

New Zealand.



ANALYSIS.

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1893, No. 49.

Title. AN ACT to amend "The Mining Act, 1891."
[6th October, 1893.]

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

Short Title.

1. The Short Title of this Act is "The Mining Act Amendment Act (No. 2), 1893." It shall be read together with "The Mining Act, 1891" (herein referred to as "the said Act").

Advances may be made for developing mines.

2. Where prospecting operations for gold or silver have to be carried on, necessitating the expenditure of not less than five thousand pounds in the erection of pumping and other machinery to test lodes or alluvial drifts at deeper levels than have hitherto been worked, or when it is desirable to complete the construction of any water-races for mining purposes on which at least five thousand pounds have been expended other than from the public funds, the Minister, on satisfying himself that such prospecting operations are likely to open up a considerable area of ground where mining can be profitably carried on, or that any such water-race is being constructed to his satisfaction, may from time to time authorise a sum of money to be applied, out of any moneys that may be appropriated by Parliament specially for such prospecting operations or completion of water-races, to any person or mining company as a loan, on conditions that such moneys are refunded to Her Majesty out of the first profits derived from working the ground so prospected or from the use of such water-race respectively, together with interest at the rate of five per centum per annum.

(1.) In no case shall any sum be so advanced exceeding one-fourth of the actual cost of the prospecting operations, or of the construction of a water-race, nor shall any

moneys be so advanced towards carrying on prospecting operations at any places less than five miles apart from each other.

- (2.) Before any person or mining company shall apply for a loan for prospecting lodes or alluvial drifts, or for completion of any such water-race, as aforesaid they shall first obtain the consent of the Minister to carry on the proposed works; and no moneys out of any loan shall be applied to the payment of any work done previous to the Minister's consent as aforesaid.
- (3.) Prior to payment of any portion of a loan to any person or mining company a certificate shall be forwarded, signed by an Inspector of Mines, certifying the value of the work done. Payments shall then be made from time to time on receipt of such certificates, as the work progresses. But in no case shall any payment be made exceeding one-fourth of the value of the work certified to have been done.

3. Any sum or sums granted by the Minister towards the purposes hereinbefore mentioned shall be a first charge on the special claim, claim, or licensed holding, water-race, or mining right, and on any engines, machinery, plant, gear, or other appliances erected or constructed therein, thereon, or thereupon respectively wholly or partly out of moneys so granted as aforesaid: Provided that no engines, machinery, plant, gear, implements, or other appliances whatever shall be removed from the special claim or other mining property or interest so charged without the consent of the Minister. Such charge or lien shall on application be registered in the office of the Mining Registrar of the Court in which the title to the said special claim, claim, or licensed holding, water-race, or mining right is registered; and the Mining Registrar shall enter in the register the amounts so advanced; and the same shall be indorsed on the license or certificate, as the case may be.

Money advanced to be a first charge.

4. In the event of any person or mining company neglecting or refusing to refund the money so advanced by the Minister, or to pay the interest provided for in section two, out of the first profits as aforesaid, proceedings for the recovery of the same shall be taken in the name of Her Majesty the Queen.

Proceedings for recovery.

For the purposes of this Act "first profits" shall mean the profits or surplus remaining after payment of actual working-expenses, and prior to the payment of any dividend or payment in the nature of dividend to shareholders or partners.

First profits defined.

5. The Warden, on the approval of the Minister, and with the consent of the Harbour Board entitled to receive the rents and profits of any lands dealt with by this section, may cause townships to be surveyed and laid off in sections of not exceeding one quarter of an acre each, and may also cause lands adjoining or in the neighbourhood of such townships to be surveyed and laid off, in areas of not exceeding five acres each, as suburban sections on any land within a mining district, notwithstanding that such land may be within any of the reserves defined in the First, Second, or Third Schedules to "The Nelson and Westland Coal Fields Administration Act, 1877"; and such lands shall be offered at public auction on lease, to take effect from the execution of the lease, at an annual upset rental to be

Mining townships and suburban sections may be laid off.

fixed by the Warden on the recommendation of the Harbour Board, for a period not exceeding ninety-nine years, provided that on no lease shall any premium, fine, or foregift be taken; but such lease shall only entitle the lessee to the right of the surface of the ground, and in no case shall any lessee have power to prevent mining operations being carried on beneath the surface of the land so leased, so long as such operations do not endanger the safety of any building erected thereon, or damage the surface of the ground.

Warden to grant licenses to cut timber, &c.

