

Hon. Mr. Webb.

MINING AMENDMENT.

ANALYSIS.

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A BILL INTITULED

Title.	AN ACT to amend the Mining Act, 1926.	
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—	5
Short Title.	1. This Act may be cited as the Mining Amendment Act, 1937, and shall be read together with and deemed part of the Mining Act, 1926 (hereinafter referred to as the principal Act).	
See Reprint of Statutes, Vol. V, p. 943 "Under-Secretary" defined.	2. For the purposes of the principal Act the term "Under-Secretary" or "Under-Secretary for Mines" means the person for the time being in office as Under-Secretary of the Mines Department.	10
Extending power to apply principal Act to other minerals.	3. Section three of the principal Act is hereby amended by inserting before the words "diamonds and any other specified precious stones" the words "any specified substance (whether or not it is a mineral within the meaning of this Act), including".	15
Jurisdiction of Inspectors of Mines.	4. Subject to any directions given by the Under-Secretary, every Inspector of Mines may perform his duties and exercise his powers and functions in any part of New Zealand, whether within a mining district or not.	20
Fresh applications for prospecting warrants or licenses.	5. (1) Every application for a prospecting warrant or an ordinary prospecting license made under paragraph (g) of section seventy-three of the principal Act upon or after the expiry of a prior warrant or license shall be accompanied by full particulars in writing, verified by statutory declaration, of the work done and of the money expended by the applicant in the prosecution of prospecting operations during the term of the expired warrant or license.	25 30
	(2) Section seventy-three of the principal Act is hereby consequentially amended by omitting from subparagraph (iii) of paragraph (h) the words "The applicant furnishes with his application full particulars in writing of the work done and money expended by him in the prosecution of prospecting operations during the preceding twelve months, and".	35

(3) The said section seventy-three is hereby further amended by omitting from subparagraph (i) of paragraph (h) the words "fourteen days", and substituting the words "three days"; and also by omitting from 5 subparagraph (ii) of the same paragraph the words "seven days", and substituting the words "fourteen days".

6. The right conferred on the holder of any prospecting license by paragraph (l) of section seventy-three 10 of the principal Act shall be deemed to be suspended while any proceedings are pending under the principal Act in respect of the abandonment by operation of law or in respect of the forfeiture of the prospecting license.

7. (1) Section eighty-eight of the principal Act, as 15 amended by section twelve of the Mining Amendment Act, 1934, is hereby further amended by repealing the second proviso to subsection one.

(2) Section twelve of the Mining Amendment Act, 1934, is hereby consequentially amended by repealing 20 paragraph (b).

8. (1) For the purposes of paragraph (b) of section one hundred and one and section one hundred and two of the principal Act the holder of any claim shall, to the extent to which he is personally engaged in 25 the mining operations on the claim, be deemed to be a workman employed in the operations, but no person working the claim or any part thereof on tribute shall be deemed to be a workman so employed.

(2) The last proviso to paragraph (b) of section 30 one hundred and one of the principal Act is hereby consequentially repealed.

9. (1) Section one hundred and eight of the principal Act is hereby amended by omitting the words "Current-power licenses".

35 (2) Nothing in this section shall be construed to affect any current-power license that may be in force on the passing of this Act.

10. (1) The proviso to section one hundred and nine 40 of the principal Act is hereby extended to apply to every application to a Warden for a water-race license where the license applied for, together with all other water-race licenses (if any) for the time being held by the licensee, would entitle the licensee to take more than ten heads of water in the aggregate from any one watercourse.

As to preferential right of holder of prospecting license to obtain any mining privilege.

Section 88 of principal Act (as to extent of hydraulic elevating claims) amended.

1934, No. 26

Repeal.

Working claimholder included in computing number of workmen employed.

Repeal.

No further current-power licenses to be granted.

Further restrictions on grant or transfer of water-race licenses.

(2) Section one hundred and ten of the principal Act is hereby amended by omitting the words “by reason of such transfer”, and substituting the words “under that license when transferred and under all other water-race licenses (if any) for the time being held by the transferee”; and also by inserting, before the words “from any one watercourse”, the words “in the aggregate”.

