

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,
26th July, 1895.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. Cadman.

MINING COMPANIES ACT AMENDMENT.

ANALYSIS.

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| <ul style="list-style-type: none"> Title. 1. Short Title. 2. Companies to which Act to apply. 3. Directors may contract to sell subject to certain provisions. 4. Petition for certificate. | <ul style="list-style-type: none"> 5. Contents of petition. 6. Public notice of filing and day of hearing. 7. Hearing may be adjourned. 8. Warden may grant certificate. 9. Contract to sell then <i>intra vires</i> of company. 10. Charge or security not affected. 11. Application of section 24 of principal Act. |
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A BILL INTITULED

AN ACT to amend "The Mining Companies Act, 1894" (hereinafter called "the principal Act"). Title.

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

1. The Short Title of this Act is "The Mining Companies Act Amendment Act, 1895," and it shall be read with the principal Act. Short Title.

2. This Act applies to every company registered or incorporated under the principal Act, or by that Act deemed to be so registered or incorporated, and also to every company formed for mining purposes and registered under "The Companies Act, 1882." Companies to which Act to apply.

3. The directors of any such company may enter into any contract or agreement with any person to sell to such person, or grant him the option (to be exercised within a specified time, not exceeding twelve months) of purchasing as a going concern, the whole of the rights, privileges, property, and effects of the company (other than uncalled capital) upon such terms and conditions in all things as the directors think fit: Provided— Directors may contract to sell subject to certain provisions.

(1.) That a resolution authorising the directors to do so, or ratifying and confirming the action of the directors in having done so, is duly passed by a majority in number and value of the shareholders at a special or extraordinary meeting of the company, held whether before or after the commencement of this Act; and also

(2.) That the Warden of the district in which the company's operations are carried on certifies that, in his opinion, the contract or agreement will not prejudicially affect the claims of creditors of the company.

4. For the purpose of obtaining such certificate, the company shall apply therefor by petition under the seal of the company and the hands of two of the directors. Petition for certificate.

- Contents of petition. 5. The petition shall set forth the nature and terms of the contract or agreement to which it relates, and shall be filed in the Warden's Court at least seven days before the day of hearing.
- Public notice of filing and day of hearing. 6. Public notice of the filing of the petition, and of the day for the hearing thereof, shall be given by the company by advertisement appearing in three issues of some newspaper circulating in the district, and the last of such issues shall appear at least three days before the day of hearing. 5
- Hearing may be adjourned. 7. The petition may be adjourned from time to time as the Warden thinks fit, and on the hearing thereof any creditor may appear personally or by counsel or agent and object. 10
- Warden may grant certificate. 8. After hearing all parties, the Warden, if satisfied that the said contract or agreement will not prejudicially affect the claims of the creditors of the company, may grant his certificate in writing to that effect. 15
- Contract to sell then *intra vires* of company. 9. A duplicate of the certificate shall be filed in the Warden's Court, and thereupon the contract or agreement to which it relates shall be deemed to be *intra vires* of the company, and the directors thereof, and shall be enforceable by and against the parties thereto accordingly. 20
- Charge or security not affected. 10. Nothing in the Act shall affect any charge or security held by any person over any of the property of the company.

Clause erased.

Application of section 24 of principal Act.

11. All the provisions of section twenty-four of the principal Act are hereby declared to extend and apply to mining companies registered under "The Companies Act, 1882," and to the manager or secretary, and the shares, stock, and property of every such company. 25