6. The Warden, with the consent of the Minister, shall have all the powers of a Land Board to grant licenses on the reserves mentioned in section five of this Act for all or any of the purposes mentioned in section two hundred and twenty-two of "The Land Act, 1892," excepting the power to grant licenses for sites for inns, and accommodation licenses.

Power to make regulations.

The Governor may, subject to the provisions of "The Mining Act, 1891," from time to time make, alter, and revoke such regulations as may be necessary for regulating the mode of granting any licenses under the provisions of this section, and generally for prescribing any form of lease, license, instrument, or form of procedure required for carrying into effect the purposes of this Act.

Leases of lands within mining districts to be subject to Mining Acts.

7. Every lease in perpetuity or other lease or license granted, after the commencement of this Act, under "The Land Act, 1892," of land within a mining district, whether as an original lease, or in exchange for a pastoral or other lease or license of any kind, or for a grazing-run, shall, notwithstanding anything contained in any Act other than this Act, be subject to the provisions of any Act for the time being in force relating to mines and mining, and to all regulations made under any such Act.

Compensation.

8. The said Act is hereby amended as follows:—

(1.) In respect of compensation,—

(a.) Section fourteen: After the words at the commencement of the section, "Every claim for compensation," there shall be inserted the words "except as herein-after otherwise provided."

Claims to be forwarded.

(b.) Section one hundred and fifty-two: The following words shall be added to the end of the second paragraph of the said section: "And shall, within fifty days from the publication of such *Gazette*, forward in writing any claim for compensation for land or rights that may be or appear to be injuriously affected if such Proclamation be given effect to, otherwise no claim for such compensation shall be recognised or allowed."

(2.) Section one hundred and seventy-eight of the said Act is hereby repealed, and the following section substituted in lieu thereof:—

Mining partnerships defined.

A mining partnership exists when two or more persons own a claim, special claim, licensed holding, or any mining right for the purpose of working or using it, and actually engage in working and using the same, or jointly employ others to work or use the same for them, and whether there be a written contract of partnership or not.

(3.) The following words are hereby added to subsection eight of section three hundred and eight of the said Act, namely,—

And also, when selling to any bank the gold extracted from such ore or mineral substance, shall furnish the manager or agent of such bank with the name of the licensed machine at which such ore or mineral substance was treated. Gold sales.

- (4.) Section three hundred and twenty-three of the said Act is hereby amended by the addition of the following words at the end of subsection twenty-three thereof:—

Before any safety-cage be first used it shall be tested in the presence of an Inspector of Mines to show that it is supplied with proper appliances; and no such cage shall be used unless and until such Inspector gives a certificate to the effect that such cage is in fit working order and condition. Safety-cages.

Nothing in this section contained shall affect any proceedings now pending.

9. Subsection four of section three of "The Mining Act Amendment Act, 1892," is hereby amended by the addition of the following words at the end of the said subsection: "Should the Minister and the owner of such land, or other person having a lesser estate or interest therein, not agree as to the amount of compensation to be paid, the Minister may take the whole or any part of the section or sections of land, as shown on the record-map in the Surveyor-General's office, of which any part may be affected by such Proclamation in manner aforesaid; and such land may be disposed of under any of the provisions of 'The Land Act, 1892.' And should such land not realise the amount of money hereinbefore provided to be paid for compensation, the County Council, or other local authority having jurisdiction in or control over the locality in which the mining operations are carried on, and which has hitherto received the gold-fields revenue from such mining operations which injuriously affect the lands aforesaid, shall pay one moiety of any loss sustained by the disposal of such land. Such money shall be deducted from any revenue accruing to such County Council or local authority: Mining Act Amendment Act amended.

"Provided, nevertheless, that the Colonial Treasurer may, on the recommendation of the Minister, pay the whole of any loss so sustained as aforesaid out of the Consolidated Fund."

10. All land acquired under the provisions of the last-preceding section may be paid for wholly or partly out of moneys borrowed by debentures issued under "The Land for Settlements Act, 1892," for which purpose the said Act shall be deemed to be incorporated with this Act. But no borrowed moneys applied for the purpose of acquiring such lands shall exceed in the aggregate ten thousand pounds in any one financial year. Provision for payment.

11. As soon as may be, not later than twenty days, after the commencement of the session in each year there shall be presented to both Houses of the General Assembly a statement of the moneys advanced under this Act during the financial year ending on the thirty-first day of March of the year in which the session is held, and giving the particulars of all such advances. Annual statement to be furnished of moneys advanced.