REPORT

OF THE

SELECT COMMITTEE

ON THE

THAMES SEA BEACH BILL.

ORDERED BY THE HOUSE OF REPRESENTATIVES TO BE PRINTED, TOGETHER WITH THE EVIDENCE TAKEN BEFORE THE COMMITTEE, 24TH AUGUST, 1869.

WELLINGTON.

—

1869.

ORDERS OF REFERENCE.

Extracts from the Journals of the House of Representatives.

TUESDAY, 3RD AUGUST, 1869.—*Ordered*, "That the Thames Sea Beach Bill be referred to a Select Committee."

WEDNESDAY, 4TH AUGUST, 1869.—*Ordered*, "That the following be the Committee to which 'The Thames Sea Beach Bill' be referred: the Honorable Mr. Dillon Bell, Mr. O'Rorke, Mr. Swan, Mr. Creighton, Mr. Studholme, Mr. Richmond, Mr. Clark, and the Mover. Three to be a Quorum; to report in a week." (*Hon. Mr. Fox.*)

TUESDAY, 10TH AUGUST, 1869.—*Ordered*, "That the Select Committee on 'The Thames Sea Beach Bill,' have leave to postpone the bringing up their Report until this day week."

WEDNESDAY, 11TH AUGUST, 1869.—*Ordered*, "That the names of Mr. Gallagher and Mr. Farnall be added to the Committee on 'The Thames Sea Beach Bill.'" (*Hon. Mr. Fox.*)

"That the name of Mr. Creighton be omitted from the Select Committee on 'The Thames Sea Beach Bill,' and the name of Mr. Main substituted in lieu thereof." (*Mr. Creighton.*)

AUGUST 17.—Time for bringing up Report enlarged to 20th August.

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REPORT OF THE SELECT COMMITTEE ON THE THAMES SEA BEACH BILL.

THE Select Committee appointed to consider the provisions of the Thames Sea Beach Bill, beg to present the three following Resolutions as their Report on the Bill. Evidence taken during the sitting of the Committee, and documents referring to the question, are appended to the Report.

1st. That until the question of the prerogative rights of the Crown, and of Native claims in relation thereto, over the fore-shore and over precious metals in the Colony, are set at rest, it would be inexpedient to legislate upon the particular case of the Hauraki Gulf.

2nd. That the Government should take the necessary steps to obtain the cession of the prerogative rights of the Crown, as above defined, over the fore-shore and precious metals in the Colony.

3rd. That steps should be taken to arrange with the Natives for the control of the Thames Sea Beach by the Government of the Colony.

24th August, 1869. WM. T. SWAN.

MINUTES OF PROCEEDINGS.

FRIDAY, 6TH AUGUST, 1869.

PRESENT:

Mr. Clark, | Mr. O'Rorke,
Hon. Mr. Fox, | Mr. Studholme.

ORDERS of reference read.

On motion of the Honorable Mr. Fox, *Resolved*, That Mr. Swan be appointed Chairman.

Resolved, That Mr. Williamson and Mr. Mackay be summoned to attend the next meeting of the Committee.

The Committee then adjourned to Monday, the 9th day of August, 1869.

MONDAY, 9TH AUGUST, 1869.

PRESENT:

Hon. Mr. Dillon Bell, | Mr. O'Rorke,
Mr. Clark, | Mr. Richmond,
Mr. Creighton. | Mr. Studholme.

Mr. Swan in the Chair.

The minutes of the former meeting were read and confirmed.

Mr. Williamson and Mr. J. Mackay, junr., attended and were examined.

The Clerk was instructed to summon Mr. O'Neill, Mr. Bradshaw, and Mr. Mackay, to give evidence at next sitting.

The Committee adjourned until half-past 10 o'clock next morning (Tuesday).

TUESDAY, 10TH AUGUST, 1869.

PRESENT:

Hon. Mr. Dillon Bell, | Mr. Richmond,
Mr. Clark, | Mr. Studholme.

Mr. Swan in the Chair.

Mr. Mackay and Mr. Bradshaw attended and were examined.

The Clerk was instructed to summon Mr. C. O'Neill to attend and give evidence at the next sitting of the Committee.

The Committee adjourned till the following morning at 10 o'clock.

WEDNESDAY, 11TH AUGUST, 1869.

PRESENT:

Mr. Clark, | Mr. Studholme.
Mr. O'Rorke, |

Mr. Swan in the Chair.

Mr. Bradshaw in attendance, handed in two notices, which he referred to in his evidence yesterday; one from D. A. Tole, Esq., Commissioner of Crown Lands, and the other from Rapana Maunganoa. For notices *see* Appendix (C.), page 16.

Mr. C. O'Neill examined.

THURSDAY, 12TH AUGUST, 1869.

PRESENT:

Hon. Mr. Dillon Bell, | Mr. Main,
Mr. Clark, | Mr. Richmond,
Mr. Farnall, | Mr. Studholme.
Mr. Gallagher, |

Mr. Swan in the Chair.

Mr. D. J. O'Keefe and Mr J. Mackay examined.

WEDNESDAY, 18TH AUGUST, 1869.

PRESENT:

Hon. Mr. Dillon Bell, | Mr. Main,
Mr. Clark, | Mr. Richmond,
Mr. Gallagher, | Mr. Studholme.

Mr. Swan in the Chair.

Committee met at 11 o'clock, and after some discussion adjourned till Thursday.

THURSDAY, 19TH AUGUST, 1869.

PRESENT:

Hon. Mr. Dillon Bell, | Mr. Main,
Mr. Clark, | Mr. Richmond,
Mr. Farnall, | Mr. Studholme.

Mr. Swan in the Chair.

A long discussion took place, and the Hon. Mr. Dillon Bell, Mr. Richmond, Mr. Swan, and Mr. Studholme handed in and read certain propositions, which were ordered to be printed.

Vide infra, Appendix (D.), p. 16.

The Committee adjourned till Monday, 23rd August, 1869.

MONDAY, 23RD AUGUST, 1869.

PRESENT:

Hon. Dillon Bell, | Mr. Main,
Mr. Clark, | Mr. Richmond,
Mr. Farnall, | Mr. Studholme.

Mr. Swan in the Chair.

Vide infra, Appendix (E.), p. 18.

The Petitions of Perahama Te Reirou and eleven other aboriginal natives, and Tanameha Te Moananui and twenty-six other aboriginal natives, having been referred from the Public Petitions Committee to the Thames Sea Beach Bill Committee, were handed in and read.

The Committee considered the propositions submitted at last meeting.

The Committee adjourned to Tuesday, 24th instant, at 11 a.m.

TUESDAY, 24TH AUGUST, 1869.

PRESENT:

Hon. Dillon Bell, | Mr. Main,
Mr. Clark, | Mr. Richmond,
Mr. Farnall, | Mr. Studholme.

Mr. Swan in the Chair.

Mr. Studholme moved the following Resolutions:—

1st. That until the question of the prerogative rights of the Crown, and of Native claims in relation thereto, over the fore-shore and over precious metals in the Colony, are set at rest, it would be inexpedient to legislate upon the particular case of the Hauraki Gulf.

Agreed to.

2nd. That the Government should take the necessary steps to obtain the cession of the prerogative rights of the Crown, as above defined, over the fore-shore and precious metals in the Colony.

Agreed to.

3rd. That steps should be taken to arrange with the Natives for the control of the Thames Sea Beach by the Government of the Colony.

Agreed to—Mr. Richmond dissenting.

Resolved, That a Report be drawn up in accordance with the above Resolutions.

The draft Report was then read and agreed to.

The Committee then adjourned.

MINUTES OF EVIDENCE.

MONDAY, 9TH AUGUST, 1869.

Mr. John Williamson, Superintendent of Auckland, in attendance and examined.

Mr. Williamson. 9th August, 1869.

1. *The Chairman.*] What is the intention of the Provincial Government in the promotion of this Bill?—It is with the view of making the land useful for mining purposes: we have no control over it at present.

2. Why has the land not been included in the Gold Fields?—Because the powers given under the Act of 1868 have not been delegated to the Superintendent of Auckland.

3. *Mr. Richmond.*] Could it not have been proclaimed by the Governor in Council?—Yes, I believe it might have been, but I understood that the former Government were desirous to negotiate with the Natives, through Mr. Mackay, as to any rights they possessed over that land before they would do so. It is supposed, from reports made by Captain Hutton and others, that there is gold to be found underlying the fore-shore there; and I thought myself that it was a pity that wealth should lie undeveloped if by any step we could take here, either by legislation or an Order in Council, or any other way, access could be had to it. In dealing with it, it struck me that the fore-shore all along should be utilized in the same way as the harbour endowments of Auckland, that is, as far as the surface rights; but that those who desired to search for gold might have the right to mine for it under the surface, leaving the surface rights still undisturbed, whether they belonged to the Natives or the Government; that even the surface might have been leased for a term, say of twenty-one years, for building and other purposes; and that rights should be secured for the carrying on of railways, wharves, or any other public works on the surface.

