

New Zealand.

## ANALYSIS.

- |   |   |
|---|---|
| <p>Title.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Interpretation.</li> <li>3. Native reserves excluded from Act except with sanction of Governor in Council.</li> <li>4. Governor may proclaim laws relating to mining districts and Wardens' Courts to operate within all public reserves and endowments.</li> <li>5. Governor may make by-laws for regulating mining on public reserves and endowments.</li> </ol> | <ol style="list-style-type: none"> <li>6. Protection of constructed works. Saving of existing mining rights.</li> <li>7. Scale of fees to be charged. Appropriation.</li> <li>8. Adjustment of revenue as betwixt local bodies.</li> <li>9. Saving. Title of trustees. Kumara Education Reserve Act.</li> <li>10. Restriction of special powers of alienation. Saving.</li> </ol> |
|---|---|

1882, No. 26.

**Title.** AN ACT to extend the Operation of the Laws relating to Mining Districts to all Public Reserves and Endowments set apart for Public Bodies situate within such Districts.

[13th September, 1882.]

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

**Short Title.**

1. The Short Title of this Act is "The Reserves and Endowments in Mining Districts Act, 1882."

**Interpretation.**

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

"Mining district" means a district constituted under "The Gold-Mining districts Act, 1873," or "The Mines Act, 1877," respectively :

"Public reserve" means and includes any land now or hereafter to be set apart for any of the purposes mentioned in the First Schedule to "The Public Reserves Act, 1881," or any portion thereof, whether or not the same respectively is or may remain vested in Her Majesty, or is or may be vested in trustees as hereinafter defined, or is or may be under their control :

"Endowment" means and includes any land or any portion thereof set apart under any Act of the General Assembly by way of endowment for any public body or authority, whether the fee-simple of such land is vested in trustees as hereinafter defined, or is under their control, and shall apply so long only as such vesting or control shall continue :

"Trustees" means and includes all persons and authorities, whether incorporate or not, and all corporate bodies, and

local governing bodies, in whom any reserve or endowment is vested, or under whose control it is as hereinbefore mentioned; and, in respect to reserves vested in Her Majesty, means the Governor.

“Warden” means the Warden for the mining district wherein a reserve is situate.

3. This Act shall not apply to any reserves made for the use, support, or education of aboriginal Natives, except with the sanction of the Governor in Council, who may grant such sanction, from time to time, in respect to certain Native reserves only, or to certain classes of Native reserves in particular, or to all Native reserves generally, as he shall think fit, and subject in any case to such conditions and restrictions as may appear to him just and proper.

Native reserves excluded from Act except with sanction of Governor in Council.

4. The Governor in Council may from time to time, by Proclamation, declare that such portion of the laws for the time being in force relating to mining districts and to Wardens’ Courts as he shall think fit shall have operation within any public reserve or endowment or any portion thereof respectively, and may at any time alter or revoke any such Proclamation.

Governor may proclaim laws relating to mining districts and Wardens’ Courts to operate within all public reserves and endowments.

From and after the date of any such Proclamation as aforesaid, such provisions of the laws aforesaid as shall be mentioned in such Proclamation shall have operation within any reserve or endowment so proclaimed, and which may be situated in any mining district, as if the same had never been reserved or granted.

Every holder of a miner’s right or business license may exercise the same respectively over any such public reserve or endowment, subject to the provisions of this Act and of “The Gold Mining Districts Act, 1873,” and “The Mines Act, 1877,” and of any regulations made thereunder, respectively.

5. The Governor in Council may from time to time make special regulations for facilitating mining on public reserves, and for hearing and determining suits in Wardens’ Courts in connection with same, where any existing regulations made under “The Gold Mining Districts Act, 1873,” or “The Mines Act, 1877,” are not adapted to the circumstances of this Act, and for directing the manner in which the revenue arising within any public reserve or endowment brought under the operation of this Act shall be collected, accounted for, and paid over to the trustees entitled to the same, and may alter, vary, or repeal the same respectively.

Governor may make by-laws for regulating mining on public reserves and endowments.

Such regulations shall have the same force and effect as if made under the provisions of the aforesaid Acts respectively. And, except so far as any such special regulations shall provide, all the regulations for the time being in force in any mining district shall apply and extend to any public reserve or endowment brought under the operation of this Act, or shall so apply with any modification or limitation necessary to give effect to this Act.

6. Nothing in this Act contained,—

(1.) Shall empower any person to interfere in any way whatsoever with any works already constructed or that may be hereafter constructed by the Governor or trustees, or by any person or authority with the previous consent of the Governor or

Protection of constructed works.

Saving of existing  
mining rights.

trustees as the case may be, within and upon any public reserve or endowment ;

(2.) Shall detrimentally affect any rights in respect to mining or in connection therewith heretofore granted by the Warden upon any such reserve or endowment ; and all such rights existing at the time of the coming into operation of this Act, and not being in any way injurious to the works upon the reserve or endowment, and the owners of which comply with any regulation hereafter to be made by the Governor in Council under the authority of this Act, shall be considered to be and be treated as rights granted under the provisions of this Act.

Scale of fees to be  
charged.

7. The scale of fees to be charged in respect of the occupation, for mining or other purposes, of public reserves or endowments or any portion of the said lands shall be the same as those fixed by "The Gold Mining Districts Act, 1873," or "The Mines Act, 1877," and regulations made thereunder.

Appropriation.

All moneys arising therefrom shall be paid into the public account, and shall be paid out therefrom in the manner and the proportion which the Warden of the district wherein such moneys respectively arise shall determine in each case ; and his decision shall be final.

Adjustment of  
revenue as betwixt  
local bodies.

8. The Warden shall estimate the amount of all moneys derived from any public reserve or endowment under authority of this Act which would be payable as gold-fields revenue to local bodies if there were no such public reserve or endowment, and such amount shall be paid to the persons or trustees respectively to whom or in whom the reserve or endowment, in respect of which such moneys accrued, is granted or vested.

Saving.

Title of trustees.

9. Nothing in this Act contained shall affect—

(1.) The title of the trustees to whom or in whom respectively any public reserve or endowment has been granted or vested, or any power or authority in respect thereof, so far as the same shall not conflict with the operation of this Act, or any regulations made thereunder ;

Kumara Education  
Reserve Act.

(2.) Any of the provisions of "The Kumara Education Reserve Act, 1879," which shall continue in force as if this Act had not been passed.

Restriction of special  
powers of alienation.

10. Notwithstanding any express or implied power in any Act, no trustees shall hereafter have any power to sell, mortgage, charge, lease, or otherwise dispose of any public reserve or endowment brought under the operation of this Act without the previous express consent of the Governor in Council : Provided, however, that all sales at any time, and all mortgages, leases, licenses, contracts, or agreements made, executed, granted, or entered into before the passing of this Act, or relating to any estate or interest in any such public reserve or endowment, and in force at the date of the passing of this Act, shall be valid and effectual to all intents and purposes ; but any such licenses, leases, or contracts as aforesaid may, nevertheless, be brought under any special regulations made under this Act to such extent or in such manner as may be specified therein.

Saving.