

the provisions of the said Act in this behalf. "The Westland Waste Lands Act, 1870," by section 83, is expressly made to apply to land within gold fields, which thus in that County is practically exempted from the said provisions. In Nelson and Marlborough, so far as I am able to ascertain from a perusal of the Waste Lands Acts of those Provinces, the enactments of the Act of 1866, with regard to sale of land on the gold fields, are in force. It will not, therefore, be advisable to repeal or amend the sections referring thereto, until some general measure providing for settlement on the gold fields shall have been approved by the Legislature.

Part 8.

REVENUE AND EXPENSES.

Upon this subject, as being purely political, I have no remarks to make, further than to state, that, under the existing laws relative thereto, the gold fields revenue and gold duties are for all purposes part and parcel of the land fund of each Province.

Part 9

LOCAL LEGISLATION.

The constitution of Central Mining Boards for Otago and the West Coast respectively,—would probably be the most popular plan with the miners, who have a general idea in favour of local self-government. In Otago, Boards or Commissions somewhat of this character have been twice called together, and have, in their consultations, evolved many valuable suggestions and practical recommendations. Their functions have, however, been limited to advising the Executive; they having not been invested with any legislative powers. Having referred to their Reports upon other points, I would direct attention to the fact that the Otago Mining Commission, in 1871, strongly recommended the institution of a Central Mining Board to frame regulations for the gold fields of that Province; and that the New South Wales Mining Commission, 1871, by a majority of one, decided to recommend that the regulations should be framed by a "Central Mining Board," consisting of four members elected by the miners themselves, and three nominated by the Government; and suggested that these nominees should be officers of the Mining Department, the separate constitution of which the Commissioners had, earlier in their Report, strongly recommended. My own opinion is expressed in a former part of this Report.

Part 10.

ADMINISTRATION OF JUSTICE.

Sections 62 to 74 inclusive of the Gold Fields Act of 1866 define the jurisdiction of the Warden's and of the District Courts, which jurisdictions are identical, and appear to be defined in a very unsatisfactory manner, and to have a much more limited scope than was the intention of the Legislature. It is absolutely necessary that the whole of this portion of the Act should undergo careful revision; that the jurisdiction of the Warden's and District Courts should be more clearly defined, and that such jurisdiction should include every kind of question likely to arise connected with mining matters, including encroachment and trespass cases, all breaches of the Act and regulations, all matters of contract or actionable wrong between shareholders in a claim, lease, or licensed holding—the amount of debt or damages in the Warden's Court to be limited to £100;—and all partnership questions of every kind, whether during the continuance of the partnership or after its dissolution. The Wardens also should have power to grant injunctions, to appoint Receivers and Managers, and to make all necessary orders for the working of claims and the appropriation of the proceeds, pending the final settlement of disputes. The provisions of section 73, Gold Mining Districts Act, 1871, to some extent meet the case, but they are hardly comprehensive enough, and may be improved upon with advantage in the direction of extension.

The subject of appeal is not by many persons on the gold fields considered to be satisfactorily dealt with under the Act of 1866. As the law stands, upon an appeal from the Warden's Court, the District Court takes up the case afresh, and goes into it *de novo* from the beginning to the end. It is, in fact, a new trial to all intents and purposes. The question being a purely legal one, I do not presume to offer an opinion as to the best course to pursue. If it is considered desirable to amend the law, the principle of section 216 of the Victorian Mining Statute, 1865, might with advantage be adopted; it runs as follows:—"Every appeal shall (unless an issue shall be directed, or the trial of any fact by assessors be required, as hereinafter mentioned) be heard and determined by the Judge alone, and no ground of appeal excepting those stated in the notice of appeal shall be entered upon unless the Judge shall allow, either before or at the hearing, other grounds to be added, upon such terms as to adjournment, costs, or otherwise, as he may think fit."

Part 11.

PENALTIES.

Should it be decided to adopt the principle of the Gold Mining Districts Act, 1871, with regard to the tenure of mining property, and the "miner's right" should consequently cease to be an element of title, the whole of the penalty clauses in this Part, connected therewith, will require recasting accordingly. Probably sections 107, 108, and 115 of "The Gold Mining Districts Act, 1871," would sufficiently meet the case, but section 107 is, in my opinion, too stringent; "imprisonment" should hardly be enacted except in default of payment of the fine.