

Mr. Seddon.

## MINING PARTNERSHIPS.

### ANALYSIS.

Title.	
1. Short Title.	10. When mine working, purchaser takes notice of lien to partners and creditors.
2. Interpretation.	11. Contracts by agent or manager not binding unless in writing.
3. What constitutes a mining partnership.	12. Decision of majority binds members in conduct of business.
4. Express agreement not necessary for formation of partnership.	13. Non-representation ground for dissolution of partnership.
5. Proportionate share of interest held.	14. On abandonment or desertion of interest, partners may sue to be put in possession.
6. Partners to have lien on shares for amount of debts due to creditors.	15. Partners may put on a wages-man.
7. Ground worked to be partnership property.	16. Act incorporated with "Mining Act, 1886."
8. Purchaser from date of purchase becomes partner.	17. Date when to come into operation.
9. Purchaser takes interest subject to partner's lien for debts.	

### A BILL INTITULED

AN ACT to regulate Mining Partnerships.

Title.

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 Partnerships Act, 1888." Short Title.

2. In this Act, if not inconsistent with the context,—

Interpretation.

10 "Claim" has the same meaning as is attached to that word by "The Mining Act, 1886," and includes also a "licensed holding" under that Act, together with all right and interest belonging to such claim or holding.

15 "Share" means a share or interest in a mining claim as defined by this Act, and includes a share or interest in the capital, stock, and property of a mining partnership under this Act.

20 3. A mining partnership exists when two or more persons own or acquire a claim for the purpose of working it, and actually engage in working the same, or jointly employ others to work the same for them; and whether there be a written contract of partnership or not : What constitutes a mining partnership.

25 Provided that this Act shall not apply to any company or association incorporated or registered under "The Companies Act, 1882," or "The Mining Companies Act, 1886," or under any charter granted by the Crown or any Act of the Imperial Parliament or of the General Assembly.

Express agreement not necessary for formation of partnership.

4. An express agreement to become partners, or to share the profits or losses of mining, is not necessary to the formation or existence of a mining partnership. The relation arises out of the ownership of shares in a claim, and working the same for the purposes for which the same was taken possession of or granted.

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Proportionate share of interest held.

5. A member of a mining partnership shares in the profits and losses thereof in the proportion which the interest or shares he owns in the mine bears to the whole number of shares.

Partners to have lien on shares for amount of debts due to creditors.

6. Each member of a mining partnership has a lien on the partnership property for the debts due to the creditors thereof and for money advanced by him for its use; and on any one of the partners delivering to the Warden or Mining Registrar a statement in detail showing the names of the partners and creditors, and the amounts due to each partner or creditor, as the case may be, the Warden or Mining Registrar, if the claim be entered in the mining register, shall register the said lien: Provided that, before such lien shall be registered, a statutory declaration shall be made under "The Justices of the Peace Act, 1882," by the partner or partners applying to register such lien, certifying that the amounts set forth in the detailed statement are due and owing. Every such lien shall be registered in manner prescribed by regulations to be made for that purpose under "The Mining Act, 1886," and a book shall be kept by the Mining Registrar, in which particulars of such lien shall be entered, and every such statement may be inspected and the said book searched by any person on payment of the fee prescribed by the said Act; and any lien so registered shall be discharged in manner provided by regulations made as aforesaid.

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Ground worked to be partnership property.

7. The claim owned and worked by partners in mining, whether purchased with partnership funds or not, is partnership property.

Purchaser from date of purchase becomes partner.

8. One or more of the partners in a mining partnership may convey or assign his interest in the claim without dissolving the partnership, and without the consent of the other members. The purchaser from the date of his purchase becomes a member of the partnership.

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Purchaser takes interest subject to partner's lien for debts.

9. A purchaser of an interest in a claim of a mining partnership takes it subject to the liens existing in favour of the partners for debts due to all creditors thereof, or advances made for the benefit of the partnership, and which are included in a lien registered as before provided, but not further.

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When mine working, purchaser takes notice of lien to partners and creditors.

10. A purchaser of the interest of a partner in a claim, when the partnership is engaged in working it, takes with notice of all liens resulting from the relation of the partners to each other and to the creditors of the partnership, and which are included in a lien registered as before provided, but not further.

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Contracts by agent or manager not binding unless in writing.

11. No member of a mining partnership, or other agent or manager thereof, can by a contract in writing bind the partnership except by express authority in writing derived from the members thereof.

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Decision of majority binds members in conduct of business.

12. The decision of the members owning a majority of the shares or interests in a mining partnership binds it in the conduct of its business.

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Non-representation ground for dissolution of partnership.

13. It shall be a ground for dissolution of a mining partnership if any member of a partnership shall neglect or refuse within thirty

days after personally receiving notice in writing thereof from the other partner or partners to pay or satisfy any assessment of the partnership liabilities, or who shall neglect, when notified in writing by the other partner or partners so to do, to perform any labour or discharge any liability incurred, or to represent or have represented the share held in such claim, and by which such non-representation the copartnership property as a whole is or may become liable to forfeiture.

14. If any member of a partnership shall abandon or desert for a period of sixty days the interest held by him in any claim, and by such abandonment or desertion cause the whole of the partnership property to become liable to forfeiture, the other partners may institute proceedings to be put in possession of such abandoned share or interest as though the partnership had never existed.

On abandonment or desertion of interest, partners may sue to be put in possession.

15. If at any time any share in any claim be unrepresented for twenty-four hours, and such non-representation shall prevent the proper and profitable working of such claim, the copartners or managing partner or person in charge of such claim may employ any person or persons at current rate of wages to represent and work the said share, and the person or persons so employed shall have a lien for his wages upon the share so represented by him; and the copartners, managing partner, or person in charge of the said claim may pay to such person or persons the amount due for wages out of any profits accruing to such share: Provided, where practicable, the copartners, managing partner, or person in charge shall, within seven days from the time any such person was first employed, give the absent partner or his agent notice in writing that a wages-man had been employed by them to represent such share: Provided, also, that any lien for wages under this section may be registered under the provisions and in the manner hereinbefore provided in the case of members of a mining partnership.

Partners may put on a wages-man.

16. This Act shall be read and construed with "The Mining Act, 1886," except in so far as the provisions herein contained are contrary to the provisions thereof, and all the provisions of the said Act shall extend and apply accordingly.

Act incorporated with "Mining Act, 1886."

Regulations may from time to time be made in the manner prescribed by "The Mining Act, 1886," for the purpose of—

- (1.) The practice and procedure in Wardens' Courts in respect of suits in or relating to mining partnerships as between the members thereof;
- (2.) The form of and mode of registering any lien authorised under this Act, and prescribing and regulating the procedure to enforce or obtain the benefit of such lien, and the fees to be paid in respect of any such procedure or registration.

17. This Act shall come into force on and after the day of \_\_\_\_\_, one thousand eight hundred and *eighty-eight*.

Date when to come into operation.