

A BILL INTITULED

AN ACT to provide for Drainage of Lands for purposes
of Gold Mining. 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 shall be “The Gold Mining Claims Drainage Act 1868.” Short Title.

5 2. Any part of New Zealand lying within any proclaimed Gold Field may be constituted a mining drainage district under this Act in manner hereinafter mentioned. Mining drainage districts may be constituted on Gold Fields.

3. If a majority of the persons being holders of miners' rights and occupying waste lands of the Crown for mining purposes
10 within such part of New Zealand shall sign and cause to be presented to the Governor a petition praying him to constitute such part a mining drainage district under this Act and shall set forth the boundaries of the part to which such petition shall refer it shall be lawful for the Governor if he shall think fit by Proclamation published
15 in the *New Zealand Gazette* to constitute such part or any portion thereof a mining drainage district under this Act by such name as in and by such Proclamation shall be assigned to the same. Petition to Governor to proclaim district.

4. Every such petition shall be transmitted to a Warden having jurisdiction within the Gold Field in which such part is whose duty it
20 shall be to ascertain by such means as he shall think fit whether such petition has been signed by the required number of persons and if he shall be of opinion that the same is signed by the required number of persons he shall without delay publish the petition in a newspaper published in the part to which the petition relates or in
25 such manner as he shall think calculated to give full publicity to the same and shall forward the petition after the expiration of seven days

from the first publication thereof to the Colonial Secretary after he shall have appended thereto a certificate in the form of the first Schedule hereto which certificate shall be conclusive evidence for the purposes of this Act that such petition has been signed by the requisite number of qualified persons.

Counter petition.

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 5. If any persons being the holders of miners' rights and occupants of waste lands for the purposes of mining for gold within the part to which the petition relates desire to oppose the constitution of such part into a mining drainage district such persons may within seven days after the first publication of such petition transmit as hereinafter provided a counter petition for presentation to the Governor praying him not to grant the prayer contained in the petition and setting forth the objections to such constitution and every counter petition shall be transmitted to a Warden having jurisdiction in the Gold Field in which the part of New Zealand to which such petition relates is situate and it shall be the duty of such Warden to transmit with the petition which it opposes the counter petition to the Colonial Secretary accompanied with a report from such Warden stating his opinion on the matters set forth in such counter petition.

Constitution of Mining Drainage Board.

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 6. When a drainage district shall have been proclaimed as aforesaid it shall be lawful for the Governor by writing under his hand to appoint for such district a Mining Drainage Board consisting of not less than three nor more than seven members and from time to time to remove the members of such Board or any of them and appoint other members of the Board in addition to or in the stead of those already appointed and who shall have died resigned or been removed.

Meeting of Board.

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 7. Every Mining Drainage Board shall hold its first meeting on such day and at such time and place as the Governor shall appoint and shall have power to adjourn from time to time but it shall be lawful at all times for the Chairman to convene a special meeting of such Board on giving seven days' notice thereof by advertisement in one or more of the newspapers circulated in the district to which he belongs.

Chairman to be elected.

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 8. At the first meeting of any Mining Drainage Board and whenever the office of Chairman of any such Board shall become vacant the members of such Board shall proceed to the election of a Chairman and the member who shall receive the greatest number of votes shall be the Chairman of such Board but no member shall be entitled to vote for himself and in case any two or more members shall receive an equal number of votes the Chairman shall be selected from such two or more members by lot.

Quorum and casting vote.

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 9. Any five of the members appointed as aforesaid for any such Drainage Board shall form a quorum and all questions before the Board shall be determined by the majority of votes Provided that the Chairman shall have no vote unless in case of an equality of votes when he shall have a casting vote and provided also that in case a quorum shall not assemble within one half-hour after the time appointed for any meeting or having so assembled shall disperse the Board shall stand adjourned till the next day at the same hour.

Seat how vacated.

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 10. If any member shall without the permission of the Board fail to give his attendance at four consecutive meetings of the Board or shall become bankrupt or insolvent within the meaning of any Act now or hereafter to be in force or be convicted of felony perjury or any infamous offence or become insane his seat shall thereby become vacant and another qualified person shall be appointed in his place.

Deputy Chairman.

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 11. In case of the absence of the Chairman it shall be lawful for the members present being a quorum to appoint an acting Chairman who during such absence may exercise the powers by this Act vested in the Chairman.

12. Every Mining Board constituted under this Act notwithstanding any vacancy therein shall have power from time to time (but subject to the provisions of this Act) to make bye-laws for the district for which it shall have been appointed and to revoke alter and amend
 5 the same such bye-laws not to affect any right interest liability or obligation existing at the time of the making thereof and such bye-laws may be for any of the following purposes—

Mining Board to make bye-laws.

