

(i.) That at the time of application for the purchase of such land the freehold thereof has been acquired by the Crown ; and also

(ii.) That the Warden, after investigation, reports to the Minister that the land is not auriferous or argentiferous, and is not required for mining purposes ; and also

(iii.) That there shall be excluded from such purchase all land situate within sixty-six feet of the bank of any water-course in the said block.

Rights under Ohinemuri deed of cession not to abate on extinguishment of Native title.
1898, No. 38, sec. 35

36. The rights acquired by the Governor on behalf of the Crown under the deed of cession of the Ohinemuri Block, dated the eighteenth day of February, one thousand eight hundred and seventy-five, as published in the Auckland Provincial Government *Gazette* of the eighth day of July, one thousand eight hundred and seventy-five, shall not abate or be prejudicially affected by reason of the extinguishment of the Native title to or the issue of a Crown grant or other instrument of title for the land comprised therein or any portion hereof ; and the said deed of cession shall from the date thereof be deemed to have been and to be valid and binding on all persons whatsoever according to the true intent and meaning of the same.

Mining rights over Native lands when Native title extinguished.
Ibid, sec. 36

37. All mining rights which, on and after the first day of January, one thousand eight hundred and ninety, have been acquired, or which at any time hereafter may be acquired, by or on behalf of His Majesty in respect of any Native land shall inure to His Majesty and remain unaffected notwithstanding the extinguishment of the Native title to or the issue of a Crown grant or other instrument of title for such lands or any portion thereof at any time subsequent to the acquisition of such rights.

Sale and Occupation of Crown Lands.

Land Act not to apply except in certain cases.
Ibid, sec. 37

38. Subject to the provisions of this Act, no Crown lands within any mining district shall be sold, leased, or otherwise disposed of under any provisions of any Act for the time being in force in such district regulating the sale, lease, occupation, or disposal of lands of the Crown, except in so far as such last-mentioned provisions specially authorise the sale, lease, occupation, or disposal of Crown lands within a mining district, or relate to—

- (a.) The making of reserves : or to
- (b.) The exchange of agricultural leases under any former Mining Act for leases or licenses under "The Land Act, 1892" : or to
- (c.) The occupation of land held under any lease or license granted before the first day of February, one thousand eight hundred and ninety-nine (being the date of the commencement of "The Mining Act, 1898"), in the case of a mining district existing at the time of such commencement, and in any other case before the issue of the Proclamation constituting the mining district : or to
- (d.) Land reserved for any public use or purpose : or to
- (e.) The issue of leases or licenses for any of the following purposes :—
 - Depasturing ;
 - Removal of clay for bricks or pottery ;
 - Removal of sand, gravel, or stone ;
 - Working of quarries ;