

Hon. Mr. Larnach.

## MINES ACT 1877 AMENDMENT.

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### A BILL INTITULED

AN ACT to amend "The Mines Act, 1877," and "The Gold-Mining Districts Act, 1873." 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 Mines Act 1877 Amendment Act, 1885." It shall be read together with "The Mines Act, 1877" (hereinafter referred to as "the said Act"). Short Title.

2. Section sixty-three of the said Act is hereby repealed, and in lieu thereof it is hereby enacted as follows:— Covenants in leases, with whom made.

All implied covenants on the part of the lessee, his heirs, executors, administrators, or assigns, in any lease granted in pursuance of the said Act, and all implied powers reserved to the lessor, his heirs, executors, administrators, or assigns, in any such lease, and all covenants, agreements, stipulations, reservations, and conditions on the part of the lessee, his heirs, executors, administrators, or assigns, expressed in any such lease, shall be deemed to have been or to be made, entered into, reserved, or undertaken to and with Her Majesty the Queen.

3. Section sixty-four of the said Act is hereby repealed, and in lieu thereof it is hereby enacted as follows:— Attorney-General or Solicitor-General, in Her Majesty's name, may sue in ejectment or for rents in arrear.

Her Majesty's Attorney-General or Solicitor-General may, in the name and on behalf of the Queen, bring, prosecute, and maintain any action of ejectment or other proceedings for recovering possession of any lands leased under any lease granted as aforesaid, and may sue and distrain for any arrears of rent which shall have become due for

or in respect of any parol or other lease made in pursuance of the said Act or of any Act in force prior thereto, and also may bring, prosecute, and maintain any other action in respect of any covenants, agreements, stipulations, reservations, and conditions whatsoever contained or implied in any such lease. 5

Nothing in this section or in the said Act contained shall interfere with the powers or functions for the time being vested in any Commissioner of Crown Lands, except for the purposes of the said Act only, and to the extent herein provided.

Proof of leases.

4. Every lease or license authorizing the occupation of land within a mining district, and purporting to be executed in manner provided by the said Act, or any regulation made thereunder for the time being in force, shall be received in evidence in all Courts; and it shall not be necessary in any case to prove that the same was executed or issued under the authority of the said Act or any such regulations. 10 15

Receivers may sue in petty cases.

5. Within any mining district the Receiver of Gold Revenue for such district, or the Receiver of Land Revenue for the provincial district, shall respectively have within their respective districts full power in their own names to sue for and recover all rents in arrear, or moneys due to the Crown and unpaid, where the amount comes within the limits of the jurisdiction of any Resident Magistrate of the district, and also to institute and prosecute any proceedings for the recovery of any lands so leased as aforesaid, where the rent payable in respect thereof shall not exceed fifty pounds by the year. 20

Mileage fees to be paid to Public Account.

6. All mileage fees received for service of any process under the said Act shall be paid into the Public Account, and form part of the Consolidated Fund, anything contained in any Act, or in any regulations made under any Act, to the contrary notwithstanding. 25

Governor may reduce fee for mining leases or licenses, and miners' rights.

7. Notwithstanding anything contained in the said Act, or in "The Gold-Mining Districts Act, 1873," the Governor may from time to time fix at such less sum than *one* pound as he shall think fit— 30

- (1.) The yearly rent to be paid in respect of every acre demised in any gold-mining lease hereafter issued under section forty-one of the said Act; or 35
- (2.) The yearly rent to be paid in respect of every fifteen thousand square feet of land comprised in any license to be hereafter granted under section forty-six of "The Gold-Mining Districts Act, 1873"; or
- (3.) The yearly fee to be paid in respect of any miner's right to be hereafter issued under section twelve of the said Act, or section one hundred and thirty of "The Gold-Mining Districts Act, 1873." 40

Also for machine-sites, business-sites, and business licenses in gold-mining districts, and may remit rent.

8. The Governor also may from time to time—
- (1.) Fix at such less sum than *ten* pounds and *five* pounds respectively, as he shall think fit, the yearly sum payable for a machine-site or a business-site, under section one hundred and twenty-one of "The Gold-Mining Districts Act, 1873;" 45
  - (2.) Remit any part of the sum payable in respect of any portion of a year during which a machine erected on any machine-site has not been working, and no profits have been made out of the occupation of such site; and 50

(3.) Fix at such less sum than *five* pounds, *three* pounds, and *two* pounds respectively, as he shall think fit, the amount to be paid for yearly, half-yearly, or quarterly business licenses under section one hundred and thirty-one of the Act last mentioned.

5 9. Whereas a certain part of "The Ohinemuri Block" of land defined in "The Ohinemuri Gold Field Agricultural Leases Validation Act, 1876," has subsequently to the passing of the aforesaid Act been acquired by Her Majesty, and the Native title thereto has been  
10 extinguished :

Ohinemuri agricultural lessees may acquire freeholds in certain cases.

And whereas it was provided by section eight of the aforesaid Act that no lessee of any lands within such block should have the right to purchase the lands so held by him :

15 And whereas the object of such restriction no longer exists, and it is expedient to remove such restriction :

Be it therefore further enacted as follows :—

Section eight of "The Ohinemuri Gold Field Agricultural Leases Validation Act, 1876," is hereby repealed in respect to all lands in the Ohinemuri Block which have been or may be acquired  
20 by Her Majesty.

Any person who has become or may become the holder of an agricultural lease under the Act last aforesaid of any lands within any part of the aforesaid Ohinemuri block of land, the Native title whereto has or at any time may become extinguished, may, at any  
25 time after the extinguishment of such Native title, acquire the freehold of the land held by him without competition, paying for such land the same price as would be the upset price of land of the same class in the same land district if put up to public auction :

30 Provided that all lands within thirty-three feet from the bank and along the entire course of all streams within the aforesaid block of land shall be reserved for mining purposes and excluded from any sale authorized hereby.

10. Every person or body corporate, holding or occupying lands for mining purposes under the said Act or "The Gold-  
35 Mining Districts Act, 1873," shall keep or cause to be kept a book in which shall be entered an accurate account of gold, silver, or other minerals that may from time to time be extracted from the land so held by him or them, and such book shall be open for the inspection of any person the Governor or the Council of the borough  
40 or county in which the land is situate may from time to time respectively appoint.

Miners to keep account of minerals taken from mines.

If any person so appointed shall divulge any information such book or books may contain, except in accordance with the discharge of his official duty, he shall be liable to a penalty not  
45 exceeding *twenty* pounds for every such offence, which may be recovered by the owner of such book or books, together with full costs of suit, in any Resident Magistrate's Court.

11. Part IX. of "The Public Works Act, 1882," is hereby incorporated with "The Mines Act, 1877," and "The Gold-Mining  
50 Districts Act, 1873," and shall be read together with the said Acts respectively.

Public Works Act partly incorporated with Mining Acts.