

Hon. Mr. Fraser.

MINING AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the Mining Act, 1908.

Title.

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

1. This Act may be cited as the Mining Amendment Act, 1914, and shall form part of and be read together with the Mining Act, 1908 (hereinafter referred to as the principal Act). Short Title.
2. Section forty-three of the principal Act is hereby amended by omitting the words "twenty-one years" (where they first occur), and substituting the words "forty-two years." Section 43 of principal Act amended.
3. Section seventy-two of the principal Act is hereby amended by inserting, after paragraph (g), the following paragraph:— Section 72 of principal Act amended.

"(gg.) An application under the last preceding paragraph shall have priority over all other applications in respect of the same area if—

" (i.) The applicant has given notice in writing, not less than fourteen days before the expiry of his warrant or license, of his intention to apply for a new warrant or license ;

“(ii.) The application is made not later than seven days after the expiry of the warrant or license, and the land comprised therein has within that period been identified or marked out as required in the case of an application under paragraph (b) or paragraph (c) hereof; and 5

“(iii.) The Governor or Warden, as the case may be, is satisfied that the applicant has satisfactorily engaged in prospecting operations under the expired warrant or license.”

Section 138 of principal Act amended.

4. Section one hundred and thirty-eight of the principal Act is hereby amended by omitting paragraph (c), and substituting the following paragraph:— 10

“(c.) In the case of a special site, to use the site as a battery-site, a machine-site, a site for the deposit or treatment of gold or tailings, a site for any of the purposes for which a water-race license may be granted, or a site for any other purpose specified in the license.” 15

Section 230 of principal Act amended.

5. (1.) Section two hundred and thirty of the principal Act is hereby amended by omitting the words “or which is used in sinking any shaft.” 20

(2.) The said section is hereby further amended by adding thereto the following subsection:—

“(2.) No person shall be permitted to be in charge of any winch used in a mine for the purpose of sinking any shaft unless he is the holder of an engine-driver’s certificate as aforesaid or unless his employment as a winch-driver has first been approved of in writing by the Inspector of Mines for the district in which the mine is situated.” 25

Section 234 of principal Act amended.

6. Section two hundred and thirty-four of the principal Act is hereby amended by omitting the words “such experience being in the case of a candidate for a mine-manager’s certificate not less than five years’ actual employment in the underground workings of a mine,” and substituting therefor the following words “such experience being not less than three years’ actual employment in the underground workings of a mine, in the case of a candidate for a mine-manager’s certificate who is the holder of the degree of Bachelor of Engineering (Mining), conferred by the New Zealand University, nor less than five years’ actual employment in such workings in the case of any other candidate for a mine-manager’s certificate.” 30 35 40

Misfires.

7. (1.) Section two hundred and fifty-four of the principal Act is hereby amended by omitting from subparagraph (j) of paragraph (3) the words “three hours have,” and substituting the words “one hour has.”

(2.) In the case of electric firing no workman shall be permitted to return to a misfire within half an hour thereafter. 45

Section 254 of principal Act amended.

8. Section two hundred and fifty-four of the principal Act is hereby amended as follows:—

(a.) By repealing paragraph (24), and substituting the following paragraphs:— 50

“(24.) Before any winding-rope is used for raising or lowering persons in a mine a full and accurate

description of the rope shall be supplied to the Inspector and his authority in writing to use the rope for the said purpose shall be obtained.

5 “(24A.) Every winding-rope shall be recapped at intervals of not more than six months, and no winding-rope which has been in use for more than three and a half years, or has been spliced, shall be used for raising or lowering persons in a mine.”

10 (b.) By adding to paragraph (26) the following words: “Such appliances shall be maintained to the satisfaction of the Inspector of Mines at all times while the machine is in use”;

(c.) By repealing paragraph (28), and substituting the following paragraph:—

15 “(28.) Spring catches, or automatic or self-acting doors, or tumblers of a suitable kind, shall be affixed to the pit-head frame below the pulleys of every shaft in which a cage is used, to prevent the fall of such cage when detached from the rope or chain”; and

20 (d.) By omitting from paragraph (44) the words “or other competent person appointed for such purpose,” and substituting the words “or some other person appointed by him for the purpose, with the approval in writing of the Inspector of Mines for the district in which the mine is situated.”

