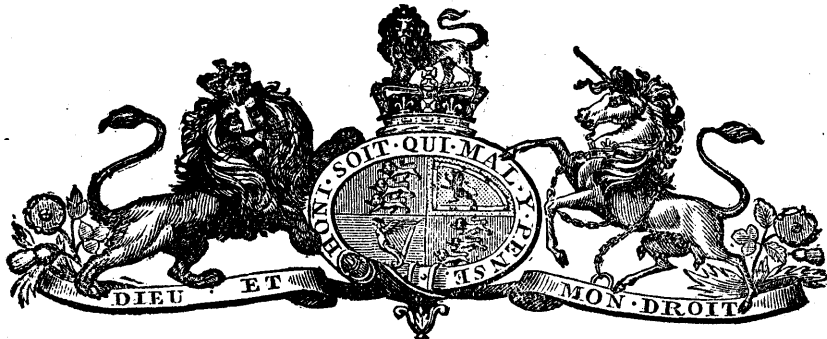


NEW ZEALAND.



TRICESIMO SEXTO

VICTORIÆ REGINÆ.

[Local and Personal.]

No. I.

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AN ACT to provide for the Construction of a Tunnel through the Tokatea Range at Coromandel.

Title.

[5th October, 1872.]

WHEREAS a certain deed was, on or about the thirty-first day of July, one thousand eight hundred and seventy-one, made and executed by Thomas Bannatyne Gillies, Esquire, Superintendent of the Province of Auckland, as holder of the delegated powers of the Governor and Governor in Council under "The Gold Fields Act, 1866," and the Amendment Acts thereto, under certain conditions, to certain individuals, which deed is as follows:—

Preamble.

This Deed made the thirty-first day of July, in the year of our Lord one thousand eight hundred and seventy-one, witnesseth, that whereas application has been made to me, Thomas Bannatyne Gillies, Superintendent of the Province of Auckland, as the holder of the delegated powers of the Governor in Council under "The Gold Fields Act, 1866," by William Crush Daldy, James Tannock Mackelvie, William Aitken, Thomas Murison Stewart, Charles Ring, Andrew Wardrop, John Logan Campbell, and William Lee Rees, for permission to occupy for mining purposes all that piece of land at Coromandel which lies within four hundred yards at right angles on both sides of a straight line commencing at the junction of the main Kapanga Creek with the Whakaroa Stream, and running in a north-easterly direction between

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the north-western angle of the Tokatea Gold Mining Company's (Registered) lease and the south-western angle of the Masonic lease, to the nearest branch of the Harataunga River, save and except all land lawfully held under the Gold Fields Acts and Regulations prior to the twenty-second day of July, one thousand eight hundred and seventy-one, which said land has been exempted from occupation for mining purposes, and also to construct thereunder a tunnel or tunnels: Now therefore, in pursuance of the powers vested in the Governor in Council under and by "The Gold Fields Act, 1866," and delegated to me under the one hundred and ninth section of the said Act, I do hereby authorize the exclusive occupation of the said land, that is to say: All that piece of land at Coromandel which lies within four hundred yards at right angles on both sides of a straight line commencing at the junction of the main Kapanga Creek with the Whakaroa Stream, and running in a north-easterly direction between the north-western angle of the Tokatea Gold Mining Company's (Registered) lease and the south-western angle of the Masonic lease to the nearest branch of the Harataunga River, save and except all lands lawfully held under the Gold Fields Acts and Regulations, prior to the twenty-second day of July, one thousand eight hundred and seventy-one, by the said William Crush Daldy, James Tannock Mackelvie, William Aitken, Thomas Murison Stewart, Charles Ring, Andrew Wardrop, John Logan Campbell, and William Lee Rees, their executors administrators and assigns, for the period of twenty years from the date hereof, for mining purposes, and for the purpose of constructing thereunder a main tunnel between Coromandel and Kennedy's Bay, and such other tunnels as may be necessary or convenient for the working of that portion of the Gold Field of Coromandel; and the following are the conditions and restrictions to which the said occupation shall be subject, and in accordance with which the said land shall be held:—

Size of Main Tunnel, and Construction.

1. The main tunnel to be seven feet in the clear in height, and seven feet in the clear in breadth at base and six feet at top. Tunnel to be safely built and timbered where necessary with substantial timber.

Tramway to be laid and maintained in Main Tunnel.

2. A double line of tramway to be laid down from end to end, with proper trucks and carriages, and with loop lines or offsets at special places.

Time for final Completion of Main Tunnel.

3. The time for final completion to be two years from completion of survey, unless unforeseen contingencies in the character of the strata or ground demand a reasonably longer period.

Terms on which other Claims are to be permitted to work through Main Tunnel, and Charges to be made by Company for Cartage of Stuff.

4. On the line of the main tunnel, or if the parties holding claims adjacent make and construct their own cross drives, the Company to convey crushing stuff from the spot where the trucks shall be loaded to the mouth of the tunnel for not exceeding ten shillings per ton, and mullock by arrangement, not exceeding five shillings per ton, the claimholders loading the trucks; but if the Company have to put in the cross drives, special agreements to be made between the parties.

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Public Traffic.

5. For public traffic the charge to be not exceeding five shillings per ton, and one shilling each for persons riding in the carriages of the Company foot passengers free.

Superintendent to re-enter.

6. Superintendent to have power to re-enter if work not carried on with due diligence, provided that three months' notice to continue such reasonable work be given, and work not then so carried on.

Time for Preliminary Surveys.

