

*Mr. Williamson.*

9th August, 1869.

might be known to exist great treasure that he could not bring up, should be able to exclude companies from working that which he would himself be unable to work. Therefore, I think the mining rights should be reserved separately.

15. You think that the Bill ought absolutely to divide the mining rights from the freehold of the surface?—Yes.

16. Then with regard to the 6th clause, is it intended, in the event of a sale of any portion of this land, that any part of the purchase money should be included under the head of fees, or does that strictly mean fees?—It means fees such as they now receive under the Mining Regulations; it means miners' rights.

17. Do you understand that this Bill in any way gives any sort of guarantee to the Native interests as to the amount or proportion that they would be entitled to of the fees; or is it open, under the Act, to put the fees at any such rate as may be thought fit?—The fees would be exactly such as they now receive under the Mining Regulations. As I understand it, they would be entitled to all the revenues that they now receive under the present Mining Regulations, in proportion to the area worked.

18. It means merely mining fees?—Yes; nothing more.

19. *The Chairman.*] Does the Government propose to give the Natives any portion of the proceeds of any sale of the surface land, or any rental received on account of the leases?—Yes; I think they should be entitled to a portion of it. The money that would be derived from either the sale or the leasing of that land would no doubt be expended in the reclamation of the ground, which would give greatly increased value to the Native property as well as the public property held under the Crown. It would greatly enhance the value of the adjacent property.

20. Suppose the Government lease or sell the surface to any extent, would not the Natives require an arrangement to be made with them?—I do not know what they would require; I think some of the money should be given to the Natives.

21. Do you say the Government in former times have abstained from granting land on the sea beach?—Yes, they declined to give us as harbour endowment any land beyond a certain point. For instance, Chief Paul's land at Orakei was not recognized as Crown land. My opinion was that the whole of the fore-shore of that land should be regarded as Crown land.

22. *Mr. Dillon Bell.*] Do you know the reason of the Orakei land not being granted? Was it because the Government did not claim the right to the fore-shore, or do you think it was a question of expediency?—I think it was more a matter of expediency. There was a difference of opinion existing between Mr. Swainson, late Attorney-General, and Mr. Rochfort, who was then Provincial Solicitor to one of my predecessors in the Superintendency. Mr. Rochfort contended that the Treaty of Waitangi having secured to the Natives their lands, forests, and fisheries, the Crown had no right to take any of the land below high water-mark for any purpose without having first extinguished the Native title to it. I never knew the Natives to urge that right themselves.

23. *The Chairman.*] I have always understood that pipi-beds were reserved?—Yes; it was the custom to reserve pipi-beds. I may mention that Mr. Swainson advised that the land granted as harbour endowments should not be extended beyond the limits of the land belonging to the Crown abutting on the harbour. I believe that was a question of expediency altogether. I will not undertake to say what Mr. Swainson's own opinion of it was, as it was not recorded. Mr. Rochfort's opinion is recorded, and can be found in the Provincial Blue Books.

24. The general idea you wish to convey to the Committee with respect to the selling of the land is, that the Provincial Government have no intention of absolutely selling the fee-simple?—No; if this Bill passes, the General Government or the Provincial Government would administer it under regulations. I have no idea that the land should be sold at all, but that leases should be given for mining purposes and the occupation of the surface, and that it should not be alienated by sale.

25. *Mr. Richmond.*] Supposing the Committee were to absolutely limit the powers under the Bill to the leasing of the mines, it would meet, you think, the necessities of the case?—I think they would do what is right if they did so. As the land will become very valuable in course of time, it should not be given away for a mere trifle now.

26. *The Chairman.*] Would you explain why the land in the Schedule shall not be proclaimed within a gold field under the Gold Fields Acts?—If you proclaim it under the Gold Fields Acts, you give the miners the right to peg off claims, and so embarrass the administering of it in the manner which I have pointed out. They would take it up in the ordinary way as soon as it was proclaimed, and peg off claims, and complications would arise which would be hard to unravel.

27. Would there be any necessity for greater complications with reference to the sea beach than there arose in respect of the flat at Graham's Town, or the general mining ground on the gold fields?—That is a question which has to be decided in the Courts. My idea would be, that this proposed law should be made clear and easily to be understood; that certain rights to mine should be held apart from the surface rights altogether. In the case of the Graham's Town flat the law is not so clear, and the question is the subject of litigation in the Courts now. I do not think we should set up another law that would be open to any misinterpretation.

Witness was thanked, and withdrew.

*Mr. James Mackay, jun., in attendance and examined.*

*Mr. J. Mackay, jun.*

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28. Witness produced a rough sketch of the block of land in question, showing the tidal flats and beach, as described in "The Thames Sea Beach Bill, 1869."

29. *Witness.*] Perhaps it will be better, before answering any questions, that I should make a short statement to the Committee as to the position of the Natives in respect to the sea beach which is the subject of inquiry, and the action I have taken in regard to it. I believe the general custom with the Native Lands Purchase Department, respecting lands between high and low water-mark, has been to consider that when the Native title is extinguished over the main land, then any rights which the Natives have over the tidal lands have ceased. As long as the Native title is not extinguished over the main land, the Natives consider—or, at least, the Natives have