(3) Except with the consent in writing of the Minister and subject to such conditions as he may impose, no application for an increased supply under any license for a water-race shall be granted by a Warden under the proviso to paragraph (f) of section one hundred and twenty-one of the principal Act so as to entitle the licensee to take under that license, and under all other water-race licenses (if any) for the time being held by him, more than ten heads of water in the aggregate from any one watercourse.

Section 117 of principal Act (as to advertising applications relating to private land) amended.

11. (1) Section one hundred and seventeen of the principal Act is hereby amended as follows:—

- (a) By omitting the words “such license”, and substituting the words “water-race license”;
 (b) By omitting the words “a copy”, and substituting the word “notice”.

(2) Section one hundred and eighteen of the principal Act is hereby consequentially amended by omitting the words “such application”, and substituting the words “application for a license of any of the descriptions referred to in section one hundred and eight hereof”.

Licenses not to interfere with use of water for stock.

12. Section one hundred and twenty-one of the principal Act is hereby amended by inserting in paragraph (d), after the words “domestic use”, the words “or for the use of his stock”.

As to surrender of claim licenses for inclusion in new licenses. 1934, No. 26

13. (1) Every application for surrender under section sixteen of the Mining Amendment Act, 1934, shall be made in the prescribed manner, and shall specify or identify the area, boundaries, dimensions, situation, and name of the claim or claims to be surrendered.

(2) Before granting any such application the Warden shall be satisfied (in addition to all other necessary matters)—

- (a) That the licenses for the claims to be surrendered are validly subsisting, and are neither abandoned by operation of law nor liable to forfeiture; and also

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(b) That no proceedings are pending in respect of such abandonment or forfeiture; and also

(c) That all sums in respect of rent, fees, royalties, penalties, and otherwise owing thereunder to His Majesty are fully paid up to the date of the surrender.

(3) This section is in substitution for subsection three of section sixteen of the Mining Amendment Act, 1934, and that subsection is hereby accordingly repealed.

Repeal.
1934, No. 26

10 14. (1) With respect to the amalgamation of claims under section one hundred and fifty-nine of the principal Act, the following provisions of this section shall apply.

Amalgamation
of claims.

(2) Every application for amalgamation shall be made in the prescribed manner, and shall specify or identify the area, boundaries, dimensions, situation, and name of the existing claims to be amalgamated, and the nature of the titles under which they are held, and also the area, boundaries, dimensions, and situation of the amalgamated claim.

20 (3) The ground, if already marked out or surveyed for the purposes of the existing claims, shall be deemed to be marked out or surveyed for the purposes of the application:

25 Provided that the Warden may direct a fresh marking-out or survey to be made if he thinks fit.

(4) Before granting the application the Warden shall be satisfied (in addition to all other necessary matters)—

(a) That the titles to the claims to be amalgamated are validly subsisting, and are neither abandoned by operation of law nor liable to forfeiture; and also

(b) That no proceedings are pending in respect of such abandonment or forfeiture; and also

(c) That all sums in respect of rent, fees, royalties, penalties, and otherwise owing thereunder to His Majesty are fully paid up to the date of the amalgamation.

(5) Simultaneously with the grant of the license for the amalgamated claim the titles to the claims for which it is exchanged shall be deemed to be surrendered.

(6) Subject as aforesaid, the license for the amalgamated claim shall be granted for the same term and subject to the same fees, rent, royalty, and other payments, and to the same provisions and conditions, as in the case of a license granted under the principal Act pursuant to original application:

Provided that rent shall be payable in respect of the several areas of the amalgamated claim in all respects as if the claims in which they were originally comprised had not been amalgamated but were held under mining privileges continuing for the term of the license for the amalgamated claim. 5

Repeals.

1934, No. 26

Applications to Warden not to be adjourned *sine die*.

(7) This section is in substitution for paragraph (d) of section one hundred and fifty-nine of the principal Act, as amended by section seventeen of the Mining Amendment Act, 1934, and the said paragraph (d) and section 10 seventeen are hereby accordingly repealed.

15. (1) Every adjournment granted by a Warden under paragraph (o) of section one hundred and sixty-nine of the principal Act shall be to a date to be specified by the Warden at the time of granting the 15 adjournment.

