

(d.) Shall provide that, when and so long as the amount of royalty on any coal-mining lease exceeds the sum paid as rent, the rent-charge shall cease.

Royalty on existing leases.  
1901, No. 46, sec. 2

(2.) The provisions of the *last preceding* subsection relating to unsaleable waste coal or rubbish shall also apply in the case of all existing leases. 5

(3.) In the case of the lease of the Mokihinui Mine, dated the twenty-fifth day of September, one thousand nine hundred, which is granted to co-operative miners, royalty shall be paid in accordance with the provisions of this section. 10

Reservations and exceptions in leases.  
1891, No. 46, sec. 12

15. (1.) Every lease granted under the authority of this Act for coal-mining purposes shall be deemed to have been granted subject to the following exceptions, reservations, and conditions:—

(a.) The surface of the soil, water and watercourses, shall be and be deemed to have been excepted from any demise thereby made, and such surface shall be and be deemed to have been and continue to be vested in His Majesty, except in so far as may be necessary for the construction by the lessee of any tramways, or the erection of buildings, machinery, and plant, or the storing coal, or as spoil-banks for waste coal or other refuse. 15 20

(b.) Any person, with the sanction of the Minister, on the recommendation of the Warden or Commissioner of Crown Lands, as the case may be, first obtained, shall have free access, egress, and regress upon the land demised for the purpose of constructing any adit or tunnel through such land, so long as he does not interfere with the coal-mining works in operation, and also shall have at all times the right, subject always to non-interference with the coal-mining works as aforesaid, to use such adit or tunnel for any of his own purposes. 25 30

(c.) There shall be and be deemed to have been excepted out of any such demise unto His Majesty, his successors and assigns, all timber trees and trees likely to be timber standing, growing, or being, or which at any time during the term of any such lease shall stand, grow, or be in or upon the demised premises or any part thereof, together with free liberty of ingress, egress, and regress to and for His Majesty, his successors and assigns, the Governor and the Minister, and all persons having his or their authority so to do, to fell, cut, and carry away the same at fit and reasonable times. 35 40

But, nevertheless, every lessee of a coal-mining lease shall and may cut down any timber trees for the purpose of constructing any railway or tramway thereon, or rolling-stock for such railway or tramway, or any buildings, or for prop-wood or firewood, or other necessary purposes incidental to the proper working of the coal-mine, railway, or tramway. 45

(d.) There shall be and be deemed to have been excepted out of any such demise unto His Majesty, his successors and assigns, all metals and minerals other than coal that are, 50