25 9. The following additional general rules shall be observed in every mine, and shall be deemed to be incorporated in section two hundred and fifty-four of the principal Act:—

Additional general rules.

30 (a.) All air-measurements shall be taken at the entrance of each ventilating district, and shall be not less in volume than the minimum allowances prescribed respectively for every man and horse or other animal per minute. For the purposes of this section the term “ventilating district” means any part of a mine having an independent intake airway commencing from a main intake airway and an independent return airway terminating at a main return airway.

(b.) The total number of men ordinarily employed in any ventilating district shall not exceed seventy.

40 (c.) In every case where dredging or other mining machinery can be oiled, repaired, or adjusted when stationary, no such machinery shall be oiled, repaired, or adjusted when in motion; and in cases where such machinery cannot be oiled or adjusted except when in motion, such oiling or adjusting shall be done only by a competent and experienced person.

45 (d.) No person engaged on or in close proximity to dredging or other mining machinery shall wear loose or flowing outer clothing.

50 (e.) The fuse known as instantaneous fuse shall not be used at or in any mine.

(f.) Every working-place in any underground mine where rock-drills are in use shall be furnished to the satisfaction of

the Inspector with an adequate water-blast or other suitable appliance for laying the dust, smoke, and gases after a blast; and no workman shall be permitted to return to an end, rise, winze, or other close place until the air is reasonably free from dust, smoke, and fumes caused by the blast. 5

(g.) Where water is required by regulations to be used for the laying of dust it shall be the duty of the owner to provide and maintain a sufficient supply of water in the mine for that purpose. 10

Print of sections
to be exhibited.

10. A printed copy of the *two last* preceding sections shall be posted in the office or on some building or board in a conspicuous place in connection with every mine.

Section 258 of
principal Act
amended.

11. (1.) Section two hundred and fifty-eight of the principal Act is hereby amended by omitting from paragraph (a) all words after the words "two chains" down to and including the words "authorized surveyor," and substituting therefor the following: "by a mine-manager holding a first-class certificate of competency, or by a licensed surveyor under the Surveyors' Institute and Board of Examiners Act, 1908." 15 20

(2.) The said section is hereby further amended by inserting after paragraph (a) the following new paragraph:—

"(aa.) The said plan shall be signed and dated by the person who made the same; and, if more than one survey is shown on the said plan, each survey shall be distinctly indicated, and shall be separately signed and dated as aforesaid." 25

(3.) Section nineteen of the Mining Amendment Act, 1910, is hereby amended by repealing so much of paragraph (r) thereof as relates to paragraph (a) of section two hundred and fifty-eight of the principal Act. 30

Bath-houses to be
provided.

12. (1.) Subject as hereinafter provided, bath-houses supplied with hot and cold water and of a design prescribed by regulations shall be erected and maintained by the owner at every mine for the use of workmen and other persons employed therein: 35

Provided that this section shall not apply to mines in which not more than ten men are employed, or to open alluvial mines.

(2.) The owner shall not be compelled to erect bath-houses until a vote of the workmen working underground in the mine has been taken, nor unless at least seventy-five per centum of the men where the number is twenty or under, at least fifty per centum where the number is over twenty but not over fifty, and at least thirty per centum where the number is over fifty, vote in favour of the erection of bath-houses. 40

(3.) If in the opinion of the mine-manager sufficient use is not made of the baths, he may give notice to the workmen's inspectors that he proposes to take a tally of the men using the baths within a period of one month, and if it is found that the total number using the baths is on the average less than twenty per centum of the men employed underground, it shall be optional with the mine-manager whether he keeps the baths open or not. 45 50

(4.) If the baths are closed under the powers of the *last preceding* subsection, no vote shall be taken to re-open the same for at least three months.