(2) The provisions of this section shall be in addition to and not in derogation of the provisions of section one hundred and seventy of the principal Act.

Section 176 of principal Act (as to signing of licenses) amended.

Extending time for registration of transfers.

Reducing periods of notices as to revision of register.

16. Section one hundred and seventy-six of the 20 principal Act is hereby amended by omitting from paragraph (a) of subsection one the words "granting the same".

17. Section one hundred and seventy-nine of the principal Act is hereby amended by omitting from 25 paragraph (c) the words "thirty days", and substituting the words "sixty days"; and also by omitting from the same paragraph the words "sixty days", and substituting the words "ninety days".

18. Section one hundred and eighty-eight of the 30 principal Act is hereby amended as follows:—

(a) By omitting the words "one month" where they last occur in subsection two, and substituting the words "fourteen days":

(b) By omitting from subsection three the words 35 "one month", and substituting the words "fourteen days":

(c) By omitting from subsection three the words "three months", and substituting the words 40 "one month".

Repeal.

1934, No. 26

19. Subsection two of section twenty-one of the Mining Amendment Act, 1934, is hereby repealed.

20. Notwithstanding anything to the contrary in the Companies Act, 1933, where a company is being wound up it shall not be necessary at any time after the expiration of two years from the commencement of the winding-up to obtain the leave of the Supreme Court before commencing or proceeding with any proceedings under the principal Act in respect of the abandonment by operation of law or in respect of the forfeiture of any mining privilege held by the company.
21. (1) The rent payable in respect of any license for a claim shall not be reduced under section two hundred and seventeen of the principal Act to any rate lower than two shillings and sixpence per annum for every acre or fraction of an acre of the land comprised in the claim.
- (2) Application for a reduction of rent under the said section two hundred and seventeen shall be made before the date up to which the rent due under the mining privilege has been paid, and shall be accompanied by a deposit equal to six months' rent at the reduced rate applied for.
- (3) The *last preceding* subsection is in substitution for subsection four of the said section two hundred and seventeen (as added by paragraph (c) of section nine of the Mining Amendment Act, 1927), and the said subsection four and paragraph (c) are hereby accordingly repealed.
22. (1) Except where otherwise expressly provided by the principal Act, the holder of a mining privilege shall not in any case have any right to compensation in respect of any improvements that he may effect to any land.
- (2) The outgoing holder of a business or residence site shall in such cases, to such extent, and subject to such conditions as may be prescribed, be entitled to compensation from the incoming holder for any improvements for the time being existing on the land.
- (3) Subject to subsection *seven* of this section, where any buildings, machinery, works, or other improvements are erected or made on any land by the holder of a mining privilege in the exercise of any powers conferred upon him by his mining privilege or by the principal Act or by any regulations made under that Act, and are so attached to the land as to form part thereof, he may

Abandonment and forfeiture proceedings against companies in liquidation.
1933, No. 29

As to reduction of rent.

Repeals.

Removal of buildings and chattels by holders of mining privileges.

at any time during the prescribed period remove or otherwise dispose of the buildings, machinery, works, or other improvements, or any of them, as if they had continued to belong to him.

(4) Subject to subsection *seven* of this section, where any chattel, machinery, or other property is placed on any land by the holder of a mining privilege in the exercise of any powers conferred upon him by his mining privilege or by the principal Act or by any regulations made under that Act, and is not so attached to the land as to form part thereof, it shall be the duty of the holder to remove the property from the land during the prescribed period, and if he fails so to do he commits an offence against this section. Any property that is not removed from any land as required by this subsection may be seized on behalf of His Majesty by any Inspector, and it shall thereupon become the property of His Majesty free and discharged from all right, title, or interest possessed in respect thereof by any other person.

(5) For the purposes of this section the prescribed period in respect of any mining privilege shall be the period during which the mining privilege is in force and thirty days thereafter, or such longer period as the Warden on application in that behalf directs.

(6) The foregoing provisions of this section shall be deemed to be subject to the provisions of any valid agreement made by the holder of a mining privilege with any owner or occupier of any land.

