

1881.
NEW ZEALAND.

GOLD FIELDS COMMITTEE

(REPORTS OF THE).

(MR. REID, CHAIRMAN.)

INDEX.

	PAGE		PAGE
B.			
Buller County Council (No. 2)	1	Gold Duties Act Amendment Bill	5
Buller County Council (No. 1)	2	Grimmond, J., and Others, of Ross	1
Byrne, J., and Others	6	General Report (<i>See</i> I.-3A.)	
C.		H.	
Cox, John	1	Hauhau Tramway Company	3
D.		Hudson, R. J., and Others	6
Davey, C., and Others	6	K.	
Donnelly, P	6	Kewa, Hamiora	6
Dungan, P., and Others	3	M.	
F.		McIlhone, Hugh	2
Flynn, W J., and Others	2	R.	
G.		Roberts, C. F., and Others (3 Petitions)	3
Gold Duties Abolition Bill	2		

1881.
NEW ZEALAND

GOLD FIELDS COMMITTEE

(REPORTS OF).

Presented to the House of Representatives, Session 1881, and ordered to be printed.

(MR. REID, CHAIRMAN.)

No. 204.—Petition of the BULLER COUNTY COUNCIL (No. 2)

THE Gold Fields Committee, to whom was referred the petition of the Buller County Council, praying that all rivers and public watercourses in the Buller County be made available in the development of the mining industry, have the honor to report that this petition be referred to the Government, with the recommendation that the Waste Lands Boards of the colony be instructed not to sell land on the banks of rivers or streams in the vicinity of gold fields without due reservation being made to protect the mining industry. They further recommend that the watercourses on gold fields should be all proclaimed, and that the existing riparian rights affecting all outlets used for tailings be done away with.

22nd July, 1881.

No. 157.—Petition of JOHN COX, Miner.

PETITIONER states that he has for twelve years occupied a gold-mining claim in the Waihemo District, County of Waikouaiti, obtained by purchase, and has in every instance complied with the regulations provided for gold-mining purposes. He alleges that an attempt is now being made to deprive him of his rights, without adequate compensation being given. He prays the House to grant him redress.

I am directed to report as follows: That the Committee recommend that Mr. Cox's claim for compensation be settled by the Government, by payment of a sum not exceeding £250 in full for all demands.

26th July, 1881.

No. 95.—Petition of J GRIMMOND and Others, of Ross.

PETITIONERS pray the House to vote a sufficient sum, during the present session, to complete the construction of the Mikonui Water-race from Ross to the Long Tunnel, and to commence the construction of the Long Tunnel. Your Committee have the honor to report: That they have obtained from the Government the various reports and documents in connection with this race, as enumerated in the schedule attached, and have taken the evidence of the Hon. Mr. Gisborne, and Mr. W N Blair, Engineer in Charge of the Middle Island.

That, after giving the reports and evidence the fullest consideration, the Committee find: That the construction of the Mikonui Water-race was authorized as a colonial work by the Public Works Act of 1879. That about £11,000 have already been expended, under the authority of the Legislature, in commencing the construction of this work, and that the completion of the whole will cost about £70,000 more. That the completion of the work will probably take four or five years. The Committee believe that the work is essential to the proper working of the Ross Gold Fields, which, on credible authority, are highly auriferous. The Committee are of opinion that the race, when finished, will be directly and indirectly reproductive, and beneficial to the district and colony. The Committee, therefore, recommend the Government to proceed with the construction of the race, and to expend such sum this financial year as the funds of the colony will permit.

27th July, 1881.

Schedule of Papers.—Documents *re* Mikonui Water-race relative to—(1) Mr. Brogden's proposal to construct race; (2) Waste Lands Board, Hokitika, resolution to reserve land on line of race; (3) District Engineer's report, 1st August, 1872; (4) Letters from Mr. Tribe to Minister for Public Works, urging construction of race by Government; (5) Report of Select Committee on the petition

of the inhabitants of Totara, forwarded by County Council with petitions; (6) Report of Warden Fitzgerald on petition of inhabitants of Totara; (7) Resolutions of public meetings and County Council; (8) District Engineer's report and estimate, 27th August, 1875; (9) Resolutions urging the construction of race; (10) District Engineer's report, 11th December, 1875; (11) Tenders for contracts, and contracts declined by the Government; (12) District Engineer's report, 15th February, 1877; (13) Resolutions of Westland County Council; (14) Tenders for Section 7, Mikonui Water-race; (15) Resolutions of Westland County Council; (16) Vesting water-races in Westland County Council; (17) Tenders for construction of race tunnel; (18) Public meeting at Ross; (19) District Engineer's report on petition for construction of race; (20) Formation of company, to be subsidized by Government; (21) Borough Council's agreement to construct race; (22) Tenders to be called for portion of race to extent of £3,000; (23) Urging the desirability of pushing on works in connection with the race; (24) Proposed purchase of Totara and Jones's Creek Water-race by the Government refused.

