

No. XXIII.

GOLD FIELDS. An Act to amend the Act for regulating the
Management of the Gold Fields. [28th
September, 1853.]

Preamble.
16 Vic. No. 43.

WHEREAS an Act was passed in the last Session of Council for regulating the management of the Gold Fields of New South Wales And whereas it is expedient to amend the same in manner hereinafter mentioned Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof as follows :—

Reduction of license
fee to 10s. per
month for each
license.

1. The fifth sixth and seventh sections of the said recited Act shall be and the same are hereby repealed and henceforth the license fee to be paid for liberty to mine and dig for gold shall be the sum of
ten

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ten shillings per calendar month for each individual license payable in advance.

2. The amount of royalty to be reserved in cases where leases or licenses shall be granted on the terms of paying a royalty in lieu of license fees shall where the said lease or license shall apply to or affect any such lands of the Crown be three per cent. on the value of the gross produce of gold procured from such lands at the fixed price of three pounds ten shillings per ounce.

Reduction of royalty on Crown lands to 3 per cent. on the gross value of gold procured.

3. In cases in which any such licenses or leases as aforesaid shall be granted for mining or digging for gold on lands belonging to private individuals under grants thereof from the Crown the fees and royalties respectively to be payable shall be one-half the amount hereby fixed in respect of licenses and leases affecting Crown Lands and no such license fee shall be demandable by the Crown from persons resident on and employed on such lands and not directly engaged in mining and digging for gold therein.

Reduction of fees and royalties on private lands to one-half the amount required on Crown lands.

4. The eighth section of the said recited Act and so much of the second section thereof as directly or impliedly restricts the provisions respectively therein contained to British subjects only shall be and the same are hereby repealed and from and after the passing hereof until further order all subjects and citizens of Foreign States shall have the like privileges of working the Gold Mines and Gold Fields of the Colony and of employing themselves thereon as now are or hereafter may be enjoyed by British subjects.

Aliens admitted to privileges of British subjects in respect of gold mining.

5. No license shall be required to be held in respect of residence only upon a Gold Field by any Clergyman or other recognised Minister of Religion or any Commissioner for the Gold Fields or Justice of the Peace or any clerk trooper constable or other person employed exclusively in the Government service or any schoolmaster or the wives and families of any such persons respectively or the domestic or other servants of such last-mentioned persons or of any persons following any trade calling or occupation other than that of gold mining or any person to whom the Resident Commissioner shall think fit to grant a temporary exemption on account of sickness or accident. Provided that in the case of such servants their names and the names of their employers for the time being shall upon every change of service be furnished to the Gold Commissioner resident within their respective districts who shall register such names accordingly and shall deliver to each of such servants a registration ticket or certificate of such registration. And provided also that such servants shall be bound to produce their respective registration tickets immediately on demand made by any such Commissioner or any of his assistants and shall on default in such production be liable to be apprehended and brought before a Justice of the Peace and shall be dealt with as an unlicensed person unless and until he shall prove himself to the satisfaction of such Justice to be such domestic or other servant and to be duly registered as such.

Clergymen persons in the public service schoolmasters sick persons and servants not to be required to hold licenses in respect of residence.

Register tickets to be produced on pain of apprehension as for want of a license.

6. The twelfth section of the said recited Act is hereby repealed. Provided nevertheless that upon any person holding a license or lease under the said Act being convicted in the due and ordinary course of law of having absconded from his hired service or apprenticeship such license or lease shall by force of such conviction be deemed to be forfeited and cancelled.

Enactment as to runaway servants and apprentices repealed subject to a proviso.

7. The proviso to the twenty-third section of the said Act is hereby repealed and in lieu thereof Be it enacted That any duly licensed person or registered servant who shall have been apprehended or charged as an unlicensed person by reason of the non-production by him of his license or registration ticket on demand shall on proof of

Licensed persons who have been apprehended for non-production of license to be discharged on payment of costs on proof of being licensed.

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of his being duly licensed or registered as aforesaid as the case may be be discharged on payment only of such costs if any not exceeding twenty shillings as the Justice granting such discharge shall deem it reasonable to award.

Half-monthly
licenses discontinued

A single Justice em-
powered to convict
unlicensed persons.

As to prospecting
and claims of parties
prospecting.

8. The ninth section of the said Act is hereby repealed.

9. One Justice of the Peace shall be competent to convict and award penalties under the seventeenth section of the said Act.

10. The proviso contained in the thirty-fourth section of the said Act whereby preliminary searches or examinations for the purpose merely of discovering gold in any locality are excepted out of the operation of the said Act shall hereafter apply only in respect of such preliminary searches and examinations when made by written license without fee by some Commissioner or Assistant Commissioner of the Gold Field nearest to the locality where such prospecting is to be permitted Provided that any party having such license to prospect may register with the Commissioner of his Gold Field any number of claims not exceeding six on payment of a registration fee of one pound for each claim so registered Provided also that such registration shall not hold good for more than two calendar months unless such claims shall be worked in the mean time and that all persons employed in working them shall be liable to pay the ordinary license fee of ten shillings per month.

Persons convicted
under Vagrant Act
may be excluded
from Gold Fields for
twelve months.

11. It shall be lawful for any Justice of the Peace before whom any person shall be convicted of having upon any Gold Field committed any offence against the provisions of the Vagrant Act passed in the fifteenth year of the reign of Her present Majesty and numbered four to prohibit such person from remaining at or returning to such Gold Field and from coming to or being at any other Gold Field within a period of not exceeding twelve months thence next following and if any such person shall after such prohibition remain at such Gold Field longer than shall be reasonably necessary for preparing to remove therefrom or shall return thereto or come to or be at any other Gold Field during such term of prohibition he shall be deemed a rogue and vagabond within the meaning of the said Vagrant Act and shall be liable to be dealt with accordingly.

Facilities for estab-
lishment and control
of licensed public-
houses on the Gold
Fields.

12. And to facilitate the establishment of licensed public-houses on the Gold Fields Be it enacted That it shall be lawful for the Governor at any time on the recommendation of one Gold Commissioner and of one Justice of the Peace other than such Commissioner to direct that a publican's license for any place on a Gold Field be issued to the person so recommended upon his entering into the recognizances and paying the duty required by the Licensed Publican's Act and in such cases it shall be in the discretion of such Commissioner and Justice to exempt the licensed person from providing the whole or such part as they shall think fit of the accommodation required by law to be provided for the public convenience in ordinary licensed public-houses.

Commencement of
Act.

13. This Act shall commence and take effect from and after the first day of October in this present year.