

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,
25th October, 1905.

[AS REPORTED FROM THE GOLDFIELDS AND MINES COMMITTEE.]
27th October, 1905.

Hon. Mr. McGowan.

MINING ACTS AMENDMENT

ANALYSIS.

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| <ul style="list-style-type: none"> Title. 1. Short Title. 2. Limited extent of certain claims altered. 3. Better protection to discoverers. 4. Hours for working underground. 5. Section 85 of principal Act Amended. 6. Section 91 of principal Act amended. 7. Compensation in certain cases may be assessed by the Warden without Assessors. 8. Further provisions as to business and residence sites. 9. As to priority of applications. 10. Further powers of protection. 11. Intentional abandonment. 12. Power to inflict fine on abandonment. 13. Sale of mining privilege to satisfy lien. 14. Section 179 of principal Act amended. 15. Tribute agreements. 16. Section 187 of principal Act amended. 17. General rules amended. 18. Penalty for misusing or not using sanitary appliances. 19. Deputy manager. 20. Inspector's requisition. 21. Official inquiries in case of accidents. 22. Certain provisions of principal Act to apply to dredges. 23. Further provision as to accidents in mines. 24. Powers of Health Officers. 25. Manager may institute proceedings in certain cases. 26. Payment of wages at or near the mine. 27. Jurisdiction of Warden's Court. 28. Mining under land occupied under "Mining Districts Land Occupation Act, 1894." 29. Compulsory residence may be waived. <i>Advances to Companies for Development of Mining.</i> 30. Power of company to make application to Minister for advance. 31. Evidence and information to be submitted with application. Verification.] | <ul style="list-style-type: none"> 32. Report on application by Government Geologist. 33. Power to grant application and enter into agreement. Instalments. Conditions precedent to paying any instalments. Interest. Agreement to contain covenants, &c. 34. Company to execute first mortgage to Colonial Treasurer over mine. 35. Payments to Colonial Treasurer to form first charge on company's profits. 36. Liabilities of company made a Crown debt. 37. Minister empowered to inspect construction of works. Minister entitled to inspect books and documents, also to demand information. Company to keep works fully insured. Colonial Treasurer's action in case of default. Definition of default. 38. Loans to persons not incorporated. 39. Subsidy for pioneer mining. <i>Gold-buyers.</i> 40. Interpretation. 41. Gold-dealers' licenses. 42. Application therefor. 43. Hearing of application. 44. Recommendation thereon. 45. Granting and effect thereof. 46. Granting of license discretionary. 47. Licenses to banking companies. 48. Duration of license. 49. Register of gold-dealers. 50. Change of registered address. 51. Gold-dealer's book. 52. Entries to be signed. 53. Declaration when gold sent by post. 54. Penalty for false entry. 55. Inspection. 56. Inspectors to preserve secrecy. 57. Temporary licenses. 58. Unlicensed dealers. 59. Gold dealings to be recorded. |
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A BILL INTITULED

AN ACT to amend the Mining Acts.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

5 1. The Short Title of this Act is "The Mining Acts Amendment Act, 1905"; and it shall form part of and be read together with "The Mining Act, 1898 1905" (hereinafter referred to as "the principal Act").

Title

Short Title.

Limited extent
of certain claims
altered.

2. Subsection one of section ~~three of the "Mining Act Amendment Act, 1900,"~~ *eighty-eight of the principal Act* is hereby amended by repealing the words "two miles" and "fifty acres," and substituting in lieu thereof respectively the words "three miles" and "seventy-five acres," and by adding thereto the following proviso:—

"Provided also that in the case of an hydraulic elevating claim the limit may, with the consent of the Minister, be extended to a total of not more than two miles where he is satisfied—

"(a.) That with the original limit the area available is too small to justify the expenditure of bringing in a sufficient water-supply and erecting hydraulic plant with which to profitably work the claim; and

"(b.) That the total area of the claim does not exceed one hundred acres; and

"(c.) That the ground has been previously worked."

Better protection to
discoverers.

3. (1.) Where a person discovers a new quartz lode or alluvial lead or other mineral deposit he shall, on application to the Warden in the prescribed manner, have a prior right to a license for a quartz claim not exceeding fifty acres, or an alluvial claim not exceeding thirty acres, without survey and free of all rents for a period of two years from the date of granting of the license; provided that the person who makes such discovery shall follow up the same by an application within a reasonable time.

