

- (2.) If default for thirty days is made in the full and punctual payment of any rent, royalty, license fee, or other money payable to His Majesty in respect of any mining privilege, the Warden or any person authorized by him may at any time thereafter, without any previous or other notice or demand, enter on such land, mines, and works, or any of them, and distrain all or any machinery, tools, goods, chattels, and other effects of the licensee there found (excepting nevertheless tools of trade and other personal effects to the total value of £25), and may sell the same in such manner, at such prices, and on such conditions in all respects as he thinks fit. "Licensee" in this clause shall mean and include any person (whether registered or not) having any legal or equitable interest in the mining privilege.
- (3.) Such sale may be effected either on the land or elsewhere, and to that end the effects distrained may be removed.
- (4.) Not less than five days' previous notice of the time and place of sale shall be given by advertisement in a newspaper printed and published in or nearest to the locality in which the land is situate.
- (5.) All moneys received in respect of such sale shall be applied in or towards payment—first, of the costs and expenses of the distraint, removal, and sale, such costs to be fixed and assessed by the Warden in case of dispute; secondly, in or towards payment of the rent, royalty, license fee, or other money in respect whereof the distraint was made; and the surplus, if any, shall be payable to the licensee or other the person entitled thereto.
- (6.) The foregoing right of distraint, removal, and sale may be exercised irrespective of and without prejudice to any other right, remedy, or power conferred by the Mining Act in respect of the non-payment of rent, royalty, license fee, or other moneys payable to His Majesty under the license.
- (7.) The holder of a mining privilege shall not as such holder—
- (a.) Have any riparian rights in respect to any watercourse on or adjoining the land comprised in the mining privilege; nor
- (b.) Have any right or remedy whatsoever against any person in respect of the discharge of tailings, debris, or waste water into any watercourse by such person in the lawfully carrying-on of his mining operations; nor
- (c.) Have any right or remedy whatsoever which would prevent any person from freely using for the purpose of transit any natural waterway on or adjoining the mining privilege, but so nevertheless that such user does not unduly interfere with any mining operations lawfully carried on in the waterway by the holder of the mining privilege, and also that where such operations are carried on by means of a dredge, and such user cannot conveniently be exercised without removing the dredge or its moorings, the holder of the mining privilege shall remove the same with all reasonable diligence, and at his own cost in all things; nor
- (d.) Have any right or remedy whatsoever which would prevent any person from freely using for purposes of ingress, egress, or regress, with or without horse and vehicles, at all reasonable hours, such portion of the surface of the land comprised in the mining privilege (not being a residence-site or a business-site) as is not being actually occupied by the holder of the mining privilege as a site for his plant, buildings, or mining-works, or as is not being actually used by him for his mining operations:
- Provided that nothing in this paragraph shall authorize any person to loiter about or interfere with such plant, buildings, works, or operations, or shall relieve him from liability for any damage actually done by him whilst on the land.
- (8.) The fact of rent being payable under a license shall not be deemed to confer upon the licensee any estate in the land comprised in the license.
- (9.) Licenses for mining privileges, not entitling the licensee to win gold, metals, or minerals from the land comprised therein, may be granted by the Warden in respect of so-much of the surface or subsoil of the land comprised in any mining privilege entitling the holder to win gold, metals, or minerals therefrom as in the Warden's opinion is not required by such holder for the purposes of his mining operations, or the reasonable exercise of his other rights as such holder:
- Provided that the license shall be granted subject to such conditions as the Warden thinks fit to impose in order to prevent such mining operations or the reasonable exercise of such rights being unduly

hampered or interfered with by the licensee in acting under the license, and shall in every case be deemed to be granted subject to the condition that, in the event of the surface being at any time required by such holder for the purposes of his mining operations, he may, with the previous authority in writing of the Warden, enter upon and use the same or any specified portion thereof, or the subsoil thereof, upon such terms and conditions as the Warden thinks fit, and upon paying or making provision for the payment of full compensation to such licensee for all damage thereby caused to his buildings, improvements, or mining-works on the land.

- (10.) Licenses for mining privileges entitling the licensee to win gold, metals, or minerals from the land comprised therein may be granted by the Warden in respect of land held as mining privileges not entitling the holder to win gold, metals, or minerals from the land comprised therein:

Provided that the license shall be granted subject to such conditions as the Warden thinks fit to impose in order to prevent such holder being unduly hampered or interfered with in the reasonable exercise of his rights as such holder, and shall in every case be deemed to be granted subject to the following conditions:—

(a.) That, except with the previous authority in writing of the Warden, and upon paying or making satisfactory provision for the payment of full compensation to such holder for all damage thereby caused to the surface of the land, or to such holder's buildings, improvements, or mining-works on the land, the licensee will not, in acting under the license, enter upon or disturb the surface of the land or carry on mining operations within such distance of the surface as the Warden prescribes; and also

(b.) That such holder shall be entitled to receive full compensation from such licensee for all damage done to the surface of the land, or to such holder's buildings, improvements, and mining works thereon, by the licensee in acting under the license.

- (11.) In every case where, pursuant to paragraph (e) of section 226 of the Mining Act, any person ceases to have any right or title to the therein-mentioned improvements, such improvements, if on private land, shall follow the title to such land, and if on other than private land shall be deemed to belong to His Majesty, but in the latter case may, whilst existing on the land, be used by any person who takes up a mining privilege on the land subject to such terms and conditions and to payment of such rental as may be imposed and fixed by the Minister:

Provided that such user shall be only for the purposes of such mining privilege.

92. Except where authorized by or under the Mining Act, or the regulations thereunder, or the order of the Warden, no person shall—

- (1.) Deposit any earth, stones, tailings, or other substance in the bed of any watercourse so as to obstruct the flow of water therein to the injury of any other person; nor
- (2.) Damage or otherwise interfere with any mining privilege held by any other person, or the buildings, works, or machinery thereon; nor
- (3.) Deposit upon any mining privileges, other than his own, any earth, stones, tailings, or other substance; nor
- (4.) Back the water of any watercourse upon any mining privilege other than his own, or otherwise cause the same to be flooded or injured; nor
- (5.) Remove from any workings any props, timber, or other structures, so as to endanger the claim or rights of any other person; nor
- (6.) Allow any timber which he has felled to remain for more than twelve hours upon or in any road, street, path, or watercourse, or upon any land other than his own.
- (7.) Remove, deface, or alter any peg, mark, or notice set up by any other person in accordance with the Mining Act or the regulations thereunder.

93. Where the holder of a mining privilege discharges or deposits tailings therefrom outside the boundaries thereof or, of his special site for the deposit of tailings, his right to such tailings shall be deemed to be abandoned.

ADDITIONAL PROVISIONS FOR THE SAFETY OF LIFE AND PROPERTY IN CONNECTION WITH MINING OPERATIONS.

Additional General Rules.

94. In addition to the general rules prescribed by section 274 of the Mining Act, the following general rules shall, as far as practicable, be observed in every mine:—