

92. Did you not pay a small sum—I think you showed me a receipt for £12 or £13, which had been paid for a given area that was protected?—Mr. McKenzie has the receipts. You see if we had not acquired a certain area we should have been trespassing. The first thing the Inspector of Mines asked was “What lease have you here?”—this was at Lake Rotoiti. I replied that we had applied for 10 acres. “Then,” he said, “you are not trespassing.” We were quite consistent with our first application. The application for the whole area was not a new application at all; we sent in an application for an extension of area for coal-mining purposes.

93. *Mr. R. McKenzie.*] Was any survey made when the areas were applied for: were they pegged off at all?—No.

94. *Hon. Mr. McGowan.*] Was the protection over the big area that you applied for?—It was the privilege. There was no area granted.

95. But an area of 100 acres has been mentioned?—It was the recommendation of the Board that we should apply for a tracing, and the application has not been dealt with.

96. When did you make your application for protection over the large area that you say you applied for and paid rent for?—The application for the protection is in this letter of the 22nd November, 1902, to the Commissioner. It says, “. . . . We therefore request you to grant us a further extension of protection over the lake-area. . . .”

97. You wanted protection over the whole lake?—Yes; it states here “lake-area.”

98. What is the lake-area?—About 1,200 acres.

99. *Mr. J. Allen.*] What lake are you referring to?—Lake Wahi.

100. *Hon. Mr. McGowan.*] Under what clause of the Coal-mines Act did you apply for a prospecting-area?—As I have told you, the Commissioner recommended us, and we have adhered to his advice in every shape and form.

101. Is there any authority in the Act for a prospecting license?—I am not supposed to know. I went to the Commissioner.

102. You did not know under what clause you applied?—No.

103. You say you do not know; that will do?—If the Commissioner had said “We cannot do anything until you put down your money,” we should have left it alone; but he told me how the matter stood, and I asked him “What protection will you grant us if we prospect your property?” He said “Send in for a tracing so that you will not be trespassing, and we will leave it over pending your operations.”

104. *Mr. J. Allen.*] Did you get a tracing?—No; it was all left over. We sent in for a tracing, but it was all left over.

105. *Hon. Mr. McGowan.*] You came down to see some time ago?—Yes.

106. Do you remember any advice I gave you in regard to applying for a definite and distinct area?—I do not remember. I know we applied for a definite and distinct area—that was the whole area.

107. Latterly, you did?—Previous to that.

108. Previous to the time you came down?—Yes.

109. What I want to get at is the area over which you applied for protection. I refer to what you call the “lake-area.” We do not know what the area of it is, nor do you. I want something more definite?—The final application comprised the two lakes, and that is about the whole definition, I think.

110. Did you get protection?—Yes.

111. Did you get protection after you paid the deposit on the 1,300 or whatever number of acres it was?—Before.

112. But you could not get protection over that which you had not paid for, could you? That is the point?—We have been granted nothing.

113. But you had protection?—The protection covered the lake-area that we applied for.

114. But you had not applied for protection over the area that you paid the deposit on?—There is no definition of the area in this letter of ours. It does not state the number of acres. “Lake-area” is what it says.

115. I suppose you know there is priority of application provided for in the Coal-mines Act?—Yes.

116. Were you the prior applicants, or did you believe you were the prior applicants for this lake-area?—Certainly, we did.

117. *The Chairman.*] Under what Act did you apply for protection—under the Coal-mines Act or the Mining Act?—As far as my knowledge goes, in mining there are numbers of little difficulties and preliminaries that crop up, in regard to which concessions are always recognised when work is begun.

118. I ask you under which Act you applied?—I could not say. Clause 4 of “The Coal-mines Act, 1891,” provides that “The Warden in every mining district, and the Commissioner of Crown Lands of a land district, in any portion thereof which is situate outside of a mining district, may, with the consent of the Minister, grant leases of land for raising coal subject to the provisions of this Act, and not otherwise.”

Hon. Mr. McGowan: Let me read also section 6—“Applications for leases must be made in writing to the Warden or Commissioner, as the case may be, and accompanied by a deposit of 3s. for every acre applied for, which deposits shall be credited to the applicants respectively against any fees, rents, and royalties that may be or may thereafter become due in respect of their said applications or leases. Where more than one application is made for a lease of the same land, precedence shall be in the order of the receipt of the applications by the Warden or Commissioner; if made on the same day, the precedence shall be decided by lot.”

119. *Mr. R. McKenzie.*] When you paid the £176 to whom did you pay it?—It was sent by cheque to the Receiver of Land Revenue