

TUESDAY, 21st AUGUST, 1896.

Mr. H. A. GORDON'S examination continued.

1. *Mr. Allen.*] When we adjourned I was asking you questions about these precious minerals. You were an officer in the department for a long time?—Yes.

2. And pretty well up in our mining-law?—Yes.

3. You know the Auckland Goldfields Proclamations Validation Act of 1869?—Yes.

4. Under that Act the Government purchased certain mining rights from the Natives, or acquired them?—They made agreements that certain lands be ceded for mining purposes.

5. It was under that agreement the agreements were made before?—It validated the agreements. The agreements had been made with the Natives, who ceded to the Governor for mining purposes on receiving certain concessions.

6. What do you mean by mining purposes, for gold or silver?—I know it is for mining purposes, but I do not know whether that is specially specified in the agreements.

7. For gold-mining purposes. Is that not so?—That is the Validation Act. I was speaking of the agreements.

8. You represent some syndicate here?—Yes.

9. What is it?—Anglo-Continental Gold Syndicate (Limited).

10. Have they a board of advice?—Yes.

11. Who are they?—Messrs. Seddon, Horton, and Murray.

12. What Murray?—T. L. Murray.

13. Manager of the Bank of New Zealand at Auckland?—Yes.

14. You told me yesterday that your syndicate is interested in the Kauri Gold Estates Company?—I could not say; I believe them to be, but I have no definite instructions from them.

15. You could not tell me what the interest is?—No; I could not tell you.

16. And the Anglo-Continental Company is opposing this Bill?—Yes. I believe they are in some way interested in the Kauri Estates Company, and other freehold lands of a similar nature.

17. Do you receive your advice from England or the advisory board here?—From England.

18. And your real objection to the Bill is that it will prevent the influx of English capital?—Yes; in my opinion it does, and that is what a cable I got out says. They were holding meetings in London with a view of seeing the Agent-General and asking him to represent the thing to the Government.

19. *Mr. Fraser.*] Does a miner's right confer the right to mine or prospect on freehold land?—No.

20. Before resumption I mean?—Not before resumption; certainly not.

21. Will the Bill confer that right?—It would confer that right. It would not confer that right before it was resumed.

22. Have you read the Bill?—A man could go and prospect for gold on private land.

23. Could he do that before?—Certainly he could not do that before with the consent of the Warden and the owner of the land.

24. It has been contended that the Land Transfer Act—I am not saying property—in certain cases confers a right to mine for minerals, gold and silver?—Yes.

25. What effect would this Bill have upon that contention if it is a correct one?—I do not understand the question.

26. It has been contended by certain parties that the Crown has not got the sole right of minerals—that the freeholder has a right under certain circumstances to mine for gold and silver. Well, does this Bill upset that right if it exists at present? Assuming that right exists in the freehold, would this Bill affect his rights?—Of course it would, because it takes the whole thing away from him, and gives him no compensation except for what he has on the surface.

27. That is confiscation of his right if he has one?—Yes; absolutely it would be confiscating that right.

28. You have read the Bill. Is there any provision for compensation for that right if it exists?—No; none whatever.

29. Then, if it does exist, that would be confiscation?—Yes.

*Hon. Mr. Cadman:* My contention is that does not exist.

30. *Mr. Fraser.*] Suppose it does exist. Then, even supposing the right does not exist, and the Crown has the sole right to the gold and silver in the land, do I understand you to say that this Bill affects the rights of the freeholder to the surface?—It affects it in this manner: that the surface of a great deal of this land is worth nothing.

31. I refer to land sold prior to 1873?—It affects it in this way: that a great deal of the land away North when denuded of timber is worth nothing for agricultural purposes—not 1s. an acre except for the minerals, and he would get nothing for the surface rights.

32. That was the answer to my previous question. What I wanted to ask you is this: Assuming that the Crown has sold the right of the freehold but none of the minerals, under the law as it stands at present, can the Crown authorise any one to mine on that land?—I do not think a man has a right—in fact, it has been recognised in England that the Crown has no right to break the surface, although it has a right to the minerals.

33. Then, if this Bill passes now, will those who have certain rights under the Act of 1873 be affected?—They are deprived of any rights they have at present.

34. Do you know whether when the Act of 1873 was passed it was not made retrospective? I could not tell whether or not.

35. Have you any idea?—No; I do not know whether it was done. I have not read *Hansard* so carefully.

36. Would it be for this reason that Parliament did not desire to take away from any one any rights, and therefore only legislated in the direction of lands to be sold after 1873?—I could not