

206

DRAINAGE OF MINES.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. "The Mines Act, 1877," to be read with this Act.</p> <p>3. Repeal.</p> <p>4. Owners of mines to contribute towards expense of raising water by machinery.</p> <p>5. Notice to be given.</p> <p>6. Contribution, how enforced.</p>	<p>7. Summons.</p> <p>8. Proceedings at hearing.</p> <p>9. Order.</p> <p>10. Order, how enforced.</p> <p>11. Second notice may be given.</p> <p>12. Further contribution.</p> <p>13. Three months' notice in case of discontinuance.</p> <p>14. Owner of machine not liable.</p>
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A BILL INTITULED

AN ACT to make Provision for the Drainage of Mines in Mining Districts. Title.

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

5 1. The Short Title of this Act is "The Drainage of Mines Act, 1882." Short Title.

2. This Act shall be read together with "The Mines Act, 1877" (hereinafter called "the said Act"). "The Mines Act, 1877," to be read with this Act.

10 3. Clauses seventy-one to eighty-one inclusive of the said Act are hereby repealed. Repeal.

4. The owner of any efficient machine or appliance which is employed in raising, lifting, or draining water from any mine shall be entitled to receive contribution for the expense of raising or draining Owners of mines to contribute towards expense of raising water by machinery.

15 water from such mine from the holders of, or persons working adjacent to, mines benefited by such machine, or which adjacent mines, from the formation of the ground or strata, or from the mode of working the same, shall have added to the volume or quantity of water to be raised.

20 5. Such owner intending to claim contribution as aforesaid shall serve upon one of the holders or persons working any mine in respect Notice to be given.

of which contribution is required a notice in writing stating that he claims contribution and the amount claimed, and that if such contribution is not agreed to, an application will be made to the Warden's Court to enforce the same.

25 6. If the persons from whom contribution is so required refuse to contribute to the amount stated in the notice, or for twenty-one days shall neglect to signify their assent thereto, it shall be lawful for the owner of the machine to commence an action in the Warden's Contribution, how enforced.

30 Court.

7. A summons shall thereupon be issued, and all proceedings shall be conducted and carried on in like manner as in ordinary actions in the Warden's Court. Summons.

35 8. On hearing the case the Court, if satisfied that the plaintiff's machinery is efficient, shall first determine whether the defendant is benefited by the machinery of the plaintiff, or whether he has contributed to the volume of water raised or to be raised by the machinery Proceedings at hearing.

of the plaintiff, and, if the Court determine that the defendant is so benefited or has so contributed, the Court shall proceed to determine the amount of compensation which it would be reasonable under all the circumstances of the case for the defendant to pay to the plaintiff, and the time, mode, and condition of payment, and the period, not exceeding twelve months, during which such contribution shall be continued. 5

- Order. 9. An order of Court shall be drawn up in conformity with such determination, and shall be served on the defendant or left with the manager of the mine in respect of which contribution is required. 10
- Order, how enforced. 10. If at any time any sum due in respect of such contribution is not paid as directed by such order, the plaintiff may enforce payment by execution in the form applicable to ordinary proceedings in the Warden's Court.
- Second notice may be given. 11. At any time after the termination of the period fixed for payment of any contribution, it shall be lawful for the machine-owner to give another notice as aforesaid, whereupon the like proceedings shall be taken as are herein provided in respect of the first notice. 15
- Further contribution. 12. If a further order for contribution is made by the Court, such contribution shall commence from the termination of the period fixed in the next preceding order: Provided that the notice in respect of such subsequent order be given within two months after the termination of the next preceding order. 20
- Three months' notice in case of discontinuance. 13. If at any time the owner of any machine or appliance to whom contribution is paid as aforesaid shall intend to discontinue drainage operations, he shall give at least three calendar months' notice of such his intention to all contributors; and if any such owner shall discontinue such operations without giving such notice, he shall be liable to damages for any injury that any contributor may sustain in consequence of the stoppage of the machine or appliance, to be recovered in the Warden's Court. 25 30
- Owner of machine not liable. 14. Such machine-owner shall not be liable for any injury or damage on account of the sudden stoppage of drainage operations if such stoppage was caused by accident to machinery or other cause over which he had no control: Provided that all due diligence be exercised in repairing such damage or injury. 35