

Hon. Mr. Larnach.

MINING ACT AMENDMENT.

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A BILL INTITULED

AN ACT to amend "The Mining Act, 1886."

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 Mining Act Amendment Act, 1887." It shall be read together with "The Mining Act, 1886" (hereinafter referred to as "the said Act").

Short Title.

2. Sections nine and ten of the said Act are hereby repealed, and in lieu thereof it is enacted as follows :—

Exchange of titles for new ones under said Act compulsory.

Every owner of any good and valid claim, lease, license, water-race, dam, reservoir, machine-, business-, or residence-site held, occupied, or enjoyed under any Act of the General Assembly in force previous to the said Act, or any regulations issued thereunder, in any mining district, shall surrender and yield up the same within six months after the passing of this Act, and thereupon shall be entitled to obtain a title to the land comprised in such claim, lease, or license, or to such water-race, dam, or reservoir, or to such machine-, business-, or residence-site under the said Act, which title shall have the same force and effect as though it had been originally granted under the said Act; but all questions of title to any right or privileges under such new title shall be determined under the Act in force when the said rights and privileges were originally granted.

3. Every owner of any claim, except as hereinafter mentioned, and every owner of any drainage-area, water-race, tail-race, branch-race, flood-race, sludge-channel, main tail-race, alteration by extension of race, diversion of creek, tramway, dam or reservoir, puddling-

Registration of all holdings compulsory. Exceptions.

machine, licensed holding, residence-site, business-site, machine-site, tunnel, special site, or other mining right, not including a miner's right, issued under the said Act or any preceding Acts, or regulations made thereunder, which is not registered in the books of the Mining Registrar (hereinafter referred to as "the register"), is hereby required within six months after the passing of this Act to deliver to the said Registrar his license or other document by which he holds such claim or other right, in order that the particulars of such claim or other right may be registered. 5

An ordinary claim not exceeding one hundred thousand square feet in area, or a sea-beach claim not exceeding one thousand feet in frontage to high-water mark, with a depth not exceeding one hundred feet, or a prospecting claim not exceeding one hundred and twenty thousand square feet in area, may be registered, but such registration shall not be compulsory. 10 15

Register to be kept for each district.

4. Every Warden shall cause a register to be kept by the Mining Registrar of the district for the registration of all claims and other mining rights granted or to be granted in his district.

From and after the passing of this Act no license or other document to hold any claim or other mining right shall be issued to any person previous to the registration thereof, and the payment of the prescribed registration fee. 20

Registration to be renewed annually.

5. Registration shall be effected in manner as may be prescribed by regulations which the Governor in Council is hereby authorized from time to time to make, alter, or revoke, and such registration shall have effect for one year only from the day when the registration is effected by entry in the register, and shall be renewed every year previous to the expiry of such registration. 25

Fees.

The fee payable for the registration of any claim or other right, and the registration of every renewal thereof, shall be one shilling. 30

Claims, &c., not registered to be deemed abandoned.

6. Every registration which is required to be made or renewed under this Act, if not made or if not renewed within sixty days from the day upon which the same ought to have been made or renewed shall be then made or renewed only on payment of a penalty of five shillings in addition to the original fee for registration, or to the fee for renewal, and if not made or renewed within three months from the day aforesaid the claim or other mining right intended to be protected by such registration shall be deemed to have been abandoned and liable to forfeiture, in manner as provided in section one hundred and five of the said Act, and the holder thereof may be dispossessed, and the license therefor be cancelled. 35 40

Warden may erase from register all abandoned holdings.

7. Every Warden may erase from the register any entry of any claim or other right which has been made therein at any time previous to or subsequent to the commencement of the said Act in cases where he shall have reason to know that the persons entitled to such claim or other right have abandoned the same, and it shall not be necessary in any such case to send any summons or notice to the said persons before correcting such register; and also may erase from the register any entry relating to any claim or other right, which is forfeited or cancelled. 45 50

Fine may be paid in lieu of forfeiture.

8. Notwithstanding anything contained in the said Act or this Act, the Warden may in any case, on sufficient cause being shown, substitute a monetary fine in lieu of forfeiture, and may

allow thereout a sufficient sum to defray any reasonable expenses incurred by the plaintiff, if any, in the prosecution of his suit.

9. All powers granted to a Land Board by the provisions contained in paragraphs one to twenty-four inclusive of Appendix C to "The Land Act, 1885," and in paragraphs twelve to sixteen inclusive of Appendix F to the same Act are hereby abrogated in so far as relates to land within mining districts, and all such lands, shall, from and after the passing of this Act, be dealt with exclusively by a Warden in accordance with and subject to the provisions of "The Mining Act, 1886," and not otherwise.

