

Hon. Mr. Seddon.

MINING ACT AMENDMENT (No. 2).

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A BILL INTITULED

AN ACT to amend "The Mining Act, 1891.

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 Mining Act Amendment Act (No. 2), 1893." It shall be read together with "The Mining Act, 1891" (herein referred to as "the said Act").

Short Title.

2. Where prospecting operations for gold and or silver have to be carried on, necessitating the expenditure of not less than ~~two~~ five thousand pounds in the erection of pumping and other machinery to test lodes or alluvial drifts at deeper levels than have hitherto been worked, or when it is desirable to ~~construct~~ complete the construction of any water-races of great cost for mining purposes on which at least five thousand pounds have been expended, the Minister, on satisfying himself that such prospecting operations are likely to open up a considerable area of ground where mining can be profitably carried on, or that any such water-race is being constructed to his satisfaction, may from time to time authorise a sum of money to be applied out of any moneys that may be appropriated by Parliament specially for such purposes prospecting operations or completion of water-races to any person or mining company as a loan, on conditions that such moneys are refunded to Her Majesty out of the first profits derived from working the ground so prospected or from the use of such water-race respectively. ~~together with interest at the rate of five per centum per annum.~~

Advances may be made for developing mines.

(1.) In no case shall any sum be so advanced exceeding one-fourth of the actual cost of the prospecting operations, or of the construction of a water-race, nor shall any moneys be so advanced towards carrying on prospecting operations at any places less than five miles apart from each other.

(2.) Before any person or mining company shall apply for a loan for prospecting lodes or alluvial drifts, or for comple-

tion of any such water-race as aforesaid, they shall first obtain the consent of the Minister to carry on the proposed works; and no moneys out of any loan shall be applied to the payment of any work done previous to the Minister's consent as aforesaid. 5

(3.) Prior to payment of any portion of a loan to any person or mining company a certificate shall be forwarded, signed by an Inspector of Mines, certifying the value of the work done. Payments shall then be made from time to time on receipt of such certificates, as the work progresses. 10
But in no case shall any payment be made exceeding one-fourth of the value of the work certified to have been done.

Money advanced to be a first charge.

3. Any sum or sums granted by the Minister towards the purposes hereinbefore mentioned shall be a first charge on the special claim, claim, or licensed holding, water-race, or mining right, and on any engines, machinery, plant, gear, or other appliances erected or constructed therein, thereon, or thereupon respectively wholly or partly out of moneys so granted as aforesaid: Provided that no engines, machinery, plant, gear, implements, or other appliances whatever shall be removed from the special claim or other mining property or interest so charged without the consent of the Minister. Such charge or lien shall be registered in the office of the Mining Registrar of the Court in which the title to the said special claim, claim, or licensed holding, water-race, or mining right is registered, and the Mining Registrar shall enter in the register the amounts so advanced, and the same shall be indorsed on the license or certificate, as the case may be, and registered as a lien or mortgage upon the same, and having prior claim to all others so secured. 15
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Proceedings for recovery.

4. In the event of any person or mining company neglecting or refusing to refund the money, so advanced by the Minister, out of the first profits as aforesaid, proceedings for the recovery of the same shall be taken in the name of Her Majesty the Queen. 30

Struck out.

by an Inspector of Mines in the Warden's Court. And the said Inspector, on judgment being obtained for the payment of the said moneys, may enter upon the premises and distrain machinery, tools, goods, chattels, or other property of the said person or mining company, or any private property or properties of all or any of the directors of any such mining company, in respect of such sums of money so advanced. 35
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New paragraph.

First profits defined.

For the purposes of this Act "first profits" shall mean the profits or surplus remaining after payment of actual working-expenses, and prior to the payment of any dividend or payment in the nature of dividend to shareholders or partners. 45

Mining townships and suburban sections may be laid off.

5. The Warden, on the approval of the Minister, and with the consent of the Harbour Board entitled to receive the rents and profits of any lands dealt with by this section, may cause townships to be

5 surveyed and laid off in sections of not exceeding one quarter of
 an acre each, and may also cause lands adjoining or in the neighbour-
 hood of such townships to be surveyed and laid off, in areas of not
 exceeding five acres each, as suburban sections on any land within a
 10 mining district, notwithstanding that such land may be within a any
 of the coalfields reserves defined in the First, Second, and Third
 Schedules to "The Nelson and Westland Coal Fields Administration
 Act, 1877"; and the sections in such townships such lands shall be
 sold at public auction on lease for a period not exceeding ninety-
 nine years; but such lease shall only entitle the lessée to the right
 15 of the surface of the ground, and in no case shall any lessee have
 power to prevent mining operations being carried on beneath the
 surface of the land so leased, so long as such operations do not
 endanger the safety of any building erected thereon, or damage the
 surface of the ground.

