

the loafing parasites of a gold field, may reap the benefit of the labour and capital of the enterprising and energetic. "The Gold Mining Districts Act, 1871," now in force in the Province of Auckland, in which the principle of title by occupation is adopted, the "miner's right" conferring no privileges except immunity from penalties, endeavours to provide against the occupation of ground for simply speculative purposes—what is commonly called "shepherding"—by strict "forfeiture" clauses, which can be put in force by an officer especially appointed for that purpose. Upon this question of the "miner's right," I would call attention to the opinion of the Otago Mining Commission of 1871, as expressed in page 1 of their printed Report laid before Parliament (Appendix 1871, G. No. 18).

It will be seen by reference to Part II. of "The Gold Mining Districts Act, 1871," that the recommendation of the Commission has been practically given effect to. The same principle should, I think, be adopted in any general Gold Fields Bill, great care being taken that the conditions under which claims and licensed holdings are occupied and held, be of the most stringent character, with regard to the insuring that mining operations are carried on therein in an efficient and workmanlike manner, and with such number of men as can be reasonably and advantageously employed. All rentals, fees, and charges to be fixed by the Statute, and in no case left to be dealt with by Regulations. Whilst thus decisive in my recommendation that the "miner's right" should cease to be an element of title, I think it has many important uses irrespective of a convenient machinery for revenue purposes. I would not, therefore, propose in any way to release the miner from the obligation of providing himself with this document, and I would make its possession a necessary antecedent to the making application for any privilege whatsoever under the Statute. The neglect in taking out a miner's right should further be attended with pecuniary penalties easily recoverable. Probably sections 107 and 108 of "The Gold Mining Districts Act, 1871," would sufficiently meet the case. I would further propose that in consideration of the rental to be fixed for Licensed Holdings, no person should be obliged to take out more than one miner's right, and that every miner's right should be current through the Colony. This, I believe, even under the existing Public Revenue Acts, can be arranged as a matter of account between the Provinces. It is hardly necessary to say that there are many details in connection with the occupation under the new tenure proposed, and with the changed accidents of the miner's right, which will require most careful consideration. The questions of registration, survey, and forfeiture must be dealt with in distinct enactments, and the variety of privileges now solely contingent upon the possession of a miner's right otherwise provided for; and I should further strongly recommend that the area of the various descriptions of claims should be also definitely settled. Nothing is so likely to tend to the speedy development of the gold fields as the granting of liberal areas, and there exists no reason why the working miner should be placed at a disadvantage in this respect, and confined to the occupation of so small an extent of ground as to necessitate that perpetual seeking of "pastures new," which is the great drawback to the establishment of mining as a settled industry. It will, of course, be necessary to fix the principle upon which these areas should be determined, and for this purpose I would divide the gold deposits into two classes:—

First, The shallow and easily worked alluvial deposits, for which the area at present adopted in Otago, 100 x 100 feet, may be considered sufficient.

Secondly, The deposits requiring mining in its true sense to work them with efficiency. For instance, quartz claims, sluicing claims, river and creek claims, hill-tunnelling claims, and alluvial claims presenting more than ordinary difficulties in working, whether from poverty of the ground, water, depth of sinking, or other causes. In claims of this class, I am of opinion that such an area should be granted as would form a mine capable of being worked, with due economy of time and labour, to the best advantage; it will necessarily be the interest of the proprietors to work it out in the shortest possible time, and this alone will be sufficient guarantee for the employment of as much labour as can profitably be employed. The occupation under business licenses, and the enactments relating thereto, may, I think, with advantage be based upon the provisions of the Victorian Mining Statute, 1865. Provision should, however, be made that persons occupying land under other tenures, *e.g.* agricultural leaseholders, should be exempt from the necessity of taking out the "business license," which should indeed be more strictly defined than at present, as a "License to occupy a certain area of Crown lands for the purpose of carrying on business." Again, the practice of trafficking in these business sites should, in the public interest, be carefully guarded against, and personal occupation distinctly insisted upon. In new townships, where many applications are made for the same site, the Warden should be authorised to dispose of the right of occupation by auction, and all transfers of such sites should pass through his hands. It is necessary that I should here direct attention to the fact that, under section 5 of "The Gold Fields Act, 1866," *any occupation whatsoever* upon the gold fields, except under lease, is limited arbitrarily to forty perches. The intention of the Act, no doubt was thus to limit *occupation under business licenses*. In order to remove doubts as to what has been done in contravention of the letter of this section, a validation clause will require to be enacted.

Part 2.

COMPENSATION.

I have no remarks to make under this head, as I trust that the recommendation of the Otago Mining Commission, 1871, to separate all matters connected with pastoral tenancy or settlement of the land from the Mining Statute will be accepted by Parliament, and these subjects left to be dealt with either under a separate Act or under the Waste Lands Acts of the several provinces.

Part 3.

WATER RACES DAMS AND RESERVOIRS.

The Act of 1866, section 21, having regard to water rights and races, is limited in its application to private lands. No doubt this was an accidental error in drafting the clause, and it seems extra-