(5.) If a tally is taken under subsection *three* hereof by the mine-manager, full facilities shall be given to the workmen's inspectors to take a similar tally over the same period.

5 13. In each underground mine latrine accommodation shall be provided and maintained as prescribed by regulations, both underground and on the surface, at or near the entrance of the mine, but not in the line of the intake airway.

Latrine accommodation.

14. Section two hundred and sixty-one of the principal Act is hereby amended as follows:—

Section 261 of principal Act amended.

10 (a.) By omitting from paragraph (a) the words "and to the Warden"; and

(b.) By omitting from paragraph (b) the words "who shall report on the same to the Warden."

15 15. (1.) Where workmen are employed in a mine or any of the workmen so employed are members of a society formed in connection with the mining industry, such workmen or society may at their own cost appoint any two persons (whether employed in the mine to be inspected or not) to inspect the mine, but no discharged employee of the mine shall be so appointed except with the consent of the manager of the mine.

Workmen may require mine to be inspected.

20 (2.) The persons so appointed (hereinafter referred to as the workmen's inspectors) shall have full liberty to make an inspection of every part of the mine, and its machinery and workings, once in every month.

25 (3.) In addition to the right of inspection provided in the *last preceding* subsection, the workmen's inspectors shall have full liberty to make an inspection as aforesaid at all reasonable times, on receiving written notice signed by two or more workmen employed in the mine setting forth that the mine is in their belief in a condition dangerous to life, and stating the grounds of such belief:

30 Provided that before the workmen's inspectors exercise the additional right of inspection hereby given they shall first notify the mine-manager in writing under their hands of their intended inspection and of the time thereof, and of the reason for making the same.

35 (4.) The owner and mine-manager may accompany the workmen's inspectors on any such inspection, and shall give them full and free facilities for the inspection.

40 (5.) The workmen's inspectors shall make a full and accurate report in writing of the result of their inspection, and shall within twenty-four hours of the making of such inspection furnish a copy of such report to the mine-manager, who shall cause the same to be recorded in a book kept at the office of the mine; and if the report is that the mine or any part thereof is dangerous to life, the mine-

45 manager shall forthwith forward a copy of the report to the Inspector.
50 (6.) On any such inspection the workmen's inspectors may, if they report as aforesaid that the mine or any part thereof is dangerous to life, by notice in writing under their hands, request the mine-manager to cease work in the mine or dangerous part, or to withdraw the men therefrom and remedy any dangerous condition, or to discontinue any dangerous practice referred to in the report.

(7.) If the mine-manager fails to comply with such notice within a reasonable time, the workmen's inspectors may forward to the Inspector a copy of their report, and request him to withdraw the men from the mine or dangerous part, or to have the dangerous practice discontinued. 5

(8.) If on the information of the Inspector it is proved to the satisfaction of the Court that the mine or part thereof was dangerous at the time of the inspection by the workmen's inspectors, or that a dangerous practice then existed, and that the mine-manager failed, without reasonable excuse, to comply with the request of the workmen's inspectors, he shall be deemed guilty of an offence under this Act. 10

(9.) All books in which any such report as aforesaid is recorded shall at all reasonable times be open for the inspection of the Inspector or of any workman employed in the mine or of any officer of the said society, and any such person may take copies or extracts from the reports recorded therein. 15

Repeals.

(10.) Section two hundred and sixty-four of the principal Act, paragraph (s) of section nineteen of the Mining Amendment Act, 1910, and section seven of the Mining Amendment Act, 1911, are hereby repealed. 20

Inspector may summarily stop mining operations in case of immediate danger.

