

Hon. Mr. Seddon.

MINING ON ALIENATED LANDS.

ANALYSIS.

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A BILL INTITULED

AN ACT to provide for Mining for Gold and Silver on Lands within Mining Districts that may hereafter be alienated. 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 on Alienated Lands Act, 1893." It shall be read and construed together with "The Mining Act, 1891." Short Title.

10 2. In this Act, if not inconsistent with the context,— Interpretation.
"Alienated lands" mean and include all Crown lands within a mining district, now or at any time hereafter to be proclaimed, which at any time after the passing of this Act may be alienated from the Crown in fee-simple or for any less estate.

15 3. All lands which are situated within the limits of a mining district, and which are not alienated or in course of alienation by the Crown in fee-simple, shall be subject to the provisions of this Act. Act to apply to all land in mining districts hereafter sold or leased.

20 4. When any such lands are alienated or leased, or agreed to be alienated or leased, under the provisions of "The Land Act, 1892," or "The Mining Act, 1891," the grant or lease shall contain a reservation of the silver as well as of the gold in or under the land. Reservation of silver as well as gold.

In any such case the grant or lease shall contain such conditions and shall be in such form as may be prescribed by regulations under the Acts aforesaid. Deed to contain proper conditions.

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5. Holders of miners' rights may mine under land sold subject to reservations of gold and silver. Conditions, compensation, &c.

5. With respect to any land which is subject to the provisions of this Act, the following provisions shall have effect:—

Survey to be made before hearing of application.

(1.) Any holder of a miner's right may, with the written sanction of the Warden, enter upon the land for the purpose of searching for gold or silver, subject to such conditions as to compensation or otherwise as the Warden may prescribe. 5

Mining licenses may be granted.

(2.) Any holder of a miner's right may make application to the Warden to mine for gold or silver, under the provisions of the Mining Act aforesaid, under any part of the land which may be hereafter alienated. Before hearing any application the Warden shall order a survey to be made of the surface of the land above the mine to be worked. 10

Notice of application.

(3.) A license or claim, as the case may be, authorising the working of gold or silver mines under any part of any land may be granted. 15

Rights of holder of claim or license.

(4.) Notice of the application for a claim or license shall be given by the applicant to the occupier of the land, if any, and, if there is no occupier, shall be affixed in some conspicuous place on the land, and the occupier or the owner or lessee of the land shall be entitled to be heard before the claim or license is granted to the applicant. 20

Surface area to be specified.

(5.) A claim or license granted or taken up under the provisions of this Act shall entitle the claimholder or licensee to work underground for the purpose of mining for gold or silver, at a depth of not less than thirty feet below the surface, throughout the whole area comprised within the claim or license, and also, upon payment of compensation, to occupy such portion of the surface of the ground as may be allowed by the Warden. 25

Limitation of rights.

(6.) Every applicant for a claim or license shall state and describe in his application the area underneath the surface whereof he applies to mine, and every license shall specify the area of surface, if any, which under its provisions may be occupied, as well as the area within which the licensee may work the mine. 30

Extension of surface area.

(7.) A claimholder or licensee shall not be entitled to work or carry on any mining operations beyond the boundaries of the area under which he is entitled to mine; and if he works or carries on mining operations at a depth less than thirty feet beneath any portion of the surface under which he is entitled to mine, he shall be deemed to have trespassed and encroached upon the property of the person entitled to the surface. 40

(8.) When a claim or license granted or taken up under the provisions of this Act does not confer upon the holder a right to occupy the whole of the surface above the mines comprised in the license or claim, he may at any time make application for an extension of the surface area of such lease or claim. Every such application shall be made and dealt with in the same manner as the original application. 45

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(9.) Owners and lessees of lands under which mining is authorised by this Act shall be entitled, on application to the Warden, to inspect and make surveys of the underground workings from time to time as may be necessary; and, should the licensee or claimholder be found to have encroached on any ground outside the area of the mine he or they are entitled to occupy, the said licensee or claimholder, as the case may be, shall pay all expenses in connection with the surveys made by such owners or lessees; and such further sum as compensation to the owners or lessees as the Warden may determine.

Owners may inspect underground workings.

(10.) Any applicant for a claim or license under this Act shall deposit with the Warden the fees for survey, advertising, and necessary expenses incidental to the application prescribed by the regulations under "The Mining Act, 1891."

Deposit of fees, &c., by applicant.

6. Every person entitled to mine under land by virtue of the provisions of this Act shall, before beginning any mining operations or any new mining operations, give notice, as prescribed by the regulations, to the occupier of the land of his intention, and of the nature of any such operations of which previous notice has not been given; and such occupier or the lessee or owner of the land, or any person claiming an interest in the land, may, at any time previous to permitting such mining, call upon the Warden to assess the value of the damage likely to be done to any improvements upon the land by any mining operations carried on or intended to be carried on under it; and the Warden shall thereupon require the claimholder or licensee working or about to work under the land to deposit in his hands the amount of the damage which the working is likely to do to such lessee or owner or other person, and until such payment is made the claimholder or licensee shall not be entitled to mine under the land.

Compensation for damage.

Upon receipt of the amount so required to be deposited, the Warden shall hold the same as security, to be paid either wholly or in part to such occupier, lessee, owner, or other person, if he sustains any damage, or to be returned to the claimholder or licensee on his leaving the land if he does no damage.

When any person has received any money by way of compensation for injury to improvements, he shall not afterwards be entitled to claim compensation in respect of the same improvements.

7. If, in any case in which the Warden has been called on to value the damage sustained or likely to be sustained by any person, by the operations of claimholders or licensees under the land by virtue of this Act, either of the parties is dissatisfied with his decision, such party may require that the question be referred to arbitration, in which case one arbitrator shall be appointed by the person claiming compensation, and one by the claimholder or licensee interested; and the arbitrators, prior to proceeding to arbitration, shall appoint an umpire, and the decision of the arbitrators, or of one arbitrator and the umpire, shall be final.

Arbitrators may be appointed.

An application for arbitration must be made within fourteen days after the decision of the case by the Warden, otherwise it shall not be entertained; and every such application shall be in writing ad-

dressed to the Warden, and a copy thereof shall be delivered by the applicant to the other party concerned.

Surrender of existing titles.

8. Any person who is the registered proprietor for an estate in fee-simple of any land which if it were not alienated would be subject to the provisions of this Act, may, with the consent of all persons, if any, entitled to any registered estate or interest in the land, surrender the land to Her Majesty, and upon such surrender shall be entitled to have a fresh grant of the land issued to him, subject to the registered charges, estates, and interests to which it was previously subject, and an entry whereof shall be made in the grant and in the register-book before the issue of the grant. The land shall thenceforth be subject to the provisions of this Act. 5 10

Power to make regulations.

9. The Governor may from time to time make such regulations, not being contrary to the provisions of this Act, as are necessary for giving effect thereto. 15

Regulations to be published.

Such regulations shall be published in the *Gazette*, and, after the date of such publication, shall have the force of law as if the same had been enacted herein.

Every such regulation shall be laid before both Houses of the General Assembly within twenty-eight days from the issuing thereof, if the General Assembly be then in session, and, if not, then within fourteen days after the commencement of the next session thereof. 20

Certain Crown lands excluded from Act.

10. This Act shall in no way apply to lands held as small grazing-runs under Part V., or lands held for pastoral purposes under Part VI., of "The Land Act, 1892." 25