

1882.
NEW ZEALAND.

REPORTS OF GOLD FIELDS COMMITTEE.

(MR. DE LAUTOUR, CHAIRMAN.)

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

No. 23.—Petition of R. H. WESSELS, County of Grey.

THE Gold Fields Committee have the honor to report, with regard to the petition of R. H. Wessels, of Barrytown, County of Grey, praying for a reward for the discovery of a payable gold field, that the Committee do not think that the case is one that should be reopened, the petitioner having accepted a settlement made by his authorized agent.

9th June, 1882.

No. 82.—Petition of WILLIAM ALEXANDER HUNT.

THE Gold Fields Committee have the honor to report that they cannot reopen the question of the allocation of the reward for the discovery of gold fields offered by the Provincial Government of Auckland in 1867.

27th June, 1882.

GOLD DUTIES ABOLITION BILL, 1882.—(Interim Report.)

THE Gold Fields Committee, to whom this Bill was referred, after careful consideration, beg to recommend that the Bill be allowed to proceed as amended.

27th June, 1882.

No. 261.—Petition of JEAN DÉSIÉ FÉRAUD.

THE Gold Fields Committee, to whom was referred the petition of Jean Désire Feraud, of Dunstan, complaining of damage done to his freehold land, at Waikerikeri Creek, by mining operations, and asking the Government to purchase his freehold or allow him compensation, have the honor to report that the Government be recommended to provide a sum of £300 as its final contribution towards the extinguishment of Mr. Feraud's claim for the purchase of his land at Waikerikeri.

18th July, 1882.

GOLD DUTIES ACT AMENDMENT BILL.

THE Gold Fields Committee, to whom was referred the Gold Duties Act Amendment Bill, have the honor to report that they have considered the same, and they recommend that it be passed, subject to the amendments shown in the copy of the Bill. The Committee further report that, in their opinion, is is expedient that the following clauses be introduced into the Bill in Committee of the whole House:—

“In lieu of the duties authorized by ‘The Gold Duties Act, 1872,’ to be levied and collected, there shall be levied, collected, and paid to Her Majesty, her heirs and successors, at the Customs, previous to exportation from New Zealand, the following duties upon gold, that is to say,—

“Upon every ounce troy weight of gold of the fineness of twenty carats and upwards, and so in proportion for any less quantity than one ounce,—

“On and after the first day of January, one thousand eight hundred and eighty-three	} One shilling
... ..	} and sixpence.

“On and after the first day of January, one thousand eight hundred and eighty-four	} One shilling.
... ..	

“On and after the first day of January, one thousand eight hundred and eighty-five	} Sixpence.
... ..	

“And so in proportion upon every ounce or part of an ounce of gold of a less degree of fineness than twenty carats.

“On and after the thirty-first day of December, one thousand eight hundred and eighty-six, duties on gold shall altogether cease to be levied and collected.”

19th July, 1882.

No. 143.—Petition of E. PENNINGTON and Others.

I HAVE the honor, by direction of the above Committee, to report that facilities should be provided by Legislation to enable the reserves referred to in the petition to be opened for mining purposes, the revenue to be derived to be the property of the Hokitika Harbour Board; and that the Government be requested to communicate at once with the Hokitika Harbour Board, requesting that no transaction be immediately completed alienating any portion of the reserves in question, as legislation is pending.

And the Committee has further to report that, to remove difficulties which have arisen from the doubt as to whether mining can be carried on on reserves of public lands in mining districts, a provision to the following effect be enacted this session: "No reserves set apart or hereafter to be set apart, or Crown-granted, in any mining district, for the benefit of any public corporate body, shall be deemed by virtue of such reservation to exempt the lands therein included from the operation of the provisions of any Act for the time being in force for the administration of gold fields: Provided that all revenues derived from the lands so reserved shall be the revenues of the local corporate body for whose benefit such reserve shall have been set apart.

21st July, 1882.

No. 277.—Petition of McDONNELL BROTHERS.

I HAVE the honor to report, after consideration, that the Committee have no recommendation to make.

21st July, 1882.

No. 129.—Petition of ROBERT BUCHANAN and Others.

YOUR Committee have the honor to report on the petitioners' prayer as follows: That the Waipori Commonage be vested in local trustees on behalf of the residents, and that the Government be requested to give effect to this recommendation.

21st July, 1882.

No. 211.—Petition of ROBERT GARVIE and Others.

I AM directed to report as follows: That the petition be referred to the Government, in order that inquiries may be made as to whether the work referred to is one that should be aided out of any fund voted by Parliament for minor works upon gold fields, or otherwise.

31st July, 1882.

No. 156.—Petition of M. N. COOPER.

I AM directed to report as follows: That the Committee see no ground upon which the petitioner is entitled to relief, but refer the petition to the Government to make further inquiry, if it sees fit so to do.

31st July, 1882.

MINING ON HARBOUR BOARD RESERVES BILL.—MINING ON EDUCATION RESERVES BILL.—MINING ON WATER-RACE RESERVES BILL.

I AM directed to report the above Bills amended as herewith.

1st August, 1882.

No. 399.—Petition of JOSEPH FERREIS and 96 Others, County of Tuapeka.

THE petitioners point out the probability of Block VII, Tuapeka East, being taken up for occupation on agricultural leases, the whole of the block and surrounding district being auriferous, and ask that it may be set apart for mining purposes.

Your Committee have the honor to recommend that the Government institute inquiries, and, if the allegations contained in the petition are sustained, recommend them to communicate with the Otago Waste Lands Board, asking them not to grant any leases except for mineral purposes.

15th August, 1882.

No. 254.—Petition of JOHN EARLE and Others, Ohinemuri.

