

*Mineral Ordinance.*

XXVII. Upon the said survey, or at any time before the actual issue of any Crown Grant under this Ordinance, it shall be lawful for the Chief Commissioner of Lands and Works and Surveyor General, or his agent, or other person specially authorised by the Governor in writing in that behalf, upon payment of the actual expenses connected therewith, to rectify boundaries and to settle finally, on the spot, any dispute which may from time to time arise as to the actual or proper boundaries between adjacent or conflicting Mining Claims under this Ordinance. Every such decision, expressed in writing and filed of record in the head Lands and Works Office, with a plan or diagram of the proper boundaries as rectified, shall be final and without appeal, any rule of Law or Equity to the contrary notwithstanding, and shall be evidence in all Courts in the Colony of the several matters and things therein contained.

Rectification of boundaries.

XXVIII. Whenever any adverse Claimants to a Mine or Mining Claim, under this Ordinance as aforesaid, (in any other respect than as to boundaries as next hereinbefore mentioned) shall appear before the approval of the survey by the Lands and Works, as hereinbefore mentioned, all proceedings shall be stayed until a final settlement and adjudication in the Courts of competent jurisdiction of the rights of possession to such Mine or Claim has been obtained, when a Crown Grant may issue as in other cases.

Adverse claimants.

XXIX. The issue of a Crown Grant to any applicant under this Ordinance, save where obtained by fraud or wilful misrepresentation, shall confer and be deemed to confer on the person or persons named therein, an indefeasible and incontestable title in fee simple absolute to all the land specified in such Grant, save as hereinafter excepted.

Crown Grant an indefeasible title.

XXX. The Assistant Commissioner in every District shall have jurisdiction to hear and determine all cases of dispute between adverse claimants to Prospecting Licenses and Crown Grants under this Ordinance (subject, however, as to rectification and settlement of boundaries, to Clause XXVII. of this Ordinance); and it shall be lawful for such Assistant Commissioner, and he is hereby required, on the written application of either party to a dispute, to summon a jury, to consist of not less than three nor more than five persons, to decide all questions of fact; and the said Commissioner may award such costs (including the costs of such jury) as he shall deem just and reasonable, and in case of default enforce his judgment by warrant of distress of the goods and chattels of the person so making default. For the purposes of this Ordinance, and to enforce his orders and decisions, the Assistant Commissioner, in addition to the jurisdiction hereby conferred, shall have all the powers, authority, and jurisdiction now by law possessed by County Court Judges in the Colony.

Assistant Commissioner may decide disputes;

His jurisdiction and powers.

XXXI. In cases of dispute as to the right of possession to any Mineral Lands, the institution of proceedings therein may be commenced by a claim in the Form marked D. in the Schedule to this Ordinance; and upon the service of such claim on the opposite party, the Assistant Commissioner shall have power to decide thereon (subject to appeal as hereinafter mentioned), with full power to place the party who shall be found entitled into possession of the land in question; and upon proper cause shewn to issue and enforce an injunction to abate any intrusion or otherwise pending any proceedings, and to appoint a Receiver if necessary. Provided, always, that either party to any such proceedings may require a jury to be summoned to try any question of fact (other than disputed boundary as hereinbefore mentioned) as in the last Clause provided.

Forms for proceedings.

Notice.

Injunction.

Jury.

XXXII. Provided, always, that any person dissatisfied with the decision of such Assistant Commissioner, on matter of law only and not on matter of fact, may appeal therefrom to the Supreme Court, and no appeal shall be allowed in any case unless notice thereof be given in writing to the opposite party, his Counsel, or Attorney, within four days after the decision complained of, and also security be given, to the approval of the Assistant Commissioner, for the costs of the appeal, and the amount (if any) payable under the judgment,

Appeal to Supreme Court.