16. (1.) Where in the opinion of the Inspector a mine, or any part thereof, or any practice therein, is immediately dangerous to life he may, by notice in writing addressed in general terms to the person for the time being in charge of the mine and delivered at the mine, require such person to withdraw the workmen from such mine or part thereof (except such workmen as are required to effect the necessary work to put the same in safe condition), or to discontinue the said practice; and mining operations shall not, save in pursuance of an order made by the Warden under this section, be resumed in the mine or the said part thereof, as the case may be, until the Inspector has certified in writing under his hand that the mine, or such part thereof as aforesaid, has been made safe to his satisfaction, or that such practice has been discontinued. 25

(2.) The person for the time being in charge of the mine shall immediately upon the said notice coming to his knowledge take active steps to comply with the same, in default whereof he shall be liable to a fine not exceeding *one hundred* pounds. 30

(3.) Any owner, agent, mine-manager, or person in charge of a mine who directs or wilfully allows mining operations or any practice to be resumed or continued in breach of this section shall be liable to a fine not exceeding *one hundred* pounds for every day or part of a day on or during which such operations or practice shall be resumed or continued. 40

(4.) The Inspector shall forthwith, after giving such notice as aforesaid, send a copy thereof to the Minister and report to him in writing his reasons for giving the notice. 45

(5.) If the owner objects to comply with the terms of the notice, he may, within seven days after the delivery thereof to the person for the time being in charge of the mine, as provided in subsection *one* hereof, send his objections in writing, stating the grounds of his objections, to the Warden, and shall also send a copy of the same to the Inspector, who shall report on the same to the Warden. 50

(6.) 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.

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

10 (8.) Until an order is made by the Warden under the last preceding subsection the said notice shall have full effect, and mining operations shall be suspended in the mine or such part thereof as aforesaid, unless the Inspector has previously given a certificate under subsection one of this section.

15 (9.) Without prejudice to the liability of the aforesaid penalties, jurisdiction is hereby given to the Supreme Court to restrain any breach or threatened breach of this section by injunction at the instance of the Inspector, and to make such order in the matter as to costs and otherwise as it thinks fit.

20 (10.) No person shall be deemed to be precluded by any contract or agreement from doing such acts as may be necessary to comply with any of the provisions of this section, or be liable under any contract or agreement to any penalty or forfeiture for doing such acts.

25 17. (1.) If at any time the person for the time being in charge of the mine or any part thereof has reason to believe that by reason of the prevalence of noxious gases, or of any cause whatever, the mine or any place in the mine is dangerous, he shall withdraw every workman from the mine or such place, and shall inspect or cause some competent person to inspect the mine or place, and the person inspecting shall make a full and accurate report of the condition of the mine or place; and a workman shall not, except in so far as is necessary for inquiring into the cause of danger, or for the removal thereof, or for exploration, be readmitted into the mine or place until the same is reported by the person in charge, or some competent person authorized by him in that behalf, not to be dangerous.

Men to be withdrawn where danger from noxious gases exists.

35 (2.) Every such report as mentioned in the last preceding subsection shall be recorded in a separate book kept at the mine, and shall be signed by the persons who made the inspection and reported that the danger no longer existed.

40 (3.) If a workman discovers the presence of noxious gas in his working-place, he shall immediately withdraw therefrom and inform the shift-boss.

18. Section two hundred and sixty-six of the principal Act is hereby amended by repealing subsection four thereof, and substituting the following subsection:—

Official inquiries as to accidents.

45 “(4.) The inquiry shall be held before a Court consisting of the Warden sitting with two assessors (appointed by the Warden), one of whom shall be the holder of a first-class certificate as a mine-manager and the other shall be a workman employed in the mine.”

50 19. The provisions of sections two hundred and seventy-five and two hundred and seventy-six of the principal Act shall extend and apply to offences under this Act with respect to the working, regulation, or inspection of mines.

Penalties and application thereof.

Appliances to be provided by owners.

20. All appliances, works, and structures required by the principal Act or this Act to be provided or constructed in or at mines or any mine shall be provided or constructed, kept in good repair and condition, maintained, and, when necessary, renewed by the owner.

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Procedure for recovery of fines.

21. Section three hundred and ten of the principal Act shall apply to the case of the recovery of fines imposed by this Act or by any regulations thereunder, and the provisions of the said section shall, *mutatis mutandis*, apply accordingly.

