

regulations made under the Act. In support of this, the Conference may state that while it believes that a Gold Fields Act should be made to embrace the whole of New Zealand, the regulations should be made to suit the different districts or Provinces. Should it be desired to define any particular area which claims should not exceed by the Act, not leaving the same to be dealt with by the regulations, the area of any claim or licensed holding should not exceed ten acres in alluvial claims, and in quartz claims sixteen acres. In the case of quartz reefs or lodes, the right should be given to follow such veins, with all their dips, variations, and angles, to any depth, although they may enter the land adjoining.

Before concluding the present subject, the Conference would recommend to the consideration of the Government and the framers of this new Gold Mining Bill, an extract from the Appendix to Captain Baldwin's report on "Mining in the State of California":—

"And be it further enacted that whenever any person, or association of persons, claim a lode or vein of quartz or other rock bearing gold, silver, cinnabar, or copper, having previously occupied and improved the same according to the local customs or rules of miners in the district where the same is situated, and having expended in actual labour and improvements therein an amount of not less than one thousand dollars, and in regard to whose possession there is no controversy or opposing claim, it shall and may be lawful for said claimant, or association of claimants, to file in the local Land Office a diagram of the same, so extended laterally or otherwise as to conform to the local laws, customs, and rules of miners; and to enter such tract, and receive a patent therefor, granting such mine, together with the right to follow such vein or lode, and its dips, angles, and variations, to any depth, although it may enter the land adjoining, which land adjoining shall be sold subject to this condition."

Residence Areas, Business Sites, &c.

The Conference does not see any necessity for altering the present system. If altered, residence areas might be extended to two acres, and the price of business licenses should be reduced to one half.

Forfeiture and Protection.

The Conference is of opinion that all cases arising under these heads can be better dealt with by the regulations than by being embodied in the Act; but would desire to record that forfeiture, unless under aggravated circumstances of non-compliance with the law, should not be resorted to.

Diversion of Streams.

The Conference having duly considered the above subject, find that as the law now exists that hitherto such diversion has only been lawful in furthering one particular branch of industry, namely, gold mining. The Waste Lands Act passed in 1872, and which will soon come into operation, provides for water being diverted for other industries. The Conference quite concurs with the provision made by that Act; but it still leaves one point, which has hitherto been a source of particular grievance, untouched, viz. that of provision being made that two heads of water shall at all times flow down the natural bed of any creek for general use—the words "general use" being subject to be misconstrued.

Priority of Right

Has been an established rule on gold fields, and cannot be said to act unfairly. The present water rights entirely depend on prior occupation to define rights, and such a rule we should not wish to supersede. The main points under this head, which the Conference would desire to see remedied, are that a permanent license should be granted by paying a nominal sum per year for each sluice head, and they would recommend that Part VI. of "The Gold Mining Bill, 1872," with Schedule attached, be adopted in preference to existing laws (eliminating all reference to inspectors and deposit on application), and also making the yearly rental a sum, say, 2s. 6d. The great bugbear as to water rights and races has been as already stated—that of allowing two heads to flow in the natural channel of creeks if required. The Conference would recommend that priority of right should predominate in this case as in all others in gold mining; which means, that if the water is required to flow down the natural channel by any party whatsoever, when any application to divert the said water is put forth, that such an objection should be held valid, but if the right be once granted, that it should not be again cancelled except the water is required for settlement or public use, and then only by paying compensation. The right to use and construct dams and reservoirs might be granted on the same principle as water rights, while a rental, if any be charged, should be merely nominal, the privileges allowed by the Act of 1866, of carrying races through private lands, being still retained. The Conference recommends that 15 feet on each side of a race be allowed for repairs and other purposes.

Pollution of Streams and Provision for Discharge of Tailings.

The law, as it at present stands, fails to make mining a legal calling, as, by the common statute law, the miner may be liable for heavy damages in the prosecution of his avocation. A clause should be inserted in the Bill to protect the miner in respect to defiling creeks and rivers, and provision should also be made that a reasonable amount of unoccupied Crown lands be allowed for the discharge of tailings, due regard being made as to existing rights; but the Bill should embrace a clause that any occupier of the surface of the soil may be displaced as well for the discharge of tailings as for gold mining.

The Right of Entry on Ground Limited by License or Lease.

For the better protection of the auriferous lands of the Crown, instead of the right of entry being bound up in the Superintendent and Executive, as the present law enacts, if such lands are required for mining, a clause that would act fairly might be introduced, conferring on the miner a right to enter at any time on such lands by paying a deposit of a fixed sum for each acre he includes in his claim. This deposit could be made large enough to cover any surface damages incurred, and if successful in getting payable gold, the miner should be entitled to hold the land by paying compensation for