

[AS REPORTED FROM THE GOLDFIELDS AND MINES COMMITTEE,
16TH OCTOBER, 1895.]

Hon. Mr. Cadman.

MINING ACT AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend "The Mining Act, 1891" (hereinafter called "the principal Act").

WHEREAS it is expedient to grant extended facilities for prospecting in localities which are difficult of access, and to otherwise amend the principal Act :

BE IT THEREFORE 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, 1895," and it shall be read with the principal Act.

(1.) *Extended Prospecting Licenses.*

2. The Governor may from time to time grant licenses (to be called "extended prospecting licenses") for prospecting in localities (either within or outside of a mining district) which in his opinion are difficult of access :

New Proviso.

Provided that no such license shall be granted unless the application therefor—

- (a.) Has been approved by the Warden of the district in or nearest to which the area applied for is situated ;
- (b.) Has been publicly notified by advertisement appearing at least once in each of two consecutive weeks in some newspaper circulated in such district.

Rights acquired under such license.	3. An extended prospecting license shall, so long as it continues in force, give to the holder thereof the exclusive right to prospect and search for gold, silver, and all other metals and minerals (excepting coal) on all the land comprised therein, and to mark out, apply for, and obtain such licensed holdings, special claims, and mineral leases thereof, as he thinks fit, in accordance with the provisions of the principal Act.	5
Term and area.	4. With respect to every such license, the following provisions shall apply:—	
	The term thereof shall not exceed two years, but may be renewed for the same or a less period, <i>from year to year</i> , as the Governor <i>may</i> thinks fit;	10
	The area comprised therein shall not exceed six hundred and forty acres, and shall not include any river, <i>or river-bed, or river-bank</i> ;	15
	No part of the land comprised therein shall, at the date of the grant thereof, be situate within one <i>two</i> miles of any actual mining operations.	
Governor may grant for any term or area.	5. Subject to the provisions of this Act, an extended prospecting license may be granted by the Governor for such term, over such area, and in such locality as in each instance he thinks fit.	20
Fees and conditions.	6. Every extended prospecting license shall be subject to the payment of such fees, and the observance of such restrictions and conditions, as are prescribed by regulations to be made from time to time by the Governor.	25
Licensee to prospect vigorously.	7. The conditions shall be such as to insure that the holder of the license will vigorously and continuously prospect the whole of the ground comprised therein and develop its mineral resources, and also will promptly report every discovery of metals or minerals to the Warden of the nearest district.	30
Sum to be expended per annum.	8. In particular, the conditions shall prescribe that the holder of the license shall expend a minimum sum per acre per annum in mining operations on the ground, and shall also deposit with the Colonial Treasurer a specified sum as a guarantee for the faithful performance of the terms and conditions subject to which the license is granted.	35
One person may hold more than one license.	9. It shall be competent for one person to hold any number of extended prospecting licenses not exceeding six <i>three</i> .	
Governor may cancel license.	10. If the holder of an extended prospecting license fails or neglects to faithfully comply with any of the terms or conditions on his part, subject to which it is granted, the Governor may cancel the same by notification in the <i>Gazette</i> , and thereupon all the rights and privileges of the holder shall <i>cease and</i> be deemed forfeited.	40
	(2.) <i>Tunnel Prospecting Licenses.</i>	
Tunnel prospecting licenses.	11. In any case where a person is constructing a tunnel for mining purposes, or proposes so to do, the Governor may grant to such person a tunnel prospecting license.	45
Application of sections 2, 3, 5, 6, and 10.	12. Sections <i>two, three, five, six, and ten and the subsections of section two</i> of this Act shall apply, <i>mutatis mutandis</i> , to every tunnel prospecting license and the holder thereof.	50
Term and area.	13. With respect to every such license the following provisions shall apply:—	
	(1.) The term thereof shall not exceed two years, but may be renewed for the same or a less period, <i>from year to year</i> , as the Governor <i>may</i> thinks fit.	55

(2.) The area comprised therein shall not exceed *three hundred* yards on each side of the middle line of the tunnel along the whole length or proposed length of the tunnel, and shall not include any river, *or river-bed or river bank.*

5 14. The conditions subject to which a tunnel prospecting license may be granted shall be such as to insure that the holder thereof will vigorously and continuously prosecute the construction of the tunnel, and develop the mineral resources of the ground, and also will promptly report every discovery of metals or minerals to the Warden of the district. Conditions under which license issued.

