by all persons using the same as he shall deem reasonable and the Governor in Council may make and issue alter revoke and make anew regulations for collecting such tolls and for preventing the evasion thereof and generally for the control and management of the said roads bridges wharves or other public works and such regulations upon and after being published in the *New Zealand Gazette* and the *Gazette* of the Province to which they may apply shall have the force of law.

Construction of roads bridges &c. by private enterprise.

Tolls may be levied.

XXIV. It shall be lawful to assess the value of buildings or other improvements erected or situated upon any land within proclaimed gold fields or upon any town lands within the limits of a gold field when such land shall be offered for sale and the amount of valuation shall be added to the upset price of such land and paid to the occupant in the event of any other person becoming the purchaser thereof Provided that such land shall be lawfully occupied by the holder of a Miner's Right or Business License and shall have been duly registered with the Warden of the said district prior to the date of any proclamation of the sale of such land and provided also that the sum for which such land shall be sold shall not be less than the upset price of such land together with the value of the buildings or improvements as so assessed.

When land offered for sale building &c. to be assessed.

XXV. It shall be lawful for the Governor to make alter and revoke regulations for the depasturing of stock upon any lands within proclaimed gold fields over which a pastoral lease or license does not exist or has been cancelled or suspended and to regulate the number of horses or cattle which may be run upon such lands by the holders of Miners' Rights and Business Licenses or of mining mineral and agricultural leases or by other persons and to regulate the fees which shall be paid therefor.

Governor may make regulations where pastoral lease does not exist.

XXVI. Subject to the provisions contained in the said Act 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 fifty acres in the whole and in one block 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.

Governor may grant agricultural leases.

XXVII. Any district proclaimed or to be proclaimed a gold field shall not be subject to the provisions of "The Waste Lands Act 1858" or of any other law for the time being in force regulating the sale disposal and occupation of Waste Lands of the Crown within the Province in which such gold field is situate except so far as such provisions may relate to the occupation of land under any depasturing lease or license granted before the issue of the proclamation establishing such gold field or to land reserved for public purposes or except so far

Goldfields not subject to provisions of Land Acts.

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as such provisions may specially authorize the sale or leasing of land within a gold field. Provided that it shall be lawful for the Governor at any time subsequent to the proclamation of a gold field to reserve or withdraw therefrom any lands which he may deem necessary and such lands shall thenceforth be dealt with under the Waste Land Regulations of the Province in which such gold field is situate.

Governor may cancel depasturing license or lease.

XXVIII. Whenever after the proclamation of a gold field any person holding a license or lease for depasturing stock over any lands included within such gold field shall make an application to the Governor to have his license or lease cancelled or suspended over a part or the whole of the lands included therein the Governor shall in conformity with such application cancel or suspend such license or lease accordingly and the licensee or lessee shall upon such cancelling or suspension be entitled to compensation as provided in the said Act. Provided that it shall not be lawful for any person to make any such application until a period of three months shall have expired after the date of the proclamation of such gold field.

Governor may grant mining leases.

XXIX. It shall be lawful for the Governor in Council in the name and on behalf of Her Majesty to demise for mining purposes to any person for any term not exceeding fifteen years from the making of the lease any auriferous Crown lands not exceeding ten acres in the whole of alluvial ground or an area of four hundred yards by two hundred yards on a quartz reef and also to grant water rights and other easements for the purposes aforesaid 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 two months after notice of the intention to grant the same shall have been published in the *New Zealand 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.

Interpretation.

XXX. In the construction and for the purposes of this Act the following term shall have the meaning assigned to it if such meaning be not inconsistent with the context or subject matter thereof—the words “water race” shall be understood to include any artificial channel or ditch for the conveyance of water constructed through or of any material whatsoever and also the natural bed of any creek or gully through which water is diverted for mining purposes.

Certain sections of former Acts repealed.

XXXI. Sections V. XXXII. XXXV. XLVIII. XLIX. LXII. of “The Gold Fields Act 1862” and so much of the said Act and of the said Amendment Act as may be repugnant to the provisions of the present Act are hereby repealed.

Governor may delegate powers conferred by this Act

XXXII. 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 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 or by the said Act or by the said Amendment Act except the powers conferred by sections XIX. XXXI. XXXIII. LXI. of the said Act and sections XIX. and XXIX. of this Act subject or not to any limitations or restrictions as he may think fit and in like manner to alter or revoke any such powers. Provided always that it shall be lawful for the

And may revoke or annul proclamations or regulations issued or published under such delegation.

Governor by proclamation in the *New Zealand Gazette* to revoke and annul any proclamation or regulation made by the Superintendent of any Province in exercise of any power delegated to him by the Governor under the provisions of this Act and from and after the publication of such proclamation by the Governor any such proclamation or regulation made by such Superintendent shall become absolutely void and of no effect.

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## SCHEDULE A.

## FORM OF NOTICE.

District and Date.

To the Warden at

I hereby give notice that I intend to construct a \_\_\_\_\_ race for mining purposes commencing at a point ( \* ) and terminating ( \* ).

The length of such race is \_\_\_\_\_ or thereabouts and its intended course is ( \* ).

The mean depth and breadth of such race is ( \* ) and it is capable of carrying ( \* ) sluice heads of water.

(Signature and Address in full of Applicants.)

\* *Here describe precise localities.*

Any person objecting to the issue of a license to the abovenamed applicants, must lodge his objections in writing at my office within fourteen clear days from the date hereof.

Warden.

## SCHEDULE B.

## LICENSE TO CONSTRUCT AND USE A RACE.

District of

186 .

Names

having applied in accordance with the Regulations (clause \_\_\_\_\_) for leave to construct a \_\_\_\_\_ race \_\_\_\_\_ in length commencing ( \* ) and terminating ( \* ) and the conditions of the sub-sections of section VI. of "The Gold Fields Amendment Act 1865" having been complied with I hereby grant to the said persons a license to construct and use the race in accordance with their application.

\* *Here describe precise localities.*

Warden.