THE petitioners state that they hold certain lands under the Gold Fields Agricultural Leasing Regulations, 1875, and ask that they may be allowed to acquire the freehold thereof, without advance upon the original cost per acre to the Government.

Your Committee have the honor to report that the petition be referred to the Government for their favourable consideration.

15th August, 1882.

No. 90.—Petition of MARTIN KLIMPEL and HENRY DENSE, Kumara.

THE petitioners state that they have sustained loss to the extent of £234 by the bursting of a Government dam on the Kapitea Creek, it having swept away appliances and material in connection with their business as fellmongers, and ask for compensation.

Your Committee have the honor to report that, having given careful consideration of the petitioners' claim, they recommend that the sum of £150 be paid to the petitioners in full settlement of all claims against the Government.

15th August, 1882.

No. 358.—Petition of the MAYOR and CORPORATION, Thames.

THE petitioners state that certain moneys, being largely in excess of the amount allowed to the Natives by the agreement of the 9th March, 1868, which have accrued from the Thames Gold Field, and to which they believe they are entitled by section 20 of "The Financial Arrangements Act, 1876," and section 8 of the Amendment Act of 1877, have been paid to the Native owners. They pray for redress.

I am directed to report as follows: The Committee are of opinion that the moneys paid to the Natives are so paid in accordance with law; that, owing to the agreement between the Government and the Natives at the Thames Gold Fields as regards gold fields revenues, the local government bodies are placed at a disadvantage as compared with local government bodies on the southern gold fields; and that Government either purchase out the Native rights, or subsidize the local bodies to the extent of the amount derived from miners' rights.

18th August, 1882.

RESUMPTION OF LAND FOR MINING PURPOSES BILL.—RESERVES IN MINING DISTRICTS BILL.

THE Gold Fields Committee, to whom were referred the above Bills, have the honor to report that, after having carefully considered them, they recommend that they be allowed to proceed with the amendments as shown upon the copies of the Bills hereto attached.

23rd August, 1882.

MINING COMPANIES ACT 1872 AMENDMENT BILL.

THE Gold Fields Committee, to whom was referred the above Bill, have the honor to report that, after careful consideration, they recommend that the Bill be allowed to proceed, with the amendments as shown upon the copy of the Bill hereto attached.

24th August, 1882.

DRAINAGE OF MINES BILL.

THE Gold Fields Committee, to whom was referred the Drainage of Mines Bill, under date 25th August, 1882, have the honor to recommend that the Bill be allowed to proceed in its present form. And, further, that the Government be recommended to facilitate the speedy passing of this Bill through the House.

28th August, 1882.

No. 410.—Petition of ROBERT REAY.

THE petitioner states that he was, on the 29th May last past, wrongfully mulcted in the sum of £34, on a charge of non-compliance with certain mining regulations, and prays for redress.

Your Committee have the honor to report that, in the case of Robert Reay, the Committee does not see its way to recommend any interference. The Committee takes the opportunity to advise that in all cases of mining leases, the rent for which is twelve months in arrear, immediate steps should be taken for cancellation.

28th August, 1882.

No. 394.—Petition of GEORGE HARCOURT.

THE petitioner prays for some consideration in respect of prospecting done in the Thames District.

Your Committee have the honor to report that the Committee are of opinion that the Hon. Native Minister, when in the North, after making inquiries as to whether or not the petitioner was complying with the regulations other than the condition, if any, that the consent of the Government should be first obtained, satisfied himself that he was so complying, and assured the petitioner that the claim made for assistance should be met. This assurance of a Minister visiting an outlying district, although not strictly responsible for the Mines Department in a matter of administrative detail, ought, in the opinion of the Committee, to have been respected, and the accident of a change of Ministry should not affect such assurance. The statement made by the Hon. Mr. Oliver in the House on the 12th August, 1880, confirms the Committee's view that if the regulations were complied with the claim should be met.

The Committee therefore recommend that such sum as the petitioner would have been entitled to receive under the regulations, had the consent of the Government been first obtained, should be paid, provided the Government is satisfied on inquiry that the work was carried on outside the distance prescribed.

29th August, 1882.

Nos. 414 and 466.—Petitions of MORTON HORNEMAN and PATRICK TOKER.

THE petitioners pray for compensation for damage to their lands caused by the bursting of the dam on Kapitea Creek, West Coast.

I am directed to report as follows: That the Committee, after taking evidence, have assessed in the case of Horneman at £60, and in that of Toker at £100, and recommend accordingly. The Committee further recommend that the Government should endeavour to arrange matters that no further claims for damage for future injury to the same lands could arise.

31st August, 1882.

Nos. 415 and 416.—Petitions of MICHAEL FLANAGAN and Others, and CHARLES WOODHEAD and Others.

THE petitioners ask for assistance in enabling them to obtain miners' water rights.

Your Committee have considered the above petitions, and have the honor to report: That they cannot make any recommendation that relief should be given to the petitioners. The only ground upon which the claim could be made against the Government would be, if there were a reasonable doubt as to whether the laws relating to gold fields justified the petitioners in using their rights held under grant from the Crown *bonâ fide*, notwithstanding that in so doing they caused injury to the occupier (under lease) of land held for other than mining purposes. On this point the Court in its judgment appears to have been clear that *Borton v. Howe*, a test case, defended by the Crown, precluded the defendants (the petitioners) in the Court, from relief. The costs of *Stephen Read v. Glassford* were paid by the Government on the ground that there might be some doubt as to the full length to which the decision in *Borton v. Howe*. The Committee is of opinion that it cannot recommend the Government again to pay the costs of disputing a decision upon a matter of law, which can no longer be considered as being fairly in doubt.

7th September, 1882.