Powers of Land Boards for dealing with lands in mining districts transferred to Wardens.

10. All powers of a Land Board under "The Land Act, 1885," to grant licenses for any of the following purposes,—

Depasturing and timber and other licenses within mining districts to be granted by Wardens only.

Depasturing ;

Cutting or felling of timber ;

Removal of clay for bricks and pottery ;

Removal of sand, gravel, or stone ;

Working of quarries ;

Sites for ferries, saw-mills, flour-mills, tanneries, fellmongers' yards, slaughter-yards, potteries, brick- or lime-kilns ; and cutting, growing, or dressing flax,

are hereby abrogated within mining districts, and shall, from and after the passing of this Act, be exercised within mining districts by the Warden, subject to such regulations as the Governor, by Order in Council, is hereby authorized from time to time to prescribe in that behalf, and to alter or revoke.

11. The Warden, subject to the provisions of the said Act and to any regulations thereunder, may grant mineral licenses to occupy any Crown lands within a mining district for the purpose of mining for metals or minerals other than gold, silver, or coal, subject to the following conditions :—

Warden may grant licenses for mining other minerals than gold.

(1.) The area comprised in any mineral license shall not exceed three hundred and twenty acres, and the term for which the same shall be granted shall not exceed twenty-one years from the time of granting the same.

(2.) The rent shall be two shillings and sixpence per acre or fractional part of an acre, payable annually in advance; the first payment to be made at the time of making the application for the license, which shall cover the rent for one year from the granting thereof.

(3.) The royalty on all minerals raised shall not be less than one-fiftieth nor more than one-twenty-fifth of their value at the pit's mouth, provided that when and so long as the amount of royalty on any mineral license exceeds the sum paid as rent the rent-charge shall cease.

(4.) The licensee shall be liable to pay royalty in respect of coal which may be found on the land described in his license, not being metals or minerals for which he is authorized to mine under his license.

(5.) No mineral license shall entitle the holder thereof to mine or dig for gold or silver. If either of those metals, or ore containing them, be found within the area comprised in

such mineral license, the land on which gold and silver are found shall be taken up as a licensed holding under the said Act.

The Warden shall give public notice of the application by advertisement in one or more newspapers circulated in the district, and shall therein name a day on which the application will be heard; and on such day, or on some subsequent day to which the hearing may be postponed, the Warden shall hear the application, and may, and whether or not any objection has been made to the application, grant or refuse to grant to the applicant, or to the person appointed by him, a license in the form set forth in the Fifth Schedule to the said Act, which shall specify particularly the metals or minerals authorized to be mined for in the terms of such license.

Water-race licenses to be for fifteen years subject to annual registration.

12. Licenses for water-races under section one hundred and forty-one of the said Act may be granted for any term not exceeding fifteen years, subject to annual re-registration, and shall be renewable at the end of the term for which they have been granted for the like or any other term not exceeding fifteen years, subject to the same payments and the like conditions, with the same privileges and right of renewal, as were conferred by the original license. There shall be payable in advance the sum of five shillings and no more in respect of every such license, but there shall also be payable a fee of one shilling for registration of the license previous to its issue, and a like fee for the renewal of such registration in each year during the currency of the license.

Subsection eleven of section one hundred and forty-two of the said Act is hereby repealed.

Leases under repealed Acts may be renewed thereunder only for residue of term, but may be extended under said Act.

13. Every license granted under section one hundred and eighty-three of the said Act in exchange for a previously-existing lease shall be for the unexpired term only of such lease, and shall entitle the holder thereof to the same rights and privileges as he had under the lease which has been exchanged for such license; but the Warden may, on the application of the lessee, grant such license for such other period as the Warden shall think fit, not exceeding twenty-one years inclusive of the said unexpired term, but in every such case the license shall be granted subject to the provisions of "The Mining Act, 1886."

Nothing contained in section one hundred and eighty-seven of the said Act shall be construed to supersede any of the provisions of this section in relation to licenses granted in exchange for leases under section one hundred and eighty-three of the said Act.

Names of persons interested in consolidated miners' right to be endorsed thereon.

14. The names of all persons, or the company in whose favour a consolidated right is issued under sections eighty-three, eighty-eight, or eighty-nine of the said Act, shall be indorsed on the back of such right, and also in the butt of the said right kept in the Warden's office.

Renewal of miners' right after expiry.

15. If the holder of either a miner's right or a business license shall neglect, on the expiration thereof, to take out a new right or license, as the case may be, a new right or license dated of the day of such expiration may nevertheless be granted to such holder upon production of such expired right or license within one month from such expiration upon payment of the sum of one shilling in addition

to the ordinary price of a miner's right or business license, and within three months upon payment of the sum of five shillings in addition as aforesaid; and every new right or license so issued shall be in such one of the forms in the Fourth Schedule to the said Act as shall be applicable, and shall be of the same force and efficacy as if issued on the day of the expiration of the former right or license.

