

Company's claim. A shaft has been put down on the side of the hill, and they have struck gold there. *Mr. J. Mackay, junr.*
(Witness described the position of the claim on the plan.)

45. I understand that a claim has been pegged out between high and low water-mark, called the Magenta; that it was originally worked under miners' rights; that it has since been formed into a company, and the scrip issued and sold, not only in New Zealand, but in Australia. Can you inform the Committee under what authority, if any, that ground was allowed to be pegged?—I am not aware of any authority ever having been given to peg out any such ground. The miners' rights do not specify the precise locality of any claim. The parties would probably apply for miners' rights for the Karaka Block, that being the land adjacent.

9th August, 1869.

46. On the application for the registration of a company, do the parties granting or verifying the application under which the company is formed specify the locality in which the claim is situated, and for which the company is to be registered?—I am not a Warden of the Gold Field, and I have had no authority to entertain any applications for leases since October, 1868. The leasing regulations have come into operation since that period. I know nothing of the proceedings in the Warden's Office. When I said no authority has been given, I meant to say that I, as an officer of the Native Department, have given no authority. I cannot say, of course, what the Wardens have done.

47. *Mr. Dillon Bell.*] With reference to your answer some questions back, in which you said no authority had been given, the Committee are to understand that your answer related to acts of your own as an officer of the Native Department, but that you cannot satisfactorily inform the Committee whether any Warden, or any other officer, may or may not have given authority on the subject?—Just so; that is what I mean. It has not been done through my Department.

48. Can you inform the Committee whether there is any one now in Wellington who could give precise information on such a point as this?—I think not; I am not aware of any person in Wellington who knows anything about it.

49. *Mr. Studholme.*] Have you heard of anything of the kind having been done by any one?—I am not aware of anything of the kind having been done.

50. The Chairman produced a letter (*vide* Appendix B.) written by Mr. E. Braithwaite, Chief Clerk in the Civil Commissioner's Office, refusing application to lease or occupy any of the land in question, inasmuch as it is not within the proclaimed gold field.

51. *The Chairman.*] What are the circumstances under which this letter was written?—Several applications had at various times been received by me up to June 1869, at which time Dr. Pollen showed me a letter which he had received, in which application was made for permission to mine on the tidal flats, and asked me what was the position of this land? I told him it was not within the proclaimed gold fields; that several parties had made application for it, and if these applications were receivable, that I had some which were prior to the one he then had. He then said that they had better all be answered to the effect that the lands were not within the proclaimed gold fields, and that the applications could not be recognized. In accordance with these instructions some seven or eight letters of the kind now produced by the Chairman were written on 7th June, 1869, the purport of which was that the applications could not be received.

52. Have the Natives undertaken any survey of this flat, with the idea of putting it through the Native Lands Court?—Yes, several blocks have been surveyed.

53. Supposing the land passed through the Native Lands Court, and the Natives obtained a Crown title to it, would not that render nugatory the provisions of this Bill?—I presume that it would. As I understand this Bill, it vests the land in the Crown.

54. *Mr. Dillon Bell.*] But this statute, being of later date, would of course override by its provisions any conflicting provisions in the Native Lands Act?—I am not aware that the Judge of the Native Lands Court would in any case consider he had jurisdiction over this land, over the fore-shore.

55. *Mr. Richmond.*] Do you think that the Natives have been put up to this idea recently about the property on the fore-shore? Is it one recently suggested to the Natives, or is it one of old standing?—As far as my experience goes, I have never known the Natives assert any right except that of fishing over such lands until it was supposed that gold was on this beach, and then they at once asserted their rights; which of course they were very likely to do, from seeing claims pegged out.

56. *Mr. Studholme.*] In case this Assembly passed an Act for dealing with the fore-shore without any further agreement with the Native claimants, what do you think would be the effect upon the Natives?—I believe the Natives would resist it. If the Government were to attempt to reclaim a portion of that flat, the Natives would object to it. If there were a large number of them, they would forcibly pull down any buildings erected there.

57. *The Chairman.*] Supposing the Government proclaimed the fore-shore within the limits of the Gold Field, and subject to the regulations of the Gold Field, so as to bring it within the Leasing Regulations, do you think the Natives would be perfectly willing to come under such a proclamation?—No, I believe they would resist any occupation, either by Government or miners, unauthorized by themselves.

58. *Mr. Richmond.*] Have you studied this Bill?—I have read the Bill several times.

Looking at it merely as a mining Bill, can you say is it advantageous or disadvantageous for the mere purposes of mining—for developing the mines—to introduce a Bill of this kind, or would you prefer the ordinary Gold Fields law?—This Bill, I think, contains other provisions besides those relating to mining; it contains provisions for the leasing or selling of land.

59. Are the provisions for mining preferable to those under the Gold Fields Act?—I take it that the result would be much the same as far as the Native owners are concerned.

60. I am speaking to you as an old Warden and experienced in gold fields: What advantage would the mining interests receive by substituting this Bill for the ordinary Gold Fields law in that district?—I presume the ordinary miner would not derive any benefit at all, but the land would be purchased by capitalists. I should like to say a few words in further explanation of the matter. I think if the land was proclaimed under the Gold Fields Act, that it would be immediately rushed by a very large number of miners, the same as in the case of all other lands when newly proclaimed.