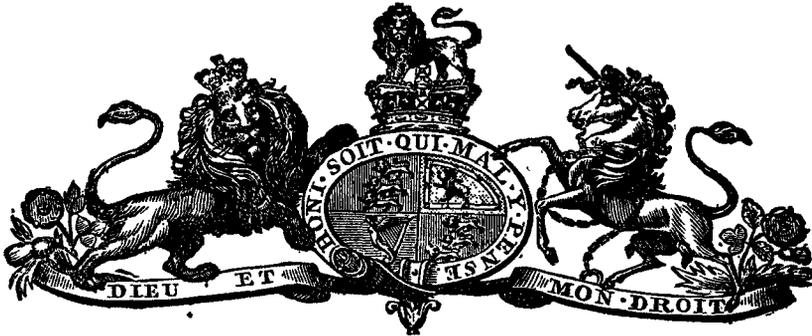


NEW ZEALAND.



TRICESIMO SEXTO

VICTORIÆ REGINÆ.

No. XXXII.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Warden alone to decide cases where no Assessors.</p> <p>4. When there are Assessors, Warden and at least two Assessors to decide.</p> | <p>5. Persons appealing may apply to Warden for order restraining working of claim.</p> <p>6. Procedure on such application.</p> <p>7. Powers of Warden therein.</p> <p>8. When stay of proceedings may be had.</p> |
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AN ACT to amend "The Gold Fields Act, 1866," and the subsequent Acts amending the same. Title.

[25th October, 1872.]

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

1. The Short Title of this Act shall be "The Gold Fields Acts Amendment Act, 1872." Short Title.

2. In the construction of this Act the term "the said Acts" shall mean "The Gold Fields Act, 1866," and any Act amending the same and now in force. Interpretation.

3. In any case brought before any Warden under the provisions of the said Acts, unless Assessors shall be summoned and act in such case, the Warden alone shall determine all questions as well of fact as of law, and any judgment given or order or decree made by him shall be the judgment of the Court. Warden alone to decide cases where no Assessors.

4. Where Assessors shall have been summoned and shall act on the hearing of any case in a Warden's Court, such Assessors shall sit apart from the Warden in like manner as a jury would in an action in the Supreme Court, and the judgment given, or the order or decree made by the Court, shall be given or made by the Warden and not less than two of such Assessors. Where there are Assessors, Warden and at least two Assessors to decide.

Gold Fields Acts Amendment.

Persons appealing may apply to Warden for order restraining working of claim.

5. Whenever any person shall appeal from the decision of a Warden's Court, if such appeal shall be made with respect to the title to or ownership of a claim or any other property held under the said Acts, it shall be lawful for such person to make application to the Warden that the working of such claim or the user of such property, in respect of which such appeal shall have been lodged, shall be suspended until the appeal shall have been heard and determined.

Procedure on such application.

6. On the application of the party appealing, the Warden shall fix a day time and place for the hearing of such application, of which day time and place notice shall be given to the other party to the proceedings in such appeal, and on such day time and place the parties shall attend and proceed with such application.

Powers of Warden therein.

7. On the hearing of any such application, the Warden may either wholly suspend the working of such claim or the user of such property, or may permit the same to be carried on or used by the person or persons in possession thereof, on his or their giving security to the satisfaction of the Warden that he or they will account for the proceeds of such claim or the profits of the property when the appeal shall have been determined, or on such other terms as the Warden may consider just and equitable, and calculated to prevent undue injury to such claim or property or any right or interest connected therewith.

When stay of proceedings may be had.

8. Whenever any appeal against the decision of a Warden's Court shall be brought or be about to be brought by any person, it shall be lawful for the Warden of the Court from which the appeal shall have been brought or be about to be brought, on the application of any of the parties interested in such appeal, to make such order for stay of proceedings or otherwise upon such terms as to the Warden shall seem proper, but without such order no appeal shall operate as a stay of proceedings.

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