

RESOLUTION XIII.—*Docks.*

Definite information required.

RESOLUTION XIV.—*Scab.*

Requires legislation.

RESOLUTION XV.—*Technical Education.*

The recommendations in this resolution necessitate by their nature a large outlay, for which special provision is required. So far as any alteration of the Colonial Museum and Laboratory has been made during the past year, the adoption of the proposed scheme has been kept in view, and there is now accommodation for ten pupils in the branch of practical chemistry. Apparatus, a lecture-room, and further Museum accommodation are however required, before the proposed scheme of instruction can be carried out.

W. GISBORNE.

## SECTION I.—WATER RIGHTS.

## No. 2.

MEMORANDUM by the Hon. Mr. SEWELL.

I wish to draw attention to a subject incidentally referred to in the Report of the Committee upon Colonial Industries, and Dr. Hector's minute thereon—namely, the utilization of Inland Waters.

The object to which the report particularly refers is the application of water to Races for Mining purposes; but it is obvious that this is only one of a variety of uses to which water may be applied, and for which continued recourse is had to legislation in order to obtain the requisite legal powers for adapting it. Having in the course of my professional experience had opportunities of considering this subject, I have long come to the conclusion that the English law relating to it is extremely defective. It is based on certain main principles at variance with the requirements of modern improvements. One (which governs navigable streams) is, that the ownership both of navigable rivers and their beds is in the Crown; another (relating to minor streams) is that the ownership "is vested in the proprietors of the lands through which they flow, or, when a stream divides the lands of distinct proprietors, in such proprietors respectively, *usque ad filum aque.*" As regards natural reservoirs and sources, such as springs, wells, lakes, ponds, &c., the ownership follows the ownership of the land where they exist. These individual rights of property in waters, which in their nature should be for public and common use, are universally found to be obstructive to their application to various uses required for the public service. I enumerate some of the principal ones:—

1. Navigation, in the natural form of rivers,—or artificial, as canals.
2. Irrigation.
3. Water races for mining purposes.
4. Mill powers.
5. Supply of towns, and domestic purposes.
6. Drainage and sanitary purposes.
7. Extinction of fires.

For these and other cognate objects, inland waters, in all their forms, should be regarded by the State as objects to be governed by special laws and regulations framed on considerations of public policy, and provision should be made by law accordingly.

Broadly, in my opinion, the principle should be established that inland waters, in all their forms, are a subject of property, distinct from the land, and to be regulated by a special code, which should carefully provide for the various concurrent interests of the public and of private persons. It will be easier to make such provision by law now, in the early stage of the Colony, than after private rights have grown up which will be obstructive of improvement.

28th November, 1870.

HENRY SEWELL.

## APPENDIX II.—RIGHTS OF GOLD PROSPECTORS.

## No. 3.

The Hon. Mr. CHAMBERLIN, M.L.C., to the Hon. Mr. GISBORNE.

SIR,—

Auckland, 24th May, 1871.

In referring to the Report of the Joint Committee on Colonial Industries, F. 1., September 5th, 1870, amongst the suggestions agreed to by the Committee, I beg to draw the attention of the Government to No. 4, for the purpose of knowing if it is their intention to take any action upon it, because, so soon as there is no uncertainty as to the right of owners of the soil to the precious metals, I purpose to prosecute a further search for gold upon my property at Drury, near Auckland, having found very encouraging indications, although no gold at present. Further, I shall feel obliged if the Government will inform me, if, when gold is found upon private property, they have the power to proclaim it a public gold field against the desire of the owner; if so, I would urge upon the Government to annul that power, as being very detrimental to the mining interests of the Colony. I am in possession of a Crown grant of 1854 for my Drury property, without reservations.

I have, &amp;c.,

The Hon. the Colonial Secretary.

HENRY CHAMBERLIN, M.L.C.

## No. 4.

The Hon. W. GISBORNE to the Hon. Mr. CHAMBERLIN, M.L.C.

SIR,—

Colonial Secretary's Office, Wellington, 6th June, 1871.

I have the honor to acknowledge the receipt of your letter of the 24th ultimo, in reference to