(7) Notwithstanding the foregoing provisions of this section, no timber or other materials used and applied in the construction or support of any shaft, drive, gallery, adit, tunnel, race, dam, or other mining-work existing on any land shall be removed, except in the case of timber used in connection with water-races, which may be removed with the prior consent of the Minister, but not otherwise.

(8) The Minister, in his discretion, may refuse his consent under the *last preceding* subsection to the removal of any timber used in connection with water-races, or may grant his consent either unconditionally or upon or subject to such conditions as he thinks fit.

(9) If any person removes any timber or other materials in contravention of subsection *seven* of this section, or fails to comply with any condition imposed by the Minister in granting his consent as aforesaid, he
5 commits an offence against this section.

(10) Every person who commits an offence against this section is liable to a fine of *one hundred* pounds.

(11) This section is in substitution for section two hundred and twenty-six of the principal Act, as amended
10 by section ten of the Mining Amendment Act, 1927, and those sections are hereby accordingly repealed.

23. (1) Section two hundred and forty-one of the principal Act, as amended by section twenty-four of the Mining Amendment Act, 1934, is hereby further amended
15 by omitting all words after the words "Metalliferous Mines; and ", and substituting the words "Five other persons to be appointed by the Governor-General, of whom three shall be holders of first-class mine-managers' certificates, one shall be the holder of a battery superintendent's certificate, and one shall be the holder of a
20 Class A dredgemaster's certificate".

(2) The said section twenty-four of the Mining
Amendment Act, 1934, is hereby consequentially
repealed.

24. (1) On payment of the prescribed fee the Board
of Examiners may, without examination, grant a
certificate as mine-manager, battery superintendent, or
dredgemaster under the principal Act to any applicant
resident in New Zealand who is the holder of a certificate
30 of a corresponding class granted in any British
possession or foreign country, if the Board is satisfied
that the applicant is of good character and repute, and
that the standard of training and examination required
for the grant of such a certificate is equivalent to that
35 required for the grant of a corresponding certificate
under the principal Act:

Provided that before granting a certificate under this
section the Board shall satisfy itself, in such manner as
it thinks fit, that the applicant therefor is fully cognizant
40 of the provisions of the principal Act relating to the
working, regulation, and inspection of mines.

Repeals.

1934, No. 26

Requiring daily supervision by mine-managers and battery superintendents.

Authorizing employment of nurses and charwomen.

Restricting employment of youths underground.

Medical examination of new underground workers at quartz mines.

(2) This section is in substitution for section two hundred and fifty of the principal Act, as amended by section twenty-seven of the Mining Amendment Act, 1934, and those sections are hereby accordingly repealed.

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

(a) By inserting in paragraph (a), after the word “mine-manager”, the words “who shall exercise daily personal supervision of the mine”:

(b) By inserting in paragraph (b), after the words “battery superintendent”, the words “who shall exercise daily personal supervision thereof”.

26. Notwithstanding anything to the contrary in section two hundred and fifty-six of the principal Act, it shall be lawful to employ female persons as nurses or charwomen in or about mines.

27. (1) Subject to subsection *three* of this section, no male person under the age of eighteen years shall be employed underground in any quartz mine.

(2) Subject to subsection *three* of this section, no male person under the age of sixteen years shall be employed underground in any alluvial mine.

(3) Nothing in the foregoing provisions of this section shall be construed to prohibit the employment of any person to do underground occasionally any class of work that he habitually does above the ground.

(4) The provisions of this section shall be in addition to and not in derogation of any provisions of the principal Act restricting the employment of persons under the age of eighteen years.

28. (1) Notwithstanding anything to the contrary in section two hundred and fifty-seven of the principal Act, no person who has not previously worked underground in a quartz mine shall be employed to work underground in any quartz mine unless he produces to the mine-manager a written certificate by two registered medical practitioners (of whom one shall be nominated for the purposes of this section by the owner of the mine or by an organization of mine-owners, and the other shall be nominated by the miner or by an organization of miners) to the effect that he has within *three* months before being so employed been examined by the medical practitioners,

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and that on such examination he was found to be free from any weakness of the heart or respiratory organs that would be likely to render him abnormally susceptible to disease if he worked underground in a quartz mine.

