

1914.  
NEW ZEALAND.

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## MINING DISTRICTS IN NELSON, MARLBOROUGH, AND WESTLAND

(REPORT OF ROYAL COMMISSION APPOINTED TO INQUIRE INTO THE ADMINISTRATION AND DISPOSAL OF THE LAND, FORESTS, AND TIMBER BELONGING TO THE CROWN SITUATED WITHIN THE).

*Presented to both Houses of the General Assembly by Command of His Excellency.*

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### COMMISSION.

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LIVERPOOL, Governor.

To all to whom these presents shall come, and to John Strauchon, Esq., I.S.O., of Wellington, Surveyor; Major Daniel Henderson Lusk, of Auckland, Farmer; and John Allman Marchant, Esq., of Ruatapu, Sawmill-manager: Greeting.

WHEREAS it is desirable to ascertain in what manner the land, forests, and timber belonging to the Crown situated within mining districts in the Nelson and Westland Land Districts should be dealt with, and whether the existing legislation and regulations dealing with the disposal of the land and timber are in the best interests of the State, and, if not, how far existing methods of administration and disposal be amended without detriment to mining interest:

Now know ye that, in exercise of the powers conferred by the Commission of Inquiry Act, 1908, and of all other powers and authorities enabling me in this behalf, I, Arthur William de Brito Savile, Earl of Liverpool, Governor of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council thereof, do hereby appoint you, the said

JOHN STRAUCHON,  
DANIEL HENDERSON LUSK, and  
JOHN ALLMAN MARCHANT

to be a Commission for the purpose of inquiring by all lawful means into the question of administration and disposal of the said land and timber, and for that purpose to inspect such portions, if any, of the land and forests belonging to the Crown situated within mining districts in the Nelson and Westland Land Districts as you may deem desirable, and to report—

- (1.) Whether the past administration of timber areas under the provisions of the Mining Act and the regulations thereunder has been in the best interests of the State.
- (2.) Whether the existing control of the same by the Mining Wardens should be abolished, and whether the Land Board of the district should alone deal with all applications for the sale of timber.
- (3.) Whether it is desirable to continue the existing classification of timber areas as (a) Warden's timber areas, and (b) Land Board's timber areas.

- (4.) Whether the existing tenures under which land in mining districts in the Nelson and Westland Land Districts can be occupied are satisfactory and in the best interests of settlement.
- (5.) To what extent, if any, it is desirable to amend the said tenures, having due regard to mining and other interests.
- (6.) To what extent the provisions of and the regulations under the Mining Act, 1908, the Land Act, 1908, or any other enactment of the General Assembly relating to the disposal of timber and occupation of land within such mining districts should be amended.

For the purpose of your inquiry you are hereby authorized and empowered to have before you and examine all books, papers, documents, or writings you deem necessary, and examine on oath or otherwise, as allowed by law, all witnesses or other persons whom you think capable of affording you any information in the premises. The said John Strauchon shall be your Chairman ; and you are hereby empowered or directed to conduct your inquiry in such a manner, and at such times, and with such adjournments as you think fit.

And, using all diligence, you are hereby required to report to me under your hand the result of your inquiry, with any recommendations you may think fit to make in the premises, on or before the first day of July, one thousand nine hundred and fourteen.

[L.S.] Given under the hand of His Excellency the Right Honourable Arthur William de Brito Savile, Earl of Liverpool, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Member of the Royal Victorian Order, Governor and Commander-in-Chief in and over His Majesty's Dominion of New Zealand and its Dependencies ; and issued under the seal of the said Dominion, at the Government House at Wellington, this twenty-second day of May, in the year of our Lord one thousand nine hundred and fourteen.

W. F. MASSEY,  
Minister of Lands.

Approved in Executive Council.  
J. F. ANDREWS,  
Clerk of Executive Council.

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EXTENSION OF COMMISSION.

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LIVERPOOL, Governor.

To all to whom these presents shall come, and to John Strauchon, Esq., I.S.O., of Wellington, Surveyor ; Major Daniel Henderson Lusk, of Auckland, Farmer ; and John Allman Marchant, Esq., of Ruatapu, Sawmill-manager :  
Greeting.