No. 191.—Petition of the BULLER COUNTY COUNCIL (No. 1).

THE Gold Fields Committee, to whom was referred the petition of the Buller County Council, praying for additional water-supply to the Charleston Gold Field, have the honor to report as follows: That the Committee recommend—(1.) That the Government repair the Argyle dam, and so construct the race as to prevent the present heavy maintenance-expenditure. (2.) That, after the works are completed, the property be handed over to the Buller County Council or a local Board of management, upon a guarantee being given indemnifying the colony in regard to interest and management, and all future maintenance and expenditure. (3.) That such County Council or local Board of management shall further give a guarantee that the present charges to miners who use the water shall not be increased.

29th July, 1881.

No. 111.—Petition of W J FLYNN and 59 Others.

THE Gold Fields Committee, to whom was referred the petition of W J. Flynn and 59 others, praying for the removal of Warden Robinson from Mount Ida, have the honor to report: That the petition itself does not allege any failure of justice under the administration of Mr. Warden Robinson; the action of the Warden in the case of Woodward and Raythe's application being supported by Mr. Haggitt, the law-adviser to the Land Board. It is in evidence also that, when the grant to these miners was finally made, the objection previously raised had been withdrawn. That its charges are rather of personal bias in favour of classes than persons, which is said to exist owing to the Warden's long residence in the district and his personal investments. That such charges are not supported by evidence of any kind.

Your Committee recognize that much may be said in favour of a periodical removal of Wardens, but are not aware that any arrangements exist in gold fields at the present time to enable this to be done. No general desire seems prevalent at Mount Ida at the present time for the removal of Mr. Robinson, as the Committee have had before it petitions to the Minister of Justice expressing confidence in that gentleman's administration, and signed by over 600 miners and others.

Your Committee take this opportunity of adding to their report the following suggestions in regard to petitions addressed to the House of Representatives against judicial officers: That no petition alleging charges of maladministration against Magistrates should be received by the House for consideration, unless such charges have been first represented to the Minister of Justice and been refused consideration, or have been dealt with by him unsatisfactorily to the petitioners; and that all petitions, to be in order, should distinctly allege that the representations they contain have been so referred to the Minister and refused consideration, or unsatisfactorily dealt with.

Your Committee add this recommendation believing that members of the House are made use of in many cases, by dissatisfied practitioners and disappointed suitors, to cast undeserved aspersions, under cover of petitions presented to the House, upon judicial officers.

29th July, 1881.

No. 241.—PETITION OF HUGH McILHONE.

THE petition of Hugh McIlhone sets forth that he was appointed Inspector of Miners' Rights for the Ohinemuri District in the year 1875; that no salary was fixed by the Government for the performance of the duties until 1879; and, though his services were dispensed with on the 30th June, 1880, that no payments have been made to him in connection with the said appointment.

Your Committee have taken the evidence of Hugh McIlhone (petitioner) W J Speight, M.H.R., T. W Lewis (Under-Secretary, Native Department), H. Dunbar Johnson (Clerk in Native Department), and J Sheehan, M.H.R.

I am directed to report that the Committee consider the petitioner is entitled to travelling allowances incurred in visiting Ohinemuri four times a year between 1875 and 1879, at the rate of £25 per annum, in all £100, in addition to the sum of £51 13s. 4d. allowed by the late Native Minister (Mr. Bryce) as payable since his appointment in September, 1879.

9th August, 1881.

GOLD DUTIES ABOLITION BILL.

THE Committee to whom was referred the Gold Duties Abolition Bill, by order of reference dated the 5th August, have directed me to report that they consider the gold duty should be entirely abolished, and to bring up this resolution, together with the Bill as referred to them, for the consideration of the House.