4. *The Chairman.*] That land was reserved in January last by the Governor in Council: have you any idea as to the intention of that reserve?—I have not. No doubt the reason for reserving it has been will be set forth in the Order in Council.

5. Did you make any application for it to be reserved?—I made application for the delegated powers, so that we might use it for public purposes. We intended to carry out a system of railways and tramways there; it was intended to carry the great trunk railway at the base of the hills along the beach below high water-mark, and hence we applied for power to do so. It was intended to carry the railway from Tararu Point up to Shortland, to connect the branch tramways from the hills with it, and that eventually the main trunk line should be extended towards the Ohinemuri country if opened up and found to be gold-bearing, which I have no doubt it is.

6. Can you give us any information as to the mining rights that have been granted by the authorities on the Gold Field over portions of the sea beach?—So far as the Superintendent is concerned, no rights have been given at all outside the boundaries of the proclaimed Gold Fields. I am not aware what the General Government may have done.

7. You are aware that certain rights have been granted below high water-mark?—No, I am not aware of any such privilege having been granted.

8. *Mr. Dillon Bell.*] Do you know if any mining rights have been laid out on the fore-shore?—I am not aware of any having been laid out before I left Auckland, but since then I have heard that ground had been taken up there.

9. Has this been done by the sanction of any officer of the Provincial Government since you left Auckland?—No, there is no person who could give that authority but the Superintendent himself who holds delegated powers; but his delegated powers do not extend over that portion. The only officers of the Provincial Government, who may be regarded as partially officers of the Provincial Government, are the Wardens. If they have given any such sanction I am not aware of it. If they have done so, it has not been with my sanction, or that of any member of the Provincial Government.

10. Then the Committee understand that if any permission of this kind has been given by the Warden or other Gold Fields officer, the Provincial Government do not hold themselves liable for the performance of that?—Certainly not; they know nothing about it; they have had nothing to do with giving any such sanction. I have given leases for the right of mining underneath the surface of the block over which buildings have been erected, but not below high water-mark.

11. Then, so far as your authority under the delegation is concerned, the Committee are to understand that no right which has been created with your knowledge and sanction would affect any proposed legislation by the General Assembly?—Certainly not.

12. *Mr. Richmond.*] Can you tell us what public rights and other rights are referred to in the second section of the proposed Bill?—Public rights, such as the rights of the Crown, and the Native rights. I am not aware of any private rights over this land. The public rights are reserved under "The Public Reserves Act, 1854;" but they only extend to the frontages of purchased allotments of land, and leased allotments.

13. *The Chairman.*] You mean to say that they only apply to water frontages?—Yes; if a man buys an allotment with water frontage, he claims the right to that water frontage that he may have the privilege of coming up to his land in a boat. That right cannot be taken away from him without compensation according to "The Public Reserves Act, 1854;" if the land be required for purposes of public utility, the right cbn be taken away from him by giving compensation.

14. *Mr. Richmond.*] With regard to the 4th clause, was it intended, where mining is permitted to go on, that the freehold of the surface is to be sold subject to regulations—that is, if I buy the surface out and out, with all rights attached to it, should I buy it with full right to mine?—That is not intended. The object of this Bill is to reserve the gold which may lie underneath for mining purposes, that the sole right should not be given to either leaseholder or freeholder. My reason for that is, that I think it would be a pity that an individual who might be able to purchase a piece of ground in which

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.

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9th August, 1869.

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

enjoyed all rights over the tidal flats. I am not aware of any cases having arisen in which the Government have required to make use of tidal lands previous to the extinguishment of the Native title over the main land. The Natives occasionally exercise certain privileges or rights over tidal lands. They are not considered as the common property of all Natives in the Colony; but certain hapus or tribes have the right to fish over one mud flat and other Natives over another. Sometimes even this goes so far as to give certain rights out at sea. For instance, at Katikati Harbour, one tribe of Natives have a right to fish within the line of tide-rip; another tribe of Natives have the right to fish outside the tide-rip. The lands contained in the schedule of the Bill are probably the most famous patiki (flat fish) ground in New Zealand, and have been the subject of fighting between various hapus of the Thames Natives. At the present time the right to fish there is vested almost exclusively in the Ngatirautao hapu of the Ngatimaru Tribe. I may also mention, as showing the curiosities of Native custom, that some three or four years ago a European was brought up before me charged with shooting curlew on this mud flat. I told the Natives that there was no law for that. "Why," they said, "this is a preserve (rahui) of ours, and the right to shoot these birds is only given to two or three members of the tribe, and they can only shoot them at certain seasons of the year." The Natives probably consider that they have the right to fish over these flats, and to get pipis from them. As to pipis, any person might gather them, although as to other fish there would be an exclusive right. That is how it originally stood in 1864. There were then a number of fishing stakes there, in different places on the flat. There are some there now, and the relative position is set forth on the sketch-map produced. I shall now refer to the agreements I made with the Native owners of land at the Thames. The boundary line of the land ceded for gold-mining purposes was always supposed to be high water-mark; and I never raised any question about lands below high water-mark, nor did the Natives. Last Session an Act was passed by the General Assembly, and under that Act I received certain written instructions from the Government. I was at that time acting as Warden of the Gold Fields, and certain applications had been made to me by persons to be allowed to mine on the flat outside the gold fields. The first application was a verbal one; it was made by a man named Sutherland, who asked to be allowed to mine somewhere near the Kuranui Gold Mining Company's claim. He had the claim marked out. I told him there was no power to deal with the land, and that I did not know whether I could even receive his application; but if it was receivable, it would be looked on as the first application for the land. One or two other miners made similar applications. After that, Beetham, Severn, Walker, and others, put in an application for a very large area of this flat. They applied for it under a clause of the Gold Fields Act which allows extended claims under extraordinary circumstances. This application was forwarded by me to the Government; and I pointed out to Beetham and Walker that if it were receivable it would be subject to applications made by other persons. If I recollect rightly a memorandum was given to them by me at the time to protect the application, and also to the effect that if the application was approved, it would be subject to the right of any other persons who might have pegged out claims previous to the time they did. I went along the beach a day or two afterwards, and saw several men looking after gold in the rock which crops out in many places, as indicated in the sketch-map. The result of Beetham and Walker's application was this:—that at the request of the Provincial Government it was refused, and I was told, through the Provincial authorities, that I was not to receive any more applications for the beach land.

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30. *The Chairman.*] At what time was the application of Beetham and Walker refused?—Previous to the receipt of the letter of instructions from the General Government. As well as I can recollect, there was no more action taken by me until after the receipt of this letter of instructions.

Witness handed in the copy of a letter dated at Wellington, 17th October, 1868, from the Native Office, requesting him to endeavour to arrange with the Native owners for the occupation of the tidal flat upon reasonable terms. *Vide Appendix (A).*

Witness continued—After receiving the instructions contained in that letter, some disputes arose between the miners as to the right to this beach. The party with which Sutherland was connected, a party called Kelly's, and some others, had some dispute about the pegging out of the ground. They happened to be the same parties who had first made application. What I told them was this: that if the land was opened for gold-mining purposes, and applications for it were receivable, Sutherland and some other parties would have the first choice; then Beetham and Walker; but that I had no power to deal with it, not being within the gold fields. Those parties then sent in applications. There are seven or eight applications in my office for permission to occupy the beach land. I told the parties that I did not believe that these could be received, my instructions being that they were not to be received—that of course if the Government said they were receivable, they would have to be taken in order of application, and as they had been given to me. Finding that this beach question was likely to be troublesome, I put an advertisement in one of the local papers, warning miners not to encroach on land below high water-mark, and pointed out the penalties set forth in "The Gold Fields Act, 1868," for mining on Native land not forming the subject of agreement with the Governor.

30(A). Did you ever issue a Proclamation about dealing with Natives for lands?—There was no Proclamation issued by me. A notice was once issued that parties were not to deal with Natives for land within the proclaimed gold fields, as these lands were the subject of agreement with the Crown. That referred to land above high water-mark. The only notice issued by me was a caution to persons against mining on the land below high water-mark, as they would be subject to penalties under the Act of 1868 for mining on land over which the Native title had not been extinguished. In consequence of the instructions I received, I on several occasions saw Rapana, who claims the land dotted red on the plan, and he refused to make any terms with the Government, because he said there was a great deal of gold already in his land—Pukehinau, Kuranui, and Opitomoko,—and he thought he could do better by leasing it to the Europeans himself. The only Natives I found willing to make any agreement were the two Taiparis and their people. I entered into an agreement with them on the 20th April, for the cession of a portion of land in front of the town of Shortland, coloured pink, and numbered 7 on the plan. Since that time, I understand some Europeans have

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entered into an arrangement with Rapana to give him £150 a year as rent for the land near the Kuranui Gold Mining Company's claim. I believe that agreement was made through the agency of Mr. C. O. Davis. I received a letter from Shortland on Saturday, dated 2nd August, which states, —"The belief is, here, that the Government are intending to take possession of the beach, and put it up to sale in lots to suit purchasers—at least Mr. Thomas Russell has been circulating a report to that effect, and the Natives have heard it, and are terribly excited. They are going to have a large meeting this week about it, Mr. C. O. Davis prompting them on to it."