16. Every holder of a miner's right occupying a residence-site free of rent shall nevertheless pay the fee of one shilling for the annual renewal of the registration of his occupying such site.

Occupation fee for residence-site by holder of miners' right.

17. Any notice required by the said Act to be advertised in a newspaper published in a district shall be deemed to be duly advertised if inserted in a newspaper circulating in such district in case none is published there.

Notices published in newspapers.

18. It shall not be necessary for any bailiff to take out an auctioneer's license for the purpose of conducting any sale which he is authorized to effect under the said Act; but in such case he shall not be entitled to charge any commission for acting as auctioneer at such sale.

Bailiff may sell without license.

19. The said Act is amended as follows, that is to say,—

Amendments in said Act.

(1.) Section eleven: The definition of "underground manager" is hereby repealed, and the following substituted in lieu thereof:—

"Mining manager" or "manager" means the manager who shall have the principal control and direction of any mine.

(2.) Section sixteen: The Governor may, under the provisions of this section, from time to time appoint, within any mining district, as many fit persons to be Receivers of Gold Revenue therein as he shall think necessary.

(3.) Section one hundred and two: All posts used for marking a claim shall stand not less than two feet above the surface of the ground, instead of one foot as in the said section mentioned; and where trenches may be used they shall be of shape not less than nine inches deep and five feet in length from each angle.

(4.) Section one hundred and forty-one: Before the words "for purposes of irrigation" the word "or" is hereby inserted.

(5.) Section one hundred and fifty-three: After the words "Crown lands" the following words are hereby inserted: "for the construction of tail-races, or sludge-channels, or."

(6.) Section one hundred and seventy-one: After "sell," insert "or cause to be sold by the bailiff or any other person."

(7.) Section one hundred and eighty: All costs granted under this section may be recovered as a judgment in a Resident Magistrate's Court.

(8.) Section two hundred and three: The words "an underground" and the word "underground," wherever occurring before the word "manager," are hereby respectively repealed.

(9.) Section two hundred and fifteen: The word "underground" is hereby repealed.

- (10.) Section two hundred and twenty-six : The power of appointing a Clerk for every Warden's Court shall be deemed to include the power of appointing a Clerk for such Court at every place within a district where such Court shall sit ; and all appointments of Clerks heretofore made are hereby validated, notwithstanding that more than one Clerk may have been appointed for any such Court. 5
- (11.) Section two hundred and thirty-one : The words " in cases only in the absence of the Warden may be signed " are hereby repealed. 10
- (12.) Section two hundred and eighty : The word " Warden " is hereby repealed.
- (13.) Sixth Schedule. The form of " Notice of Construction of Water-race " in the said Schedule is hereby repealed, and the form in the Schedule to this Act is hereby substituted. 15

Validation of regulations.

20. Every regulation made since the commencement of the said Act, and purporting to be made under the provisions of section two hundred and seventy-six of the said Act, is hereby declared to have been validly made, and to have had due force of law from the date of the publication thereof in the *Gazette*, notwithstanding the same was not previously presented to the General Assembly, and notwithstanding anything to the contrary contained in the proviso at the end of the said section. 20

The aforesaid proviso shall be deemed to have applied in respect to regulations in force at the commencement of the said Act, and not to regulations authorized to be made subsequent to such commencement, and previous to the then next session of the General Assembly. 25

Schedule.

### SCHEDULE.

#### NOTICE OF INTENTION TO CONSTRUCT WATER-RACE.

(District.)  
(Date.)

To the Warden at \_\_\_\_\_  
hereby give notice that \_\_\_\_\_ intend to construct a water-race to divert and use water for mining purposes, commencing at a point \_\_\_\_\_ and terminating at \_\_\_\_\_

The length of such race is \_\_\_\_\_ or thereabouts, and its intended course is \_\_\_\_\_ .  
The mean depth of such race is \_\_\_\_\_ ft. in., and the mean breadth is \_\_\_\_\_ ft. in.,  
and it is proposed to divert \_\_\_\_\_ Government-heads of water.

Cost of construction : £ \_\_\_\_\_ .  
Time required for construction : \_\_\_\_\_ .  
Number and date of miner's right : \_\_\_\_\_ .

Applicant.

Any person objecting to the granting of this application must lodge his objection in writing at the Warden's Office at \_\_\_\_\_ within fourteen clear days from the date hereof.

Hearing at \_\_\_\_\_ o'clock on the \_\_\_\_\_ , 188 .

Warden's Office, \_\_\_\_\_ , 188 .

Warden.