

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.