9th August, 1881.

No. 184.—Petition of P DUNGAN and 906 Others.

THE Gold Fields Committee, to whom was referred the petition of P Dungan and others, praying for additional water-supply to the Kumara Gold Fields, have taken valuable and exhaustive evidence on the several allegations contained in the petition, and, after careful consideration of the subject, have the honor to report that they are of opinion: (1.) That the colony has, in the Waimea and Kumara Water-Race, a valuable property and one which, if it were judiciously and economically managed, would give a large direct revenue and pay a fair interest on the outlay, to say nothing of the collateral advantages which it confers on the district. (2.) That the several branch races require extension, and that the carrying capacity of these branch races and also of the main race should be increased. This is rendered necessary by the increasing demand for water, caused in a great measure by the Government having constructed a sludge-channel, thereby opening up a very large area of auriferous and highly-payable sluicing-ground. (3.) That the heavy expenditure of £16,000 on the construction of this work will be altogether thrown away unless an additional supply of water is procured.

That in constructing the sludge-channel, and at the time when arrangements were being made as to the amount to be paid by the miners for its use, an implied guarantee was given that the water-supply would be increased, inasmuch as the officer in charge, under instructions from the Government, stated that sufficient water would be provided to work the channel, and as the Government at the same time called for but did not accept tenders for the construction of a second reservoir on the Kapitea Creek.

The Committee therefore recommend that the carrying capacity of the main and branch races be increased, and that the latter be extended; also that the second reservoir on the Kapitea Creek be constructed, and that the Government make provision in the estimates for the carrying out of these works. The Committee further recommend that, when the various works in connection with the scheme are completed, the whole should be handed over to a local body, to be under its control and management; provided that guarantees be given that the colony be relieved from any further expenditure in connection therewith, and that the present charges for water be not increased.

16th August, 1881.

No. 212.—Petition of HAUHAU TRAMWAY COMPANY.

THE petitioners pray that compensation be awarded them for loss sustained by the injury to the traffic on their tramway caused by the construction of a road, while their conditions of contract with the County Council entitled them to compensation in the event of a competing road being constructed.

I am directed to report that the Committee recommend that the Government take the necessary steps to have a fresh inquiry held with a view of having the matter finally dealt with.

17th August, 1881.

Nos. 219, 218, and 220.—Petitions of C. F ROBERTS and 61 Others. Subject: Declaration of the Maerewhenua River as a water-course for the discharge of mining *débris*.—C. F ROBERTS and 62 Others. Subject: Additional water-supply for the Maerewhenua Gold Fields.—C. F ROBERTS and 62 Others. Subject: Obstruction to mining on the west side of the Maerewhenua River caused by freehold sections, being Sections 13 and 19, Block X., containing about 297 acres.

Your Committee have the honor to report:—

In or about the year 1873 Messrs. Borton and McMaster issued an injunction to restrain Howe and party from running tailings into the Maerewhenua, which river flowed past freehold and leasehold land occupied by them. In order to arrive at a solution of the question, then a new one, the Provincial Executive of Otago agreed to state a case before the Court of Appeal. The case Borton and others *v.* Howe and others was heard at Wellington in the month of December, 1874, the cost being defrayed by the Provincial Government. Judgment was given on the 18th May, 1875, by his Honor Mr. Justice Johnston. The case was argued by the Attorney-General, now his Honor Chief Justice Prendergast, and Mr. James Smith, for the plaintiffs, and by the late Mr. James Macassey and Mr. Robert Stout for the defendants. It was held by the Court, *inter alia*, that the common law respecting the rights of riparian proprietors is applicable to the colony. The common-law rights of such proprietors are so far abridged by the provisions of "The Gold Fields Act, 1866," section 6, as to give the holders of miners' rights the power to take, divert, and use the water of streams on private lands, subject to regulations made under the Act; but the miners are not entitled to return the water into the stream in a polluted state.

The Appeal Court seems to have based its decision upon the legal maxim that every man is required to use his right, howsoever acquired, so as not to injure his neighbour. This decision, although not held by the Court with any great confidence, as against the licensed miner, as is evident from the remarks made by his Honor Mr. Justice Johnston, in the trial of *Glassford v. Read* and another, in 1874—a case very similar in its nature to that of *Borton v. Howe*—must be considered to be the highest interpretation now extant of the law of riparian rights upon New Zealand gold fields. Your Committee are not aware that it has been in any way modified by any legislation enacted since 1866.

