

Supplementary Order Paper.

HOUSE OF REPRESENTATIVES.

Thursday, the 16th Day of October, 1913.

LAND LAWS AMENDMENT BILL.

Hon. Mr. MASSEY, in Committee, to move to recommit clause 25 for the purpose of moving the following amendments:—

Clause 25: To omit subclause (3).

To add the following new clause:—

25A. (1.) The fee-simple acquired under the *last preceding* section does not include any metals, precious stones, minerals, coal, and oil on and under the land. All such metals, precious stones, minerals, coal, and oil shall remain the property of the Crown, notwithstanding the grant of the fee-simple to the owner.

(2.) (a.) Any land the fee-simple of which is acquired under the *last preceding* section may be resumed by His Majesty for mining purposes under the Mining Act, 1908, or for coal-mining purposes under the Coal-mines Act, 1908.

(b.) The consent of the owner shall not be necessary in the case of any such resumption.

(c.) Paragraphs (d), (e), (f), (g), and (h) of the proviso to section fifty-three of the Mining Act, 1908, shall not apply in the case of any such resumption.

(d.) Where land is resumed under this section compensation shall be paid to the owner only in respect of the surface value of the land and of the improvements thereon, and no amount shall be included in such compensation in respect of any metals, precious stones, minerals, oil, or coal on or under such land.

(3.) (a.) Land the fee-simple whereof is acquired under the *last preceding* section shall be open for prospecting for and mining of metals, precious stones, minerals, and oil under the Mining Act, 1908, and also for prospecting for and mining of coal under the Coal-mines Act, 1908, in all respects as if it continued to be Crown land within a mining district:

Provided that such part of the land of any owner as is actually used as a garden, orchard, vineyard, nursery, plantation, or ornamental pleasure-ground, or is the site of, or situate within one hundred feet of the site of, any dwellinghouse shall not without the consent of the owner be so open for prospecting or mining.

(b.) The owner shall be subject to the same conditions and restrictions as any other person with respect to prospecting and mining on the land.

(c.) The land shall not be deemed to be private land for the purposes of sections one hundred and eleven and one hundred and twelve of the Mining Act, 1908.

(4.) (a.) The owner of land the fee-simple whereof is acquired under the *last preceding* section may at any time apply to the Minister to exercise the Crown's power of resumption of the said land or part thereof pursuant to the provisions of subsection *two* of this section.

(b.) The Minister shall refer such application to a Warden appointed under the Mining Act, 1908.

(c.) It shall be the duty of the Warden to inquire and report to the Minister whether the beneficial ownership of such land or of such part thereof for agricultural or pastoral purposes has been or will probably be materially prejudiced by reason of prospecting or mining then being exercised or proposed to be exercised thereon.

(d.) For the purposes of such inquiry and report the Warden shall have the same jurisdiction as is conferred by section fifty-two of the Mining Act, 1908.

(e.) If the Warden reports to the Minister that the beneficial ownership of the land or of such part of the land of such owner for agricultural or pastoral purposes has been prejudiced by reason of prospecting or mining exercised or proposed to be exercised upon such land to an extent which, in the opinion of the Warden, renders it just and equitable that the land or such part thereof should be resumed by the Crown, the Minister shall exercise the Crown's power of resumption.

(f.) In such case the surface value of the land so resumed and improvements thereon shall be assessed as if the land had remained uninjured by mining or prospecting thereon.