WHEREAS by a Warrant dated the twenty-second day of May, one thousand nine hundred and fourteen, and issued under my hand and the Public Seal of the Dominion, you were appointed a Commission to inspect and report upon the land and forests belonging to the Crown situated within mining districts in the Nelson and Westland Land Districts, and to make recommendations respecting the tenures and method of administration under which the timber should be sold and the land settled, and whether such administration and tenures should be amended, and, if so, to what extent :

And whereas it is expedient to extend the scope of the said Commission in the manner hereafter appearing :

Now, therefore, I, Arthur William de Brito Savile, Earl of Liverpool, the Governor of the Dominion of New Zealand, in exercise of the powers conferred by the Commissions of Inquiry Act, 1908, and of all other powers and authorities enabling me in that behalf, and acting by and with the advice and consent of the Executive Council of the said Dominion, do hereby direct that your powers and functions under the said Warrant are hereby extended to and shall be deemed to include the power to inspect and report in a similar manner on the land and forests belonging to the Crown situated within mining districts in the Marlborough Land District.

And with the like advice and consent, and in further pursuance of the said power and authority, I do hereby confirm the said Commission.

[L.S.] Given under the hand of His Excellency the Right Honourable Arthur William de Brito Savile, Earl of Liverpool, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Member of the Royal Victorian Order, Governor and Commander-in-Chief in and over His Majesty's Dominion of New Zealand and its Dependencies; and issued under the seal of the said Dominion, at the Government House at Wellington, this twenty-third day of June, in the year of our Lord one thousand nine hundred and fourteen.

Approved in Executive Council.  
J. F. ANDREWS,  
Clerk of the Executive Council.

H. D. BELL,  
For the Minister of Lands.

#### EXTENSION OF TIME OF COMMISSION.

LIVERPOOL, Governor.

To all to whom these presents shall come, and to John Strauchon, Esq., I.S.O., of Wellington, Surveyor; Major Daniel Henderson Lusk, of Auckland, Farmer; and John Allman Marchant, Esq., of Ruatapu, Sawmill-manager: Greeting.

WHEREAS by a Warrant dated the twenty-second day of May, one thousand nine hundred and fourteen, and issued under my hand and the Public Seal of the Dominion, you were appointed a Commission to inspect and report upon the land and forests belonging to the Crown situated within mining districts in the Nelson and Westland Land Districts, and to make recommendations respecting the tenures and method of administration under which the timber should be sold and the land settled, and whether such administration and tenures should be amended, and, if so, to what extent:

And whereas by a Warrant dated the twenty-third day of June, one thousand nine hundred and fourteen, the scope of your Commission was extended to include the power to inspect and report in a similar manner on the land and forests belonging to the Crown situated within mining districts in the Marlborough Land District:

And whereas you are required to report the result of your inquiry on or before the first day of July, one thousand nine hundred and fourteen:

And whereas it is expedient to extend the period within which you are required to report:

Now, therefore, I, Arthur William de Brito Savile, Earl of Liverpool, the Governor of the Dominion of New Zealand, in exercise of the powers conferred by the Commissions of Inquiry Act, 1908, and all other powers and authorities enabling me in that behalf, and acting by and with the advice and consent of the Executive Council of the said Dominion, do hereby extend the period within which you are required to report until the eleventh day of July, one thousand nine hundred and fourteen.

And with the like advice and consent, and in further pursuance of the said power and authority, I do hereby confirm the said Commission, except as altered by these presents.

[L.S.] Given under the hand of His Excellency the Right Honourable Arthur William de Brito Savile, Earl of Liverpool, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Member of the Royal Victorian Order, Governor and Commander-in-Chief in and over His Majesty's Dominion of New Zealand and its Dependencies; and issued under the seal of the said Dominion, at Wellington, this first day of July, in the year of our Lord one thousand nine hundred and fourteen.

Issued in Executive Council.  
J. F. ANDREWS,  
Clerk of the Executive Council.

H. D. BELL,  
For the Minister of Lands.

## EXTENSION OF TIME OF COMMISSION.

LIVERPOOL, Governor.

