

1873.

NEW ZEALAND.

# OTAGO MINING CONFERENCE, 1873,

(REPORT OF THE).

*Laid on the Table of the House of Representatives on Tuesday, 29th July, 1873.*

TO THE HONORABLE THE PREMIER AND THE  
HONORABLE MEMBERS OF THE COLONIAL EXECUTIVE,—

The Conference of Delegates elected by the miners of the Province met here for the purpose of more effectually uniting the miners of Otago in a body to protect their interests, and to offer suggestions as to the framing of a Gold Mining Bill. Taking advantage of the offer of the Government to receive and entertain such suggestions, it would humbly place at its disposal the following report of their proceedings for consideration:—

The Conference is of opinion that there exists a great necessity for altering the present laws relating to gold mining. There are so many Acts and parts of Acts in operation on the gold fields that they conflict with each other, and confuse to such an extent, that the miner, however intelligent, cannot know exactly what is law; also, that these Acts deal with the miners too much as a separate body from other branches of the community. The Conference admits the necessity of providing the miner with a law to legalize his calling: to provide a right to mining and to mining property. But it is of opinion that the common law, unless in exceptional cases which may come under the Bill, may be fairly applied to miners.

### *Occupation of Crown Lands.*

This subject of occupation of Crown lands for mining purposes is one of the main objects that should be treated by a Gold Mining Bill. Having carefully considered the law as it at present stands, the Conference would endeavour to point out the evils that now exist. First, then, the miner's right, as an element of title, has come under our very serious consideration, and private opinions of the legal profession have been freely received and entertained by the Conference. The object or uses of the miner's right we consider to be a means of providing revenue in proportion to the amount of Crown lands held in possession by the miner, or to give the miner a *locus standi* on the gold fields; but it is or may be used by the law as an instrument of tracing title to mining properties, which, by the present law, might act unfairly to a rightful owner of property. Though the miner may have acquired such rights honestly, a lapse occurring in the issue of right, either by present or previous owner, would be likely to endanger the whole title. The Conference agrees that the miner's right or license confers great privileges, which it would be unwise to abolish; such as giving miners a right to vote at elections, the right of grazing two head of great cattle on a gold fields common, and certain other privileges on the gold fields. It is of opinion that it would be advantageous to adopt the system of the possessory title, with the provision that a miner's right or license may be granted for any period from one to ten years, and be made available in all parts of New Zealand. This means that claims may be taken up and held without the holder or occupier being the actual possessor of a miner's right; the imposition of strict penalties for neglecting to take out a miner's right.

Under the present head, extended claims and gold mining leases may be considered, and the Conference would recommend the abolition of the present system of gold mining leases. To point out some of the peculiar objections, one is, that if a lease is applied for, even if there is no objection, a long period elapses before a proper title can be obtained. Also, in case of objection, if it should be valid, it will take at least two or three months before it can be unlocked from the applicant. The object of the mining leases appears to be to give a more secure tenure than the miner's right or possessory title, and it also seems to provide for a greater extent of land being held, by paying a rent, under more easy restrictions than a claim held by a miner's right, or as to keeping the required amount of labour employed. Another evil of leasing, which causes considerable annoyance, is that the right to transfer or sell all such properties is too cumbersome.

It is necessary to provide machinery to give a good title to mining property, which could be simply acquired and also simply transferred. The system of licensed holdings, as established by the Gold Mining District Act (Auckland), would be a good substitute both for extended claims and gold mining leases. In recommending this, the clauses referring to inspectors, forfeiture, and penalties are not included. The size of claims, and number of men to be employed, we suggest should be dealt with by