31. *Mr. Dillon Bell.*] Is the writer of that letter a person in whose judgment you can put any reliance?—Yes; I do not think it is prudent to give the name of the writer, as it might place him in a bad position with parties interested, and cause bad feeling. I rely on that information as being substantially correct.

32. From the information you give on this sketch, it appears there are many disputes between the Native owners respecting this land?—I think there are only two pieces of land disputed; one of these is within the block ceded to the Crown.

33. *Mr. Clark.*] What do you mean by "disputed"?—The Natives are disputing each others' claim to the ownership of the land.

34. *Mr. Dillon Bell.*] The pieces numbered by you, and marked as claimed by respective hapus, may be considered to be, without dispute, the property of those claimants, as far as the Native title is concerned?—Yes, generally that would be the case. I do not mean to say that there might not be some exceptions. This sketch I made roughly, for the information of the Committee, and may be assumed to be generally correct.

35. Then, assuming any legislation to take place with respect to the regulation of mining on this sea-beach, do you think there would be any difficulty in obtaining by negotiation the assent of the Native claimants to such regulations?—I do not think you could get the assent of some of the Natives. Rapana is particularly an obstinate man, and after making arrangements he always disputes them. I have had a great deal of trouble with him in other agreements. He is so much in the hands of Mr. C. O. Davis that there would be a difficulty about it unless the Government offered more favourable terms than what he might expect to get by private leasing.

36. Assuming that the General Assembly consider it necessary to regulate any transactions upon this fore-shore, do you consider that there would be anything inconsistent with such legislation in any arrangements that have taken place between yourself and the Natives already, so as to prevent any legislation at all?—I think the Natives will take this position: they will say that they are the owners of that land for mining and for every other purpose, and that they will resist any action taken by the Government in the matter.

37. But, at any rate, there would be no difficulty in the way of restraining Her Majesty's subjects of the European race from entering into any agreement with the Natives except by the sanction of law, if the General Assembly considered it expedient to legislate?—I do not think there would be any difficulty in dealing with the miners unless they determined to rush the ground. They might do that. In some places there are small pieces of ground between the seaward boundaries of claims, as pegged out, and high water-mark, which they have taken possession of, where they have sunk shafts, and are all ready to go on the tidal land the first chance they can get.

38. If it were explained to the Natives that no such mining could take place without the sanction of the Government, and that, therefore, it would not be possible for them to make any arrangement with the Europeans direct, do you think there would be any difficulty in inducing the Natives to assent to regulations to be made by the proposed legislation?—With some Natives there would probably be little difficulty; but with regard to Rapana, who receives the largest proportion of the miners' rights fees, there would be considerable difficulty. He has got the most valuable interests on the field and in this land, and acts in everything under the guidance of Mr. C. O. Davis.

39. But assuming that on the one hand the Government did not interfere at all with any rights Rapana might claim, but were on the other hand absolutely to restrain any Europeans from making any agreement with him, excepting under the sanction of law, do you consider that Rapana would prefer to remain without any money at all for mining on this beach rather than to take such rents or moneys as might be payable under the sanction of law?—I certainly believe that he would: I believe he is just one of those men who would.

40. *Mr. Richmond.*] Was any sanction of an officer of the Government given to the parties to peg out the claims?—No officer of the Government that I am aware of gave sanction to this land being pegged out. I told the men that there was no right to peg out that land as it was not within any proclaimed gold field; that it was considered to be land over which the Native title was not extinguished, and that if they mined on it they would be subject to penalties under the Act of 1868 for so doing.

41. Do you think any Warden on the gold fields ever encouraged or sanctioned it?—I am not aware of any encouragement or sanction being given to mine on this beach land.

42. *The Chairman.*] You are aware that land is being worked nominally under miners' rights below high water-mark?—I am aware that several claims have been pegged out.

43. Are you aware that portions of the land below high water-mark have been granted under lease?—I believe that a piece of ground which the Kuranui Gold Mining Company is engaged on, as marked on the plan, has been included in the lease. I am aware that some of the planking and filling in is below high water-mark. I believe the lease was granted by the Superintendent. I have not seen the lease, but I saw the plan of the Company's claim. I have also been on the beach. I know what is the high water-mark since 1864. I know that a certain portion of their works outside their battery is an encroachment, and I have marked it as such on the plan.

44. Do you know the Magenta claim?—I do not know the names of all the claims. I know one lot of men have sunk a shaft (marked on the plan) just at high water-mark there, which is pumped by some machinery from the Kuranui Gold Mining Company's claim. There is no other machinery there but what belongs to that Company. My attention was drawn to it by some men there when I went about the dispute. There is another claim a little on the southern side of the Kuranui

Company's claim. A shaft has been put down on the side of the hill, and they have struck gold there. (Witness described the position of the claim on the plan.)

45. I understand that a claim has been pegged out between high and low water-mark, called the Magenta; that it was originally worked under miners' rights; that it has since been formed into a company, and the scrip issued and sold, not only in New Zealand, but in Australia. Can you inform the Committee under what authority, if any, that ground was allowed to be pegged?—I am not aware of any authority ever having been given to peg out any such ground. The miners' rights do not specify the precise locality of any claim. The parties would probably apply for miners' rights for the Karaka Block, that being the land adjacent.

46. On the application for the registration of a company, do the parties granting or verifying the application under which the company is formed specify the locality in which the claim is situated, and for which the company is to be registered?—I am not a Warden of the Gold Field, and I have had no authority to entertain any applications for leases since October, 1868. The leasing regulations have come into operation since that period. I know nothing of the proceedings in the Warden's Office. When I said no authority has been given, I meant to say that I, as an officer of the Native Department, have given no authority. I cannot say, of course, what the Wardens have done.

47. *Mr. Dillon Bell.*] With reference to your answer some questions back, in which you said no authority had been given, the Committee are to understand that your answer related to acts of your own as an officer of the Native Department, but that you cannot satisfactorily inform the Committee whether any Warden, or any other officer, may or may not have given authority on the subject?—Just so; that is what I mean. It has not been done through my Department.

48. Can you inform the Committee whether there is any one now in Wellington who could give precise information on such a point as this?—I think not; I am not aware of any person in Wellington who knows anything about it.

49. *Mr. Studholme.*] Have you heard of anything of the kind having been done by any one?—I am not aware of anything of the kind having been done.

50. The Chairman produced a letter (*vide* Appendix B.) written by Mr. E. Braithwaite, Chief Clerk in the Civil Commissioner's Office, refusing application to lease or occupy any of the land in question, inasmuch as it is not within the proclaimed gold field.

51. *The Chairman.*] What are the circumstances under which this letter was written?—Several applications had at various times been received by me up to June 1869, at which time Dr. Pollen showed me a letter which he had received, in which application was made for permission to mine on the tidal flats, and asked me what was the position of this land? I told him it was not within the proclaimed gold fields; that several parties had made application for it, and if these applications were receivable, that I had some which were prior to the one he then had. He then said that they had better all be answered to the effect that the lands were not within the proclaimed gold fields, and that the applications could not be recognized. In accordance with these instructions some seven or eight letters of the kind now produced by the Chairman were written on 7th June, 1869, the purport of which was that the applications could not be received.

52. Have the Natives undertaken any survey of this flat, with the idea of putting it through the Native Lands Court?—Yes, several blocks have been surveyed.

53. Supposing the land passed through the Native Lands Court, and the Natives obtained a Crown title to it, would not that render nugatory the provisions of this Bill?—I presume that it would. As I understand this Bill, it vests the land in the Crown.

54. *Mr. Dillon Bell.*] But this statute, being of later date, would of course override by its provisions any conflicting provisions in the Native Lands Act?—I am not aware that the Judge of the Native Lands Court would in any case consider he had jurisdiction over this land, over the fore-shore.

55. *Mr. Richmond.*] Do you think that the Natives have been put up to this idea recently about the property on the fore-shore? Is it one recently suggested to the Natives, or is it one of old standing?—As far as my experience goes, I have never known the Natives assert any right except that of fishing over such lands until it was supposed that gold was on this beach, and then they at once asserted their rights; which of course they were very likely to do, from seeing claims pegged out.

56. *Mr. Studholme.*] In case this Assembly passed an Act for dealing with the fore-shore without any further agreement with the Native claimants, what do you think would be the effect upon the Natives?—I believe the Natives would resist it. If the Government were to attempt to reclaim a portion of that flat, the Natives would object to it. If there were a large number of them, they would forcibly pull down any buildings erected there.