(2.) The question as to what is a new discovery or what is a reasonable time shall be decided by the Warden, who shall have regard to the opportunities of the person making the discovery and the distance of the land the subject of the discovery from the nearest Warden's office.

Struck out.

Hours for working
underground.

4. Section nine of "The Mining Act Amendment Act, 1902," is hereby amended by repealing the words "subject to the provisions of any award now in force under "The Industrial Conciliation and Arbitration Act, 1900."

Section 98 of prin-
cipal Act amended.

5. Section ~~eighty-five~~ *ninety-eight* of the principal Act is hereby amended by repealing all words after the word "Provided" in the proviso to paragraph one down to the words "operations thereon; and."

Section 105 of
principal Act
amended.

6. Section ~~ninety-one~~ *one hundred and five* of the principal Act is hereby amended by inserting after the words "Crown lands" the words "public reserves, or endowments."

Compensation in
certain cases may
be assessed by the
Warden without
Assessors.

7. Notwithstanding anything in the principal Act, the amount of compensation payable by the holder of any mining privilege may with the consent of both parties be assessed by the Warden at or after the hearing of the application, and in such case it shall not be necessary to appoint Assessors.

Further provisions
as to business and
residence sites.

8. With respect to licenses for business or residence sites the following provisions shall apply:—

(a.) The Warden may impose a condition that if the licensee of any residence-site carries on business on the site to which the license relates he shall pay a fee of three pounds in addition to the residence-site license fee.

(b.) All similar conditions imposed by any Warden before the commencement of this Act are hereby validated.

(c.) Where there has been erected on any business or residence site any building of the value of fifty pounds or upwards,

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such site shall not be liable to forfeiture or deemed to be abandoned unless it is entirely unused by the licensee for any continuous period of two years.

9. Section one hundred and ~~thirty-six~~ *sixty-five* of the principal Act is hereby amended by repealing paragraphs ~~three and four~~ (c) and (d), and substituting in lieu thereof the following :—

As to priority of applications.

10 “(3c.) Where two or more applications are filed in respect of the same subject-matter the prior applicant shall in all cases have the superior right, and priority of application shall be determined in favour of the person who first marks out in the prescribed manner the privilege applied for; provided that such marking-out is diligently prosecuted by the making and filing of an application within a reasonable time of such marking-out.

15 “(4d.) The question as to what is a reasonable time shall be decided by the Warden, who shall have regard to the opportunities of the person marking out and the distance of the land marked out from the nearest Warden’s office.

20 “(5dd.) Where it appears that two or more privileges are marked out simultaneously their respective priorities shall be decided by lot in such manner as the Warden thinks fit.”

10. (1.) Notwithstanding anything in ~~any~~ *Mining the principal* Act the Warden, on application in that behalf, may from time to time—

Further powers of protection.

25 (a.) In the case of a mining privilege to be used in working a claim, extend the date of the commencement of works on such mining privilege for such period as he thinks fit; and

30 (b.) In the case of a mining privilege on which works have been constructed or used in connection with mining operations in a quartz claim, protect the mining privilege so long as the claim to which it appertains is being actively worked.

(2.) ~~Paragraph (a) of section five of the Mining Act Amendment Act, 1904,~~ *ninety-nine of the principal Act* is hereby repealed.

35 11. Sections one hundred and ~~fifty-one~~ *eighty-five* to one hundred and ~~fifty-four~~ *eighty-nine* inclusive of the principal Act and ~~section seven of “The Mining Act Amendment Act, 1900,”~~ are hereby amended by repealing the words “intentional” and “intentionally” wherever they occur.

Intentional abandonment.

40 12. Section one hundred and ~~fifty-five~~ *ninety* of the principal Act is hereby amended by inserting, after the words “the Warden shall,” the words “either inflict a fine not exceeding *one* hundred pounds or,” and by adding the following proviso :—

Power to inflict fine on abandonment.

45 “Provided that on any application after the first in respect of the abandonment of the same privilege the Warden, if satisfied that the privilege has been abandoned by operation of law, shall certify as aforesaid and shall not inflict a fine.”