The runholders, who were represented by Messrs. Borton and McMaster, subsequently petitioned the House, complaining that they were not able to enforce their legal rights, and were deprived of pure water for pastoral and domestic purposes. Their petition was exhaustively reported on by your Committee on the 18th October, 1878. In their report the whole position will be found discussed, and the following recommendations were made: "(1.) That the Government should communicate with the County Council of Waitaki, asking what responsibility that Council is prepared to take in providing a water-supply for the settlers on the lower reaches of the Maerewhenua. (2.) That the Government should communicate with the Miners' Association at Livingstone, asking what aid in

labour the miners would be prepared to find in the construction of a water-race. (3.) That, if the replies to these communications should evince a local desire to meet the Government in the solution of the question, a grant-in-aid should be given by the Government. (4.) That, in any case, wherever practicable, the Government should immediately open several blocks of Crown lands near Livingstone, not less than 500 acres and not more than 1,000 acres in any one block, to be set apart for application on deferred payments or agricultural leases, in sections of from 100 to 320 acres, taking care that such blocks shall not include natural outlets from auriferous ground, or ground known to be payably auriferous. The Committee attach value to this last recommendation, as being likely to convert the miner into a settler, conservative of the rights attachable to the possession of land."

Your Committee the same year reported on a petition presented to your honorable House from the miners of Maerewhenua upon the subject of outlet for mining *débris* obstructed by freehold land, the property of the Hon. Robert Campbell. Negotiations were commenced by the Government with the Council of the Waitaki County, but led to no action being taken either by the county or the Government. The Chairman of the County Council, the Hon. Robert Campbell, stated in evidence before your Committee that the gold fields revenue obtained by the county from the Maerewhenua Gold Field was inconsiderable.

Your Committee again had the honor to report on the 16th August 1880, upon a petition presented to your honorable House from Mr. C. F. Roberts and others, which petition prayed that the Maerewhenua River should be proclaimed a watercourse for the discharge of mining *débris*. Your Committee referred this petition to the Government, recommending that an inquiry should be made into the matters alleged, with a view of giving effect to the prayer of the petitioners. Your Committee observe with regret that the Government felt they were giving sufficient effect to the report in requiring Mr. Warden Robinson to hold an inquiry at Maerewhenua. Mr. Warden Robinson has often reported upon this field, and has not, as it appears to your Committee, felt himself free, as a Government officer, to enter fully into the large question raised, but has confined himself almost entirely to the comparative position of landowners and miners at present settled in the Maerewhenua District. Your Committee had hoped that an impartial Commission would have been called upon to make the inquiry they recommended. If your honorable House considers the reports referred to in the Schedule annexed hereto, it will be seen that your Committee, while anxious to assist Maerewhenua, have always borne in mind the necessity of meeting the difficulties arising, and to arise, in all parts of the colony of which the issue at Maerewhenua is only a type. Having said so much, the report of Mr. Warden Robinson is, in fairness to that officer, incorporated herewith.

Your Committee have had also before them other papers purporting to represent the views of the miners at Maerewhenua. From these papers it appears that the contention of the miners at Maerewhenua is that, if the riparian rights were not capable of being enforced, enterprises would again be capable of being undertaken which at present are out of the question; also that the water-supply on the gold field might well be undertaken by the Government itself. The Warden states, in the strongest manner, the stagnation in race-construction; but it does not seem to have occurred to him that this fact bears out the statement of the petitioners that no one will now invest in or complete any considerable undertaking to be placed at the mercy of the landowner's caprice or the variable turns of the wool-market.

Mr. Warden Robinson considered the question of proclamation of the Maerewhenua under the authority of "The Gold Fields Act, 1875, No. 1."

"The Gold Fields Act, 1875, No. 1," appears to your Committee to be no remedy for the difficult problem the Maerewhenua presents for solution, for the following reasons: (a.) It takes under the Act 180 days before a river could be proclaimed, after notice of the fact that application has been made has been published. (b.) Any person whose rights may be injuriously affected by any such Proclamation shall be entitled to receive compensation for such injury, to be ascertained and settled by arbitration. (c.) The Act does not define what shall constitute an injury to rights upon which compensation shall be assessed, and leaves the widest scope for the claim of merely theoretical damages to property, which are sure to be valued as against the Crown up to the highest possible point.