Section 359 of principal Act amended.

22. (1.) Section three hundred and fifty-nine of the principal Act is hereby amended by repealing subsections one and two, and by substituting the following subsection:—

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“(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, in the name and on behalf of His Majesty, enter into an agreement with such company undertaking that he 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.”

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(2.) The said section is hereby further amended by omitting the words “of Finance” after the word “Minister” in subsections four and five.

Section 360 of principal Act amended.

(3.) Section three hundred and sixty of the principal Act is hereby amended by omitting the words “of Finance” after the word “Minister” wherever those words occur.

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Section 361 of principal Act amended.

(4.) Section three hundred and sixty-one of the principal Act is hereby amended—

(a.) By omitting from subsection one the words “to the Minister of Finance”; and

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(b.) By omitting from subsection two the words “of Finance” after the word “Minister.”

Section 362 of principal Act amended.

(5.) Section three hundred and sixty-two of the principal Act is hereby amended by omitting the words “Minister of Finance” wherever those words occur, and substituting the word “Minister”; and by omitting the words “Minister of Mines,” and substituting the word “Minister.”

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Section 409 of principal Act amended.

23. Section four hundred and nine of the principal Act is hereby amended by omitting from subsection two the words “was received,” and substituting the word “accrued.”

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Duty of Inspectors to institute proceedings.

24. It shall be the duty of Inspectors to prosecute all persons who are reasonably believed to have committed any serious breach of any provision of the principal Act, or of this Act, or of any regulation made thereunder respectively, unless, in any particular case, the Inspector is satisfied that the appropriate proceedings in respect of the same breach have been instituted, and are being duly carried on, by some other person empowered in that behalf:

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Provided always that no person shall be punished twice for one and the same offence.

Regulations.

25. (1.) In addition to other regulations authorized to be made under the principal Act or this Act, the Governor may from time to time make regulations—

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- 5 (a.) Providing for the issue of certificates of competency and service for managers of alluvial mines, and applying the provisions of section two hundred and thirty-five of the principal Act to the case of corresponding certificates granted outside New Zealand :
- 10 (b.) Requiring adequate ventilation in mines, and classifying mines in relation to the amount of noxious gases therein and to temperature, and providing for the measuring and distributing of air in mines, and compelling the use of mechanical ventilating-appliances :
- 15 (c.) Prescribing, for the purposes of ventilation, the method of putting up and the height of rises, and the carrying-up of air-passes in stopes :
- (d.) Prescribing the designs of bath-houses and sanitary appliances at mines, and regulating the construction, maintenance, equipping, control, and use thereof respectively :
- 20 (e.) Providing for the supply and maintenance of fire-extinguishing appliances, and of appliances for use in rescue-work, and for the formation and training of rescue brigades, and providing also for the supply and maintenance of ambulance appliances at mines and the training of men in ambulance-work :
- 25 (f.) Regulating the depasturing of stock upon lands within mining districts and the number of cattle which may be run thereon by holders of miners' rights or by other persons, and for the issue of depasturing licenses, and fixing the fees payable therefor :
- 30 (g.) Imposing penalties upon the owners of horses, cattle, sheep, or other animals illegally depasturing on such lands, and providing for the recovery from such owners, in addition to any other penalty, of the cost of removing such animals from the said lands.

35 (2.) All penalties recovered pursuant to regulations under paragraph (f) or paragraph (g) of the *last preceding* subsection shall be paid to the local authority of the district in which the lands depastured on are situated, or, if the said lands are under the control of any Board or Trustees, shall be paid to the said Board or Trustees.

26. Section three hundred and ninety-three of the principal Act shall apply to all regulations made under this Act.

40 27. Section eight of the Mining Amendment Act, 1911, is hereby amended by omitting all words after the word "Board" (where it first occurs) down to and including the word "quorum," and substituting the following words: "the Inspecting Engineer of the Mines Department, the Inspector of Mines for the district to which
45 the application relates, and one other person to be appointed by the Minister as the occasion requires."

