

New Zealand.



ANALYSIS.

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| <p style="text-align: center;">Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Covenants in leases, with whom made 3. Attorney-General or Solicitor-General, in Her Majesty's name, may sue in ejectment or for rents in arrear. 4. Proof of leases. 5. Receivers may sue in petty cases. 6. Mileage fees to be paid to Public Account. 7. Sections 18, 31, 102, and 122 of said Act amended. 8. Governor may remit sums in respect of | <p style="text-align: center;">machine sites, and reduce number of men employed.</p> <ol style="list-style-type: none"> 9. Public Works Act partly incorporated with Mining Acts. 10. If license or certificate lost, duplicate may be issued. 11. County Council to hold water-races under Mining Acts. 12. Repeal of section 17 of "The Mines Act, 1877." Right of servant to vest in employer. 13. Unsealed certificates validated. 14. Ohinemuri agricultural lessees may acquire freeholds. |
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1885, No. 55.

- Title.** AN ACT to amend "The Mines Act, 1877," and "The Gold-Mining Districts Act, 1873." 22nd September, 1885.
- Short 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 Mines Act 1877 Amendment Act, 1885." It shall be read together with "The Mines Act, 1877" (hereinafter referred to as "the said Act").
- Covenants in leases, with whom made.** 2. Section sixty-three of the said Act is hereby repealed, and in lieu thereof it is hereby enacted as follows:—
- All implied covenants on the part of the lessee, his heirs, executors, administrators, or assigns, in any lease granted in pursuance of the said Act, and all implied powers reserved to the lessor, his heirs, executors, administrators, or assigns, in any such lease, and all covenants, agreements, stipulations, reservations, and conditions on the part of the lessee, his heirs, executors, administrators, or assigns, expressed in any such lease, shall be deemed to have been or to be made, entered into, reserved, or undertaken to and with Her Majesty the Queen.
- Attorney-General or Solicitor-General, in Her Majesty's name, may sue in ejectment or for rents in arrear.** 3. Section sixty-four of the said Act is hereby repealed, and in lieu thereof it is hereby enacted as follows:—
- Her Majesty's Attorney-General or Solicitor-General may, in the name and on behalf of the Queen, bring, prosecute, and maintain any action of ejectment or other proceedings for recovering possession of any lands leased under any lease granted as aforesaid, and may sue and distrain for any arrears of rent which shall have become due for or in respect of any parcel or other lease made in pursuance of the said

Act or of any Act in force prior thereto, and also may bring, prosecute, and maintain any other action in respect of any covenants, agreements, stipulations, reservations, and conditions whatsoever contained or implied in any such lease.

Nothing in this section or in the said Act contained shall interfere with the powers or functions for the time being vested in any Commissioner of Crown Lands, except for the purposes of the said Act only, and to the extent herein provided.

4. Every lease or license authorizing the occupation of land within a mining district, and purporting to be executed in manner provided by the said Act, or any regulation made thereunder for the time being in force, shall be received in evidence in all Courts; and it shall not be necessary in any case to prove that the same was executed or issued under the authority of the said Act or any such regulations.

Proof of leases.

5. Within any mining district the Receiver of Gold Revenue for such district, or the Receiver of Land Revenue for the provincial district, shall respectively have within their respective districts full power in their own names to sue for and recover all rents in arrear, or moneys due to the Crown and unpaid, where the amount comes within the limits of the jurisdiction of any Resident Magistrate of the district, and also to institute and prosecute any proceedings for the recovery of any lands so leased as aforesaid, where the rent payable in respect thereof shall not exceed fifty pounds by the year.

Receivers may sue in petty cases.

6. All mileage fees received for service of any process under the said Act shall be paid into the Public Account, and form part of the Consolidated Fund, anything contained in any Act, or in any regulations made under any Act, to the contrary notwithstanding.

Mileage fees to be paid to Public Account.

7. The said Act is hereby amended in manner following:—

Sections 18, 31, 102, and 122 of said Act amended.

(a.) In section eighteen, after the word "man" in the fifth line, the words "who need not be the holder of a miner's right" shall be inserted.

(b.) In section thirty-one, after the word "Registrar," the words "or Warden" shall be and be deemed to have been inserted.

(c.) Subsection eight of section one hundred and two shall be omitted and the following substituted:—

And generally concerning contracts, torts, questions, and disputes arising in connection with any matters which are within the administration of the said Act.

(d.) The words "previous to the hearing" in the first and second lines of section one hundred and twenty-two shall be omitted and the following substituted: "previous to the day appointed for the hearing:"

Provided that nothing herein contained shall affect any suit or proceeding now pending.

8. Notwithstanding anything contained in the said Act, or in "The Gold-Mining Districts Act, 1873," the Governor may from time to time—

Governor may remit sums in respect of machine sites, and reduce number of men employed.

(1.) Remit any part of the sum payable in respect of any portion of a year during which a machine erected on any machine-site has not been working, and no profits have been made out of the occupation of such site; and

(2.) Reduce the number of men to be employed under any license or lease.

Public Works Act partly incorporated with Mining Acts.

9. Part IX. of "The Public Works Act, 1882," is hereby incorporated with "The Mines Act, 1877," and "The Gold-Mining Districts Act, 1873," and shall be read together with the said Acts respectively.

If license or certificate lost, duplicate may be issued.

10. If any license or certificate for any right acquired under the said Act be lost or destroyed, it shall be lawful for the Warden, upon proof upon oath that such is the case, to order the Mining Registrar to issue a duplicate license or certificate.

