1910.

NEW ZEALAND

LANDS COMMITTEE

REPORT OF THE) ON THE PETITION OF D. R. McQUOID AND 399 OTHERS, OF COROMANDEL TOGETHER WITH CORRESPONDENCE.

(HON. MR. T. DUNCAN, CHAIRMAN.)

Report brought up 26th October, 1910, and ordered to be printed.

ORDER OF REFERENCE.

Extract from the Journals of the House of Representative

THURSDAY, THE 7TH DAY OF JULY, 1910.

Ordered, "That a Committee be appointed, consisting of ten members, to whom shall stand referred, after the first reading, all Bills affecting or in any way relating to the lands of the Crown, or educational or other public reserves; the Committee to have power to make such amendments therein as they think proper, and to report generally when necessary upon the principles and provisions of the Bill; the Committee to have power to call for persons, papers, and records; three to be a quorum: the Committee to consist of Mr. Anderson, Hon. Mr. Duncan, Mr. Ell, Mr. Forbes, Mr. Guthrie, Mr. Hogg, Mr. Lang, Mr. Lawry, Mr. Witty, and the mover."—(Right Hon. Sir J. G. WARD.)

REPORT.

No. 68.—Petition of D R. McQUOID and 399 Others, of Coromandel.

PETITIONERS pray for amendment in the Land Act, 1908, in respect to leasing lands in the Hauraki Mining District.

I am directed to report that in the opinion of the Committee this petition should be referred to the Government for favourable consideration. Evidence and documents are attached hereto.

26th October, 1910. T Y DUNCAN Chairman.

CORRESPONDENCE.

SIR,— Department of Lands, Wellington, 11th August, 1910.

I listened with great interest this morning to Mr Taylor's remarks in connection with the petition presented regarding the settlement of Crown lands in the Hauraki Mining District, and must admit that my sympathy was largely with the prayer of the petitioners, and the representations of the honourable member

The Committee must, however, bear in memory the fact that the regulations which govern the occupation of pastoral lands within the Hauraki District also apply with equal force to similar lands in two-thirds of the Nelson District, and practically the whole of the Westland District, similar regulations having been gazetted over Crown lands in these mining districts.

I have already reported the fact that at the present time there are 231,984 acres in the Hauraki Mining District open for selection under the regulations referred to (a copy of which is attached), and any person may apply to select out of this area an allotment ranging in size from 25 to 1,000 acres. These applications are subject to the approval of the Warden of the mining district as well as of the Land Board.

Mr Taylor has mentioned cases where preferential treatment appears to have been given to certain applicants. He stated, for instance, that areas that had been applied for during one year by some particular person, and were not allotted to such applicant, had during the following year been granted to subsequent applicants, thus giving rise to a feeling that favouritism had been shown, or that an irregularity (to say the least) had been committed.

I will now explain to the Committee how such an action could have taken place without any unfair treatment. It often happens that the Warden of any mining district may be transferred, and his successor takes up his work. Now, if the first application had been referred to Warden A for his consideration and decision, he might justly have thought that there was a probability of the land being gold-bearing, and decided to postpone dealing with the land until he was satisfied on this point. Such an opinion would have accounted for the refusal of the first application. If, then, Warden A had subsequently been transferred and Warden B appointed, to whom a new application by different persons was submitted twelve months or so after the first application had been refused, the new Warden, after consideration of the matter, might have come to the conclusion that there was no danger of the mining interests being jeopardized by granting the application, and he would then signify his approval of the second application to the Land Board, and if that latter body granted the lease there is no doubt but that the former applicants would be aggrieved at the news that the land they had been refused was now granted to later applicants.

I am aware that such cases have occurred in the Hauraki Mining District, when the Warden was not satisfied that the land would not be required for mining purposes, and therefore postponed dealing with the land. Some time afterwards, being satisfied that mining interests were not endangered, he approved a second application for the same area, thus giving rise to imputations of partiality

Then, again, there may have been certain areas in the district covered with forest, and the Warden may have thought it expedient that the Land Board should decline to grant rights over such areas because the timber thereon might be needed for mining purposes. Subsequently the Land Board was advised from the Head Office of the Lands Department that they should make every effort to open up all suitable lands for settlement, and after a careful inspection and inquiry they ascertained that many of these forest areas did not contain timber of value for milling or mining purposes, and therefore opened for selection such portions as did not contain valuable timber This again led to dissatisfaction, as the applicants who had first applied for the land, and had been refused on the ground that the timber was likely to be needed for mining, now found later applicants granted leases over the same areas

I do not myself see how the Board were to blame in the matter, as it was the force of circumstances arising out of the exigencies of settlement that occasioned the change of opinion on the part of the Board.