5 (2) Whenever a medical certificate is produced to the manager of a mine under this section the owner of the mine shall forthwith forward a copy of the certificate to the Inspector.

10 (3) Every person required by this section to produce a medical certificate to the manager of a mine before he is employed at that mine shall at any time while he is so employed, on request by the Inspector, produce the medical certificate to the Inspector.

15 29. Whenever a medical certificate is produced by a winding-engine driver to the manager of a mine under section two hundred and fifty-eight of the principal Act the owner of the mine shall forthwith forward a copy of the certificate to the Inspector.

Copies of medical certificates of winding-engine drivers.

20 30. (1) Section two hundred and seventy-four of the principal Act is hereby amended as follows:—

General rules amended.

(a) By omitting from subparagraph (f) of paragraph three the words “ Not more than one hundred detonators shall be kept for service in any mine ”, and substituting the words “ In every group or party of underground workmen only one member shall be authorized to keep detonators for service, and not more than one hundred detonators shall be kept for service in any mine by any one person ”:

30 (b) By adding to paragraph sixteen the following proviso:—

35 “ Provided that in any case where in the opinion of the Inspector it is impracticable to comply with the provisions of this paragraph, he may grant exemption from compliance therewith for such period as he thinks fit, and either unconditionally or upon or subject to such conditions as he thinks fit ”:

40 (c) By inserting in paragraph twenty-eight, after the word “ brake ”, the words “ (not including a screw-operated brake, except as an extra or emergency brake) ”:

(d) By repealing paragraph thirty-one, as amended by paragraph (d) of section twelve of the Mining Amendment Act, 1927, and substituting the following paragraphs:—

“(31) Every detaching-hook shall from time to time be tested by an actual overwind in the presence of the Inspector, in accordance with the following provisions, namely:— 5

“(a) It shall be so tested before being used for the first time in any winding-shaft: 10

“(b) It shall be so tested before being used after any alteration in design has been made to the cage or any alteration has been made to the head frame or to the detaching-gear: 15

“(c) In no case shall a longer interval than twenty-one months elapse between one test and the next succeeding test, notwithstanding that in that interval no alterations of a kind referred to in the *last preceding* paragraph may have been made. 20

“(31A) At intervals not exceeding three months the detaching-hook shall be completely taken apart, annealed, and greased, and a new copper rivet shall be fitted in it. 25

“(31B) The periodical testing and overhaul of the detaching-hook shall be conducted by a competent person appointed for the purpose by the mine-manager, and the person by whom any such test or overhaul is conducted shall enter the result in a book to be kept for the purpose. Every such entry shall be signed by the person making the same.”: 30 35

(e) By omitting from paragraph fifty-six the word “ posted ”, and substituting the words “ kept posted in a clearly legible condition ”. 40

(2) Section two hundred and seventy-five of the principal Act is hereby amended as follows:—

(a) By inserting in paragraph (c) of subsection one, before the word “ rock-drills ”, the word “ power-driven ”: 45

(b) By omitting from the said paragraph (c) the words "an adequate water-blast", and substituting the words "a liquid spray of a type approved by the Inspector":

5 (c) By inserting in subsection one, after paragraph (c), the following paragraphs:—

“(cc) Except where in the opinion of the Inspector it is not reasonably practicable, every working-place in any
10 underground mine where shot-holes are drilled otherwise than by power-driven rock-drills shall be furnished to the satisfaction of the Inspector with a liquid spray of a type approved by him, and having a pressure of not less than
15 twenty pounds a square inch for laying the dust, smoke, and fumes during and 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.

“(ccc) All liquid sprays furnished for any
25 working-place under paragraph (c) or paragraph (cc) of this subsection shall operate during all blasting operations at the working-place and continuously for not less than thirty minutes immediately after the blasting operations”:

30 (d) By adding to paragraph (e) of subsection one the words: “Whenever any person is working on the top of any cage a braceman or some other person authorized in that behalf by the manager shall be on duty at the top of the
35 shaft”.

(3) Paragraph (d) of section twelve of the Mining Amendment Act, 1927, is hereby repealed. **Repeal.**

31. The following additional general rules shall be
40 observed in every mine, and shall be deemed to be incorporated in section two hundred and seventy-four of the principal Act, namely:— **Additional general rules.**

(a) Every engine-room shall at all times be kept sufficiently heated to enable the engine-driver to perform his duties efficiently.

