

1874.

NEW ZEALAND.

GOLD MINING LEGISLATION,

(FURTHER PAPERS RELATING TO).

Presented to both Houses of the General Assembly by command of His Excellency.

MR. GEORGE CLARKE to the HON. JULIUS VOGEL.

SIR,—

Otago Central Mining Association Office, Naseby, 1st July, 1874.

I am instructed by the Otago Central Association to thank you for your memorandum of the 16th ultimo, acknowledging the receipt of the Otago Mining Conference Report of 1874.

The expression of your personal sympathy with the wants of the gold miners is particularly assuring at a time when more than ever their position with regard to other interests requires careful consideration.

If it were possible to clearly define what share of legislative administration really was within the scope of the Provincial Governments and what must necessarily be looked for at the hands of the Colonial Government, the first great step in setting at rest dissatisfaction arising from legal uncertainty would have been taken.

At present, the miners are entangled in a defence before the Supreme Court of rights they are licensed by the Gold Fields Act of 1866 at all times to enjoy, freehold proprietors having taken action to prohibit at their will and beck the discolouration of the natural outlet in the case alluded to,—the Maerewhenua River.

It is abundantly obvious that should the position of the riparian proprietors prove tenable, alluvial gold mining as an industry must be put an end to, and all such works as are being undertaken out of the Vote for Water Supply be rendered comparatively valueless for their original purpose; for no industry could outlive the pressure that could be brought to bear by one hundred or more riparian proprietors, all equally clad with the same powers, be they small or great.

Another equally pressing necessity appears to be the question of river diversion, as against the supposititious interests of riparian proprietors. The uncertainty relative to these points is productive of a want of security being felt in gold mining ventures, which is a serious drag upon legitimate enterprise.

The Otago Central Association feel these matters possibly the more keenly as they have undertaken to defend the miners selected for attack at their own cost. Already, on the Manuherikia, another proprietor has threatened similar proceedings, which, if continued by capitalists in systematic prolonged equity, must tire out those engaged in defending rights that they feel the Government ought to point out the limits and privileges of.

The Provincial Government of Otago have made an offer to send the first case alluded to to the Appeal Court for decision; but the miners are not aware whether Messrs. Borton and McMaster, the plaintiffs, will consent to the proposition made. It is clearly manifest that the elementary foundations of proprietary law, as dealing with riparian rights, most pressingly demand the attention of the Colonial Government.

If these could be clearly defined as existing, or as equitably amended, the minor grievances, arising chiefly out of defective regulations, might very easily be set at rest.

The miners having organized themselves into united associations for the better and more systematic expression of their position, correlative with other interests and industries, and also their requirements in a young country, naturally cropping up from time to time, while not aiming at invidious self-gratulation or jealousy, naturally feel very much gratification at the expression of interest you have so cordially manifested. Could it be devised by your Government how the relations of the gold fields to the different Governments could be clearly defined, they would feel still more deeply indebted to you.

At the present time, to submit specially a gold fields difficulty to the Provincial Government is to burke redress or inquiry, for the usual course appears to be to transmit such difficulty to Wellington, to be again re-sent to the local authorities, then again to filter through endless channels; so that in the end, the object, often a most desirable one, is, if not attained by less legitimate means, allowed to subside altogether.

Your kindness has tempted my Association to submit this lengthened memorandum for your consideration.

I have, &c.,

GEO. CLARKE, Secretary,
Central Mining Association, Naseby.

The Hon. the Premier, Wellington.