57. *The Chairman.*] Supposing the Government proclaimed the fore-shore within the limits of the Gold Field, and subject to the regulations of the Gold Field, so as to bring it within the Leasing Regulations, do you think the Natives would be perfectly willing to come under such a proclamation?—No, I believe they would resist any occupation, either by Government or miners, unauthorized by themselves.

58. *Mr. Richmond.*] Have you studied this Bill?—I have read the Bill several times.

Looking at it merely as a mining Bill, can you say is it advantageous or disadvantageous for the mere purposes of mining—for developing the mines—to introduce a Bill of this kind, or would you prefer the ordinary Gold Fields law?—This Bill, I think, contains other provisions besides those relating to mining; it contains provisions for the leasing or selling of land.

59. Are the provisions for mining preferable to those under the Gold Fields Act?—I take it that the result would be much the same as far as the Native owners are concerned.

60. I am speaking to you as an old Warden and experienced in gold fields: What advantage would the mining interests receive by substituting this Bill for the ordinary Gold Fields law in that district?—I presume the ordinary miner would not derive any benefit at all, but the land would be purchased by capitalists. I should like to say a few words in further explanation of the matter. I think if the land was proclaimed under the Gold Fields Act, that it would be immediately rushed by a very large number of miners, the same as in the case of all other lands when newly proclaimed.

Mr. J. Mackay, jan. 9th August, 1869.

When the ground is known to be of value, any person pegging out a claim there could easily, from the mere fact of having that claim, get a sufficient capital to work it, or he could sell it for a considerable sum. I consider that it would require a considerable amount of capital, as the mining would have to be carried on under tide-level through a very porous rock, which would let in water.

61. Do you think it would be expedient that special arrangements should be made for the purpose of securing the profitable development of this ground?—I have previously stated that a great portion of the ground is well known to be so rich that any man pegging out a claim there would very soon get sufficient capital to work it.

62. Supposing the ground open for work to-morrow, how would you provide against a scramble taking place?—I should make no more provision than on other gold fields. I should go down to the ground with all the police force I could muster, and decide the disputes on the ground.

63. *The Chairman.*] Do you think that the better mode of dealing with this sea beach would be to proclaim it within the limits of the gold field, and leave the mining interest to take care of itself, setting the Native question aside altogether?—I have no doubt there would be a very great rush. I cannot say whether that would be the best way or not.

64. *Mr. Dillon Bell.*] Assuming that before the proclamation of a gold field it was absolutely known that there were certain spots which would produce great fortunes to individuals, do you not consider that it would be very much better that such known places should be put up to competition, instead of allowing the effects of such a rush as you state would be likely to take place in this instance?—It would be a most unpopular proceeding, and unprecedented in the history of gold fields.

65. But looking to the public interest, and to the advisability of maintaining an equal chance, whether to the individual or to the capitalist, and putting aside all questions of unpopularity or precedent, do you consider that the course of allowing an equal chance of competition would not be the best for every one concerned, and the best for the development of the mining capacity of the place?—It would probably be less productive of disputes.

66. Do you know of any precedent where land which was absolutely known to be very rich was kept shut up for a long time, with a population swarming around, avowedly eager to take advantage of the first moment at which it was open, and then that such a spot should be opened to an indiscriminate scramble in which the man who was strongest to hold the ground which he had pegged out would have the best chance of getting his claim allowed by the Warden?—I cite the case of the Waiotahi, which was rushed by 250 men under the following circumstances: That block of land was known to contain gold, and payable gold. I turned several miners off during the month of August, 1867. By a fortunate circumstance I got it opened on the 3rd September, 1867. At that time there were a large number of miners on the field who had no good claims, and, like all forbidden land or fruit, Waiotahi was the only place where it was supposed there was any gold except at Kuranui. Although I gave no notice of it, as soon as I began to cut the survey line, men began to mark out claims, and they tumbled over one another, such was the rush to the spot. I settled all disputes that afternoon on the ground. In the case of the Golden Crown Claim I settled a dispute on the ground in a few minutes. The same would be the case on the West Coast or any other place; when a payable claim is reported, hundreds rush to peg out claims in the neighbourhood.

67. *Mr. O'Rorke.*] Would the rush on this piece of ground exceed the rush to the Waiotahi?—Of course it would, because the population is larger, and the prize greater.

68. *Mr. Dillon Bell.*] As an experienced Warden, do you consider that the public interests would be best served, or not, by preventing the consequences of such a rush in a place where the prizes were believed to be so great and certain?—As far as the block of ground itself is concerned, probably persons would get their claims better by that means; but looking at it as a political movement, whether it would be better for the carrying out of order and good government on the field afterwards, is another question. Whether the effect on discontented miners would not be bad, I do not know. There would not be likely to be so much disturbance if the land was put up to auction.

69. *Mr. O'Rorke.*] If claims of fifty feet frontage were pegged out along high water-mark, about how many do you think there would be in the block coloured red on the plan, and which is supposed to be rich?—Probably about seventy frontages of fifty feet each.

Witness was thanked and withdrew.

TUESDAY, 10TH AUGUST, 1869.

Mr. James Mackay, junior, in attendance, and further examined.

Mr. J. Mackay, jun 10th August, 1869.

70. *The Chairman.*] What effect will such legislation as that proposed in the Bill have upon the interests of miners on the ground?—At the present time a great jealousy obtains between ordinary miners and capitalists on the gold field, and such legislation would probably tend to increase that feeling of jealousy.

71. What effect will it have on the minds of the mining community outside the Thames Gold Fields, both in the Australian Colonies and in the Colony of New Zealand?—The general result of any legislation, over and above that of holding claims under miners' rights, is a tendency to cause an exodus of the mining population from the gold field; because, in mining under miners' rights, individual interests are not carried on very well, as the expenditure of a large amount of capital is necessary. There is, again, a great deal of jealousy between the two classes, namely, the capitalist and the ordinary miner. In proof of that, I would cite the large amount of excitement on the Shortland Gold Field at the time the Superintendent issued the Leasing Regulations.

72. Will you be good enough to state whether in your opinion any, and, if so, what effect will be produced on the revenue of the Thames Gold Fields?—If the land were sold by auction, and the proceeds made gold revenue, of course it would increase it for the time being. The Government, or the owner of the tidal flat, would receive more money by the land being sold or leased by auction

than they would if it were held under the ordinary system of miners' rights tenure; but if a dissatisfaction existed in the minds of the ordinary mining population, and they considered that it was no use remaining, and if legislation were in favour of capitalists, it would of course reduce the ordinary mining population, and therefore the revenue, to a certain extent. *Mr. J. Mackay, jun.* 10th August, 1869.

73. *Mr. Clark.*] Would not these results be greatly modified by the knowledge of the fact that the proposed legislation was of a very exceptional kind, and that the general practice prevailing was that of every man pegging out his ground?—My answer is, that miners leaving the gold field would not enter into the principles of the Act by which they were deprived, but would merely state that they had been on the gold field, and had pegged out claims which they could not have, because the Government had made a law in favour of capitalists.

74. Would it prevent ill-feeling if the parties who originally pegged out the ground before your advertisement were to have their claims recognized?—If the claims of those parties were recognized, other miners would then desire to have the same right to peg out claims. They would not see why one party of men should be allowed to hold claims under miners' rights, and the remainder of the community be debarred from doing so.

75. *The Chairman.*] Do you know whether any permission has been given to any parties to mine within the limits of any townships?—I know that applications have been received for mining leases over lands within the townships. I objected to these for the following reasons: 1st, That although the Governor had by agreement acquired the right to mine under the townships, the Superintendent's Proclamation of 16th April excluded these lands from gold mining. 2nd, That it was necessary to revoke the previous Proclamation, as far as townships were concerned, and to issue special regulations to authorize mining before leases could be legally granted.

76. Has mining actually taken place within the townships known as Tookey's Flat and Graham's Town?—Mining has taken place there, and there are several disputes about the right to occupy those lands.

77. Would a new Proclamation, if issued, be made to confirm the rights of parties at present in possession, or should the ground be thrown open to the general body of miners?—I presume that no person, being the holder of a miner's right, was entitled to peg out the claim within the township, because a miner's right is only in force within a proclaimed gold field. By the same rule, I presume that the leases issued by the Provincial Government are invalid; but I have no doubt that in cases where the Government had issued leases, they would in some way or other validate their own proceedings.

Mr. Mackay was thanked, and withdrew.

Mr. James Benn Bradshaw in attendance, and examined.

78. *The Chairman.*] You have had considerable experience in mining matters?—Yes; between sixteen and seventeen years', principally in Victoria and Otago, and about eight months on the Thames, at Auckland. *Mr. Bradshaw.* 10th August, 1869.

79. You are acquainted with the regulations in force at the Thames at the present time?—Yes; I have read them over carefully.

80. You know the position of the sea beach?—I do. I produce a map showing the locality. (Map produced.)

81. Have you seen the Sea Beach Bill?—I have read it very carefully.

82. Does the Sea Beach Bill, in your opinion, conflict in any degree with the Act of 1868, which makes provision for mining in Native districts?—I think it does conflict, as far as the Natives' rights are concerned.