(b) No person employed in trucking, timbering, or winning ore shall be required to work on a level or in any working-place off a level unless there is at least one other person working on that level or in that working-place or in some other working-place off that level. 5

General rules
relating to
dredges.

32. (1) No person engaged on or in close proximity to dredging machinery shall wear loose or flowing outer clothing.

(2) Whenever men are engaged on a dredge during the period between sunset and sunrise the dredge decks, walkways, machinery, belts, and shafting, and the working face shall be kept illuminated to the satisfaction of the Inspector, and all plant, cables, lamps, and appliances provided for this purpose shall be maintained in an efficient and safe condition to his satisfaction. 10 15

(3) The dredgemaster of every dredge, or some other person appointed by him for the purpose with the approval in writing of the Inspector for the district in which the dredge is situated, shall once at least in every twenty-four hours examine the condition of all safety appliances and of the pontoons; and the dredgemaster shall once in each week carefully examine the buildings, pontoons, safety appliances, and machinery used in the working of the dredge; and forthwith after every examination under this subsection the dredgemaster or other person making the examination shall record in writing, in a book to be kept for that purpose, his opinion as to their condition and safety, and as to any alterations or repairs required to ensure greater safety to the persons employed in the working of the dredge. 20 25 30

(4) Such book shall, on demand, be open to the inspection and perusal of any Inspector of Mines or Inspector of Machinery; and all safety appliances and machinery condemned by any such Inspector shall be forthwith removed or made fit to his satisfaction. 35

(5) Such book, or a copy thereof, and a copy of the principal Act and of every amendment thereof and of the regulations thereunder, shall be kept at the office of the dredge, or, if there is no office, at some convenient place on the dredge, and any Inspector and any person employed on the dredge may at all reasonable times inspect the said book or copies and take copies thereof or extracts therefrom. 40

(6) Any dredgemaster, or any person in charge of or giving orders or directions relating to the carrying-on of any mining operations on or about a dredge, who contravenes or does not comply with any of the provisions of this section commits an offence, unless he proves that he had taken all reasonable means to prevent the contravention or non-compliance.

(7) A printed copy of this section shall be kept posted in a clearly legible condition and in a conspicuous place on every dredge.

(8) Section two hundred and seventy-six of the principal Act is hereby consequentially repealed.

(9) Section two hundred and seventy-five of the principal Act is hereby consequentially amended by omitting from paragraph (a) of subsection one the words "dredging or other".

33. (1) In every quartz mine the owner shall cause an estimate of the number and size-distribution of the particles of dust in the air to be made at such places and at such times as may be required by the Inspector.

Dust counts in quartz mines.

(2) Every estimate under this section shall be made by means of an apparatus approved by the Inspector, and forthwith after it is made the owner shall cause a record of it to be entered in a book to be kept for that purpose. Any Inspector may at all reasonable times inspect the book and take copies thereof or extracts therefrom.

34. Section two hundred and eighty-two of the principal Act is hereby amended by omitting from subsection one the words "where more than twelve men are employed", and substituting the words "where more than six men are employed, or where the mine is worked by or on behalf of a duly incorporated company or corporation".

As to plans of underground workings.

35. (1) The Minister or any person authorized by him in writing in that behalf may at any time enter upon the land comprised in any mining privilege for the purpose of obtaining and removing therefrom samples of any mineral or substance for assay or analysis.

Sampling of mines.

(2) No information obtained under this section shall, while the mining privilege remains in force, be made public without the consent of the holder of the mining privilege.

Particulars to be supplied to Inspector with respect to accidents resulting in absence from work.

36. (1) Within seven days after the happening in or about a mine of any accident that renders any workman unfit for work for three days or upwards the mine-manager, or other person for the time being in charge of the mine, shall furnish to the Inspector, in duplicate, such particulars of the accident as may be required in accordance with forms to be provided by the Inspector for the purpose.

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(2) The requirements of this section are in addition to, and not in substitution for, the requirements of section two hundred and ninety-seven of the principal Act.