Your Committee do not see why unconditional compensation should be paid to landowners in cases where the public interest demands the resumption of water-rights in order to develop the gold fields. Because the lands are increased in value by the public works and the development of the gold fields, and if the mining population is large, as at more prosperous fields, the landowners cannot hope to claim freedom to exercise their riparian rights. It is well known that the waters of the Taieri and Clutha Rivers in Otago, running through private lands, have been polluted by the discharge of mining *débris* for many years past.

Your Committee recommend that all riparian rights affecting rivers in proclaimed gold fields should be resumed wherever required for public purposes, and, if compensation is allowed, it should only be on two conditions: (1.) That the damage should be computed upon actual injury proved that the land would sustain if deprived of water in its natural state; also for any damage the owner of the land may be proved to be likely to sustain if his homestead were deprived of water in its natural state. (2.) That the increase in value to the landowner's property by public works, or by the development of the mines in his neighbourhood, should be deducted from the amount of the damage assessed, and the excess of the value of such damage over increase in value, if any, should only be payable by way of compensation.

Additional Water-supply.

Your Committee have not sufficient evidence to enable them to recommend the Government to construct additional water-races on this gold field. It is, however, recommended that a preliminary survey and estimate of cost should be made of races to convey water from the Otekaieke, and the two branches of the Maerewhenua to the auriferous land near Livingstone; the reports of such survey and estimate to be placed at the disposal of the Miners' Association, should the Government decline to undertake any of the works so surveyed.

Outlets.

Your Committee cannot recommend the purchase of the sections containing 297 acres or thereabouts on any terms whatever, as such a question must now be left to find its own solution. Your Committee desire to impress again upon the Government the extreme caution that should be shown in the preservation of all outlets from sale.

Your Committee cannot close this lengthy report without expressing their regret that successive Ministries have devoted so little attention to the many reports that have been referred to them—a neglect which can hardly encourage the Committee to persevere in their endeavour to ameliorate the condition of the mining industry, under difficulties which are unexampled in a country which owes its prosperity so greatly to the development of its mines.

16th August, 1881.

SCHEDULE.

MEMORANDA, REPORTS, and JUDGMENTS bearing upon the question of Riparian Rights.

Letter from Mr. John Ewing, President, Otago Central Association, to Sir Julius Vogel, and reply thereto. (Appendix Journals House of Representatives, Vol. II., 1876, H.—23.)

Reports 1 and 2 on Petition of Stephen Read and Others, Gold Fields Committee Reports. (Appendix Journals House of Representatives, Vol. II., I.—1.)

Report on Petition of C. H. Roberts and Others, Gold Fields Committee Reports. (Appendix Journals House of Representatives, Vol. II., I.—3.)

Court of Appeal Cases, Vol. III., page 5. Borton and Others v. Howe and Others.

New Zealand Jurist, new series, Vol. I., 1875–76. Guffie and Others, Appellants, v. Christian and Others Respondents. Glassford v. Stephen Read and Another, *Otago Daily Times*, 1874.

Report of Messrs. Shrimski and De Lautour, Members of the House of Representatives, upon Maerewhenua Gold Field, submitted to the Hon. the Minister of Mines, 5th July, 1881.

The WARDEN, Mount Ida, to the Hon. the MINISTER of MINES.

SIR,—

Warden's Office, Naseby, 13th December, 1880.

I have the honor to return herewith the copy of petition of miners and others at Maerewhenua, referred to me by Memorandum 799, 20th September, 1880, together with all the other papers referring to the riparian rights on the Maerewhenua River.

In order to afford all parties a fair opportunity of advancing facts or argument for or against the petition, I fixed the 1st December, being a regular Court day, for the purpose.

The Maerewhenua Miners' Association declined to afford me any information, stating that they had forwarded you a resolution to that effect, but Mr. Roberts, the chairman, and a few of the miners were present. Some of the landowners attended, and Mr. B. C. Haggitt watched the proceedings on behalf of three of them.

In the course of an informal inquiry I have (without the aid of the Maerewhenua Mining Association) obtained, I think, sufficient information to enable me to report, and I regret that I cannot advise the Government to give effect to the prayer of the petition.