County Council to hold water-races under mining Acts.

11. Whenever in any case it is not expedient that the provisions of "The Public Works Act, 1882," relating to the proclamation and construction of water-races should be put in force, or whenever any rights to the use of water held under Acts relating to goldfields or mining districts, or for the construction of works connected therewith, have heretofore been, or may hereafter be, acquired by or on behalf of the Council of any county under "The Public Works Act, 1882," or the said Act, and have by Order in Council been vested, or which may hereafter be vested, in the County Council of any county situated within a gold-mining district, or partly within and without any gold-mining district, the following provisions shall have effect:—

(1.) The County Council may in any mining district apply for, receive, and hold any license or other authority to cut, construct, and use any water-race, sludge-channel, tail-race, dam, reservoir, or for any other purpose and in any manner authorized under "The Gold-Mining Districts Act, 1873," or "The Mines Act, 1877" (which Acts and any regulations for the time being in force thereunder respectively are hereinafter included in the expression "the said Acts").

(2.) Every such license or other authority shall confer upon the County Council all rights, powers, remedies, and authorities, and it shall be subject to the same liabilities in respect thereof as if such license or authority had been issued to it as a private person, except that the same shall not be liable to forfeiture for any cause whatever.

(3.) (a.) The County Council may from time to time appoint some person or persons in any mining district under the said Acts or either of them, on behalf of the County Council, to apply for and obtain the issue of any license or other authority as aforesaid under the said Acts or either of them, or for the issue of any renewal of any such license or authority;

(b.) And the County Council may in like manner appoint such person or persons or some other person or persons to exercise on behalf of the County Council all such rights, remedies, and authorities, execute all instruments or documents, and to perform all such conditions in respect of any such license or other authority in the name and on behalf of the County Council, as it might have or exercise, or could be called upon to perform, if it were a private person holding such license or authority.

(c.) Every such appointment may be limited to some particular power or purpose hereinbefore mentioned, to be specified in the appointment, or may include all such powers or purposes.

- (4.) A notification in the *Gazette* signed or purporting to be signed by the Chairman and Clerk of any County Council shall be deemed to be sufficient evidence that such person has been duly appointed with all the powers and for all the purposes hereinbefore mentioned, unless in such notification there shall be expressed some limitation of the authority conferred upon him.
- (5.) Every Warden, registrar, clerk, or other officer whose duty it may be to issue any license or other authority under the said Acts or either of them shall, upon application made to him for that purpose, either upon an Order in Council or by the County Council, transfer or renew any license, right, or easement to and for the County Council.
- (6.) It shall not be necessary for the County Council or any person on its behalf to take out and hold any miner's right or business license under the said Acts or either of them in order to enable it to hold any such license or authority as aforesaid; nor shall it be necessary that any such license or authority be renewed in any way, or that any annual or other fee in respect thereof be paid by or on behalf of the County Council; but such license or authority shall, during the term for which it was granted, subsist until relinquished by the County Council, or the original term for which it was granted has expired.
- (7.) Expressions and terms used in this section of this Act shall have the like meanings as expressions and terms used in the said Acts or either of them, or in any regulations made under the said Acts or either of them.

12. Section seventeen of the said Act is hereby repealed, and the following substituted in lieu thereof:—

If any person being the holder of a miner's right shall hire himself for wages to an employer, the right to hold and occupy any claim by virtue of such miner's right, and to any gold therein, shall be vested in such employer: Provided always that, in the event of non-payment of such wages, any person so employed shall have a lien upon the claim whereon he has been employed to the extent of the amount of wages due to him, such sum not exceeding six months' wages; and, until the said lien be satisfied, the person so working as wages-man shall be deemed to be in possession of the said claim until the wages are paid and the said lien fully satisfied; and the wages man shall, within seven days after ceasing to work in the claim, register such lien in the Warden's Court in the district in which the claim is situated.

13. All certificates heretofore issued by any Clerk of the Warden's Court, as provided by section one hundred and fifteen of the said Act, shall be valid, although the same may not have been sealed and stamped as therein provided; and all summonses, certificates, warrants, and other process issued, or to be hereafter issued, may be stamped at any time after issue of the same.

Repeal of section 17 of "The Mines Act, 1877."
Right of servant to vest in employer.

Unsealed certificates validated.

Ohinemuri agricultural lessees may acquire freeholds.

14. Whereas a certain part of "The Ohinemuri Block" of land defined in "The Ohinemuri Gold Field Agricultural Leases Validation Act, 1876," has subsequently to the passing of the aforesaid Act been acquired by Her Majesty, and the Native title thereto has been extinguished :

And whereas it was provided by section eight of the aforesaid Act that no lessee of any lands within such block should have the right to purchase the lands so held by him :

And whereas the object of such restriction no longer exists, and it is expedient to remove such restriction :

Be it therefore further enacted as follows :—

Section eight of "The Ohinemuri Gold Field Agricultural Leases Validation Act, 1876," is hereby repealed in respect to all lands in the Ohinemuri Block which have been or may be acquired by Her Majesty.

Any person who has become or may become the holder of an agricultural lease under the Act last aforesaid of any lands within any part of the aforesaid Ohinemuri block of land, the Native title whereof has or at any time may become extinguished, may, at any time after the extinguishment of such Native title, acquire the freehold of the land held by him without competition, paying for such land the same price as would be the upset price of land of the same class in the same land district if put up to public auction :

Provided that all lands within sixty-six feet from the bank and along the entire course of all streams within the aforesaid block of land shall be excluded from any sale authorized hereby.