

THURSDAY, 8TH SEPTEMBER, 1904.

H. J. H. ELIOTT examined. (No. 5.)

1. *The Chairman.*] What is your name?—H. J. H. Elliott
2. What are you?—Under-Secretary of Mines.
3. You are here to give evidence in regard to the petition of W. S. Meldrum and others—the Huntly Coal-prospecting Syndicate?—Yes.
4. *Mr. R. McKenzie.*] This lease was made out to be granted on the 30th June last?—Yes.
5. What does it apply to?—It was applied for to the Auckland office—not here.
6. Did you get an application?—No.
7. Did the Lands Department?—The lease was forwarded by the Commissioner of Crown Lands at Auckland.
8. Do you know whether it was applied for?—I have a letter from the company, dated the 29th December, 1903, as follows: “Taupiri Coal-mines (Limited), Auckland, 29th December, 1903.—The Under-Secretary, Mines Department, Wellington.—SIR,—I have the honour to acknowledge the receipt of your letter of the 1st December, and in terms therewith have made application to the Commissioner of Crown Lands at Auckland for a coal-mining lease of that portion of Lake Wahi marked on your plan as area A. Your conditions state that the royalty is to be 6d. per ton on all coal sold. This may mean to include slack, which no doubt is not intended, the royalty on slack being always one-half of the royalty on coal. For the river-bed coal we pay 4d. per ton for coal and 2d. for slack. We reduced the selling-price of our slack some time ago to 2s. per ton, in order to comply with the conditions of the Railway Department, who refused to carry slack at a reduced rate unless we made the reduction referred to. To expect us now to pay a royalty of 6d. on slack which we sell at 2s. seems scarcely reasonable. I have, &c., FRANCZ SCHERFF, Secretary.”
9. Does the Mines Department know whether this land has been applied for or not?—No applications for leases come from Land Boards; they come from the Warden or Commissioner of Crown Lands, as the case may be.
10. Where are the leases made out?—In the local office where the application is made.
11. Was this lease signed by the Governor on the 30th June?—I have no doubt it was, as the recommendation to the Governor to sign the lease is marked, “Signed, 30/6/04, P.”
12. Does that mean by the Minister or Governor?—That is by the Governor, I take it—that is the signature. That is on the covering-sheet forwarding the lease.
13. When did it go to the Governor?—The date of the minute to the Governor is 28/6/04.
14. When was this presented for signature?—On the 28th June, 1904.
15. You swear to that being sent?—I do not make false statements.
16. You have no application for it?—No; but, in terms of our letter to the Taupiri Company, they replied in the letter of the 29th December, 1903, previously read.
17. The Commissioner of Crown Lands stated in his evidence that the Minister sent instructions to cancel both applications. Will you turn up that instruction which was sent to the Commissioner of Crown Lands in Auckland?—I do not think he was ever told to cancel them.
18. Have you got the instructions that were given to Mr. Mueller and Mr. Hayes?—Yes.
19. Mr. Mueller says that he received instructions from the Mines Department that the Minister refused to sanction either of the leases?—They were to be held over. There is a letter to the Huntly Syndicate on the 6th July. The minute is that no lease is to be issued, and of that the Commissioner of Crown Lands was informed on the 29th May, 1903. The minute is dated the 28th May.
20. That is the letter I want?—That is only a minute; I cannot find the copy of the letter on the file. [Letter subsequently read in answer to question No. 32.]
21. I want the instructions?—The instructions were, “The Inspecting Engineer had better proceed to Auckland and, in company with the Commissioner of Crown Lands, lay off areas, and afterwards such areas may be thrown open on a certain date.—J.McG. 8/10/03.”
22. What date is that?—8th October, 1903. The Inspecting Engineer noted it on the 22nd October.
23. And it stated that the areas would be thrown open?—Yes.
24. After that you received no applications from anybody?—I have told you the application would go to the Commissioner of Crown Lands.
25. So far as the Mines Department is concerned, are you aware whether the Commissioner of Crown Lands received any applications after that date?—He was told to receive applications in accordance with the report of Mr. Hayes.
26. You are aware the applications must be in writing and they must have a date?—I cannot tell you what applications are made in Auckland. They would be on the Auckland file.
27. Would it be necessary for these applications to be made in writing according to the Mines Act?—Applications must be made in writing to the Warden or Commissioner, as the case may be.
28. So that if any application was made and the Minister refused to grant, the lease would be illegal?—No.
29. You think it did not apply—I mean subsequent to the refusal to grant it?—No lease was to be granted.
30. You say there was no application?—No new application was made to the Mines Department.
31. I want the minute-book of the Auckland Land Board. Mr. Mueller in his evidence said the Auckland Land Board resolved to grant these people protection for six months, and I want to see if ever that resolution has been rescinded by the Land Board. You say there was legal application for that protection?—No.
32. I want that letter with regard to the refusal to grant leases?—It is dated the 29th May,