50 13. (1.) No order for the sale of any mining privilege shall be made under section ~~one two~~ hundred and ~~seventy-four~~ *sixteen* of the principal Act unless the application therein referred to is made within three months after the registration of the lien or within such further period not exceeding three months as the Warden may by order allow, nor unless due notice of the application has been given to the holder of the mining privilege.

Sale of mining privilege to satisfy lien.

(2.) Payment into Court of the amount of the lien or the receipt of the workman duly filed shall act as a discharge of the lien, and the Registrar shall thereupon note such discharge upon the title.

Section 221 of principal Act amended.

14. Section ~~one~~ *two* hundred and ~~seventy-nine~~ *twenty-one* of the principal Act is hereby amended by adding at the end thereof the words "and holder of a mining privilege includes any person (whether registered or not) having any legal or equitable interest in the mining privilege." 5

Tribute agreements.

15. (1.) Notwithstanding anything to the contrary in section ~~fifteen~~ of "~~The Mining Act Amendment Act, 1899,~~" *two hundred and twenty-five* of the principal Act (relating to tribute agreements), it is hereby declared that, if application for the Warden's certificate mentioned in that section is not made in respect of any tribute agreement by the mine-owner, such mine-owner shall have no power to enforce the agreement; but the tributers' rights thereunder shall not be prejudiced, and they shall be at liberty to enforce the agreement notwithstanding the fact that the Warden's certificate has not been given. 15

(2.) Where a quartz claim is let on tribute, the amount of tribute-money payable to the owner for ground let in blocks shall not exceed ten per centum of the value of the gold won in the case of surface blocks, or fifteen per centum in the case of blocks where winding or pumping is required. 20

(3.) In every tribute agreement there shall be expressed or implied a provision that no tribute-money shall be payable in any case where the value of the gold won, deducting all expenses other than wages, does not exceed half the current rate of wages. 25

Section 230 of principal Act amended.

16. Section ~~one~~ *two* hundred and ~~eighty-seven~~ *thirty* of the principal Act is hereby amended by inserting, after the word "level," the words "or is used in sinking any shaft."

General rules amended.

17. Section two hundred and ~~six~~ *fifty-five* of the principal Act is hereby amended as follows:— 30

(a.) As to subparagraph (a) of paragraph one: By repealing the words "the accumulation of dust," and substituting in lieu thereof the words "dust circulating in the place where such operations are being carried on, and for this purpose an adequate supply of water shall be provided: 35

"Provided that where either the owner or the workmen's inspector is dissatisfied with the opinion of the Inspector an appeal shall lie to the Warden, whose decision shall be final." 40

(b.) By inserting after paragraph one the following subparagraph:—

"(1A.) All cyanide and concentrating plants shall be covered, except where in the opinion of the Inspector covering is not necessary."

(c.) As to subparagraph (c) of paragraph two: By repealing the words "nor except in a securely covered case or canister containing not more than," and substituting in lieu thereof the words "not exceeding sixteen pounds of gunpowder or ten pounds of nitro compounds or nitro-glycerine compounds in workings where drilling-machines are used and not exceeding"; and by adding to the subparagraph the words "in any other working, nor in any case except in securely covered cases or canisters." 45 50

(d.) As to subparagraph (e) of paragraph two: By adding thereto the words "apart from other explosives."

(e.) As to subparagraph (i) of paragraph two: By repealing the word "holder," and substituting in lieu thereof the word "owner."

(f.) As to subparagraphs (j), (l), (m), and (n) of paragraph two: By inserting, before the words "nitro-glycerine" wherever they occur, the words "nitro compounds or."

(g.) As to paragraph forty-three: By inserting, after the words "or shafts, and," the words "the manager"; and by inserting, after the words "such mine, and," the words "every such manager and person, forthwith after every such examination."

18. Every person employed in a mine who damages, or misuses, or fails to use when necessary, any appliance for the prevention of dust, fumes, or smoke, or any other sanitary appliance provided by the holder of the mine, is liable to a fine not exceeding ten pounds.

Penalty for misusing or not using sanitary appliances.

19. (1.) If any mine-manager is incapacitated from performing his duties, or is about to be absent from the mine for more than three days, he or the agent of the mine shall in writing appoint some person, being the holder of a mine-manager's certificate, to act as deputy manager during such incapacity or absence; provided that no such deputy shall act for more than fourteen days unless authorised so to do by the Inspector.

