

first on the ground take them up, because otherwise there would be a combination of capitalists, and they would be bought under their value. I never heard of known auriferous land being sold at auction by the Crown. *Mr. D. J. O'Keefe.*  
12th August, 1869.

143. *Mr. Gallagher.*] After acknowledging what we must call the present existing rights on the beach, would you think it advisable to allow the rest of the ground to be taken up under miners' rights issued by the Province under the Gold Fields Act?—Certainly; the authorities reserving to themselves the right to lease the surface, by auction or otherwise, for purposes of revenue, such as the erection of wharves, tramways, &c.

144. Is this ground auriferous?—I believe it is.

145. *The Chairman.*] Have you carefully read the Bill?—I have read some of the clauses contained in it.

146. Do you know of any advantage which the purely mining interest would receive by substituting this Bill for the ordinary Gold Fields law?—I do not.

147. Do you think there would be any danger of a riot if the land were proclaimed under the Gold Fields Act?—Not the most remote danger. The idea is utterly absurd.

148. Apart from the Native question you would throw it open?—I would, and in doing so I would guard the Native interest, as it would be wrong to violate any of their rights, as they have acted honorably, and to trample upon them would be a grievous injustice.

Mr. O'Keefe was thanked, and withdrew.

Mr. James Mackay, jun., in attendance, and further examined.

149. *Mr. Dillon Bell.*] You are aware of certain petitions having been presented to the Legislative Council and the House of Representatives by the Natives at the Thames, as to a certain infraction of the rights which they claim under their agreement with the Government, and you have given evidence before the Legislative Council Committee on the subject; would you state to the Committee whether, and in what way, the complaints made by the Natives are proposed to be adjusted so as to avoid any just cause of complaint on their part?—I hand in the evidence I gave before the Public Petitions Committee of the Legislative Council. [Printed document produced.] I think the grievances complained of by the Natives will be met by the arrangement proposed in section ten of the Mining Companies Limited Liability Act Amendment Bill, which is now before the Legislative Council, and also by amendments proposed in the Gold Fields Act Amendment Bill. These amendments will, I think, meet all the difficulties arising with the Natives, and care has been taken to see that they are only applicable to Native lands. This Bill is in strict conformity with my view of the case, and it is the best thing that can be done. [Copy of Bill handed in.] Mr. Whitaker and myself consulted together as to the form of the amendments to remove any complaint on the part of the Natives, and the amendments we have drawn up have that effect. This in no way affects the Sea Beach Bill. *Mr. J. Mackay, jun.*  
12th August, 1869.

150. If the Sea Beach Bill were passed, providing that the sea beach should be leased, there would be no contravention in it of any agreement made between you and the Natives?—As far as regards the portion of the sea beach which is the subject of the agreement made between the Natives and myself in April, 1869, which block is numbered 7 on the sketch plan, I think the terms and conditions of the agreement are the same as those in that of the 9th March, 1868. I believe that the words are that it is to be "subject to the same terms and conditions as are contained in that agreement." With reference to the other portion of the beach blocks, numbered from 1 to 6 on the sketch plan, I have already stated that the Natives have made no agreement, and I doubt very much whether they will make any agreement with the Government.

I have omitted to state in my evidence as to the Native rights the other day, that considerable difficulty arose some time ago about some logs of kauri timber belonging to Captain Daldy which were lost during a fresh from a mill at Waikawau, and had drifted on to the flats. I had great difficulty in getting the Natives to give up the timber, which they had seized. This occurred between the Thames and the Miranda Redoubt. The Natives would not give up the timber without payment. I settled the question with some of them, but I have not been able to do so with others up to the present time.

Mr. Mackay was thanked, and withdrew.

The Committee then adjourned.

## APPENDIX.

(A.)

(No. 371-2.)

SIR,—

Native Office, Wellington, 17th October, 1868.

In reference to correspondence on the subject of the application of Messrs. Beetham, Severn, Walker, and Co., for lease of a tidal flat at Shortland for gold mining-purposes, I am directed by Mr. Richmond to inform you that this land is in an exceptional legal position. The Native title over it would probably not be recognized by courts of law; at the same time, it is not within the definition of Crown Land, or subject to the ordinary Waste Land laws. The Gold Fields Act of this Session points out how it may be dealt with—*i.e.*, by agreement between the Colonial Government and the Native owners of adjacent lands. *See Mr. Mackay's Evidence.*  
9th August, 1869.

I enclose a copy of the Act, which, as the Government understand it (section 9), prevents any one except the Government from dealing with the Natives, and yet recognizes an interest on their part.

I am accordingly to request that you will endeavour to arrange with the Native owners for the occupation of this tidal flat upon reasonable terms, and obtain a reserve for a tramway, which, with their assent, may be permanently dedicated to such a purpose.

I have, &c.,

G. S. COOPER,  
Acting Under Secretary.

The Civil Commissioner, Auckland.