

## MINUTES OF EVIDENCE.

MONDAY, 9TH AUGUST, 1869.

Mr. John Williamson, Superintendent of Auckland, in attendance and examined.

1. *The Chairman.*] What is the intention of the Provincial Government in the promotion of this Bill?—It is with the view of making the land useful for mining purposes: we have no control over it at present. Mr. Williamson.  
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2. Why has the land not been included in the Gold Fields?—Because the powers given under the Act of 1868 have not been delegated to the Superintendent of Auckland.

3. *Mr. Richmond.*] Could it not have been proclaimed by the Governor in Council?—Yes, I believe it might have been, but I understood that the former Government were desirous to negotiate with the Natives, through Mr. Mackay, as to any rights they possessed over that land before they would do so. It is supposed, from reports made by Captain Hutton and others, that there is gold to be found underlying the fore-shore there; and I thought myself that it was a pity that wealth should lie undeveloped if by any step we could take here, either by legislation or an Order in Council, or any other way, access could be had to it. In dealing with it, it struck me that the fore-shore all along should be utilized in the same way as the harbour endowments of Auckland, that is, as far as the surface rights; but that those who desired to search for gold might have the right to mine for it under the surface, leaving the surface rights still undisturbed, whether they belonged to the Natives or the Government; that even the surface might have been leased for a term, say of twenty-one years, for building and other purposes; and that rights should be secured for the carrying on of railways, wharves, or any other public works on the surface.

4. *The Chairman.*] That land was reserved in January last by the Governor in Council: have you any idea as to the intention of that reserve?—I have not. No doubt the reason for reserving it has been will be set forth in the Order in Council.

5. Did you make any application for it to be reserved?—I made application for the delegated powers, so that we might use it for public purposes. We intended to carry out a system of railways and tramways there; it was intended to carry the great trunk railway at the base of the hills along the beach below high water-mark, and hence we applied for power to do so. It was intended to carry the railway from Tararu Point up to Shortland, to connect the branch tramways from the hills with it, and that eventually the main trunk line should be extended towards the Ohinemuri country if opened up and found to be gold-bearing, which I have no doubt it is.

6. Can you give us any information as to the mining rights that have been granted by the authorities on the Gold Field over portions of the sea beach?—So far as the Superintendent is concerned, no rights have been given at all outside the boundaries of the proclaimed Gold Fields. I am not aware what the General Government may have done.

7. You are aware that certain rights have been granted below high water-mark?—No, I am not aware of any such privilege having been granted.

8. *Mr. Dillon Bell.*] Do you know if any mining rights have been laid out on the fore-shore?—I am not aware of any having been laid out before I left Auckland, but since then I have heard that ground had been taken up there.

9. Has this been done by the sanction of any officer of the Provincial Government since you left Auckland?—No, there is no person who could give that authority but the Superintendent himself who holds delegated powers; but his delegated powers do not extend over that portion. The only officers of the Provincial Government, who may be regarded as partially officers of the Provincial Government, are the Wardens. If they have given any such sanction I am not aware of it. If they have done so, it has not been with my sanction, or that of any member of the Provincial Government.

10. Then the Committee understand that if any permission of this kind has been given by the Warden or other Gold Fields officer, the Provincial Government do not hold themselves liable for the performance of that?—Certainly not; they know nothing about it; they have had nothing to do with giving any such sanction. I have given leases for the right of mining underneath the surface of the block over which buildings have been erected, but not below high water-mark.

11. Then, so far as your authority under the delegation is concerned, the Committee are to understand that no right which has been created with your knowledge and sanction would affect any proposed legislation by the General Assembly?—Certainly not.

12. *Mr. Richmond.*] Can you tell us what public rights and other rights are referred to in the second section of the proposed Bill?—Public rights, such as the rights of the Crown, and the Native rights. I am not aware of any private rights over this land. The public rights are reserved under "The Public Reserves Act, 1854;" but they only extend to the frontages of purchased allotments of land, and leased allotments.

13. *The Chairman.*] You mean to say that they only apply to water frontages?—Yes; if a man buys an allotment with water frontage, he claims the right to that water frontage that he may have the privilege of coming up to his land in a boat. That right cannot be taken away from him without compensation according to "The Public Reserves Act, 1854;" if the land be required for purposes of public utility, the right can be taken away from him by giving compensation.

14. *Mr. Richmond.*] With regard to the 4th clause, was it intended, where mining is permitted to go on, that the freehold of the surface is to be sold subject to regulations—that is, if I buy the surface out and out, with all rights attached to it, should I buy it with full right to mine?—That is not intended. The object of this Bill is to reserve the gold which may lie underneath for mining purposes, that the sole right should not be given to either leaseholder or freeholder. My reason for that is, that I think it would be a pity that an individual who might be able to purchase a piece of ground in which