7. Three months to be allowed for surveys and necessary preparations, said three months not to be counted in the two years.

Work to be constructed under supervision of Government Engineer.

8. All work to be constructed according to specifications and under the supervision of the Government Engineer.

9. The term of permission to occupy to be twenty years.

Time for Occupation and Ground to be occupied.

10. The right to occupy for mining purposes during the said term the ground now withdrawn from occupation at Coromandel, and above described, save and except all ground lawfully held or occupied or for which leases had been applied prior to the twenty-second day of July, one thousand eight hundred and seventy-one: Provided that if any land within the boundaries of the said ground so reserved, held under lease from the Crown, or under and by virtue of miners' rights, be abandoned or forfeited to the Crown from any cause whatever, or if any such land shall be purchased or otherwise lawfully acquired by the Company, the said ground so abandoned forfeited or acquired shall be occupied by the Company to all intents and purposes as if it had originally been occupied under the grant hereby made.

Right of Company to abandon within eight months.

11. The Company to have the right, at any time after one thousand pounds has been spent under the above conditions, to throw up within the term of eight calendar months from the date hereof the work and all benefits and responsibilities under this agreement, and to give up possession to Government of the tunnel so far as completed.

Company to furnish Returns.

12. The Company to furnish to the Superintendent a monthly return of the distance driven during the month, the dimensions and directions of the various strata driven through, and specimens thereof, and particulars of the direction and angles of dip of the various strata.

Proviso for Signature of Bond to spend £2,000.

Provided always that unless the Company shall, before the expiration of eight calendar months from the date of the time of completion and approval of surveys, enter into a bond binding the Company to expend a further sum of two thousand pounds beyond the above-mentioned sum of one thousand pounds in the carrying out of the said undertaking, then and in that case the license hereby given to mine for gold in the said ground, and all the benefits property and estate

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hereby created and vested in the said Company, their executors administrators and assigns, shall cease and determine as if they had never existed.

Signed by the said Thomas Bannatyne }
Gillies, Superintendent, in the } (Signed)
presence of Vincent E. Rice, } THOMAS B. GILLIES,
Chief Clerk. } Superintendent.

And whereas on the said deed was indorsed a memorandum as follows:—

Memorandum of Agreement made and entered into this eighth day of January, one thousand eight hundred and seventy-two, between the within-named Thomas Bannatyne Gillies, Superintendent of the Province of Auckland, as the holder of the delegated powers of the Governor in Council, under "The Gold Fields Act, 1866," of the one part, and the within-named William Crush Daldy, James Tannock Mackelvie, William Aitken, Thomas Murison Stewart, Andrew Wardrop, John Logan Campbell, and William Lee Rees, of the other part—Witnesseth that for divers reasons and circumstances it hath been agreed between and by the parties in the within deed mentioned that the paragraph number one in the said deed shall be expunged, and in lieu thereof shall be substituted as follows:—That the main tunnel shall be six feet six inches in height, in breadth at the base six feet six inches, and in breadth at the top five feet six inches, these measurements to be inside and clear of everything. Tunnel to be safely built and timbered where necessary with substantial timber; and that the word "two" in paragraph numbered three of the within deed be altered to the word "three," and so that the time for final completion of main tunnel be three years instead of two years, as in the said paragraph mentioned. And it is hereby expressly agreed and declared that the agreement hereby made shall be read as if incorporated with and forming part of this said deed. In witness whereof the said parties have hereunto subscribed their names.

Signed by the said Thomas Bannatyne }
Gillies, in the presence of Vincent } (Signed)
E. Rice, Chief Clerk. } THOMAS B. GILLIES,
Superintendent.

Which said deed gave and purported to give to the said parties therein named power to construct and maintain a tunnel through the Tokatea Range between Coromandel and Kennedy's Bay, in the Province of Auckland, and to work for gold therein and therefrom: And whereas the grantees therein named have formed themselves into a Company incorporated under the provisions of "The Joint Stock Companies Act, 1860," by the name of "The Coromandel Tunnel and Gold Mining Company, Limited," for the purpose of constructing and maintaining the same tunnel and to work for gold in the said ground or claims:

BE IT THEREFORE 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 shall be "The Coromandel Tunnel Company's Act, 1872."

Interpretation.

2. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say:—

The words "the Company" shall mean "The Coromandel Tunnel and Gold Mining Company, Limited."

The words "the Company's claim" shall mean the piece of land hereinbefore described.

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The words "the tunnel" shall mean the tunnel to be constructed by the said Company through the Tokatea Range.

The words "the promoters" shall mean the said William Crush Daldy, James Tannock Mackelvie, William Aitken, Thomas Murison Stewart, Charles Ring, Andrew Wardrop, John Logan Campbell, and William Lee Rees.

The words "the said grant" shall mean the said deed hereinbefore set out.

3. The Company shall stand in the place and stead of the promoters in the liabilities cast, or purporting to be cast upon the promoters by the said grant, and the promoters shall be relieved therefrom. Company to stand in place of promoters.

4. The Company shall receive hold and enjoy all the privileges bestowed, or purporting or intended to be bestowed upon the promoters, their executors, administrators, or assigns, by the said deed for the term of twenty years as in the said grant mentioned. Company to enjoy privileges of promoters.

5. The time allowed for the completion of the said tunnel shall be four years from the first day of January, one thousand eight hundred and seventy-two, in lieu of the time specified in the said grant. Time allowed for completion of tunnel.

WELLINGTON, NEW ZEALAND:

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