The petition asks that the River Maerewhenua be declared a watercourse for the discharge of tailings under "The Gold Fields Act Amendment Act, 1875 (No. 1)" alleging that the miners are in constant dread of prosecution, and loss of property, and means of livelihood; that the riparian rights are of small value and could be easily extinguished, and that, if they were got rid of, there would be an increased supply of water (which could be brought in at a reasonable outlay) and a large increase of population and revenue.

These allegations are by no means fully borne out by the facts so far as they are known to me. In the first place, the existence of the riparian rights has not hitherto, to any appreciable extent, operated as a check on mining. The miners have only once been actually stopped, and that was for a period of three weeks only, in the summer following the decision in the case of Barton v. Howe in the Appeal Court. The actual damage to riparian property has not been great, and I do not think the miners have any immediate cause to dread an enforcement by the riparian proprietors of their strict legal rights. There are no sources from which any considerable additional supplies of water can be got in at reasonable cost. There are already several races, on which large sums of money have been spent, which have never been completed so far as to tap the main sources from which they should derive their supplies, and I fear it is only too notorious that the reason why they have been left in this unfinished state is that the cost of completing them would be too great to give any fair prospect of a return for the investment. If all the riparian rights were extinguished to-morrow, I do not believe that the races now in an unfinished state would on that account be carried to completion; still less could I expect that any considerable new undertaking of the kind would be launched.

The estimate that the riparian rights could be extinguished for £200 or thereabouts is, I think, altogether wide of the mark. It seems to be based on an idea that, as a number of shingle reserves are shown on the plan along the course of the river, the compensation to be paid should be only in respect of the comparatively small aggregate of actual frontage of sold land to the stream. As against this, it was contended for the landowners that their Crown grants extended to the river, whatever shingle reserves may appear on the plan. But, even if it were conceded that the land in certain sections only was granted with river-frontage, the position would not, as Mr. Haggitt contended, be altered, seeing that a considerable number of adjoining sections were owned by one proprietor as one estate, and the riparian rights would be incident to the whole estate, whatever might be its size (Goddard on Easements, second edition, page 48). Mr. Haggitt also cited Wood v. Wand, 3 Exchequer 779. No small compensation would be accepted by the freeholders, and on an arbitration, especially if Mr. Haggitt's reading of the law be correct, the amount to be paid would probably have to be counted in thousands.

The fund from which this compensation would have to be paid would apparently be the gold fields revenue of the Provincial District of Otago; but, as all the gold revenue derived from the Maerewhenua division goes to the County of Waitaki, it may be proper you should be informed of the amount. I find, on inquiry, since the establishment of counties in 1876, the total gold revenue received by the county to the present date has been £525 19s. 5d. This includes gold duty.

The estimate of £20,000 for the value of mining property at Maerewhenua I have no means of checking, but it appears to be merely a rough guess, and it is probably greatly in excess of what all could be bought up for. One person (a miner), who seemed to be independent of the association, openly said that £10,000 would buy up every right in the place. This again may be too low. But in any case, I presume, there is no question of buying up the miners' property.

Not having a list of the names of the fifty-five persons signing the petition, besides Mr. Roberts, I have been unable to make any comparisons; but I may observe that at no time for some years have there been as many as "seventy persons with their families" engaged in or dependent on mining at Maerewhenua. The number of men at present engaged in sluicing into the Maerewhenua fall is thirty-six, which is above the average. There are, besides, four working on the Awamoko, twelve at dry workings; in all, fifty-two men. There are also three tradespeople and a schoolmaster, making a grand total of fifty-six adult males.

I have, &c.,

H. W. ROBINSON,
Warden.

The Hon. the Minister of Mines, Wellington.

GOLD DUTIES ACT AMENDMENT BILL.

THE Gold Fields Committee, to whom was referred the Gold Duties Act Amendment Bill, have directed me to report that they have carefully considered the Bill, and recommend that it be passed as amended in the copy attached to this report.

23rd August, 1881.

No. 186.—Petition of PATRICK DONNELLY, of the Thames.

THE petitioner states that he purchased, at auction, from the Warden of the district, a gold-mining claim; that part of this holding has since been proved to be on private property, a fact of which he was entirely ignorant at the time of sale; and that he has therefore been prevented from working it to advantage. He prays the House to award him compensation.

I am directed to report that the Committee recommend that this petition be referred to the Government for inquiry
25th August, 1881.

