

that specified therein, such portion may, in his discretion, be made available for mining purposes, either by cancelling the license as to such portion, or otherwise as the Warden thinks fit, or as regulations prescribe :

5 Provided that with respect to the portion to be made available as aforesaid the provisions of section eighty-nine hereof, and the Second Schedule hereto, shall, *mutatis mutandis*, apply, subject nevertheless to the following modifications, that is to say :—

10 (i.) The licensee shall be deemed to be the proprietor ;

(ii.) The person on whose application the land is made available as aforesaid shall be deemed to be the applicant ;

15 (iii.) Where the land is made available for mineral leases in respect of any specified mineral, the right of priority conferred by the said Schedule shall be deemed to relate to a mineral lease in respect of such mineral ;

(iv.) Such other modifications as are prescribed for the purpose of giving full effect to this paragraph.

20 (j.) The license shall contain due provisions—

Conditions of  
license.

For securing the payment of all rent and royalty ;

For insuring the regular, proper, and efficient carrying on of mining operations, and for the inspection of the mine and workings ;

25 For cancelling the license on breach of any condition to be performed or observed by the licensee ; and

For insuring compliance with any other conditions the Warden may deem it necessary to impose.

104. (1.) Notwithstanding anything in paragraph (c) of the last preceding section, the Warden may grant a mineral lease authorising the lessee to occupy any part of the land described in the Third Schedule hereto, not exceeding one thousand acres and in one continuous block, for the purpose of mining for any specified metal or mineral other than gold.

Mineral lease may  
be granted in Nelson  
Land District.  
1902, No. 22, sec. 2

35 (2.) The Warden shall not grant the lease unless and until the Minister has consented thereto and notified such consent in writing on the instrument of lease. Any lease granted shall contain a provision that the State may purchase at a fair value, to be ascertained in the manner set forth therein.

40 (3.) Paragraph (2) of the last preceding section shall not apply to a lease granted under this section, so that, in the event of the land in respect of which a lease under this section is granted, or any part thereof, being proved to be auriferous or to contain any metal or mineral other than that specified in the lease, the lease shall not on that account be cancelled.

45 (4.) The Warden may from time to time, if it appears to him that the working of the land comprised in such lease for the purpose specified in the lease is not thereby prejudiced, grant any mining privilege over any part of the land comprised in such lease :

50 Provided that, if at any time it appears to the Warden that the exercise of any such mining privilege is prejudicial to the working of the land by the lessee, the Warden may forthwith cancel such mining privilege, and the holder thereof shall have no right to compensation in respect of such cancellation either against the Crown or the lessee.