28. Every Inspector of Mines hereafter appointed shall be the holder of a first-class mine-manager's certificate.

50 29. (1.) Notwithstanding anything in section nine of the Mining Amendment Act, 1910, a winding-engine driver shall not be employed or continue to be employed at a mine unless he produces or has produced to the mine-manager a written certificate by a

Application of section 393 of principal Act. Section 8 of Amendment Act, 1911, amended.

Qualifications of Inspectors of Mines.

Annual medical examination of winding-engine drivers.

registered medical practitioner to the effect that he has within a year last past been medically examined by the said medical practitioner, and that on such examination he was found to be free from heart-weakness, liability to fits, defective hearing, and defective vision, or from any of the said defects.

(2.) Every winding-engine driver employed at a mine shall at any time, on request by the Inspector, produce to the Inspector a medical certificate under this section.

(3.) The owner shall pay the cost of every such examination and certificate made or given while the winding-engine driver is employed at the mine of such owner.

Power of Registrar to revise the register of mining privileges.

30. (1.) Where the Registrar has reasonable cause to believe that a registered mining privilege is not in operation, he shall send to the registered holder thereof by post a letter inquiring whether the mining privilege is in operation.

(2.) If within one month after sending the letter the Registrar does not receive any answer thereto, he shall, within fourteen days after the expiration of such month, send to the registered holder by post a registered letter referring to the first letter, and stating that no answer thereto has been received by him, and that if an answer is not received to the second letter within one month from the date thereof a notice will be published in the *Gazette* with a view to striking the mining privilege off the register.

(3.) If the Registrar either receives an answer from the registered holder to the effect that the mining privilege is not in operation, or does not within one month after sending the second letter receive any answer thereto, the Registrar may publish in the *Gazette* and send to the registered holder a notice that at the expiration of three months from the date of that notice the mining privilege mentioned therein will, unless cause is shown to the contrary, be struck off the register.

(4.) At the expiration of the time mentioned in the notice the Registrar may, unless cause to the contrary is previously shown by the registered holder, strike the mining privilege off the register, and shall publish a notice thereof in the *Gazette*.

(5.) If the registered holder or any other person feels aggrieved by the mining privilege having been struck off the register in pursuance of this section, he may apply to the Warden, and the Warden, if satisfied that it is just so to do, may order the mining privilege to be restored to the register.

(6.) A letter or notice authorized or required for the purposes of this section to be sent to a registered holder may be sent by post addressed to him at his registered address.

Condition to be inserted in mineral oil licenses giving to Crown the right in priority to purchase output.

31. In every license or warrant hereafter to be issued authorizing mining on Crown lands for petroleum or other mineral oil the following condition or a condition to the like effect shall be inserted, namely:—

“The Government of the Dominion of New Zealand, or His Majesty’s Imperial Government, or the agents or representatives of the said Governments shall at all times upon giving reasonable notice to the licensee, or without prior notice in time of emergency or of war with the

5 forces of the said Dominion or Imperial Governments by
land or sea, have the right in priority of all other persons
or companies and notwithstanding any contracts that
may have been made by the licensee and are then sub-
sisting for the supply of oil-fuel or other products of
the said works, to purchase at current rates the whole
or any portion of the output of the said works and mines.
10 The Government of the Dominion of New Zealand shall,
in time of war with the forces of the said Government or
of His Majesty's Imperial Government by land or sea,
have the right at any time, upon not less than twenty-
four hours' notice, to take over from the licensee the
15 whole working, management, and control of the licensee's
mines, workings, refineries, plant, buildings, and appli-
ances, and to operate and use the same in such manner
and for such period as it deems necessary, subject to
payment to the licensee of the value of the output of the
20 same at current rates, deducting the ordinary costs of
working, but allowing to the licensee reasonable payment
for interest on the value of the plant, mines, buildings,
and appliances during such period and for depreciation,
wear-and-tear, or damage thereto, except such as may
arise from the acts of the King's enemies."