Deputy manager

(2.) Notice of every such appointment shall be sent to the Inspector within two days from the date thereof.

20. Section two hundred and ~~eleven~~ *sixty* of the principal Act is hereby amended as follows:—

Inspector's requisition.

(a.) As to paragraph ~~two~~ (b): By repealing all words from and including "and thereupon" to the end of the paragraph.

(b.) By repealing paragraphs ~~three and four~~ (c) and (d), and substituting in lieu thereof the following paragraphs:—

"(3c.) The Warden shall fix a time for the hearing of the objections, and shall cause notice to be given to the owner and to the Inspector of the time so fixed.

"(4d.) On the hearing the Warden may by order confirm, reverse, or modify the requisition as he thinks fit, and such order shall be final and binding on all parties.

"(5dd.) If the owner fails to comply with the requisition or order, and such failure continues for fourteen days after the expiration of the time for objection or after the date of the order, as the case may be, he commits an offence."

(c.) As to paragraph ~~five~~ (e): By repealing the word "award," and substituting in lieu thereof the word "order."

21. (1.) Where, in the opinion of the Inspector, an accident in a mine resulting in the death or injury of any person was caused, directly or indirectly, by the non-observance by the mine-manager, battery-superintendent, dredgemaster, or engine-driver of the mine of any of the provisions of the principal Act ~~or its amendments~~, or of any regulation thereunder, or by reason of his negligence, the Inspector shall apply to the Warden to hold an inquiry into the matter.

Official inquiries in case of accidents.

(2.) The Warden shall fix a time and place for the holding of such inquiry, and shall cause not less than seven days' notice thereof to be given to the person whose non-observance or negligence is to be inquired into.

(3.) Such notice shall require the person aforesaid to appear at the time and place so fixed, and then and there to produce his certificate to the Court. 5

(4.) The inquiry shall be held before a Court consisting of the Warden sitting with two Assessors (appointed by the Warden) who shall be the holders of first-class certificates as mine-managers. 10

(5.) The Court shall have all the powers of a Warden's Court.

(6.) If the Court finds that the accident was caused, directly or indirectly, by the non-observance by the holder of any certificate under the principal Act of any of the provisions of the principal Act ~~or its amendments~~, or of any regulation thereunder, or by reason of his negligence, it may disqualify him by cancelling his certificate or by suspending it for such period as the Court thinks fit; and during the period of such disqualification the person so disqualified shall, for all the purposes of the principal Act, be deemed not to be the holder of a certificate. 15 20

(7.) There shall be the like right of appeal against any order of the Court under this section as if it were an order of the Warden.

(8.) Notice of every such disqualification shall be forwarded by the Warden to the Minister, and shall be published in the *Gazette*.

(9.) Sections ~~one two~~ hundred and ~~ninety-two~~ *thirty-six* and two hundred and ~~fifteen~~ *sixty-five* of the principal Act are hereby repealed. 25

Certain provisions of principal Act to apply to dredges.

22. The provisions of paragraphs forty-three to forty-five of section two hundred and ~~six~~ *fifty-five* of the principal Act shall, *mutatis mutandis*, extend and apply to dredges and dredgemasters.

Further provision as to accidents in mines.

23. Section two hundred and ~~eighteen~~ *sixty-eight* of the principal Act is hereby amended— 30

(a.) By adding at the end of paragraph ~~two~~ (b) the words "and to the Inspector and to the workmen's inspector."

(b.) By adding the following paragraph:—

"(5e.) The Inspector or other authorised person making the examination shall give notice to the workmen's inspector appointed under section ~~eight~~ of "~~The Mining Act Amendment Act, 1900,~~" *two hundred and sixty-three of the principal Act* of the time when he will visit the mine; and such workmen's inspector shall be permitted to accompany the Inspector or other authorised person on such visit, and shall report the result thereof in the manner provided by the said section ~~eight~~ *two hundred and sixty-three.*" 35 40

Powers of Health Officers.

24. Where it appears to an Inspector that any sanitary defect in a mine may be more effectually remedied or dealt with under "The Public Health Act, 1900," he shall give notice thereof to the District Health Officer, who shall thereupon take such measures as may be necessary to effectually remedy such defect. 45

Manager may institute proceedings in certain cases.

