

than they would if it were held under the ordinary system of miners' rights tenure; but if a dissatisfaction existed in the minds of the ordinary mining population, and they considered that it was no use remaining, and if legislation were in favour of capitalists, it would of course reduce the ordinary mining population, and therefore the revenue, to a certain extent.

*Mr. J. Mackay, jun.*  
10th August, 1869.

73. *Mr. Clark.*] Would not these results be greatly modified by the knowledge of the fact that the proposed legislation was of a very exceptional kind, and that the general practice prevailing was that of every man pegging out his ground?—My answer is, that miners leaving the gold field would not enter into the principles of the Act by which they were deprived, but would merely state that they had been on the gold field, and had pegged out claims which they could not have, because the Government had made a law in favour of capitalists.

74. Would it prevent ill-feeling if the parties who originally pegged out the ground before your advertisement were to have their claims recognized?—If the claims of those parties were recognized, other miners would then desire to have the same right to peg out claims. They would not see why one party of men should be allowed to hold claims under miners' rights, and the remainder of the community be debarred from doing so.

75. *The Chairman.*] Do you know whether any permission has been given to any parties to mine within the limits of any townships?—I know that applications have been received for mining leases over lands within the townships. I objected to these for the following reasons: 1st, That although the Governor had by agreement acquired the right to mine under the townships, the Superintendent's Proclamation of 16th April excluded these lands from gold mining. 2nd, That it was necessary to revoke the previous Proclamation, as far as townships were concerned, and to issue special regulations to authorize mining before leases could be legally granted.

76. Has mining actually taken place within the townships known as Tookey's Flat and Graham's Town?—Mining has taken place there, and there are several disputes about the right to occupy those lands.

77. Would a new Proclamation, if issued, be made to confirm the rights of parties at present in possession, or should the ground be thrown open to the general body of miners?—I presume that no person, being the holder of a miner's right, was entitled to peg out the claim within the township, because a miner's right is only in force within a proclaimed gold field. By the same rule, I presume that the leases issued by the Provincial Government are invalid; but I have no doubt that in cases where the Government had issued leases, they would in some way or other validate their own proceedings.

Mr. Mackay was thanked, and withdrew.

Mr. James Benn Bradshaw in attendance, and examined.

78. *The Chairman.*] You have had considerable experience in mining matters?—Yes; between sixteen and seventeen years', principally in Victoria and Otago, and about eight months on the Thames, at Auckland.

*Mr. Bradshaw.*  
10th August, 1869.

79. You are acquainted with the regulations in force at the Thames at the present time?—Yes; I have read them over carefully.

80. You know the position of the sea beach?—I do. I produce a map showing the locality. (Map produced.)

81. Have you seen the Sea Beach Bill?—I have read it very carefully.

82. Does the Sea Beach Bill, in your opinion, conflict in any degree with the Act of 1868, which makes provision for mining in Native districts?—I think it does conflict, as far as the Natives' rights are concerned.

83. What rights do you consider the Natives obtained under the Act of 1868?—I consider that they are entitled to the miners' fees the same as they are upon the grounds abutting on the beach.

84. Have any rights grown up on the sea beach that you know of?—Yes, outside the limits of the gold fields, two to my knowledge—the Magenta and the Wakatip. Both were marked out in July, 1868, and taken up by working miners under their miners' rights. I know these claims, for I have been to the Registry Office where they have been registered by the Registrar of Mines under the regulations, and several transfers have been effected under that registration. I produce a map showing the position of the claims. (Map produced.) I believe the original registering was in July, 1868. I now produce petitions from the promoters of the Wakatip and Magenta claims to His Excellency the Governor, claiming protection from any action that may be taken. (Petitions produced, showing that the claimants worked from July, 1868, and had expended large sums both for machinery and in working the mines.)

85. Under what pretext did the authorities of the gold field recognize the rights of those parties to mine there?—Under the regulations that are framed by His Excellency's delegate, and by the rules and regulations laid down for registration. The miners' rights fees have been accepted, and I presume have been handed over to the Maoris. The gold field authorities have also accepted of the miners' rights fees from a large number of people who have bought into the claims, and who are not all resident in New Zealand, but some of them in the Colony of Victoria and in England. No purchase was made without referring to the registry, and the transfers were duly acknowledged by the Registrar, because they have been subsequently (in July last) formed into a Company under "The Joint Stock Companies Act, 1865."

86. Are you aware that an advertisement was issued by Mr. Mackay, warning and cautioning all persons from mining on the lands between high and low water-mark, as being without the limits of the gold field?—I am not aware of Mr. Mackay doing so. I am aware of another advertisement from Mr. Tole, Crown Lands Commissioner, but it was only issued within the last two months. Even if such a notice were issued, I do not think it would restrain the miners from going beyond the arbitrary lines of the gold field, because it would effectually check prospecting throughout the Province of Auckland, and would effectually check the discovery of new fields elsewhere. I may state that outside of the gold fields, in the Colony of Victoria, and I believe in the Province of Otago, persons are encouraged to go beyond the limits of a gold field to prospect, and that they have a negative right to get all the

*Vide Appendix (C).*