Again, the petitioners alleged that the lands can be selected in an indiscriminate manner; that the shapes of the sections are not in accordance with the Survey Regulations; and that members of one family might monopolize an undue share of the lands, acquiring a large frontage. It must, however, be borne in mind that, though the petitioners complain of having to deposit survey fees, yet in very few cases have the full amounts been demanded. Advantage has been taken of the numerous surveys of mining claims on adjacent lands, and when these surveys proved good, common boundaries were adopted for the new survey of the Crown land, and the applicants only had to pay for the survey of boundaries which could not be adopted from older surveys.

Then, again, as regards the roads in the Thames, Coromandel, and Ohinemuri Counties, a large number of roads in use were not in any sense legal or county roads, but were simply known as "goldfields roads." In many cases these roads have not been traversed, and their position is only indicated approximately on our maps.

To guard against any of these roads or tracks being closed, a special regulation was inserted in the attached regulations that all roads or tracks, whether surveyed or not, shall remain available for public use (Regulations 15 and 19), thus retaining all road rights over the areas.

The question was then asked as to how the present dual control of the Warden and the Lands Department could be ended—that is, in what way could the Crown lands within a mining district be available for selection under the ordinary conditions of the Land Act, which gives the applicant a right to select under the optional system. I can only say that, so long as the land is known, or supposed, to be auriferous, and is brought by Proclamation under the operation of the Mining Act, 1908, the Warden of the mining district must be paramount, and the Land Board occupies a subordinate position. In other words, the Land Board cannot lease lands without the approval of the Warden, and, as the mining industry is so important to New Zealand, and such a large number of men are making their living by mining, it appears to me that the Lands Department cannot step in and claim sole control over the lands in question.

I was then asked if I could suggest that lands in mining districts, and particularly in the Hauraki District, should be treated as ordinary Crown land. This can only be done by abolishing the Proclamation over the whole of the mining district and substituting in lieu thereof another Proclamation setting aside reduced areas as goldfields within proximity to established mining centres—that is, centres where mining is actually taking place, and gold is being won. This question has more than once been discussed by the Under-Secretary of Mines and myself, and I have also discussed it with the Director of Geological Surveys. Though it is perfectly true that there appear to be considerable areas in the Thames, Coromandel, and Ohinemuri Counties which will not be the subject of mining operations for some time to come, at any rate, and perhaps never, yet it is quite impossible for any one to state that no future development will take place or that reefs may ultimately be discovered at depths which at the present time are not workable. When, therefore, I have been asked whether I would recommend the wholesale lifting of the Proclamation over the whole of the Hauraki Mining District as at present constituted, I can only repeat that it would be unwise to make such a statement.

It may be quite possible for the Mines Department, after careful investigation by the Warden and other departmental officers, to decide that certain areas within the mining district in the counties mentioned are suitable for ordinary settlement, and could be withdrawn from the provisions of the Mining Act. If this were done, the lands would then revert to the Lands Department, and could be opened under the ordinary conditions of the Land Act, but until such definite reports have been received I do not feel that I am justified in making such a recommendation.

Mention has been made by Mr Taylor and others of the shortness of the pastoral leases now issued under the attached regulations. As you will see by a perusal of Regulation 5, they are for a period of twenty-one years, and it is competent for the Land Board at the end of that time to grant a renewed lease for a similar term. Further privileges were, however, granted to the holders of these leases by the provisions of section 19 of the Land Laws Amendment Act, 1907 (now section 193 of the Land Act, 1908), which enabled them to exchange their present lease for a renewable lease for sixty-six years under Part III of the Land Act, 1908. It appears to me, therefore, that whilst Crown lands are within a mining district no better tenure can be found for miners and others who wish to engage in pastoral pursuits than that set forth in the pastoral regulations (attached) which are in force not only in the Hauraki District, but also in Nelson, Marlborough, and Westland to a great extent, with favourable results, and a lack of complaints from the tenants.