25. Notwithstanding anything in section two hundred and ~~thirty-one~~ *eighty* of the principal Act, proceedings for the recovery of a fine or penalty in respect of the breach of any of the general rules prescribed by the principal Act may be instituted by the mine-manager of the mine at which the breach was committed. 50

Struck out.

26. All wages payable to the workmen employed at any mine shall, if so requested by a majority of such workmen, be paid either at the mine or at some place not more than two miles from the mine.

Payment of wages at or near the mine.

5 27. Section ~~two~~ *three* hundred and ~~forty-four~~ *five* of the principal Act is hereby amended by inserting, after the words "as arise," the words "(either wholly or in some material part)."

Jurisdiction of Warden's Court.

10 28. Section ~~two of~~ "The Mining Act Amendment Act, 1904," *twenty-seven of the principal Act* shall extend and apply to lands occupied under "The Mining Districts Land Occupation Act, 1894":

Mining under land occupied under "Mining Districts Land Occupation Act, 1894."

Provided that in such case it shall not be necessary to publish any notice in the *Gazette* as required by that section.

15 29. The provisions of section six of "The Mining Districts Land Occupation Act, 1894," requiring a lessee to reside on the area leased shall be read subject to the provisions of sections one hundred and forty-one, one hundred and forty-two, and one hundred and forty-three of "The Land Act, 1892."

Compulsory residence may be waived.

Advances to Companies for Development of Mining.

20 30. Subject to the provisions of this Act, it shall be lawful for a company or person to apply to the Minister for an advance by way of loan to such company or person for the purposes of—

Power of company to make application to Minister for advance.

(a.) Carrying on pioneer mining;

(b.) Procuring machinery, working plant, or appliances for carrying on such pioneer mining, and for erecting, fitting up, or connecting the same; and

25 (c.) Providing all works necessary for the proper carrying on of such pioneer mining.

30 31. (1.) Any company which applies for an advance under this Act shall supply the Minister with—

Evidence and information to be submitted with application.

(a.) Evidence to the satisfaction of the Minister that the company is duly incorporated and registered;

(b.) A copy of the company's memorandum and rules;

35 (c.) A description of the land upon which it is intended to carry on mining operations, together with a survey and plan of such land if so required by the Minister;

(d.) A description of the machinery, working plant, and appliances which it is proposed shall be used in such mining operations, together with descriptive plans and sections of such machinery, working plant, and appliances;

40 (e.) An estimate in detail of the cost of such machinery, working plant, and appliances;

(f.) Evidence to the satisfaction of the Minister that such machinery, working plant, and appliances will be sufficient for the mining operations intended to be carried out by such company;

45 (g.) A statement showing the period of time over which the advance is to extend, and the instalments of such advance that will be required; and also

50 (h.) Any further or other information which the Minister may require.

(2.) The Minister shall require all of the said evidence, statements, and information to be verified on oath.

Verification.

Report on
application by
Government
Geologist.

32. (1.) Every such application shall be referred by the Minister to the Government Geologist or other professional officer for a report thereon.

(2.) Such report shall be made after a personal examination of the land in which such company proposes to carry on mining operations, and shall— 5

(a.) Fully describe the character of the land and of the deep lead, or lode, or reef, or other auriferous formation contained therein;

(b.) State whether the proposed mining operations would or would not be of a pioneer character; 10

(c.) State whether, in the opinion of the Government Geologist or officer making such report, there is a reasonable probability of such mining operations proving to be of a remunerative character, and shall give the reasons and grounds for such opinion; 15

(d.) State whether the machinery, working plant, and appliances are of a character and description properly adapted to the proposed mining operations; and

(e.) Give any further or other information which the Minister may require. 20

Power to grant
application,

33. (1.) If, after considering the documents and evidence so supplied by the applicant company, and all evidence and reports relating thereto, the Minister considers that the application is satisfactory he may submit the application, together with all documents connected therewith, for the approval of the Colonial Treasurer, who may recommend the Governor to grant and the Governor may grant such application accordingly. 25

And enter into
agreement.

(2.) Thereupon the Colonial Treasurer may, in the name and on behalf of His Majesty, enter into an agreement with such company undertaking that the Governor will subject to this Act advance by way of loan to such company any sum or sums not exceeding in the whole the amount of *ten* thousand pounds. 30

Instalments.