10 15. In particular, the conditions shall prescribe that the holder of the license shall expend a minimum sum per annum in mining operations on the ground. Expenditure per annum.

(3.) *Forfeiture of Claims by Operation of Law.*

15 16. Notwithstanding anything contained in the principal Act, it is hereby declared that any claim, special claim, or licensed holding, shall be *ipso facto* forfeited,— When claim, special claim, &c., forfeited.

(1.) If the prescribed rent or license-fee in respect thereof continue unpaid for twelve months after the due date thereof; or

20 (2.) If for any period of six months it has been neither protected nor continuously and systematically worked in accordance with the provisions of the principal Act.

25 17. In any such case the ground shall be open for application, without the necessity of taking any proceedings to have such claim, special claim, or licensed holding declared forfeited. Ground at once open for application.

30 18. Upon the hearing of such application, the Warden may either dispose of the same and record the forfeiture, or postpone the application for any period not exceeding fourteen days, and direct that in the meantime a notice be advertised in the name of the Warden, but at the cost of the applicant, calling on the defaulting holder of such claim, special claim, or licensed holding, to appear at the adjourned hearing and show cause why the forfeiture should not be recorded. Warden may then record forfeiture, or postpone and give notice.

35 19. Such advertisement shall be published twice in each of two consecutive weeks in some newspaper circulating in the district, and a copy thereof shall be posted or affixed on the ground to which the advertisement relates, as soon as conveniently may be after the first publication thereof. Publication of notice.

40 20. If at such adjourned hearing the defaulter does not appear, or, appearing, fails to satisfy the Warden that the forfeiture has not taken place by virtue of this Act, the forfeiture shall be forthwith recorded, and the application for the ground disposed of. At adjourned hearing Warden may forfeit.

45 21. If the forfeiture is recorded at the time of the original hearing of the application for the ground, the Warden shall cause to be advertised in manner aforesaid a notice setting forth the fact of the forfeiture and the date of the record, and stating that the record will be final and conclusive unless within fourteen days from such date, application is made to the Warden to reverse it. Application to reverse forfeiture recorded at original hearing.

50 22. If such application is made, all parties interested shall be summoned to attend, and the Warden shall allow or dismiss the appeal as, on the evidence, he deems just. All parties interested to be summoned.

(4.) Colonial Registers of Foreign Companies.

Foreign company to provide for registration of transfers of shares.

23. From and after the *first* day of March, one thousand eight hundred and ninety-*six*, it shall be lawful for and the duty of every foriegn company within the meaning of section three hundred and fifty-four of the principal Act, whether or not authorised so to do by its Act or charter of incorporation or by its articles or regulations, to make adequate provision for the registration in the colony of transfers of its shares and the execution and issue in the colony of scrip certificates or other documents of title in respect of the shares so transferred.

Company to provide branch register and appoint attorney.

24. (1.) For such purpose, every such company—

(a.) Shall cause to be kept at its office or place of business in the colony a branch register (to be called “the Colonial Register”), wherein shall be entered the name of every shareholder who in the prescribed manner applies to be entered therein, as also the numbers and other necessary particulars of the shares to which his application relates :

(b.) Shall duly appoint and empower an attorney in the colony to there register transfers of shares entered in the colonial register, and execute and issue on behalf of the company the scrip certificates or other documents of title in respect of the shares so transferred :

(c.) May prescribe the mode in which a shareholder shall apply to be entered in the colonial register, or to be removed from the colonial register to the register (if any) kept abroad (hereinafter called “the Foreign Register”), and, generally, from one register to the other :

Provided that it shall not be lawful for any shareholder to be entered on both the colonial and the foreign register in respect of the same shares :

(d.) May prescribe reasonable fees (not exceeding *one* shilling) to be paid on each application for entry in the colonial register or removal from one register to another, and a reasonable time (not exceeding *four* months) to elapse between the application being made and the entry or removal being effected :

(2.) The provisions of sections forty-three to fifty-two of “The Mining Companies Act, 1894,” shall apply to every colonial register, and to every shareholder and share entered therein, and to every transfer of any such share.

