

residence, or special site, shall cease and determine, and the purchaser shall be entitled to possession of the land under the title acquired by his purchase.

Extension to persons  
in occupation  
without title.  
1898, No. 38, sec. 41

42. The Governor in his discretion, and with such modifications as he thinks fit, may extend the provisions of the last preceding section hereof to cases where, before the commencement of "The Mining Act, 1898," buildings or other improvements have been erected or made on unalienated Crown lands by persons in occupation thereof without title. 5

Rights acquired  
protected whether  
reserved in Crown  
grant or not.  
Ibid, sec. 42

43. (1.) No Crown grant or conveyance, nor any license for a mining privilege, shall have the effect of revoking or injuriously affecting any mining privilege or easement or tenement lawfully acquired and held under this Act or any former mining Act, whether any reservation or exception thereof is contained in such grant, conveyance, or license or not. 10

(2.) Every such grant, conveyance, or license shall be construed as if it contained an express reservation of the right to hold, occupy, and use such mining privilege or easement or tenement, with all necessary and reasonable means of access to work, cleanse, repair, and efficiently use the same. 15

(3.) The provisions of this section shall be deemed to be and to have been in force within every goldfield proclaimed under "The Goldfields Act, 1866," and gold-mining district constituted under "The Gold Mining Districts Act, 1873," from the date of the original Proclamation of such goldfield or constitution of such district; and every such grant, conveyance, or license issued or to be issued in respect of land within any such district shall be construed accordingly. 20 25

Leases in mining  
townships.  
1904, No. 33, sec. 4

44. The Warden, under regulations to be made in that behalf, and with the consent in writing of the Minister, may from time to time grant to any person a lease of the surface of any section in any township within a mining district, for any term not exceeding twenty-one years, at such rent and under such restrictions as may be prescribed by such regulations; and with respect to every such lease, whether granted under this Act or in renewal of any lease heretofore granted by the Governor under the corresponding provisions of any former Mining or Land Act, the following provisions shall apply:— 30 35

- (a.) Such lease shall entitle the lessee to all the rights and privileges enjoyed by holders of business-site licenses under this Act.
- (b.) If at any time during the currency or at the termination of any such lease the land comprised therein is proved to the satisfaction of the Governor to be neither auriferous nor argentiferous, nor to be required for any mining purpose, such land may be sold by public auction, subject to valuation for building and improvements, in the manner and to the extent provided for in section forty-one hereof. 40
- (c.) At the end of the lease, unless the land is proved to be auriferous or argentiferous, the lessee shall be entitled to a renewal of the lease for a further period of twenty-one years, at such rent and under such terms and restrictions as may be prescribed by regulations to be made in that behalf. 45
- (d.) The rents arising from all such leases shall be goldfields revenue, and payable to the Receiver of Gold Revenue of the district in which the land is situated. 50