(3.) Such advance shall be payable in instalments of such amount as shall be specified in the agreement. 35

Conditions precedent
to paying any
instalments.

(4.) No instalment shall be so paid to any company until the Treasurer is satisfied by the production of vouchers or otherwise, that for every pound to be advanced under this Act, the company after entering into such agreement has out of its own capital previously actually and properly expended in mining operations on the land held by such company a like sum of one pound, and that the company has also previously and properly expended in mining operations on the said land all previous instalments advanced by the Governor. 40

Interest.

(5.) The company shall pay to the Colonial Treasurer interest on the amount of the advance calculated from the date of the payment of the respective instalments at the rate of four pounds and ten shillings per centum per annum by half-yearly payments on dates to be specified in such agreement. 45

Agreement to
contain covenants,
&c.

(6.) The agreement shall contain all such covenants, conditions, restrictions, and provisions consistent with this Act as the Governor thinks fit in order to insure the due performance by the 50

company of the obligations and duties required by this Act, and the obligations and duties entered into by such company in such agreement.

5 34. Before receiving any instalment of an advance granted under this Act the company shall execute or cause to be executed, at its own cost and expense to, and to the satisfaction of, the Colonial Treasurer, a first mortgage and charge over the mine and all other property and assets (except uncalled capital) of such company to secure the repayment of the advance and interest and all moneys which by this Act the company is required to pay to the Colonial Treasurer.

Company to execute first mortgage to Colonial Treasurer over mine.

15 35. Notwithstanding anything in any company's articles of association, the payments to be made to the Colonial Treasurer by any company pursuant to the agreement made under the provisions of this Act shall form a first charge on the profits and assets (except uncalled capital) of the company; and there shall not be divided amongst or paid to members or shareholders of the company any profits, or dividends, or bonuses, or any returns of any kind, until the company has repaid the advance and interest thereon to the Colonial Treasurer.

Payments to Colonial Treasurer to form first charge on company's profits.

20 36. The liability of any company at any time existing to the Colonial Treasurer shall be a debt due and payable to His Majesty, and payment thereof and all remedies therefor, whether upon or by virtue of mortgage or otherwise, may be enforced in the name of His Majesty against the company's mine, and all other property and assets of the company in priority to all other persons.

Liabilities of company made a Crown debt.

25 37. With respect to every company which has received an advance under this Act, the following provisions shall apply, so long as any moneys remain payable to the Colonial Treasurer :—

Minister empowered to inspect construction of works.

30 (a.) The Minister is hereby empowered to appoint some person or persons to inspect and report upon the progress of the works of the company.

35 (b.) The company shall, when so required by the Minister in writing under his hand, allow full inspection of and copies and extracts to be taken from all or any of the books, documents, or records belonging or relating to the business of the company.

Minister entitled to inspect books and documents, also to demand information.

40 (c.) The Minister may also demand in writing any other information relating to the company's transactions, and he may require the same to be verified on oath by the directors, manager, or other principal officers; and such information shall be supplied to the Minister within fourteen days of the demand therefor.

45 (d.) The company shall keep the whole of its properties insured against fire to the full insurable value in the State Fire Insurance Office, or by some insurance company or society approved by the Colonial Treasurer, in the joint names of the Colonial Treasurer and the company; and in default the Colonial Treasurer may effect such insurance himself and recover the amount of the premium from the company.

Company to keep works fully insured.

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Colonial Treasurer's
action in case of
default.

(e.) In case of default on the part of the company, the Colonial Treasurer shall give notice in the *Gazette*, and in some newspaper circulating in the neighbourhood of the mine, of his intention to enforce compliance with the provisions of this Act, and shall also give a like notice to the company at its registered office. 5

(f.) If after the expiration of fourteen days from the time such notice has been given in the *Gazette* the default still continues, the Colonial Treasurer may, if he thinks fit, appoint some person on his behalf to enter into full and absolute possession of the mine and all other property of the company, and maintain the efficiency and safety of the machinery and mine and keep down water if necessary, appoint all necessary managers, officers, and servants, and continue in such possession as long as the default continues. 10 15

(g.) During such possession such person shall have and may exercise all or any of the powers possessed by the directors and officers of the company, and the powers of such directors and officers shall be suspended; and if so directed by the Colonial Treasurer such person may cause the mine, machinery, working-plant, and appliances and other property to be sold by public auction or tender or private contract, and the moneys thereby realised shall after payment of all expenses incurred by the Colonial Treasurer be applied towards the payment of all moneys payable by the company to the Colonial Treasurer. 20 25

Definition of default.

