

193. Then, if this is registered 6 feet by 8 feet, and mentioned in the certificate, would that be the extent of the right of the parties?—The grant would be for the exact thing described in the application. What I mean is, it is not permissible for any man obtaining any right upon a goldfield to vary it from the original application.

194. Then, if there were two rights, or two tunnels, or two races exactly in the same course, but on different levels, would it be possible to say that the upper or lower right, as the case may be, could be transferred from one to the other?—Not without process in the Warden's Court. The Warden might, on application, consent to the right being transferred. It could not be done at the mere will of the parties. * [Telegram from Griffiths and reply handed in, date 1st September.] *

195. You have read the queries put in the telegram?—Yes.

196. As regards the first query, what is the answer?—"Yes; 37073 was commenced by Watson and party."

197. Having read the telegram, and reply thereto, would that indicate there were two rights: No. 2 Sludge-channel, and Tail-race 37073?—Certainly it will indicate two rights—two separate and distinct rights.

198. Now, having commenced the construction of the tunnel at a certain level, as mentioned in that reply, would it be possible subsequently to take the same certificate, and apply it legally to another tunnel below it, without applying to the Warden?—Not legally; the owners would do it on peril of forfeiture.

199. If an application were made for an extension of a registered right, what would "extension," in the ordinary mining sense, mean?—It would mean exactly what the word means in the dictionary.

200. Then, if the right was registered as 1,600 feet in length, and an application were made to extend that, would it be necessary to state the exact spot where the extension commenced and terminated?—Certainly. I would repeat that everything in connection with the ownership of mines and mining property must be applied for in the most precise terms, because any deviation from the exact description which is given in the application would be a flaw in the title, and might endanger the holding of the property.

201. What is that [producing a document]?—Certificate of registration, 43860, for extension of Tunnel Tail-race No. 37073, commencing from a point 20 feet from the present sludge-channel.

202. Where is the exact point?—Twenty feet from the present sludge-channel, near peg 80, sludge-channel.

203. What is the terminating point?—"Terminating at the commencing point of said tunnel tail-race, near north-west boundary of Watson and party's claim." The north-east end would be the terminating point of the tail-race.

204. If the certificate said the tail-race commenced at the claim and terminated in the gully, what would be the commencing point?—The commencing point would be at the claim.

205. Which is the south-west boundary of Watson and party's claim?—I should say the commencing point. I do not know how to describe it otherwise.

206. Does that tunnel, as marked on the south-west boundary, go to Watson and party's claim?—If this line indicates the tunnel, it goes up to the Government Sludge-channel, and crosses Watson's claim. The termination of the extension would be at Watson's claim.

207. Then, if this 37073 was on the south-west boundary of Watson's claim, and the point was marked on the certificate 43860, the commencing point mentioned as being 20 feet from the sludge-channel, and the terminating point at the commencing point of Tunnel Tail-race 37073, would it be possible to legally apply this certificate for a tunnel going through the centre of Watson's claim on a different grade?—No; you cannot divert a right for one locality to another locality, or make any change, without the sanction of the Warden, any more than you can take the section of land in any block in lieu of another section which you may have bought.

MONDAY, 7TH SEPTEMBER, 1885.

Mr. V. PYKE further examined.

208. *Mr. Seddon.*] Mr. Pyke, will you turn to page 175 of the regulations under "The Mines Act, 1877:" what has that reference to?—Main tail-race for mining purposes.

209. What would be the legal course to pursue in applying for a tail-race of that kind? What is a main tail-race?—A main tail-race is described here: it is a tail-race in which tailings flow from a number of claims, as distinct from a private tail-race belonging to a single party only.

210. Would you consider a race that was to accommodate fifteen parties of six men each a main tail-race?—Yes; but it would have to be applied for as a main tail-race in the first instance.

211. What course would have to be adopted in making application?—Application would have to be made in writing to the Warden, in terms of Schedule E, as set forth in the regulations. The Warden may then grant such application or refuse it. In the event of his granting it, it must be publicly notified in a newspaper circulating in the district, or in such other manner as the Warden may deem expedient.

211A. In section 25?—That is a different kind of tail-race, and refers to a main tail-race constructed by private enterprise, as differing from that granted to a number of persons. The persons who are authorized to use a main tail-race have to frame conditions, subject to the Warden's approval, for the construction of a main tail-race by joint labour, and the manner in which it shall be used. Section 25 relates to a main tail-race constructed by private enterprise; but even then

* *Vide* telegrams in reply to question 98.

† *Vide* Appendix.