

Hon. Mr. Seddon.

MINING ACT AMENDMENT.

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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, 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 silver have to be carried on, necessitating the expenditure of not less than two thousand pounds in the erection of pumping and other machinery to test lodes or alluvial drifts at deeper levels than has hitherto been worked, 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 for the purpose of constructing water-races for mining purposes to the satisfaction of the Minister, 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 to any person or mining company as a loan, on conditions that such moneys are refunded out of the first profits derived from working the ground so prospected, 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 or for constructing a water-race at less distance than five miles apart.

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- (2.) Before any person or mining company shall apply for a loan for prospecting lodes or alluvial drifts, 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. But in no case shall any payment be made exceeding one-fourth of the value of the work certified to have been done. 10

Money may be granted on security of machinery and plant of mines.

3. Any sum or sums granted by the Minister towards the purposes hereinbefore mentioned such sum so advanced shall be a first charge on the special claim, claim, or licensed holding, engines, machinery, plant, gear, or other appliances erected in, on, or upon such special claim, claim, licensed holding, water-race, or mining right; and 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 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 20 25

Inspector may sue for repayment.

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 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, buildings, or other property, goods, chattels of the said person or mining company, or on any private property or properties of any or either of the directors of any such mining company, in respect of such sums of money so advanced. 30 35

Claims not deemed invalid by reason of disseverance by river, &c., or watercourse.

5. Notwithstanding anything contained in the said Act, or in any regulations thereunder, the titles to any special claim, claim, or licensed holding heretofore granted shall not be deemed to be invalid or be questioned in any Court of law or equity by reason only that such special claim, claim, or holding is dissevered by any road, river, stream, or watercourse. 40

Subject, however, and it is hereby enacted, that the holder of a special claim, claim, or licensed holding shall not be entitled to stop or impede or divert the flow of water in any such river, stream, or watercourse, nor carry any workings underneath the bed of any river, stream, or watercourse, included within the boundaries of such special claim, claim, or licensed holding, unless the sanction of the Warden be previously obtained, and then only under such terms and conditions as he may see fit to impose. 45

Mining townships may be laid off.

6. The Warden, on the approval of the Minister, may cause townships to be surveyed and laid off in sections of not exceeding one quarter of an acre each, on any land within a mining district, not- 50

withstanding that such land may be within a coalfields reserve; and the sections in such townships shall be sold at public auction on lease for a period not exceeding ninety-nine years; but such lease shall only entitle the lessee to the right of the surface of the ground, 5 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.

7. Section one hundred and seventy-eight of the said Act is hereby repealed, and the following section substituted in lieu thereof:— Definition of mining partnership.

A mining partnership exists when two or more persons own a 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, 15 and whether there be a written contract of partnership or not.

8. 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:— Safety-cages to be tested before use.

20 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.

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