(h.) Any non-compliance by the company or any of its directors, managers, or other principal officers, or by any meeting of the company or its directors, with any of the provisions of this Act, or with any of the covenants, conditions, restrictions, or provisions of any agreement entered into between His Majesty and the company pursuant to this Act, or with any order, demand, prohibition, notice, or requirement of the Colonial Treasurer or any person appointed by him pursuant to this Act, or any obstruction to any such provision, covenant, condition, restriction, proviso, order, demand, prohibition, notice, or requirement shall constitute a default on the part of the company; and the Colonial Treasurer may on such non-compliance proceed to enforce against the company all or any of the remedies provided by this Act or by such agreement, as the case may be. 30 35 40

Loans to
persons not
incorporated.

38. The provisions of sections *thirty* to *thirty-seven* hereof shall, *mutatis mutandis*, extend and apply to applications by and advances to any person or persons not being incorporated as a company. 45

Subsidy for pioneer
mining.

39. (1.) The Colonial Treasurer may from time to time, on the recommendation of the Minister, pay to any person engaged in prospecting or pioneer mining a subsidy not exceeding *five* shillings for every pound expended by such person in prospecting or pioneer mining during the preceding twelve months. 50

(2.) The Minister may require such evidence as to the *bona fides* of any application for a subsidy as he thinks fit, or as may be prescribed by regulations.

(3.) Not more than *five* hundred pounds shall be paid under this section to any person nor more than *ten* thousand pounds in the whole in any one year.

Gold-buyers.

40. For the purposes of this Act—

10 “Buyer” includes dealer, and the agent of any buyer or dealer : Interpretation.

“Gold” includes gold, gold-bullion, retorted gold, gold-ores, gold-amalgam, gold-alloys, precipitates containing gold, slag, concentrates, tailings, and residues; but does not include coin or things manufactured of gold :

15 “Sale” includes exchange or pledge.

41. (1.) Except as hereinafter provided, no person shall buy or sell gold unless either the buyer or the seller is the holder of a gold-dealer’s license and the sale is effected at the registered place of business of the gold-dealer and under his personal supervision. Gold-dealers’ licenses.

20 (2.) Every person who commits a breach of this section is liable, on summary conviction, to a fine not exceeding *one* hundred pounds or to imprisonment not exceeding six months.

(3.) Nothing herein shall apply to the purchase of gold-bearing earth or tailings from any registered leaseholder or claimholder if it is proved by the buyer that the sale was effected by a contract in writing, signed by or on behalf of the seller and the buyer, setting forth that the earth or tailings were produced from and taken out of the ground comprised in the lease or claim of which the seller is the registered holder, and which lease or claim is sufficiently described in the contract.

30 42. Application for a gold-dealer’s license shall be made to the Warden. Application therefor

43. The Warden shall hear the application in open Court, and transmit a report and recommendation to the Minister. Hearing of application.

35 44. Before recommending the granting of the license the Warden shall be satisfied that the applicant is a fit and proper person to hold such license and that he has complied with the regulations. Recommendation thereon.

45 45. Every gold-dealer’s license shall be granted by the Minister on payment of the prescribed fee, and shall have effect only within the district therein specified. Granting and effect thereof.

40 46. The granting or refusal of a license shall be in the absolute discretion of the Minister. Granting of license discretionary.

45 47. Notwithstanding anything hereinbefore contained, a gold-dealer’s license may be granted by the Minister to any incorporated bank on payment of the prescribed fee. Licenses to banking companies.

48. Every gold-dealer’s license shall continue in force until the thirty-first day of December next following the granting thereof : Duration of license.

50 Provided that a license may at any time be cancelled by the Minister on the licensee being convicted of any offence which, in the opinion of the Minister, renders the licensee unfit to hold a license.

Register of
gold-dealers.

49. (1.) A register of licensed gold-dealers shall be kept in the office of the Department of Mines in Wellington, and an official copy of the register shall be kept at the office of every Warden so far as it relates to his district.

(2.) The register shall contain the number of each license, and the names in full and the place of business of the licensee. 5

(3.) The register shall be open to public inspection, without fee, at all times during ordinary office hours.