To sum up, and replying to Mr Taylor's remark that the inhabitants of the district he represents wish the whole of the Crown lands roaded, surveyed, and subdivided for settlement as ordinary Crown lands, I have to point out that this can only be done by revoking the existing reservation over the mining district, and gazetting a similar Proclamation setting apart reduced areas. The balance of the original area would then be available, and could be utilized as ordinary Crown land.

I may say that some of the complaints that have been made as to persons not being aware of what lands were available under the present regulations have been met by the preparation and issue of land-sale posters containing descriptions of the areas so available, and full particulars of the conditions under which they may be selected. This was done some little time ago, and the practice is still in vogue.

I have, &c.,

WM. C. KENSINGTON, Under-Secretary

The Chairman, Lands Committee, House of Representatives.

[Extract from *New Zealand Gazette*, 2nd March, 1905.]

Regulations for the Occupation of Pastoral Lands within the Hauraki Mining District.

PLUNKET, Governor.

IN pursuance and exercise of the powers conferred by section four of "The Land Act, 1892," and by section thirty-eight of "The Mining Act, 1898," I, William Lee, Baron Plunket, the Governor of the Colony of New Zealand, do hereby revoke a Warrant making regulations for the occupation of pastoral lands in Hauraki Mining District, dated the fourteenth day of March, one thousand nine hundred and three, and published in the *New Zealand Gazette* of the nineteenth day of March, one thousand nine hundred and three, and a Warrant amending such regulations dated the thirty-first day of December, one thousand nine hundred and four, and published in the *New Zealand Gazette* of the twelfth day of January, one thousand nine hundred and five, and do hereby declare that the following shall be the regulations under which pastoral licenses may be granted within such portions of the boundaries of the Hauraki Mining District as lie within the Counties of Coromandel, Thames, and Ohinemuri:—

REGULATIONS.

Interpretation: In these regulations, unless inconsistent with the context, the word "licensee" includes "his heirs and assigns."

1 Application may be made for any of the Crown lands within such portions of the Hauraki Mining District as lie within the Counties of Coromandel, Thames, and Ohinemuri, excepting timber and other public reserves, and the areas described in the Schedule attached hereto.

2. The area which may be applied for under these regulations shall not be less than 25 acres nor exceed 1,000 acres, and shall entitle the holder thereof to the exclusive right of pasturage over the lands specified in the license, but shall give no right to the soil, timber, minerals, or kauri-gum.

3. The Commissioner of Crown Lands for the Land District of Auckland may, with the approval of the Land Board, grant pastoral licenses under these regulations for a total area not exceeding 1,000 acres to any person of the age of seventeen years and upwards who may apply for the same. All lands held by one lessee under these regulations must be contiguous.

4. Annual rent payable under the license shall be a sum to be fixed by the Land Board of the Auckland Land District (hereinafter referred to as "the Land Board"), but shall be not less than 3d. per acre per annum, payable half-yearly in advance to the Receiver of Land Revenue, Auckland. The first half-year's rent must be accompanied with the lease fee of £1

5 Term of license to be twenty-one years, and upon the expiration of the term it shall be competent for the Land Board to grant a renewal for twenty-one years over the whole or part of the area comprised in the license, upon such terms as they think fit, subject to the Warden's approval and section 207 of "The Land Act, 1892." Such license shall be issued subject to the terms and conditions, as nearly as may be, contained in section 199 of the said Act.

6. No deposit of survey fees shall be required, except in exceptional cases, which shall be determined by the Land Board, who shall also fix the amount of deposit, which shall be in accordance with the scale of fees for the Survey of Crown lands, and such deposit of survey fees shall be credited to the lessee as rent. Pastoral areas to be defined where possible by ridge or other natural boundaries already determined by the mining surveys made for mining claims.

7 The licensee shall have the right to the use of the surface soil only of the demised land, for the purpose provided for in his license, as already set forth in Regulation No. 2

8. The licensee shall have no right, either himself or through any other person, to fell, cut, sell, remove, or otherwise dispose of any kauri, totara, puriri, matai, rimu, mangeao, pohutukawa, or other reserved trees being on the land included in his license, except in conformity with the regulations under the Mining Acts for the time being in force.

9. The licensee shall not be entitled to fell, cut, or remove any timber growing on the land comprised in his license, except for his domestic use, or for fencing or clearing for cultivation, and no trees exceeding 2 ft. in diameter are to be cut down without the special permission of the Warden.