No. 287.—Petition of HAMIORA KEWA, of Auckland.

THE Gold Fields Committee, to whom was referred the petition of Hamiora Kewa, praying that a reward be given him for discovering gold at the Thames, have taken the evidence of Major Te Wheoro on the allegations contained in the petition, and have the honor to report that, as the matter is one which has been fully inquired into, and dealt with by the late Auckland Provincial Government, they have no recommendation to make.

26th August, 1881.

No. 319.—Petition of C. DAVEY and Others.

THE Gold Fields Committee, to whom was referred the petition of C. Davey and others, miners on Totara Gold Field, praying that certain water-rights be granted them from Donnelly's Creek, which at present are reserved by the Government for the Mikonui Water-race, have the honor to report that the Committee, after taking the evidence of the petitioner, are of opinion that the actual construction of petitioner's race as surveyed and applied for will not interfere with the Mikonui Race; that the petitioners were the first applicants for a water-right—ten heads—from Donnelly's Creek, and would, as against other miners, have a prior claim; that the Warden has, in his ministerial capacity, by the powers conferred upon him by "The Mines Act, 1877," and regulations thereunder, the right of deciding whether the Government should be exceptionally treated or otherwise; that the flood-waters of Donnelly's Creek would be of little use or profit to Government unless they had the means of conserving the same. Seeing that petitioners' application has been under consideration since January, 1879, the Committee are of opinion that the matter ought to be dealt with without further delay, and would therefore refer the petition to the Government.

5th September, 1881.

No. 236.—Petition of R. J HUDSON and Others, Kanieri, Westland.

THE petitioners state that a large extent of rich sluicing country has recently been discovered in a locality known as Humphrey's Gully and McDonald's Creek; that want of water is the only impediment to the working thereof; that a large permanent supply of water can be obtained by means of the old Caledonian Water-race, and by making an extension therefrom, and constructing one or two dams along the course of the race. They ask that assistance may be given to a public association or company to carry out the necessary works, believing that permanent and profitable employment will thereby be given to from 1,000 to 1,500 miners for many years.

Your Committee, having made full inquiry into the merits of the case, are of opinion that the work for which assistance is asked for by the petitioners is one which is deserving of encouragement at the hands of the Government, and that the granting of a subsidy, at the rate of £1 for £1, from the vote for "Tracks and minor works upon gold fields," would be of much advantage in the development of a new and promising locality. The Committee therefore recommend the prayer of the petitioners to the early and favourable consideration of the Government.

9th September, 1881.

No. 369.—Petition of JAMES BYRNE and Others.

THE petitioners state that they hold a prospecting claim at Mount Arthur, Collingwood. They complain that a lease for mining purposes has been granted to another company, Arkell and party, over a portion of the ground occupied by the petitioners under Certificate No. 10,742.

Your Committee have taken the evidence of James Byrne (petitioner), Captain Malcolm, Richard Parker (shareholder in the claim of Arkell and party), and A. Le Grande Campbell, late Warden of the Collingwood District, who granted certificate to petitioner and adjudicated on a suit to cancel the certificate for prospecting area granted to Byrne and party.

I am directed to report that, in the opinion of your Committee, the petitioners have established the following facts in connection with their claim: 1. That on the 4th July, 1879, they applied for a prospecting area, in accordance with the provisions of the Mines Act and the regulations made thereunder, and subsequently obtained a certificate (No. 3,890) for the same. 2. That on the 18th August, 1879, Arkell and party applied for a portion of the land comprised in the prospecting area of the petitioners. 3. This application was informal, in so far as that portion was concerned which came within the prospecting area, seeing that clause 87 of the Mining Regulations provides that all ground under application is protected until such application has been finally dealt with. 4. That an attempt was made to cancel this certificate for the prospecting area. The Warden, however, upheld the defendants' (the petitioners') title, and refused to cancel their certificate. 5. That the petitioners drew in their pegs, and obtained a prospecting claim (Certificate No. 10,724). 6. That Arkell and party obtained a gold-mining lease, which included a portion of the land held by petitioners under Certificate No. 10,724.

After careful consideration of the matter, the Committee are of opinion that the petitioners have established their claim, and that Certificate No. 10,724 should be upheld; and that the Government take the necessary steps so to do.

17th September, 1881.