83. What rights do you consider the Natives obtained under the Act of 1868?—I consider that they are entitled to the miners' fees the same as they are upon the grounds abutting on the beach.

84. Have any rights grown up on the sea beach that you know of?—Yes, outside the limits of the gold fields, two to my knowledge—the Magenta and the Wakatip. Both were marked out in July, 1868, and taken up by working miners under their miners' rights. I know these claims, for I have been to the Registry Office where they have been registered by the Registrar of Mines under the regulations, and several transfers have been effected under that registration. I produce a map showing the position of the claims. (Map produced.) I believe the original registering was in July, 1868. I now produce petitions from the promoters of the Wakatip and Magenta claims to His Excellency the Governor, claiming protection from any action that may be taken. (Petitions produced, showing that the claimants worked from July, 1868, and had expended large sums both for machinery and in working the mines.)

85. Under what pretext did the authorities of the gold field recognize the rights of those parties to mine there?—Under the regulations that are framed by His Excellency's delegate, and by the rules and regulations laid down for registration. The miners' rights fees have been accepted, and I presume have been handed over to the Maoris. The gold field authorities have also accepted of the miners' rights fees from a large number of people who have bought into the claims, and who are not all resident in New Zealand, but some of them in the Colony of Victoria and in England. No purchase was made without referring to the registry, and the transfers were duly acknowledged by the Registrar, because they have been subsequently (in July last) formed into a Company under "The Joint Stock Companies Act, 1865."

86. Are you aware that an advertisement was issued by Mr. Mackay, warning and cautioning all persons from mining on the lands between high and low water-mark, as being without the limits of the gold field?—I am not aware of Mr. Mackay doing so. I am aware of another advertisement from Mr. Tole, Crown Lands Commissioner, but it was only issued within the last two months. Even if such a notice were issued, I do not think it would restrain the miners from going beyond the arbitrary lines of the gold field, because it would effectually check prospecting throughout the Province of Auckland, and would effectually check the discovery of new fields elsewhere. I may state that outside of the gold fields, in the Colony of Victoria, and I believe in the Province of Otago, persons are encouraged to go beyond the limits of a gold field to prospect, and that they have a negative right to get all the *Vide Appendix (C).*

Mr. Bradshaw.
10th August, 1869.

gold they can find, as well as a positive right, which is sometimes given to them, of a double claim. Besides this, at times a money reward is given in some places. It is done in the gold fields in the Colony of Victoria, and in very extensive works, such as at Ballarat where it is very wet, and where sometimes £30,000 is expended in tracing the leads before a single ounce of gold is obtained, they encourage them by a large claim to go ahead of that lead and prospect. They also prospect there from what is called the frontage, and they allow no person to go to the right or left, but they must go straight ahead. I think such a Proclamation, or any Act tending towards that, would more effectually prevent the development of new fields and mining industries in the country than anything that I know.

87. Then you think "The Gold Fields Act, 1866," is sufficient for all purposes of mining?—Yes.

88. Then the only drawback to the action of the Act of 1866 would be simply a question of arrangement to be made with the Maoris, and the proclamation of the land as a reserve in January last?—Yes.

89. The only point on which you think legislation is necessary is with regard to the reserve?—Yes; I think legislation is required for the purpose of abolishing or raising that reserve.

90. Are the shareholders in these two claims aware that their proceedings are illegal?—They have been made aware within the last week, and painfully so, for their shares have gone down from two pounds to two shillings and sixpence. I think that most of them are of opinion that the conforming to the regulations, and taking out the miners' rights, which have been acknowledged by the Registry Department, gave them a right to mine there. If they thought otherwise, they would not have gone to the expense of erecting large machinery, nor would they have bartered or trafficked in shares. A good deal depends on the usage on other gold fields, and many of these persons are from Victoria and Otago. Our Act, I may remark, has been framed upon the basis of the Victorian Act.

91. *Mr. Clark.*] What is the amount of money expended, in your opinion, on the Magenta, Wakatip, and other claims affected by this Bill?—Taking into consideration labour, machinery, and contingencies, I should think not less than £10,000.

92. *The Chairman.*] Do you think that the legislation proposed in the Bill would provide the best means for working the sea beach as far as mining is concerned?—I do not. I think it is unmistakably shown by the working of the Wakatip and the Magenta mines that the men who have entered on the ground and have worked under the present regulations, under their miners' rights, is the best system.

93. *Mr. Studholme.*] What course do you think would be most satisfactory to the miners, and productive of the least injustice?—I would first validate those claims which have been taken up in error under the miners' right system, and which have been registered, it may be in error also, and which have been in full work at a very great cost ever since they were taken up. I would then throw open the remainder to the operation of "The Gold Fields Act, 1866," for mining purposes; whether by lease or otherwise is a matter to be determined.

94. *The Chairman.*] You think that the general course of alienation by sale of known auriferous lands would have an injurious effect on the mining interest of the Province and the Colony generally?—I unhesitatingly say yes, because I am certain of it.

95. Do you consider that auriferous lands should be opened under the miners' right system, and that no leases should be granted until the ground has been thoroughly prospected under miners' rights?—I shall answer that question by stating that the present regulations, which I think give a prior right to those who take up land under the miners' right system, are sufficient, because no lease can be granted until such time as miners are invited, by posters on the ground, to object to such leases. I think that the administration of the Act and Regulations is of more consequence than legislation. I wish to add that I object to the sale or leasing of any known auriferous lands outside of a proclaimed gold field.

Mr. Bradshaw was thanked, and withdrew.

WEDNESDAY, 11TH AUGUST, 1869.

Mr. Charles O'Neill in attendance, and examined.

Mr. C. O'Neill.
11th August, 1869.

96. *Mr. O'Rorke.*] Are you aware whether gold mining was authorized by the Provincial Government or other officials on the land between high and low water-mark at the Thames?—I am not.

97. Would you, from your official position at the Thames, according to the ordinary course of business, be consulted by the Provincial Government before any lease would be granted of that ground?—I would.

98. Are you aware of any persons having applied for a lease, or right to mine on that ground?—Applications have been made for claims called respectively the Magenta and the Wakatip, but nothing has been done in the matter.

99. *Mr. Clark.*] Do you know if any other applications have been made?—I am not aware of any.

100. *Mr. Studholme.*] Has the Magenta Company been registered?—It has.

101. How was it allowed to be registered?—In the Magenta claim the whole of the ground is not below high water-mark.

102. *The Chairman.*] Are you aware whether shares in the Magenta have been transferred to second parties, and registered in the Registry Office at the gold field prior to the application for a lease?—I am not; indeed I know nothing about the shares.

103. *Mr. Clark.*] Do you know if it is true that the Magenta Company jumped the claim of a prior party upon the same ground?—I do not.

104. *The Chairman.*] We are informed that the Kurunui Company occupies, under lease, a portion of the land between high and low water-mark: are you aware under what circumstances that lease was granted?—I do not know anything about it; as far as I am aware, it has not been granted.

Mr. O'Neill was thanked, and withdrew.

Mr. James Benn Bradshaw in attendance, and further examined.

I desire to supplement the evidence I gave yesterday, by stating that a petition has been sent in to the General Government some time ago, by Messrs. Beetham, Walker, and Co., praying that a large portion of the sea beach might be leased. I believe that Mr. Mackay recommended the prayer of the petition. *Mr. Bradshaw.* 11th August, 1869.

Mr. Bradshaw was thanked, and withdrew.

The Committee adjourned to Thursday, the 12th instant, at 11 o'clock.

THURSDAY, 12TH AUGUST, 1869.

Mr. Daniel Joseph O'Keefe in attendance, and examined.

105. *The Chairman.*] You are prepared to give evidence on the Thames Sea Beach Bill?—I am. *Mr. D. J. O'Keefe.* 12th August, 1869.

106. Are you aware of any rights which were in existence previous to the introduction of this Bill, and which may be affected by it?—Yes, I know of four claims; the Wakatip, Barry's No. 2 or the Sea Lion, the Nations, and the Magenta claims.

107. Can you state the position of those claims?—Portions of those claims are above high water-mark, and the remainder below high water-mark.

108. Will you explain to the Committee what rights these parties are supposed to have under their miners' rights?—The owners of those claims took out miners' rights in the usual way at Shortland, for which they paid one pound each. They then pegged out ground adjoining claims situated above high water-mark, taking one or two men's ground above high water-mark and the remainder below high water-mark, in order to make them six or eight men's ground in size. The ground above high water-mark was for their shafts, and for putting in drives under the beach.

109. Were those claims registered in the Registration Office at Shortland?—They were.

110. Were the parties taking out the miners' rights aware of the provisions of the Act of 1868?—I cannot state whether they were or were not.

