

by which it is fed, if such race is held by a local authority for the purpose of supplying water to the inhabitants of any city, town, or township.

- (b.) The last preceding paragraph shall not apply in the case of any watercourse duly proclaimed a watercourse into which tailings, mining *débris*, or waste water might be discharged, nor in the case of any tail-race discharging into any watercourse below the point at which any water-race is connected with or fed by such watercourse. 5
- (c.) In any case where the Warden is of opinion that it would be against the public interest to grant a license for a tail-race discharging into any watercourse, he may, in his discretion, refuse to grant the same, whether the application therefor is opposed or not. 10
- (d.) On the recommendation of the Warden the Minister may, by notice in the *Gazette*, withdraw any watercourse from the operation of this or the last preceding section hereof. 15

Tailings not to be discharged into river within five chains of bridge.

1898, No. 38, sec. 105

122. (1.) Notwithstanding anything to the contrary contained in this or any other Act, or in any Proclamation or Order in Council issued thereunder respectively, it shall not be lawful for any person to discharge or cause to be discharged any tailings, mining *débris*, or waste waters into any watercourse at any point or place within five chains from any bridge (or such shorter distance as in special instances may be authorised in writing by the Minister for Public Works or the local authority, as the case may be, having the control of such bridge) in such manner as to directly injure any such bridge. 20 25

(2.) For the purposes of this section "bridge" means any bridge, or the approaches thereto, open to the public or used for any railway or public tramway, or in connection with any public work whatsoever.

(3.) Every person committing a breach of any of the provisions of this section is liable as for committing an injury to a public work, and may be proceeded against accordingly. 30

Water-race Licenses under former Mining Acts.

Special provisions saving water-race licenses issued under former Mining Acts.

1900, No. 64, sec. 2

1901, No. 60, sec. 11

1903, No. 81, sec. 6

123. Every water-race license granted under any former Mining Act, and validly subsisting on the first day of February, one thousand eight hundred and ninety-nine (being the date of the commencement of "The Mining Act, 1898"), shall (if still subsisting at the date of the commencement of this Act) be deemed to have been lawfully granted under this Act, and the provisions hereof shall accordingly apply, subject, however, to the following special modifications:— 35 40

- (a.) The licensee's priorities and other rights in respect of the race and the water (including his right to use, sell, or otherwise dispose of the water) shall continue as they were immediately prior to the date first aforesaid.
- (b.) If the license was granted for a specified term of years with provisions for renewal, those provisions shall continue to apply. 45
- (c.) If the license was granted for the term of one year, or without reference to any specified term of years, but in either case with provisions for annual renewal by renewal of registration, or otherwise, those provisions shall not continue to 50