

## New Zealand.



### ANALYSIS.

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1894, No. 52.

AN ACT to amend "The Mining Act, 1891."

[24th October, 1894.]

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 1891 Amendment Act, 1894," and it shall be read with "The Mining Act, 1891" (hereinafter called "the principal Act").

Short Title.

#### DEVELOPMENT OF MINING.

2. (1.) All sums from time to time appropriated by Parliament for the purpose of assisting the development of the gold-mining industry shall, subject to the terms of such appropriation, be apportioned and applied as the Minister may approve: Provided that the assistance to be given towards the prospecting of deep levels shall be confined to three mining districts—to wit, one in the North Island, one in the west of the Middle Island, and one in Otago; and provided also that not more than one deep level shall be assisted in any such mining district at one time.

Method of applying sums appropriated by Parliament towards assisting gold-mining.

(2.) For the purposes of such assistance as aforesaid, the Governor in Council may make regulations prescribing,—

Regulations in respect thereof.

(a.) The mode of application for assistance;

- (b.) The method of determining the site of any mining operation towards which assistance is sought ;
- (c.) The terms and conditions subject to which assistance may be given ;
- (d.) The definition of " deep levels," and the number and locality of deep levels that may be assisted ;
- (e.) The conditions as to the use of diamond drills in boring operations ;
- (f.) The requirements, capacities, and method of construction of water-races and storage reservoirs towards which assistance is sought ;
- (g.) The procedure in respect of Proclamations declaring rivers and watercourses to be channels or watercourses for receiving tailings ;
- (h.) The procedure in claims for compensation in respect of the resumption for mining purposes of land held under occupation licenses and residence sites.

## WATER-RACES, ETC.

Licensee of water-race may surrender license and obtain a new license under section 104 of principal Act.

3. (1.) The licensee of any water-race for gold-mining purposes held under the principal Act may surrender the same and obtain in lieu thereof a new license under section one hundred and four of the principal Act.

(2.) Such new license shall be for the residue of the term of the surrendered license, and for the same quantity of water, and shall preserve to the licensee the priority of right to water which he possessed by virtue of the license to be surrendered as aforesaid :

Provided that where such new license is for purposes of irrigation, or industrial pursuits other than mining, it shall be subject to the condition that one-half of the total quantity of water for the time being actually available for use by virtue of such new license shall be at the disposal (but solely for mining purposes) of the licensee or licensees holding inferior rights for mining purposes and in the order of their priority, *inter se*, on the payment of such fees to the holder of the aforesaid new license as the Warden may prescribe.

Conditions.

County Council may delegate to Committee of ratepayers powers under section 115 of principal Act.

4. (1.) Any County Council may, by special order, delegate to a Committee of not less than five nor more than seven ratepayers of the county all or any of the powers conferred upon such County Council by section one hundred and fifteen of the principal Act in respect of any water-race or reservoir mentioned in such order.

Method, &c.

(2.) A notification in the *New Zealand Gazette*, signed or purporting to be signed by the Chairman or Clerk of the County Council, shall be deemed to be sufficient evidence that the persons therein named have been duly appointed as such Committee for the period and with all the powers and for all the purposes mentioned in such notification.

(3.) The aforesaid Committee shall have power to appoint one of its members to be Chairman.

(4.) The Chairman, when present, shall preside at all meetings of the Committee, and in his absence the members shall appoint one of their number to be Chairman.

(5.) Every question coming before the Committee shall be decided by open voting and by the majority present, and in the case of an equality of votes the Chairman shall have a second or casting vote.

(6.) All powers vested in the Committee may be exercised by a quorum, which shall consist of a majority of all the members constituting the Committee.

(7.) The County Council shall have power at any time, by special order, to rescind the order appointing the Committee, and thereupon all the powers conferred upon the Committee shall be deemed to be cancelled, and the Committee shall cease to exist, but without prejudice to anything theretofore lawfully done by the Committee.

#### SPECIAL DREDGING CLAIMS.

5. (1.) Subject to the approval of the Minister and the provisions of this Act, the Warden may grant special dredging claims on the foreshore below low-water mark, and may impose such conditions for the working thereof and otherwise as he may think expedient.

Special dredging claims may be granted below low-water mark.

(2.) The rental of such special dredging claims shall be the same as for licensed holdings.

#### MANAGEMENT OF MACHINERY AND APPLIANCES IN A CLAIM USING THE CYANIDE-OF-POTASSIUM PROCESS.

6. In every mine using the cyanide-of-potassium process of extracting gold or silver from ore, and in respect of so much of the machinery and appliances of the mine as are used in connection with the reduction and treatment of ore for the extraction of gold and silver by that process, the following provisions shall apply:—

Certificated battery superintendent to be employed when cyanide of potassium used.