New clauses.

5A. The Warden, with the consent of the Minister, shall have all
 the powers of a Land Board to grant licenses on the reserves
 20 mentioned in section five of this Act for all or any of the purposes
 mentioned in section two hundred and twenty-two of "The Land
 Act, 1892," excepting the power to grant licenses for sites for inns,
 and accommodation licenses.

Warden to grant licenses to cut timber, &c.

The Governor may, subject to the provisions of "The Mining
 Act, 1891," from time to time make, alter, and revoke such regula-
 25 tions as may be necessary for regulating the mode of granting any
 licenses under the provisions of this section, and generally for pre-
 scribing any form of lease, license, instrument, or form of procedure
 required for carrying into effect the purposes of this Act.

Power to make regulations.

5B. Every lease in perpetuity or other lease or license granted,
 30 after the commencement of this Act, under "The Land Act, 1892,"
 of land within a mining district, whether as an original lease, or in
 exchange for a pastoral or other lease or license of any kind, or for a
 grazing-run, shall, notwithstanding anything contained in any Act
 other than this Act, be subject to the provisions of any Act for the
 35 time being in force relating to mines and mining, and to all regulations
 made under any such Act.

Leases of lands within mining districts to be subject to Mining Acts.

5c. The said Act is hereby amended as follows:—

(1.) In respect of compensation,—

(a.) Section fourteen: After the words at the com-
 40 mencement of the section, "Every claim for compensa-
 tion," there shall be inserted the words "except as herein-
 after otherwise provided."

Compensation.

(b.) Section one hundred and fifty-two: The following
 45 words shall be added to the end of the second paragraph
 of the said section: "And shall, within fifty days from
 the publication of such *Gazette*, forward in writing any
 claim for compensation for land or rights that may be or
 appear to be injuriously affected if such Proclamation be
 given effect to, otherwise no claim for such compensation
 shall be recognised or allowed."

Claims to be forwarded.

50 6. (2.) Section one hundred and seventy-eight of the said Act is
 hereby repealed, and the following section substituted in
 lieu thereof:—

Mining partnerships defined.

A mining partnership exists when two or more persons own a *claim*, special claim, licensed holding, or any mining right for the purpose of working or using it, and actually engage in working and using the same, or jointly employ others to work or use the same for them, and whether there be a written contract of partnership or not. 5

New subsection.

(3.) The following words are hereby added to subsection eight of section three hundred and eight of the said Act, namely,—

Gold sales.

And also, when selling to any bank the gold extracted from such ore or mineral substance, shall furnish the manager or agent of such bank with the name of the licensed machine at which such ore or mineral substance was treated. 10

7. (4.) Section three hundred and twenty-three of the said Act is hereby amended by the addition of the following words at the end of subsection twenty-three thereof:— 15

Safety-cages.

Before any safety-cage be first used it shall be tested in the presence of an Inspector of Mines to show that it is supplied with proper appliances; and no such cage shall be used unless and until such Inspector gives a certificate to the effect that such cage is in fit working order and condition. 20

New clauses.

Mining Act Amendment Act amended.

5D. Subsection four of section three of "The Mining Act Amendment Act, 1892," is hereby amended by the addition of the following words at the end of the said subsection: "Should the Minister and the owner of such land, or other person having a lesser estate or interest therein, not agree as to the amount of compensation to be paid, the Minister may take the whole or any part of the section or sections of land, as shown on the record-map in the Surveyor-General's office, of which any part may be affected by such Proclamation in manner aforesaid; and such land may be disposed of under any of the provisions of 'The Land Act, 1892.' And should such land not realise the amount of money hereinbefore provided to be paid for compensation, the County Council, or other local authority having jurisdiction in or control over the locality in which the mining operations are carried on which injuriously affect the lands aforesaid, shall pay one moiety of any loss sustained by the disposal of such land. Such money shall be deducted from any revenue accruing to such County Council or local authority: 25 30 35 40

"Provided nevertheless that the Colonial Treasurer may, on the recommendation of the Minister, pay the whole of any loss so sustained as aforesaid out of the Consolidated Fund."

Provision for payment.

5E. All land acquired under the provisions of the *last-preceding* section may be paid for wholly or partly out of moneys borrowed by debentures issued under "The Land for Settlements Act, 1892," for which purpose the said Act shall be deemed to be incorporated with this Act. But no borrowed moneys applied for the purpose of acquiring such lands shall exceed in the aggregate ten thousand pounds in any one financial year. 45 50