

New Zealand.



ANALYSIS.

<p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Interpretation. 3. Amendment of 141st section of "The Mining Act, 1886." 4. Amendment of 152nd section of "The Mining Act, 1886." 5. Settlement of claim for compensation. 6. Final settlement of claim. 7. Amount of compensation. 8. Notification in <i>Gazette</i> of settlement of claim deemed sufficient notice to interested persons. Regulations with regard to Compensation Court. 	<ol style="list-style-type: none"> 9. Settlement of claim when Public Trustee is owner of land. 10. Claim against Her Majesty the Queen or the Government. 11. Before what Court claims to be heard. 12. Provisions as to arbitration in sections 155 and 156 repealed. 13. Protection from working where land in claim 3,000 feet above sea-level. 14. Certificate of Mining Registrar deemed <i>prima facie</i> evidence. 15. Borough or County Councils may aid establishment, &c., of schools of mines. 16. This Act to be read as part of "The Mining Act, 1886." Commencement of Act.
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1888, No. 33.

AN ACT to amend "The Mining Act, 1886."

[30th August, 1888. Title.

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 is "The Mining Act 1886 Amendment Act, 1888." Short Title.

2. In this Act "The Mining Act, 1886," is referred to as "the said Act." Interpretation.

3. The one hundred and forty-first section of the said Act is hereby amended by inserting after the word "irrigation," in the said section, the following words: "or for the purpose of supplying water to feed or drive any machinery for working any mill, or for the purpose of supplying water to any railway-engine or to any tank, reservoir, or station-house connected with any railway or tramway, or to any machinery used in connection with any railway or tramway, or with the making, construction, maintenance, or working of the same, or in anywise relating thereto." Amendment of 141st section of "The Mining Act, 1886."

4. The Commissioner of Crown Lands shall be the only authority for the purposes mentioned in the one hundred and fifty-second section of the said Act, and any provision therein relating to the Land Board is hereby repealed. Amendment of 152nd section of "The Mining Act, 1886."

5. Every claim for compensation made under the one hundred and fifty-fifth section of the said Act shall be settled either by Settlement of claim for compensation.

agreement between the Minister and the claimant within the time prescribed by the said Act, or shall otherwise be determined under Part III. of "The Public Works Act, 1882," subject, however, to the provisions of this Act.

Every such claim shall include the claimant's full demand in respect of injury or damage to any land through, in, or past which any watercourse may flow occurring after the date of the gazetting of such Proclamation, and which may be likely to occur prospectively after it takes effect, and the Compensation Court shall require the amendment of any claim not made in conformity herewith; but every such demand shall be included in one claim, and heard and determined in the manner provided by this Act: Provided that nothing herein contained shall bar the right to compensation under the provisions of the said Act and this Act of any person being owner of, or having any lesser estate or interest in, any such land other than the person whose claim has been agreed upon or ascertained as aforesaid, and all persons claiming from, through, or under him.

Final settlement
of claim.

6. Payment of compensation when agreed upon or ascertained under the said Act and this Act, or the tender thereof, shall effectually bar the person making such claim, and all persons claiming from, through, or under him, from all further claims of any kind whatsoever in respect of any such injury or damage, past, present, or future, or arising in any manner from the operation of such Proclamation, or any subsequent Proclamation of the same watercourse; and such compensation, when agreed upon or determined under this Act, shall be deemed to be settled once for all against all claimants.

The second paragraph of the one hundred and fifty-sixth section of the said Act, commencing with the words "such compensation," and ending with the words "paid or tendered," is hereby repealed, and shall be deemed never to have been enacted.

Amount of
compensation.

7. The compensation agreed to be paid, or that may be determined under the said Act and this Act, for or in respect of any such claim, shall not exceed the value of the land to which such injury or damage has occurred, according to the valuation thereof in force under "The Property Assessment Act, 1885," or any Act amending the same, at the date when the Proclamation first declaring the watercourse has been gazetted; and if for any reason there has been no such valuation, then the Compensation Court may, in such manner as it thinks fit, determine what is the value of such land for the purposes of the said Act and this Act as nearly as may be as if the same had been made under "The Property Assessment Act, 1885."

