

A BILL INTITULED

**AN ACT to authorize and regulate Mining** Title.  
**for Gold on Private Land and for**  
**that purpose to extend and apply cer-**  
**tain provisions of the Gold Fields Acts**  
**to Mining on such Lands.**

**W**HEREAS by law all Gold Mines belong to the Crown notwith- Preamble.  
standing that the Crown may have granted the lands containing such  
mines without express reservation thereof And whereas in the Act of  
the General Assembly called "The Gold Fields Act 1866" it is  
5 enacted that the expression "Gold Mine" and "Gold Field" where  
used in the said Act shall respectively mean that part of the waste  
lands of the Crown in the Colony on which any persons are or may be  
actually engaged in mining for gold and which shall be proclaimed to  
be Gold Fields as hereinafter provided And whereas by the said Act  
10 it is also enacted that the words "Crown Lands" where used in the  
said Act shall be construed to mean and include not only the Demesne  
Lands of the Crown in New Zealand but also any other land whatever  
over which the Governor shall by lease agreement or otherwise  
have obtained power to authorize gold mining thereon And whereas  
15 by the third section of the said Act it is provided that whenever  
any district shall have been proclaimed a Gold Field the same shall  
be subject to the provisions of the said Act but that private lands shall  
be exempt from the operation of the said Act except where special  
provision to the contrary is made therein And whereas it is  
20 expedient that mining for gold on lands granted by the Crown whether  
with or without express reservation of such mines and on lands over  
which the Native title has been extinguished should be authorized and  
regulated and the provisions of the said Act should so far as the same

are applicable be extended and applied to mining for gold on such lands as last aforesaid

BE IT THEREFORE 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 shall be “The Gold Fields Act Amendment Act 1868.”

Interpretation.

2. The expression “the said Act” when used herein shall mean “The Gold Fields Act 1866” and this Act shall be read and construed with and as part of the said Act.

Governor empowered to proclaim Gold Field over private lands whether Native or otherwise after power to authorize mining has been obtained from owner.

3. It shall be lawful for the Governor if and whenever he shall have by lease agreement or otherwise by consent of the Native or other owners of any land over which the Native title has been extinguished or the Native owners of any land over which the Native title has not been extinguished obtained power from such Native or other owners to authorize entry on such lands for mining for gold by Proclamation issued under the third section of the said Act to include such land within any Gold Field or to proclaim such land a Gold Field and whenever any land over which the Native title has or has not been extinguished shall have been so proclaimed by the Governor within a Gold Field or to be a Gold Field the same shall be subject to the provisions of the said Act and the said Amendment Act except where otherwise specially provided herein and shall be deemed to be Crown lands within the meaning and for the purposes of the said Act and the term “Gold Mine” and “Gold Field” shall for the purposes of the said Act respectively mean that part of any such lands on which any persons may be engaged in mining for gold and proclaimed to be within a Gold Field as aforesaid and the publication of any such Proclamation in the *New Zealand Gazette* shall be conclusive proof that the consent of the owners of the land to which such Proclamation shall apply has been obtained.

Rent and other moneys payable under such agreements may be deducted from Gold Fields Revenue.

4. It shall be lawful for the Governor from time to time to order that payment of the rents or other moneys payable under any such lease or agreement or for or in consideration of such consent as in the last section referred to shall be made out of the Gold Revenue of the Gold Field proclaimed over land the subject of such lease agreement or consent or out of the revenue arising from Gold Duty collected in the Province within which such Gold Field is situated notwithstanding that the powers of the Governor under the said Act or some of them may have been delegated to the Superintendent or Provincial Executive of such Province and on any such order being made such moneys aforesaid shall become a charge on such revenues as aforesaid and shall be deducted from and payable thereout in such manner and at such times as the Governor shall order.

Penalty for mining on Native lands not included within Gold Field except under prospecting license.