111. You are aware that there is a clause in the Act of 1868 which states that land below high water-mark shall be considered as land over which the Native title has not been extinguished?—I am aware of it. I paid several hundreds of pounds to the claimholders of the Nations Claim, which now forms portion of the Imperial Crown Company's ground with a capital of £100,000. I expected to have got a title from the Natives to that portion of the Company's property, and endeavoured to do so, when I saw a Proclamation of the Waste Lands Commissioner stating that all lands above and below high water-mark had been reserved for Crown purposes.

112. You are aware that the area of the gold field did not cover the land below high water-mark?—I am.

113. Did the parties who pegged out the claims do so knowing that they were outside the limits of the gold field?—I have reason to believe that they pegged them out believing that they would get a title from the Natives or some other persons. They pegged them out under miners' rights, and some persons made agreements with the lessees to enter upon the ground for mining purposes.

114. Has the beach ever been held under lease?—The owners of the claims getting a piece of ground from the lessees would sink a shaft above high water-mark, and drive under the beach.

115. Has it been within your knowledge at any time that rights have been and are recognized outside the limits of gold fields under miners' rights?—I am not aware of any such practice, but I think that the position of the beach claims was very different, inasmuch as there is a piece of land above high water-mark to the extent of two or three men's ground, and believing the land to be Native territory under the Native Lands Act of 1868, they pegged off the whole claim. They hold the portion above high water-mark from the Crown, and expect to get the title for the other portion through the Native Lands Court. The difference between these claims and those which are outside the limits of the gold field consists in this, that parts of the claims are above high water-mark and granted by the Crown.

116. *Mr. Dillon Bell.*] Is the Committee to understand that there are any rights held by miners independent of the authority of the Government?—I believe that the Natives have entered into arrangements with certain parties to grant them rights. Rapana has publicly declared it in the newspapers; and I think a Mr. Creagh has endeavoured to acquire rights from the Natives.

117. Do you mean that you believe it is done under any authority of the law?—It is not done under the authority of the law; but the Natives, when they get the land through the Court, will confirm their action, and so make it valid.

118. But if other persons have not entered into any so-called arrangement by reason of its not being legal to do so, do you consider that there is any right appertaining to those who, contrary to the authority of the law, entered into any agreement of that kind?—I think there is a certain right notwithstanding it is illegal, because the Natives have generally carried out honourably the agreements they made before their lands passed through the Court.

119. The Committee understand your opinion to be that those who have acted without the authority of the law should have the advantage of doing so, and that those who have acted within the authority of the law should be placed at a disadvantage?—That is not my answer; because those persons who have acted with the authority of the law and have acquired rights, require no redress; but those who have entered into contracts with the Natives during the last few years should have them ratified, because the Government has recognized transactions entered into with the Natives illegally.

120. *Mr. Richmond.*] Would you be kind enough to state cases in which the Government has recognized and confirmed illegal transactions on the Thames Gold Field?—I instance the land at Shortland, where agreements had been entered into by the inhabitants with Mr. Mackay, prior to the land passing through the Court, which were void in law; I understand that the Government now intend to confirm those agreements, and I have reason to believe that they will do so. Mr. Fenton withholds the certificate to the Shortland Town Lands, having expressly stated that the Government

Mr. D. J. O'Keefe. 12th August, 1869.

would confirm the action of Mr. Mackay in leasing those lands, and I take the statement of the Chief Judge as one of some authority in this matter.

121. *Mr. Dillon Bell.*] The Committee do not understand that you can state any case within your own knowledge in which the Government have actually confirmed such transactions?—No; except at Shortland.

122. Will you state a case within your own knowledge there?—I do not know that the Government have ratified what the Chief Judge said, but I believe so; in effect they have, because Mr. Whitaker, on behalf of the Natives, and Mr. McCormick on behalf of the Crown, gave an assurance that the transactions entered into by the Civil Commissioner would be ratified by the Crown.

123. But the Civil Commissioner is an officer of the Government. My question, of course, did not refer to officers of the Government, but to persons acting without the authority of the Government?—The agreements entered into between the Natives and the Europeans by the Civil Commissioner are void like those of other persons.

124. Are you aware of any cases where transactions have been made by any person not being an officer of the Government, and made without the authority of the law, which have been confirmed by the Executive Government?—I am not.

125. *Mr. Gallagher.*] In dealing with these lands between high and low water-mark, what course do you think the Legislature could adopt which would be the most satisfactory to the miners and the public generally?—I believe that the proper course would be to proclaim the beach within the gold fields. I think that the surface of it should be appropriated for purposes of revenue, for wharves and such other public works and buildings as may be requisite; that mining should be allowed under it, subject, of course, to such restrictions as may be enforced by regulations under the Gold Fields Act of 1866, and any subsequent amended Acts; and that any existing rights should be protected, if possible. I say rights, because a large portion of the public have acquired scrip in the companies without any knowledge that there was any technically illegal tenure, and therefore they would be punished for an act which was not of their creating.

126. Do you know any parties directly interested in the introduction of the Bill now before the Committee?—I do not. I have heard that it has been brought in for the purpose of obtaining revenue, and I quite approve of that object.

127. Supposing reasonable compensation were allowed, would it satisfy the present claimants of the land between high and low water-mark?—I think a very large sum would be demanded. The capital of the Nations Company is £100,000, and the scrip has been sold at the rate of half a million. I do not think that the question of compensation would be entertained.

128. But this Company were aware that they had taken up the land illegally?—No. They knew that there was some doubt as to their obtaining a portion of the claim, and they stated to the public that they expected to get a title.

129. *The Chairman.*] When did they peg out the claim?—Many months ago.

130. You are aware that in the *Gazette* for January this sea beach was made a public reserve?—I am not.

131. Supposing the whole of the beach was pegged out in defiance of law, would you support vested rights in the whole of these claims?—You have the Proclamation of the Waste Lands Commissioner, and I know it; and I know that it is not the intention of the public to take up the beach.

132. *Mr. Dillon Bell.*] The Committee understands that you consider that those who have already pegged out claims have some claim, which you call a right. Supposing the rest of the ground were pegged out by individuals, would you consider that the whole of the beach would be covered by rights which ought to be protected as well as the original ones to which you refer?—I do not, on the ground that the Crown has already taken some steps to protect that beach from being taken up.

133. *Mr. Richmond.*] Were the claims which you consider to amount to rights prior to Mr. Mackay's notice and that of the Waste Lands Commissioner?—I think so; and the action of Mr. Mackay and the Waste Lands Commissioner would be sufficient to protect the Crown against any new claims.

134. *The Chairman.*] Do you know any claims which have been pegged out since Mr. Mackay's notice?—I do not.

135. You stated that other vested rights had been obtained on the beach in some shape?—I know that a wharf was erected by a Mr. Holdship within the last six or eight months. I understand that he gave some consideration money to Joseph Brown (Hohepa Paraone) and his people for the right. The wharf is opposite a piece of *tapu* ground on which a church has been erected, and the Natives claimed some compensation for the use of the beach.

136. You consider that Mr. Holdship, by having made an engagement with this Mr. Brown, has obtained a vested right upon the sea beach?—I believe so, as it is under the Act of 1868, although it is illegal.

137. Are you aware that the Kurunui Company have encroached upon the land below high water-mark?—I am.

138. Have they evidenced any right to do so under any lease?—It may be shown on the plan accompanying the application to the Government for a lease, from a survey by the Engineer-in-Chief, and in that way it may appear to have been granted by the Government.

139. Do you know whether the land referred to as an encroachment is contained in the ground granted by the lease, or simply an encroachment at the risk of the Kurunui Company?—I do not.

140. *Mr. Dillon Bell.*] Are you at all interested in these claims?—I have an interest in the Imperial Crown Company, but it is of a very small character, amounting to only 450 shares.

141. *Mr. Clark.*] Supposing the Government were to recognize certain claims you have alluded to, ought the remainder of the beach lands to be disposed of?—My own opinion is that they should be taken possession of by the Crown, and dealt with either by the Provincial or General Government for purposes of revenue. They should be proclaimed as part of the gold field, and mining allowed upon them.

142. Would you dispose of them by auction?—I would not put them up to auction, but let the

first on the ground take them up, because otherwise there would be a combination of capitalists, and they would be bought under their value. I never heard of known auriferous land being sold at auction by the Crown. *Mr. D. J. O'Keefe.* 12th August, 1869.

143. *Mr. Gallagher.*] After acknowledging what we must call the present existing rights on the beach, would you think it advisable to allow the rest of the ground to be taken up under miners' rights issued by the Province under the Gold Fields Act?—Certainly; the authorities reserving to themselves the right to lease the surface, by auction or otherwise, for purposes of revenue, such as the erection of wharves, tramways, &c.

144. Is this ground auriferous?—I believe it is.

145. *The Chairman.*] Have you carefully read the Bill?—I have read some of the clauses contained in it.

146. Do you know of any advantage which the purely mining interest would receive by substituting this Bill for the ordinary Gold Fields law?—I do not.

147. Do you think there would be any danger of a riot if the land were proclaimed under the Gold Fields Act?—Not the most remote danger. The idea is utterly absurd.