- (1.) The owner of such mine shall appoint and at all times employ a certificated battery superintendent:
- (2.) The battery superintendent shall at all times have the full control and management of such machinery and appliances as aforesaid:
- (3.) The owner shall notify in writing to the Minister, and also to the Inspector of Mines, the name of such battery superintendent, and also keep such name constantly posted up at the principal entrance of the buildings where such machinery and appliances are placed:
- (4.) In respect of such machinery and appliances (but not further or otherwise) the battery superintendent shall perform all the duties and incur all the responsibilities and be liable to all the penalties by the principal Act imposed upon the "mine manager" or "mining manager" and the "machine owner" respectively, and for the purposes of this section the principal Act shall be read and construed as if the battery superintendent were the "mine manager" or "mining manager," or the "machine owner," as the case may be.

#### BATTERY SUPERINTENDENTS' CERTIFICATES.

7. (1.) Any person of good repute who for a period of twelve months has been in actual and continuous charge of the machinery and appliances of any mine in which for that period cyanide of potas-

Provisions regulating issue of certificates to battery superintendents.

sium has been continuously used in the treatment of ore for the extraction of gold or silver may, on application to the Board of Examiners not later than the first day of January, one thousand eight hundred and ninety-five, receive a battery superintendent's certificate without undergoing examination, provided he pays a fee of one pound, and satisfies the Board that he has been in such continuous charge as aforesaid.

(2.) After the first day of January, one thousand eight hundred and ninety-five, any person who seeks to obtain a battery superintendent's certificate shall apply in writing to the Secretary of the Board of Examiners to be examined as to his competency, and on passing such examination to the satisfaction of the Board he shall be entitled to such certificate as aforesaid.

(3.) The provisions of sections three hundred and eighteen and three hundred and nineteen of the principal Act, as to the disqualification of mine managers, and as to the penalties in case of their acting without certificates or in case of any person employing them when disqualified or without certificates, and as to production of certificates to Inspectors, are incorporated herewith, and shall apply to every person acting in the capacity of battery superintendent.

#### REGULATIONS, ETC.

Governor may make regulations.

8. The Governor may from time to time, subject to the provisions of this Act, make regulations prescribing—

- (1.) The areas of special dredging claims; the mode of application therefor; the procedure thereon; the terms and conditions upon which they may be granted, held, occupied, worked, assigned, renewed, forfeited, or cancelled:
- (2.) The time and mode of conducting examinations for certificates of battery superintendents, and the subject-matters of such examinations:
- (3.) The fees to be paid under this Act:
- (4.) Such other acts and things as may be necessary for generally facilitating and more effectually carrying out the objects of this Act.

Certain certificates to be first-class certificates.

9. Every person who at the time of the passing of the principal Act was the holder of a certificate as underground manager, or as a mine manager, is hereby declared to be the holder of a first-class certificate as a mining manager.

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

10. Notwithstanding anything to the contrary contained in the principal Act or any amendment thereof, or in any other Act, or in any Proclamation or Order in Council issued thereunder respectively, it shall not be lawful for any company or person constructing any tail-race 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 prescribed 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.

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.

Every company or person committing a breach of the provisions of this section shall be liable as for committing an injury to a public work, and may be proceeded against accordingly.

11. Subject to the provision of section thirty-one of the principal Act, it is hereby declared—

That if, in the course of any proceedings in the Warden's Court, it appears that any person, party to or interested in the proceedings, whose title depends on his being the holder of a miner's right, has neglected for more than three months and not more than three years after its expiration to take out a new one, the Warden may, on the production of such expired right, if he think it equitable so to do, by writing under his hand indorsed on such right, declare such right to be extended up till and including the day whereon such indorsement is made (being not more than three years from the date of the expiration of the right), and thereupon such right shall be deemed to be current and unexpired accordingly: Provided that such person forthwith applies for and obtains a new miner's right dated of the day of such indorsement, and also pays the ordinary price of a miner's right for every twelve months of the period elapsing between the expiration of the former right and the grant of the new one, together with the additional sum of five shillings for every three months of such period, and together also with a fine of five pounds if such period does not exceed six months, or ten pounds if it does exceed six months.

If the expired right has been lost or destroyed, the Warden, upon proof of the facts, may forthwith issue a duplicate of such right, and such duplicate shall, for all the purposes of this section, be deemed to be the original.

12. The period of fifty days within which, by section eight of "The Mining Act Amendment Act (No. 2), 1893," any therein-mentioned claim for compensation is required to be forwarded is hereby extended to ninety days: Provided that this extension shall not apply to any claim in connection with which the notice referred to in the second paragraph of section one hundred and fifty-two of the principal Act has been published in the *Gazette* before the coming into operation of this Act.

13. Sections two, three, and four of "The Mining Act Amendment Act (No. 2), 1893," are hereby repealed.

Miner's right may be renewed within three years if Warden deem it advisable.

Compensation claims to be forwarded.

Repeal.