- (1.) For regulating their own proceedings
- 10 (2.) For enforcing and regulating the drainage of quartz reefs and of mining claims occupied under the said Act any Mining Regulations heretofore or hereafter to be made under the said Act and of lands held under gold mining or mineral leases heretofore or hereafter to be granted and for imposing on such claims and lands and on the plant and
 15 machinery belonging thereto such reasonable and periodical rates as may be necessary for such drainage aforesaid whether before or after the commencement or completion of any drainage and for determining the mode in which such rates shall be computed and recovered and for
 20 regulating the payment of such rates to the person or persons entitled to receive the same and for imposing such terms and conditions on such last-mentioned person or persons as shall secure the effectual drainage of any claims or land upon which such rates shall be made
- 25 (3.) For determining whether and under what circumstances and upon what conditions in cases where any water shall be means of any appliances for raising or lifting water be drawn from any land held or occupied under the provisions of the said Act or Regulations made thereunder for the purpose of mining for gold the owner for the time being of such land (including in that term a mortgagee in possession thereof) shall pay any sum
 30 by way of contribution whether annual or otherwise towards the expense of such appliances and of the working thereof by means of which such water shall have been so drawn and for determining the principle upon which the amount of such contribution is to be ascertained and generally for carrying out the powers by this section conferred
- 35 (4.) For imposing on all such land and machines such reasonable rates periodical or otherwise as shall be necessary for the remuneration of the officers which each such Board is empowered to appoint for regulating the manner of imposing and collecting such rates and for disbursing
 40 the same for the purposes aforesaid
- 45 (5.) For securing the baling of water from mines so as to prevent injury from such water to any mining workings.

13. All bye-laws made by any Mining Drainage Board may be in the form contained in the second Schedule to this Act and shall be
 50 signed by the members who concur in making the same and forwarded to the Colonial Secretary who shall cause the same to be published in the *Government Gazette* and it shall be lawful for the Governor within fourteen days after such publication to disallow the same and if the same be not so disallowed the said bye-laws at the expiration of
 55 fourteen days next after such publication but not before shall have the force of law throughout the district for which such Board shall be appointed and every such bye-law when so published shall unless disallowed as aforesaid be unimpeachable in any Court of Justice Provided always that nothing in this Act contained or any bye-law

Bye-laws to be forwarded to Law Officers.
 Second Schedule.

made under the provisions hereof shall affect the rights of Her Majesty in any Crown land.

Governor in Council
may cancel bye-laws.

14. If any person shall object to any such bye-law it shall be lawful for such person to insert twice in some newspaper circulating in the district of such Board a notice in the form contained in the third Schedule to this Act stating therein the number and date of the bye-law and the reasons for objecting to the same and every such notice shall be dated on the day of the first insertion thereof as aforesaid and the person objecting as aforesaid shall apply to the Colonial Secretary in writing specifying the title and date of the said newspapers and at the time of such application shall forward such newspapers to the Colonial Secretary who as soon as conveniently may be after the time mentioned in such notice shall bring such bye-law application and newspapers and all objections (if any) to the revocation of the bye-law before the Governor in Council and it shall thereupon be lawful for the Governor in Council to revoke such bye-law and every order by which any bye-law shall be so revoked shall be published in the Government *Gazette* and shall take effect from the time of such publication.

Board to appoint
certain officers.

15. Every such Board shall have power to appoint officers for the attending to and the carrying out of any such bye-laws and for the collection of the rates and charges which may be imposed pursuant to the provisions of any such bye-laws and such officers to remove and dismiss and to receive security from the persons so appointed for the faithful discharge of their duties Provided that no member of any Mining Board shall be appointed to any such office.

Moneys to be lodged
in bank.

16. All moneys received as rates or charges under or by virtue of any bye-law made by any Mining Drainage Board shall be paid to the Clerk of such Board and shall be by him forthwith lodged in such bank as may be fixed by such Board and no moneys shall be drawn from such bank except by cheques signed by two of the members of such Board one of whom shall be the Chairman or acting Chairman and by such Clerk.

Accounts to be
published.

17. Every Mining Drainage Board shall cause an account to be made out once in every half-year showing the sums received for rates and charges and the mode in which such sums have been expended and shall cause such account to be transmitted to the Colonial Secretary and the said Mining Drainage Board shall cause the same to be published in the Government *Gazette* and in some newspaper published in the district for which such Board is appointed.

Accounts to be
certified.

18. The Chairman and the Clerk of each Board shall certify that such account is to the best of their belief correct and any Chairman or Clerk who shall falsely so certify and also any member of such Board who shall authorize or wilfully permit any sums so received to be expended except for the purposes authorized by this Act shall be deemed guilty of a misdemeanor.

Fees how recoverable.

19. All rates and charges payable under or according to any bye-law of any Mining Drainage Board shall by the Clerk of such Board for the time being and all fees payable under or according to any regulations to be made by the Governor in Council shall by such person as the Governor in Council shall appoint be recoverable in a summary manner before any Justice which Clerk or person as the case may be is hereby authorized to sue for such rates charges or fees in his own name and as if the same were due to himself such fees and rates when recovered to be paid as such Board or Governor in Council as the case may be shall direct.

SCHEDULES.

FIRST SCHEDULE.

I do hereby certify that the annexed petition is signed by not less than two-thirds of the persons being holders of miners' rights and occupying waste lands of the Crown within that part of New Zealand whereof the boundaries are in the said petition set forth.

Witness my hand this day of 18 C.D. Warden District.

SECOND SCHEDULE.

At a meeting of the Mining Drainage Board of the District of begun and holden at in the said district on the day of it is ordained by the said Board as follows That is to say

1. Every claim &c.
2. No miner &c.

THIRD SCHEDULE.

MINING Drainage Bye-law.—Notice is hereby given that I dispute the validity (or propriety) of a bye-law made by the Mining Drainage Board of the District of dated the day of and numbered My reasons for disputing the validity (or propriety) of the said bye-law are as follows That is to say [*here specify objections*]

I hereby further give notice that at the expiration of twenty-one days from this date I shall apply to the Colonial Secretary in order that such bye-law may be revoked by the Governor with the advice of the Executive Council within which period all persons objecting to such revocation must send their objections in writing to the Colonial Secretary at his office in Wellington otherwise they cannot be received.

Dated the day of A.B.