5. It shall not be lawful for any person unless he be the holder of a prospecting license issued under this Act to mine for gold in under or upon any lands in New Zealand over which the Native title has not been extinguished unless the same are for the time being included within a Gold Field proclaimed by the Governor and any person who shall mine for gold on any such land not being the holder of such prospecting license and any person who shall employ any other person not being the holder of such prospecting license to mine for gold in under or upon any such land as in this section aforesaid shall be liable to forfeit and pay a penalty for every such offence of not less than five and not exceeding fifty pounds. It shall be lawful for the Governor from time to time to proclaim that the last preceding section of this Act shall not be in operation in any district of the Colony to be defined in such Proclamation and any such Proclamation to revoke. And during the continuance in operation of any such Proclamation as first aforesaid the last preceding section shall not be in operation in the district defined therein.

6. It shall be lawful for the Governor to cause to be issued to any person in such form and on such terms and conditions as the Governor shall think fit a license to be called a "prospecting license" which shall authorize the person to whom the same is issued to prospect and search for gold on any land within the district specified in such license provided such person shall have obtained the consent of the owner of such land but no such license shall be issued for prospecting for gold on any Gold Field or if issued shall have any force or effect therein on claim not in operation.

Prospecting license to search for gold on lands.

7. Notwithstanding anything to the contrary contained in the said Act it shall not be lawful for any person whatever not being the owner of a miner's right issued under the said Act to mine for gold in under or upon any land included within any proclaimed Gold Field although such land may not be waste lands or Crown lands as defined by the said Act but be lands granted by or sold or disposed of on behalf of the Crown or lands over which the Native title has been extinguished and of which no grant from the Crown has been issued or lands over which the Native title has not been extinguished but over which the Governor has obtained power to authorize mining and any person whether the owner of such land or not not being the owner of a miner's right who shall mine for gold upon any such land and any person who shall employ any such unauthorized person so to mine on any such land shall be liable to forfeit and pay a penalty of not less than five and not exceeding ten pounds.

Mining on private lands within Gold Field except by owner of miner's right prohibited.

8. It shall be lawful for the Governor in Council from time to time to make and when made from time to time to revoke or alter regulations for any Gold Field or any portion of any Gold Field specially applicable to lands of the following classes—

Governor empowered to make regulations for mining on private lands.

- (1.) Lands sold or in any other manner howsoever disposed of by or on behalf of the Crown or for which a grant may be issued under the Native Lands Acts whether a Crown Grant shall have been issued therefor or not and in upon or under which the Governor has obtained power by lease from agreement with or consent of the Native or other owners thereof to authorize mining
- (2.) Such lands as are specified in the last preceding sub-section of this section in upon and under which the Governor has not so obtained power to authorize mining
- (3.) Lands over which the Native title has not been extinguished and in upon or under which the Governor has by lease agreement or consent of the Native owners thereof obtained power to authorize mining

and such regulations may be made for any of the purposes specified in the eleventh section of the said Act and generally for regulating mining on such lands whether for purposes of the same kind as those mentioned in the said eleventh section of the said Act or for different purposes and every such regulation shall be valid and have the force of law notwithstanding that it may be in conflict with or in anywise repugnant to any of the provisions of the said Act and shall so far as concerns the Gold Field to which it relates control and supersede for the time it is in force any such provisions.

10. It shall be lawful for the Governor in Council under his hand and the public seal of the Colony from time to time to delegate to the Superintendent of any Province or to such other person as the Governor may deem fit all or any of the powers vested in the Governor by the seven preceding sections of this Act subject or not to any limitations or restrictions as the Governor may think fit and in like manner to alter or revoke any such powers.

Governor may delegate powers.

11. It is hereby declared and enacted that where any appeal is made under the eighty-first or eighty-second section of the said Act

Appeals on matters of fact under section 81 or 82 of "The

Gold Fields Act  
1866" how to be  
heard.

in cases where the appeal is on matter of fact the District Court or Supreme Court as the case may be may either order a re-hearing of the case in the Court below or may order such issues to be tried by the Court below as it may think fit or the District Court or Supreme Court may itself hear and determine such appeal either alone or by directing an issue to be tried before such Appeal Court with Assessors and in the manner provided in the said Act with regard to original suits in the District Court And where any appeal under the said sections of the said Act is on matter of law such appeal shall be by way of special case.