10. The licensee shall, by virtue of his pastoral license, acquire no rights to mine for gold, silver, or any other metals or minerals whatsoever, without first obtaining the sanction of the Warden in the manner provided for by the mining laws.

11 The holders of miners' rights shall have the right to prospect over the whole area held under pastoral license, and for that purpose to enter and camp thereon, and to use mining-timber (not being reserved trees) and firewood growing thereon, so long as they are legitimately engaged in prospecting; but any prospecting carried on upon the cultivated area surrounding the dwelling of the licensee, as limited by condition No. 13 hereof, shall be subject to the provisions of sections 72 and 73 of "The Mining Act, 1898."

12. The Warden shall have the right to grant any mining privilege or easement in and over the land comprised in a pastoral lease, subject to the compensation for improvements as provided for in "The Mining Act, 1898," and its amendments.

13. No previous consent shall be required from the licensee to enable the Warden to grant any application which may be lawfully made to him under the Mining Act or regulations for the time being in force in and over the lands comprised in a pastoral license, unless the applicant encroaches upon the area containing the dwellinghouse or immediately surrounding the same, provided the dwelling is of a substantial nature, the land in cultivation, and surrounded by a substantial fence. For the purpose of this proviso, and for the purpose of condition 11 hereof, the area to be protected to the licensee around his dwelling shall be 15 acres. Provided, however, in all cases where the area which otherwise would be protected is not cultivated or substantially fenced, then so much only of the area as is substantially fenced or cultivated shall be protected.

14. The Warden shall have the power from time to time to make such reserves as he may deem necessary, and the same shall thereupon be excluded from the land comprised in a pastoral license, and rent shall be proportionately reduced as set forth in Regulation No. 16, and the Warden may do all such other things as may in his opinion be of benefit to the resident community, or may in any way conduce to the advancement of the mining industry or of the persons engaged therein.

15. The Crown and the local bodies shall have the right to survey and take all lands necessary for the construction of roads on the demised pastoral lands, and compensation only for the value of substantial improvements made by the licensee will be paid in case of land resumed for public purposes.

16. For all land resumed for public or mining purposes a reduction proportionate to the acreage resumed on future annual rentals shall be made.

17 Applications to transfer a license under these regulations shall be made to the Commissioner of Crown Lands, and shall be subject to the approval of the Land Board. No transfer will be allowed until permanent improvements have been effected to the value of 2s. per acre upon the area held under the license. Such permanent improvements shall include reclamation from

swamps, clearing of bush and scrub (not required by the Warden for mining purposes, or of trees of a specified size, as in Regulation No. 9), gorse, broom, or sweetbriar, grassing, cultivation, planting with trees and live hedges, the laying-out and cultivating of gardens, fencing, grassing, draining, making roads, sinking wells or water-tanks, sheep-dips, making embankments or protective works of any kind, in any way improving the character or fertility of the soil, or the erection of any building at lessee's option upon the protected area of 15 acres, as described in Regulation No. 13.

18. Forfeiture of all licenses may ensue if payment of rental is not made within three months of the date it is due, or if the licensee fails to effect substantial improvements to the value of 2s. per acre within three years from the date of the license.

19 All existing pack-tracks, whether surveyed or not, to remain available for public use, and where the licensee fences across the same a swing-gate must be provided to the satisfaction of the Warden.

20. Every holder of a miner's right shall have the right of ingress and egress over the whole area of a pastoral license, excepting so much thereof as may be under cultivation and substantially fenced, as provided in paragraph 13 of these regulations.

21 All water-rights are reserved to the Crown, but not so as to deprive the licensee's stock of access to the water on his holding

22 All lands held under these regulations remain subject to clauses 3 and 11 of "The Kauri-gum Industry Act, 1898," and amendments.

Schedule.—Areas excluded from Application under the Regulations for the Occupation of Pastoral Lands within the Hauraki Mining District

Coromandel Township: An area comprised within a radius of one and a half miles from the Post-office, Upper Township.

Tokatea Township: An area comprised within a radius of one and a half miles from the public school.

Kuaotunu Township: An area comprised within a radius of one and a half miles from the junction of the Kuaotunu and Waitai Roads.

Gumtown: An area comprised within a radius of one mile from the Post-office.

Tairua: An area comprised in a radius of one mile from the Post-office.

Tararu: An area comprised within a radius of one and a half miles from the Post-office.