148. Apart from the Native question you would throw it open?—I would, and in doing so I would guard the Native interest, as it would be wrong to violate any of their rights, as they have acted honorably, and to trample upon them would be a grievous injustice.

Mr. O'Keefe was thanked, and withdrew.

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

149. *Mr. Dillon Bell.*] You are aware of certain petitions having been presented to the Legislative Council and the House of Representatives by the Natives at the Thames, as to a certain infraction of the rights which they claim under their agreement with the Government, and you have given evidence before the Legislative Council Committee on the subject; would you state to the Committee whether, and in what way, the complaints made by the Natives are proposed to be adjusted so as to avoid any just cause of complaint on their part?—I hand in the evidence I gave before the Public Petitions Committee of the Legislative Council. [Printed document produced.] I think the grievances complained of by the Natives will be met by the arrangement proposed in section ten of the Mining Companies Limited Liability Act Amendment Bill, which is now before the Legislative Council, and also by amendments proposed in the Gold Fields Act Amendment Bill. These amendments will, I think, meet all the difficulties arising with the Natives, and care has been taken to see that they are only applicable to Native lands. This Bill is in strict conformity with my view of the case, and it is the best thing that can be done. [Copy of Bill handed in.] Mr. Whitaker and myself consulted together as to the form of the amendments to remove any complaint on the part of the Natives, and the amendments we have drawn up have that effect. This in no way affects the Sea Beach Bill. *Mr. J. Mackay, jun.* 12th August, 1869.

150. If the Sea Beach Bill were passed, providing that the sea beach should be leased, there would be no contravention in it of any agreement made between you and the Natives?—As far as regards the portion of the sea beach which is the subject of the agreement made between the Natives and myself in April, 1869, which block is numbered 7 on the sketch plan, I think the terms and conditions of the agreement are the same as those in that of the 9th March, 1868. I believe that the words are that it is to be "subject to the same terms and conditions as are contained in that agreement." With reference to the other portion of the beach blocks, numbered from 1 to 6 on the sketch plan, I have already stated that the Natives have made no agreement, and I doubt very much whether they will make any agreement with the Government.

I have omitted to state in my evidence as to the Native rights the other day, that considerable difficulty arose some time ago about some logs of kauri timber belonging to Captain Daldy which were lost during a fresh from a mill at Waikawau, and had drifted on to the flats. I had great difficulty in getting the Natives to give up the timber, which they had seized. This occurred between the Thames and the Miranda Redoubt. The Natives would not give up the timber without payment. I settled the question with some of them, but I have not been able to do so with others up to the present time.

Mr. Mackay was thanked, and withdrew.

The Committee then adjourned.

APPENDIX.

(A.)

(No. 371–2.)

SIR,— Native Office, Wellington, 17th October, 1868.

In reference to correspondence on the subject of the application of Messrs. Beetham, Severn, Walker, and Co., for lease of a tidal flat at Shortland for gold mining-purposes, I am directed by Mr. Richmond to inform you that this land is in an exceptional legal position. The Native title over it would probably not be recognized by courts of law; at the same time, it is not within the definition of Crown Land, or subject to the ordinary Waste Land laws. The Gold Fields Act of this Session points out how it may be dealt with—*i.e.*, by agreement between the Colonial Government and the Native owners of adjacent lands. *See Mr. Mackay's Evidence.* 9th August, 1869.

I enclose a copy of the Act, which, as the Government understand it (section 9), prevents any one except the Government from dealing with the Natives, and yet recognizes an interest on their part.

I am accordingly to request that you will endeavour to arrange with the Native owners for the occupation of this tidal flat upon reasonable terms, and obtain a reserve for a tramway, which, with their assent, may be permanently dedicated to such a purpose.

I have, &c.,

G. S. COOPER,

The Civil Commissioner, Auckland. Acting Under Secretary.

(B.)

SIR,— Civil Commissioner's Office, Auckland, 7th June, 1869.

See Mr. Mackay's Evidence.

9th August. 1869.

I have the honor, by direction of Mr. Mackay, Civil Commissioner, to inform you that your application to lease or occupy tidal flat or beach lands at the Thames Gold Field, for gold-mining purposes, cannot be received or recognized by the Government, as the land in question is not within the proclaimed gold field.

I have, &c.,

Mr. A. Walker, Shortland. EDW. BRAITHWAITE, Chief Clerk.

(C.)

PUBLIC NOTIFICATION.

Crown Lands Office, Auckland, 19th July, 1869.

See Mr. Bradshaw's Evidence.

10th August, 1869.

I HEREBY notify that no part of the land between high and low water-mark on the Eastern shore of the Hauraki Gulf, Province of Auckland, from Cape Colville to the Kauwaeranga River, has been included within any Gold Field, and that, consequently, no person whatever has any right to enter upon or occupy any such land for the purpose of mining for gold, or to mine for gold under such land.

D. A. TOLE,

Commissioner of Crown Lands.

NOTICE.—GROUND BELOW HIGH WATER-MARK.

I HEREBY notify that I have arranged with parties to lease certain properties below high water-mark known as the Pukehinau, Koruruwhango, Kuranui, Teteko, Moanataiari, and Parareka Beach Claims; and no person will be permitted to carry on any mining operations on the said ground without the consent of the Native owners.

Shortland, July 23rd, 1869. RAPANA MAUNGANOA.

(D.)

THE following propositions were submitted for the consideration of the Committee:—

1. By Mr. Dillon Bell.

THERE is no reason to question the accuracy of the preamble in the Bill, that the land between high and low water-mark undoubtedly belongs to the Crown by virtue of its prerogative.

It would not be right to recognize any right in the Natives antagonistic to the Crown's prerogative, because if such recognition were made it could have no force or operation as against the prerogative.

Therefore, any legislation which should recognize any right but the Crown's in the fore-shore would not only be inexpedient, but could only end in the upsetting before a proper tribunal of the very right sought to be established by such legislation.

In proportion to the value of the land over which any such right might profess to be conferred, must be the danger of conferring it if the same can be upset before such a tribunal.

Supposing any question to arise with the Natives—by reason, for instance, of the Fishery rights guaranteed by the Treaty of Waitangi interfering with any general prerogative right—to prevent a law being passed prohibiting Natives from dealing with the foreshore, there is at any rate no such difficulty in the way of the Queen's European subjects being prohibited from such dealings except in accordance with some legislative authority.

Having regard to the foregoing considerations alone, and without entering into questions connected with the policy or impolicy of a special law for mining on the fore-shore varying from the general Gold Fields law, it is the opinion of this Committee, that for the present a law should at any rate be passed, absolutely prohibiting European subjects of Her Majesty from entering into any dealings with the Natives affecting the fore-shore, and rendering null and void any such dealings heretofore made.

As regards the question of mining, and considering the well-known highly auriferous character of the foreshore, the right way (assuming the power of the Assembly to regulate it) to provide for mining there, is to cause leases of allotments for mining purposes to be put up to auction, instead of letting claims be taken up in the ordinary mode provided by the Gold Fields laws. This Committee accordingly recommends the principle of the present Bill to be adopted, with the exception of all words permitting sales; such Bill to be reserved for the Queen's assent, in order to avoid any complications that might arise by reason of interference or alleged interference with the prerogative.

F. DILLON BELL.

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2. By Mr. J. C. Richmond.

THREE parties claim the occupation of the fore-shore at the Thames: (1.) The Maori owners of adjoining lands and fishery rights; (2.) the Provincial Government of Auckland; and (3.) certain persons who have registered mining claims affecting parts of the beach.

The claim of the latter depends solely on the alleged *laches* of the Mining Registrar in admitting these claims to registration. The general principle that no one should have advantage of his own error or wrong applies to these claimants, who had full means of ascertaining that they were preferring irregular claims.

The Colony is debarred by the proviso in section 9 of "The Gold Fields Amendment Act, 1868," from recognizing the claims of the Province, unless under agreement by the Crown with the Maori owners of adjoining lands.

The claims of the Maori owners of adjoining lands stand on a better basis. Such claims have been tacitly admitted in practice to have some force. (See Mr. Williamson's and Mr. Mackay's evidence.) Their equitable value is not inferior to that of the claims to *terra firma* recognized by "The Native Lands Act, 1862." The Treaty of Waitangi, which is supposed to cede all prerogative rights to the Crown, cannot with wisdom or policy be insisted on, in the face of that Act, for the purpose of establishing any proprietory or usufructuary rights on the part of the Crown or the Colony. It would be inconsistent with past practice reaching back to a period long before the passing of "The Native Lands Act, 1862," and impolitic with a view to the early and peaceful extension of the gold fields and of colonization generally, to insist on any such rights in the present case. At the same time the prerogative rights, however fictitious, may be binding on the Courts of Law. I therefore propose the following as Resolutions to be adopted by the Committee:—

1. That it is expedient that the Legislature should avoid any action purporting to regulate the occupation of or mining in land between high and low water-mark, such land being probably subject to special prerogative rights and jurisdiction.

