

whether by way of absolute sale or for any lesser estate or interest, shall be open for prospecting for gold and any other metal or mineral, and shall also be liable to be resumed by His Majesty for mining purposes: Provided—

- 5 (a.) That the consent of the owners or occupiers shall be necessary in the case of such of the aforesaid lands as, having been alienated as aforesaid from the Crown prior to the twenty-ninth day of September, one thousand eight hundred and seventy-three, or from the Native owners thereof prior to the thirtieth day of August, one thousand eight hundred and eighty-eight, were not comprised within any mining district on the seventeenth day of October, one thousand eight hundred and ninety-six; and also
- 10 (b.) That, in so far as relates to prospecting for other than gold, the consent of the owners or occupiers shall be necessary in the case of lands alienated as mentioned in the next preceding paragraph hereof, whether such lands were or were not comprised within any mining district on the date mentioned in that paragraph; and also
- 15 (c.) That nothing in this section contained shall be construed to limit or affect the provisions of this Act relating to prospecting or mining on Crown lands, or the rights of His Majesty in respect of any lands over which the right to authorise mining operations has been, is, or may hereafter be possessed, reserved, or acquired by or ceded to His Majesty.
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*As to Resumption.*

52. The resumption for mining purposes of any land liable to be resumed as aforesaid shall be deemed to be the taking of land for a public work within the meaning of "The Public Works Act, 1894," and shall be effected subject to the provisions hereinafter contained.

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Resumption as if taken for a public work.  
1898, No. 38, sec. 51

53. Any person may make application in writing to the Minister for the resumption of any such land as aforesaid for mining purposes, and shall forward with such application the sum of twenty-five pounds by way of deposit, whereupon the following provisions shall apply:—

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Application for resumption, and deposit.  
Ibid, sec. 52

- 35 (a.) The Minister shall refer such application to the Warden, and shall inform the applicant thereof.
- (b.) The Warden shall inquire into the matter of such application, and make report thereon to the Minister.
- 40 (c.) Such report shall state the reasonable costs (if any) properly incurred in connection with the inquiry (including any reasonable costs properly incurred by any owner or occupier of the land), and also what proportion thereof (if any) the applicant ought to pay.
- 45 (d.) The aforesaid deposit shall be applied in paying such proportion of costs as aforesaid, and the balance (if any) of the deposit shall be returned to the applicant.
- (e.) If the deposit is not sufficient to pay such proportion as aforesaid, the deficiency or, if the report states that no costs should be paid by the applicant, the total amount thereof shall be paid,