Whangamata: An area comprised within a radius of one mile from the Mananu battery

Maratoto: An area comprised within a radius of one mile from the junction of the Maratoto and Waipaheke Streams.

Waitekauri: An area comprised within a radius of one and a half miles from the Waitekauri Post-office.

Mackaytown: An area comprised within a radius of one and a half miles from the Post-office.

Karangahake: An area comprised within a radius of one and a half miles from the Post-office.

Waikino: An area comprised within a radius of one mile from the Post-office.

Waihi: An area comprised within a radius of two miles from the Post-office.

As witness the hand of His Excellency the Governor, this twenty-seventh day of February, one thousand nine hundred and five.

T Y DUNCAN,
Minister of Lands.

DEAR SIR,— Puriri, 19th October, 1910.

I note from to-day's paper that you are in charge of a Bill *re* goldfield lands.

As I am interested in this matter, and have taken a special interest in endeavouring to impress upon the Government the folly of the present system of endeavouring to lease the lands without giving a proper tenure, I trust you will not consider it presumption on my part in placing the matter before you as it appears to me as a tenant.

I would point out that before the land in question can be made productive at least £2 an acre will have to be spent before it will have an grazing-value—an expenditure the tenant must make if he wishes to succeed, for which he has practically no security

The Act states that inside of three years at least 3s. an acre must be spent on improvements. You know as well as I can tell you that the waster who only spends 3s. on his land is not going to make it productive, and, as the prosperity of the country depends upon productiveness (not rent), that should be the point aimed at.

Further, the waster who only does his improvements at 3s. an acre applies to convert his holding into a sixty-six-years lease. He gets it converted at the original value, as the improvements represent practically nothing; but the man who has made really substantial improvements, and proven the productiveness of his land, has to pay from 300 to 400 per cent. on the original value.

If that is not a tax on industry and labour I do not know what is, and it gives no one any encouragement to improve his holding It has more to do with the lands lying idle than any other one thing.

I feel that it is only fair that we who have taken up lands in these places and pioneered the district should be allowed to convert into a sixty-six-years lease at the original valuation, after the full improvements have been done. The improvements should not be less than from 5s. to 10s. an acre; the Act to be retrospective. The tenant would then know his position by having it defined.

I am strongly of the opinion that the Government would be wise in allowing a lot of the poor lands to be occupied free of rent for, say, ten years, subject to improvements being made. It would encourage people to take up the waste land, which will lie idle for many years unless liberal terms are offered. I do not think it is wise to make residence compulsory, but make the tenants do the improvements. Residence would follow as the land got productive enough to warrant it.

Farming on land will, in my opinion, in no way interfere with mining, but will open up the country for the miner to get about.

Hoping the new Bill will improve the present unsatisfactory state of affairs, and with kind regards,

Yours, &c.,

JOHN GILLAN

Mr E. H. Taylor, M.P., Wellington.

SIR,— Thames County Council Chambers, Thames, 1st September, 1910.

We have the honour, by direction of a conference held between the Thames County and Borough Councils, to forward you the under-noted copy of a resolution adopted thereat:

'That this conference of the Thames County and Borough Councils desires to bring under the notice of the Government the large area of Crown and other land lying waste in the Coromandel, Thames, and Ohinemuri Counties within the goldfields area, and requests that it should appoint a Commission to inquire into the best means of (1) roading, (2) cutting up and leasing (*a*) for fruitgrowing, (*b*) agricultural and dairying, (*c*) grazing, with the object of making them productive, (3) to conserve all mining rights; and (4) the question of the dual authority over these lands.''

In conveying this resolution we are further directed to bring under your notice that the conditions and restrictions subsisting under the present Acts are too stringent to promote the settlement of these lands, and tend to retard the progress and prosperity of the district.

We would respectfully suggest that a simpler method for the right to occupy these lands be introduced during the ensuing session of Parliament, so that mining and farming could be carried on under and over the same areas.

It is needless to say that the greater portion of these lands could be profitably settled and made productive. The lands vary in character, but have proved to be eminently suitable for pastoral and agricultural purposes, and with easier terms of tenure would soon be settled on.

As previously stated, a decided change in the conditions of lease is most essential if speedy settlement is desired; and in the interests of the district and its inhabitants we sincerely trust you will give this important matter your most favourable consideration.

We have, &c.,

W S CLARK,
County Clerk.

J CHAPMAN,
Town Clerk.

E. H Taylor, Esq , M.P , Wellington.

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