(4.) Every licensee shall be struck off the register on the expiration of his license, unless a renewal thereof has been previously granted. 10

Change of registered
address.

50. (1.) The holder of a gold-dealer's license may, on application to the Warden and on payment of a fee of *five* shillings, change his registered place of business.

(2.) An indorsement of such change shall be made by the Warden on the license, and notified to the Under-Secretary for Mines for entry on the register. 15

Gold-dealer's book.

51. (1.) Every licensee shall keep, at his registered place of business, a "gold-dealer's book."

(2.) Immediately after buying or selling gold he shall— 20

(a.) Make an entry in such book of the name and address of the buyer or seller, as the case may be, and of such other particulars as may be prescribed; and

(b.) Furnish to the Under-Secretary for Mines such particulars as to gold bought or sold as may from time to time be prescribed. 25

(3.) Every person who fails to comply with any of the provisions of this section is liable, on summary conviction, to a fine not exceeding *one* hundred pounds.

Entries to be signed.

52. Every entry in a gold-dealer's book shall be signed by the person with whom the dealing is made; and every person who makes any false statement therein is liable, on summary conviction, to imprisonment, with or without hard labour, for any period not exceeding *six* months, or to a fine not exceeding *one* hundred pounds. 30

Declaration when
gold sent by post.

53. (1.) When gold is forwarded by post to an incorporated bank licensed under this Act, the sender may make a statutory declaration, in the prescribed form, of the name and address of the buyer and seller, and of such other particulars as may be prescribed. 35

(2.) Such declaration may be made before a Warden, Mining Registrar, Magistrate, Justice, Postmaster, or constable, and when filed in the gold-dealer's book shall be in lieu of an entry under the *two last preceding* sections, and shall be deemed a compliance therewith. 40

Penalty for false
entry.

54. Every licensee who makes a false entry in a gold-dealer's book is liable, on summary conviction, to imprisonment, with or without hard labour, for any period not exceeding *six* months, or to a fine not exceeding *one* hundred pounds. 45

Inspection.

55. (1.) Every Inspector, Sub-Inspector, and Sergeant of Police, and, if authorised as hereinafter provided, any constable or officer of the Department of Mines, may at any time enter the place of business of the holder of a gold-dealer's license, or any other place where a gold-dealer's book may be, and inspect the same and take extracts therefrom. 50

(2.) Every person who refuses to produce such book, or resists or impedes inspection thereof, is liable, on summary conviction, to a fine not exceeding *one* hundred pounds.

5 (3.) Every authority under this section shall be in writing under the hand of the Minister, the Under-Secretary for Mines, or a Warden.

10 56. (1.) Every person making any inspection under the *last preceding* section shall keep secret and aid in preserving secrecy with regard to all matters which may come to his knowledge in his official capacity, and shall not communicate any such matter to any other person except in performance of his duties. Inspectors to preserve secrecy.

(2.) Every person who acts contrary to this section is liable, on summary conviction, to a fine not exceeding *fifty* pounds.

15 57. (1.) A Warden may issue to any fit and proper person a temporary license to deal in gold in any remote locality. Temporary licenses.

(2.) Such license shall be in force for such period, not exceeding *three* months, as the Warden thinks fit.

20 (3.) The provisions of this Act relating to gold-buyers shall apply to the holder of a temporary license, so far as the same are applicable thereto.

(4.) Notice of the issue of every temporary license shall be forwarded by the Warden to the Under-Secretary for Mines, and particulars thereof shall be recorded in the register of gold-dealers.

25 58. Every person who, not being a licensed gold-dealer, advertises himself as a dealer in gold, or in any way invites any person or persons generally to deal with him in the purchase or sale of gold, is liable, on summary conviction, to a fine not exceeding *one* hundred pounds. Unlicensed dealers.

30 59. (1.) Every person who receives gold exceeding the value of *twenty* pounds from any other person for safe keeping, transmission, or otherwise howsoever as a bailee, shall keep a record in writing of such transaction, and shall, on demand, produce such record for inspection by any officer of the Department of Mines, authorised as provided in section *fifty-five* hereof. Gold dealings to be recorded.

35 (2.) Every person who fails to comply with the requirements of this section is liable to a fine not exceeding *one* hundred pounds.