Penalty on failure to comply with these provisions.

25. If any such foreign company fails or neglects to faithfully comply with any of the provisions of the *two last-preceding* sections hereof, such company is liable to a penalty of *not exceeding five* pounds for every day during which such failure or neglect continues ; and, in addition thereto, if such failure or neglect continues for the space of three months, the company shall be incapable thereafter of carrying on business in New Zealand.

(5.) Miscellaneous.

Amendments of principal Act.

26. The principal Act is hereby amended as follows :—

(1.) As to section one hundred and fifty-two, by adding at the end of the section the words : “ ‘Tributary’ includes every natural channel in which water flows to another natural channel, whether such flow is constant or not ” :

(2.) As to section one hundred and fifty-three, by repealing the words “ From and after any such Proclamation taking

effect," in the first line of that section, and substituting in lieu thereof the following: "At any time after the publication of the *Gazette* notice referred to in section one hundred and fifty-two":

5 (3.) As to subsection one of section one hundred and sixty-six, by adding the following proviso:—

"Provided that where there are more transferors than one, of the same share or other interest, the date of the transfer shall be the date on which the transferor who last executed it affixes his signature":

10 (4.) As to the Fourth Schedule, by repealing the words "five shillings annually," and substituting in lieu thereof the words "an annual registration fee of one shilling."

15 27. The Governor may from time to time make regulations subject to which mining operations in rivers or river-beds shall be carried on and dredges shall be worked Regulations for mining in rivers.

20 28. (1.) Every dredge used for mining purposes shall at all times be equipped with life-saving appliances to the satisfaction of the Inspector, ~~and amongst such appliances shall be included one life-belt for every person employed thereon,~~ and shall have at least one suitable boat. Dredges to have life-saving appliances.

(2.) Every manager who fails or neglects to comply with the provisions of this section is liable for each offence to a penalty not exceeding *twenty* pounds. Penalty.

25 29. No claim, special claim, or licensed holding shall comprise more than one mile in length of any river, river-bed, or river-bank. Length of claim, special claim, or licensed holding.

30 30. In every case where two or more special claims contiguous to one another are held by the same person, it shall be a sufficient compliance with the labour conditions of any mining regulations for the time being in force if the total number of men employed on all such claims, taken collectively, is equal to the total number prescribed for all such claims, taken separately. Compliance with labour conditions where several contiguous claims held.

35 31. All mining rights which, from and after the first day of January, one thousand eight hundred and ninety, have been acquired, or which at any time hereafter may be acquired, by or on behalf of Her Majesty in respect of any lands held by Natives shall inure to Her and remain unaffected, notwithstanding the extinguishment of the Native title, or the issue of a Crown grant or other instrument of title for such lands or any portion thereof, at any time subsequent to the acquisition of such rights. Mining rights over Native lands when Native title extinguished.

40 *New clause.*

45 32. (1.) Subject to the approval of the Minister, and the provisions of the principal Act, the Warden may grant special dredging claims extending from high-water mark to any distance seawards not exceeding half a mile from low-water mark, and may impose such conditions for the working thereof and otherwise as he deems expedient. Special dredging claims may be granted.

(2.) The rental of such special dredging claims shall be the same as for licensed holdings.

50 (3.) Every such special dredging claim shall be deemed to be within the boundaries of the mining district of the Warden who grants such claim.

(4.) Section five of "The Mining Act 1891 Amendment Act, 1894," is hereby repealed.