Notification in
Gazette of settle-
ment of claim
deemed sufficient
notice to interested
persons.

8. A notification in the *Gazette*, signed by the Minister, that any such claim has been settled by agreement or determined by a Compensation Court, as provided by this Act, shall be sufficient notice of the fact to all persons concerned or interested or that may thereafter be concerned or interested, in such land that no further claim or demand can be made in respect of the injury or damage thereto occasioned by the operation of any such Proclamation.

Regulations with
regard to Com-
pensation Court.

Regulations may be made in the manner provided by the said Act prescribing the mode in which any Compensation Court shall record on any instrument of title or other document that may be in evidence before it, or be required to be produced for

the purposes of such Court, such particulars of the claim heard and determined as the Court thinks fit, and also for requiring and compelling the production of such instruments or documents accordingly.

9. In any case where the Public Trustee is the owner of any land in respect of which any claim for compensation is made under the said Act and this Act, or where the control and management of such land is vested in him by law, he may make any agreement with the Minister in respect of such compensation, or as to the value of any land affected by the operation of any Proclamation as aforesaid as he thinks reasonable, and every such agreement shall be binding on every person or interest which the Public Trustee represents.

Settlement of claim when Public Trustee is owner of land.

10. Nothing in this Act shall be deemed to give any person any right or claim to compensation as against Her Majesty the Queen or the Government of the colony where the injury in respect of which the same is claimed is not one in respect of which such compensation can be legally claimed.

Claim against Her Majesty the Queen or the Government.

11. If a claim for compensation under the one hundred and fifty-fifth section of the said Act and this Act is not settled by agreement, the same shall, if it exceeds two hundred and fifty pounds, be heard and determined by a Judge of the Supreme Court; and if it does not exceed two hundred and fifty pounds, then by a Resident Magistrate having jurisdiction where such land is situated.

Before what Court claims to be heard.

In either of such cases the Judge or Resident Magistrate, as the case may be, shall sit alone without Assessors, and be deemed to be a Compensation Court under Part III. of "The Public Works Act, 1882," and shall have and may exercise all such jurisdiction and authority as a Compensation Court would have under the said Part III.

12. All provisions of the one hundred and fifty-fifth and one hundred and fifty-sixth sections of the said Act as to arbitration, and all other provisions of these sections inconsistent with this Act, are hereby repealed; and nothing herein shall be deemed to lessen the effect of the third section of "The Mining Act Amendment Act (No. 2), 1887."

Provisions as to arbitration in sections 155 and 156 repealed.

13. Where the land comprised in any claim or licensed holding, or any part thereof respectively, is situated at an elevation of not less than three thousand feet above the sea-level, such claim or licensed holding shall be protected within the meaning of the one hundred and twenty-third section of the said Act from the first day of May to the first day of November in each year, and it shall not be necessary in any such case to make any application to the Warden for such protection.

Protection from working where land in claim 3,000 feet above sea-level.

Any map issued by or under the authority of the Surveyor-General, which shows or states the elevation of any such land as aforesaid, or the certificate in writing of a District Surveyor to the same effect, shall be sufficient evidence for all purposes of the fact thereof.

14. A certificate in writing of the contents of, or of any extract from, any register kept by a Mining Registrar under the said Act, and purporting to be signed by such Registrar, shall in all Courts and for all purposes be *primâ facie* evidence of the matter set forth in such

Certificate of Mining Registrar deemed *primâ facie* evidence.

certificate without production of the register or proof of the Registrar's signature to such certificate.

Borough or County
Councils may aid
establishment, &c.,
of schools of mines

15. The Council of any borough or county wherein any mining operations are being carried on may from time to time apply any portion of the borough or county funds, as the case may be, to or towards or in aid of the erection, establishment, or maintenance of schools of mines.

This Act to be read
as part of "The
Mining Act, 1886."
Commencement of
Act.

16. This Act shall be read and construed as part of "The Mining Act, 1886," and to have been and be in operation on and after the first day of August, one thousand eight hundred and eighty-eight; but nothing herein contained shall apply to or affect any proceedings then pending in any Court of law.