

Gold Field on discovery warranting it.

other than gold-mining, and of the course which legislation has hitherto taken with regard to the Crown Lands of the Colony, do not feel themselves justified in recommending the adoption of this proposal. At the same time we think that no harm can be done by, nay, that much good will result from, adopting another suggestion, not of so sweeping a character, which has been made to us. This proposal is, that upon the discovery of payable gold on any Crown Land, that discovery, upon its being notified either to the Mining Department or to the Wardens of the District, and upon its publication in the *Gazette*, by authority either of the Warden or of the Department, shall *ipso facto* proclaim the locality as a Gold Field for a certain prescribed area, say the land within a radius of one mile, taking the spot of discovery as the centre.

CHURCH AND SCHOOL LANDS.

Church and School Lands—impolitic administration with reference to auriferous tracts thereof.

143. We have been requested to bring under the notice of your Excellency and of Parliament the subject of gold-mining upon the Church and School Lands of the Colony. Mr. J. F. Williams and Mr. G. V. Dalton, representing the miners of the Forest Reefs, and Burnt Yards, peculiarly interested in this question, thus express themselves:—"We think that in every particular the Regulations as to gold-mining on Church and School Lands should be on the same footing as the Regulations with regard to Gold Fields on Crown Lands. We do not quite understand what the vested interests are with reference to the Church and School Lands; but if the Government, as Trustees, or in any other capacity, have power to throw those lands open to gold-mining on lease, they ought also to grant it to claimholders under miners' rights. * * * From the Forest Reefs almost to Carcoar, from 10 to 12 miles, the lands are Church and School Lands, and, under the present Regulations, locked up from the holders of miners' rights. Within this tract there is shallow alluvial auriferous ground, only 25 feet deep, which should never be thrown open to lease. It is ground that could be advantageously worked by the individual miner, or small parties of miners, and to lease such land works injustice on the great body of miners." Having regard to the effect of the decision of the Supreme Court in the case of the Attorney-General *v. Eager*, 3 S.C.R., 234, we do not venture to submit any distinct recommendation upon this matter,—but we certainly agree in the opinion expressed by these witnesses that the granting of gold-mining leases of land of this description can hardly be beneficial to the interests of the Trust under which these lands are held, while it is unquestionably unjust to the great body of miners. We trust that Parliament may give this important matter their early consideration.

COMMONAGE.

Fair right of commonage should, where sufficient population, be secured.

144. If it be, as we think it must on all hands be admitted to be, desirable that inducements be held out to the miners collectively and individually to look upon gold-mining as an industry of a settled, staple character,—an industry in the prosecution of which they may fairly hope to spend profitably many years in one locality, and to build up and maintain for themselves comfortable and permanent homes,—some provision, we think, should be made for the pasturage of a limited number of horses and cattle, the property of the miners. We think, then, that where the population of any Gold Field is sufficient to require such accommodation, commonage should be granted, and granted with greater facilities than have hitherto existed. Under the present law,—or, at all events, under the administration of the present law,—although in theory commonage to the miners is conceded as a right, yet practically there are so many difficulties and obstructions in the way, so much delay occurs, either from adverse reports, procrastination in reporting, or from some other insufficient cause, that the commonage privileges are in many cases a mere dead letter. We desire to express our opinion that a reform in this particular is needed by which the very necessary and beneficial provisions for ensuring to the miners commonage shall be secured and practically enjoyed. We refrain from entering upon minute details as to the exact area which should be dedicated to the purpose of commonage upon the various Gold Fields, but we certainly think that in all cases an area adequate to the fair acquirements of the mining population should without delay be set aside and at once efficiently secured as commonage. On the other hand, in order to guard against any possible abuses of the commonage system, we think that some limits should be placed upon the commonage rights of individuals, and that effectual powers should be vested in Trustees to ensure those limits being observed.

MINING PARTNERSHIPS.

Difficulty of subject. Injurious operation of application to mining partnerships of ordinary Common-Law principles.

145. The subject of mining partnerships in its various phases is one of very considerable difficulty, and one which has received the very careful and anxious consideration of your Commissioners. It cannot be questioned but that the application to all co-operative mining associations of the ordinary rule of partnerships—that any one partner is liable for the whole debts of the partnership—has operated most injuriously in checking mining enterprise; for it is obvious that but very few men with anything to lose will embark their capital in a concern exposed to conditions so hazardous. Cupidity, unrestrained by prudence, could alone tempt a man of means to join in such a venture; but this is not the legitimate kind of enterprise which sound legislation should encourage. Some effective plan of limited liability should therefore be a feature of any measure assuming to deal satisfactorily with this difficult subject.