2. That no obstacle should be interposed to the enjoyment of the usufruct of such land by the Native owners of the adjoining lands, or such other Natives as by Maori custom would be entitled thereto.

3. That the Government should accordingly be requested to exercise the powers vested in them under "The Gold Fields Amendment Act, 1868," by issuing annual prospecting licenses to such persons as may have entered into *bonâ fide* agreements with the persons who according to Maori custom would be owners of such land, and by enforcing the penalties of the 5th section of the Act against all others who shall mine thereon.

4. That for the purpose of ascertaining who would, according to Maori custom, be such owners, a Commission of Inquiry be issued to one of the Judges of the Native Lands Court.

5. That a case should be prepared by Government and submitted to the Secretary of State for the Colonies, reciting the terms of the Treaty of Waitangi, if any, which are supposed to cede prerogative rights to the British Crown; the other grounds, if any, for supposing that such rights exist; the nature of the legislation in the Colony on the subject of Native lands; the existence of royal metals in many places on such lands; and the particular circumstances connected with the auriferous sea beach of the Hauraki Gulf which now raise the question of prerogative rights. That the Secretary of State be requested, if it shall appear that such prerogative rights exist, to lay the matter before Her Majesty, and with her approval to submit proposals to Parliament for renouncing such rights within the Colony of New Zealand, or for empowering the Colonial Legislature to deal effectually for regulating the administration thereof.

J. C. RICHMOND.

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3. By the Chairman.

In the preamble of the Bill the prerogative of the Crown is declared. This is traversed by the claims of the Natives. They claim surface rights, such as fishing, &c., and also the right to the gold beneath the surface. Query: Have such claims ever been admitted in the Colony? Would the Native Lands Court recognize such claims?

Whether, considering the assertion of prerogative rights in the preamble of the Bill, the rights proposed to be determined in clause 2 can be said to have any existence, clause 9 of "The Gold Fields Act Amendment Act, 1868," notwithstanding?

The prerogative rights of the Crown being indisputable, whether the rest of the Bill (clauses 3 to 7) is not *ultra vires*?

Supposing it to be decided by the Committee that legislation in the direction indicated in the Bill is, notwithstanding the above considerations, desirable, how will the Native, mining, and other interests be affected by the Bill as proposed?

As to the Native claims, it is proved in evidence that a claim is set up, by the owners of the land above high water-mark, to the surface rights of the fore-shore, and also to the gold lying beneath it. If, for the sake of peace and good-will to the Natives, this claim be admitted, it does not appear that sufficient provision is made in the Bill for the satisfaction of such claim.

As to the mining interest, it is not judicious to allow mining on auriferous lands outside the limits of proclaimed gold field. The evidence, or the opinion of all the witnesses who were examined on this point is in opposition to clause 6 of the Bill, which proposes such a course.

The position of parties who have pegged out ground on the fore-shore, and now hold it under miners' rights, or under registration of mining companies:—These claims are pegged out in contravention of law, and the parties concerned have no legal claim to the ground.

The undersigned is therefore of opinion that all action should be stayed with respect to the fore-shore in question, and the Proclamation of reserve made in January of this year be maintained until such time as an Imperial Act can be obtained, permitting the Colonial Legislature to deal with all questions of this description. This will appear the more necessary when we consider that the Native Lands Court not having jurisdiction over the land in question, no Native claiming to be an owner could be legally recognized, and agreements made by such Native could not be recognized by the Supreme Court.

As to the mode of dealing with the land in question, and other lands in the same position which may in future have to be dealt with, when legislation can be properly applied to them, it is suggested—

1st. All dealings with Natives by private parties should be absolutely prohibited.
2nd. All lands known to be auriferous should be proclaimed within the limits of a gold field, and subject to mining regulations.
3rd. The surface rights between high and low water-mark should be held as a reserve or endowment for the gold field.
4th. No surface rights should be sold or otherwise alienated.
5th. No mining rights should be leased by auction or otherwise disposed of, but the ground thrown open under the Gold Field Acts

6th. While conceding to the Natives the fees arising from miners' rights or mining-leasing rents, arrangements should be made with the Natives under which the surface rents could be commuted into a fixed annual sum, irrespective of the use to which the leaseholder might put the lands, or the rental accruing from the same.

7th. When legislation is entered upon, the claims of the parties who have pegged out ground on the fore-shore should be equitably considered. WM. T. SWAN.

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4. By Mr. Studholme.

THE Committee being of opinion that the prerogative rights of the Crown extend over the fore-shore, think that it would be inexpedient to legislate in the matter until the authority of the Crown had been obtained to deal with it, and recommend that the authority of the Crown for that purpose should be obtained before next Session.

They also recommend that no agreements made between the Natives and private persons should be recognized, but that the Government should arrange with the Natives for the cession of any rights they may possess; no person in the meantime being allowed to mine below high water-mark.

There would be no difficulty in making some such terms with the Natives,—namely, that they should receive the premium given at auction for the right to mine, together with miners' fees, the Government reserving power to lease or sell the surface. JOHN STUDHOLME.

(E.)

PETITION of TANAMEHA TE MOANANUI and others.

Pukerahui, 5th August, 1869.

Go, O our messenger, on the ripple of the sea, to Wellington, to the Governor, to the General Assembly of this Island who are making laws for the Europeans and the Maoris.

O friends the Assembly of Chiefs, salutations to you all. Our reason for writing to you is shown here, but do you give careful heed to our words, and do you give effect to our voice in respect of what we know. The word has come to us that you are about taking our places from high water-mark outwards. The word has come that the Governor says that he is to have those parts of the sea. O fathers, great is the grief, great is the sorrow, great is the objection, great is the searching, great is the considering of the heart on the subject of that work of yours. We have heard that you are a tribe of chiefs searching out good for this Island. That is not the work of chiefs, nor is it just work.

You, the Government, have asked for the gold of Hauraki; we consented. You asked for a site for a town; you asked also that the flats of the sea off Kauwaeranga should be let; and those requests were acceded to. And now you have said that the places of the sea which remain to us will be taken.

O friends, it is wrong, it is evil. Our voice, the voice of Hauraki, has agreed that we shall retain the parts of the sea from high water-mark outwards. These places were in our possession from time immemorial; these are the places from which food was obtained from the time of our ancestors even down to us their descendants. Why do you desire to seize heedlessly upon these places? What fault of ours has been discovered by you? It was thought that the taking of land by you ceased at Tauranga and other places; but your thought has turned to Hauraki, to the noble land the sea of which has no ripple. The waves of other places are being lashed up, but all is calm at Hauraki. The sun rises from behind Tawauwau.

O friends, our hands, our feet, our bodies, are always on our places of the sea; the fish, the mussels, the shell-fish are there. Our hands are holding on to those, extending even to the gold beneath. The men, the women, the children are united in this, that they alone are to have the control of all the places of the sea, and that the Europeans are to have nothing to do with them.

O friends, give effect to our request. Leave to us our own, the places of the sea. Act justly towards the good tribe, because the searching for justice is with you. Take your evil to the tribes that are fighting; do not crush in Hauraki, but let affairs in reference to Hauraki be carried on properly.

The word to you ends. From all Ngatimaru, Ngatitamatera, and Ngatiwhanaunga.

TANAMEHA TE MOANANUI,
and 26 others, and many more.

PETITION of PERAHAMA TE REIROA and others.

A WORD TO THE ASSEMBLY OF WELLINGTON,— Hauraki, 5th August, 1869.

O friends, salutations. O friends, hearken to what we have to say. We did not give Waiotahi—from Tarawhati thence to Waiotahi on to Tararu, and thence out to the sea. These pieces were not given to the Governor; we still hold them. What was given was the mountain. The line for you has been laid down. Our sea and our places were left to us as places where we could obtain food. That was not given up to the Governor. Well, why have they been taken? Tell us the reason, our fault, on account of which you have taken them. We have been living quietly, and you also. Now, for the first time, we know that you are evilly disposed towards us. Is not the taking of land a cause of evil? And when evil comes, you judge it and say that the Maoris are wrong; and you write to other countries, saying that the Maoris are an evil race; but it is on account of that work of yours, and not the fault of the Maoris.

Now, O friends, leave to us the disposal of our pieces, Tarawhati, Waiotahi, and Tararu. Mr. Mackay knows what we have said from the commencement up to this day. We have not given up these pieces to the Government; therefore we say to you work correctly, for the Hauhaus are laughing at us. They say, "It serves you right to be troubled by the Government; you gave up the gold to the Europeans." Therefore we said, "Who suspected that evil would come of it?"

Now, we rejoiced at first; at present we are very sad on account of your work. Friends, there is no cause for this work. This work of yours towards us is very wrong.

Sufficient. From the Assembly of Ngatimaru.

PERAHAMA TE REIROA,
and 11 others.

To you, to the Assembly of Wellington.