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Service of summons in Warden's Court by registered letter.

Cf. 1928, No. 14, s. 83; see Reprint of Statutes, Vol. II, p. 124

37. (1) In addition to the methods of service provided in rules fourteen to nineteen of section three hundred and sixty-three of the principal Act, any summons in the Warden's Court may be served on any person by the Clerk sending it, or a duplicate thereof, by registered letter addressed to him at his last known place of business or abode.

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(2) The production of a receipt for the letter given to a post officer, and signed or purporting to be signed by the person to whom the letter is addressed, shall be sufficient proof of the service.

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(3) Service effected in the manner prescribed by this section shall be deemed to be personal service.

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Notice of intention to defend to be filed by defendant.

Ibid., ss. 75, 76; *ibid.*, p. 121

38. (1) In any action in the Warden's Court if the defendant desires to defend the action he shall, within five clear days after the service of the summons upon him, file in the Court a notice, signed by him or on his behalf, stating that he intends to defend the action.

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(2) No Court fees shall be payable in respect of the filing of any such notice.

(3) If the defendant fails to file in accordance with the foregoing provisions of this section a notice of his intention to defend the action he shall not be allowed to defend it except by the leave of the Court granted on special grounds and on such terms as to costs and otherwise as the Court thinks fit; and the Court may, at the time and place appointed for the hearing, or at any continuation or adjournment of the Court or action, if the plaintiff has appeared, give judgment in the action in the same manner as if it were undefended.

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39. Section three hundred and sixty-three of the principal Act is hereby amended by omitting from rule twenty-one the words "twenty-four hours", and substituting the words "two clear days".

Extending period between filing of counterclaim and time appointed for hearing.

5 40. (1) On or before the thirty-first day of March in every year every company registered in New Zealand which is a mining company within the meaning of Part XV of the Companies Act, 1933, or which is engaged in mining operations or formed for mining purposes
10 within the meaning of the principal Act, or which has such purposes among its objects, shall forward to the Under-Secretary a true statement of the affairs of the company at the thirty-first day of December in the
15 preceding year on the form provided for the purpose, accompanied by a statutory declaration of the company's secretary verifying the statement.

Annual statements of affairs of mining companies.
1933, No. 29

(2) Every company or corporation registered or incorporated outside New Zealand and formed for mining purposes within the meaning of the principal Act,
20 or of Part XV of the Companies Act, 1933, or having such purposes among its objects, while carrying on in New Zealand any mining operations within the meaning of the principal Act, or any business relative to mining
25 Companies Act, 1933, shall, within three months after any report or balance-sheet is submitted to any meeting of its shareholders held out of New Zealand, forward to the Under-Secretary a true statement of the affairs of the company at the date to which the report or
30 balance-sheet relates on the form provided for the purpose, accompanied by a statutory declaration of the company's attorney verifying the statement.

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1933, No. 29

(3) If any company or corporation makes default in complying with subsection *one* or subsection *two* of this
35 section, the company or corporation, and every director, secretary, and person acting in the management thereof, shall be severally liable to a fine of *five* pounds for every day during which the default continues.

(4) Notwithstanding anything to the contrary in
40 section three hundred and thirty-nine of the principal Act, all fines in respect of offences against this section shall be recoverable by way of summary prosecution before two or more Justices of the Peace in accordance with the provisions of the Justices of the Peace Act,
45 1927.

See Reprint of Statutes, Vol. II, p. 351

Fraudulent
introduction
of ore, or
tampering
with samples.

41. Every person who with intent to defraud puts or causes to be put any substance in any place for the purpose of misleading any person as to the nature, quality, or quantity of the minerals naturally occurring at that place, or who with intent to defraud mingles or causes to be mingled with any sample of minerals or ore any substance for the purpose of increasing the value or changing the nature of the sample, commits a crime, and shall be liable on indictment to imprisonment for *five* years or to a fine of *five hundred* pounds. 5 10

Charge for
collection of
goldfields
revenue.

42. Section four hundred and forty-seven of the principal Act is hereby amended by omitting from subsection two the words "other than the cost of collection", and substituting the words "including a deduction of ten per centum thereof in respect of the expenses of administration". 15