To all to whom these presents shall come, and to John Strauchon, Esq., I.S.O., of Wellington, Surveyor; Major Daniel Henderson Lusk, of Auckland, Farmer; and John Allman Maichant, Esq., of Ruatapu, Sawmill Manager: Greeting.

WHEREAS by a Warrant dated the twenty-second day of May, one thousand nine hundred and fourteen, and issued under my hand and the Public Seal of the Dominion, you were appointed a Commission to inspect and report upon the land and forests belonging to the Crown situated within mining districts in the Nelson and Westland Land Districts, and to make recommendations respecting the tenures and method of administration under which the timber should be sold and the land settled, and whether such administration and tenures should be amended, and, if so, to what extent:

And whereas by a Warrant dated the twenty-third day of June, one thousand nine hundred and fourteen, the scope of your Commission was extended to include the power to inspect and report in a similar manner on the land and forests belonging to the Crown situated within mining districts in the Marlborough Land District:

And whereas by the said Warrant you were required to report the result of your inquiry on or before the first day of July, one thousand nine hundred and fourteen:

And whereas by a Warrant dated the first day of July, the time within which you were required to report, was extended to the eleventh day of July, one thousand nine hundred and fourteen:

And whereas it is expedient to further extend the period within which you are required to report:

Now, therefore, I, Arthur William de Brito Savile, Earl of Liverpool, the Governor of the Dominion of New Zealand, in exercise of the powers conferred by the Commissions of Inquiry Act, 1908, and all other powers and authorities enabling me in that behalf, and acting by and with the advice and consent of the Executive Council of the said Dominion, do hereby revive the said Commission and extend the period within which you are required to report until the thirty-first day of August, one thousand nine hundred and fourteen.

And with the like advice and consent, and in further pursuance of the said power and authority, I do hereby confirm the said Commission, except as altered by these presents.

[L.S.] Given under the hand of His Excellency the Right Honourable Arthur William de Brito Savile, Earl of Liverpool, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Member of the Royal Victorian Order, Governor and Commander-in-Chief in and over His Majesty's Dominion of New Zealand and its Dependencies; and issued under the seal of the said Dominion, at Wellington, this thirteenth day of July, in the year of our Lord one thousand nine hundred and fourteen.

Issued in Executive Council,  
J. F. ANDREWS,  
Clerk of the Executive Council.

W. F. MASSEY,  
Minister of Lands.

## REPORT.

To His Excellency the Right Honourable Arthur William de Brito Savile, Earl of Liverpool, Governor and Commander-in-Chief in and over His Majesty's Dominion of New Zealand and its Dependencies.

MAY IT PLEASE YOUR EXCELLENCY,—

We, the Commissioners appointed by Your Excellency on the 22nd May, 1914, to report upon the several matters mentioned in the attached Commission, have the honour to report to Your Excellency as follows:—

The Commission assembled at Hokitika on Friday, the 29th May, 1914, that day and the following being occupied in the general consideration of matters affecting the scope of the Commission. As public interests were very largely involved it was deemed advisable that the proceedings, when taking evidence, should be open to the public, and this course was followed throughout. Sittings were held at all places where it was considered likely that sufficient evidence to justify this course would be forthcoming, and at these sittings evidence was taken on oath; but as it was desired to afford all persons interested an opportunity of placing their views before the Commission it was decided to accept the written statements of persons who could not appear at any of the sittings. The sworn evidence, together with the written statements received, are attached hereto.

Every effort was made to visit all localities where it was thought that information of value to the Commission could be acquired. Appended are particulars of the localities visited for the purpose of taking evidence: Hokitika, 1st and 2nd June; Ross, 3rd June; Kumara, 4th June; Greymouth, 5th June; Barrytown, 6th June; Ahaura, 8th June; Reefton, 11th June; Inangahua Junction, 12th June; Westport, 12th and 13th June; Karamea, 15th June; Wanganui (Karamea), 16th June; Murchison, 17th June; Collingwood, 19th June; Takaka, 20th June; Motueka, 22nd June; Nelson, 23rd June; Havelock, 26th June; Picton, 27th June; Wellington, 30th June. The evidence of ninety-two witnesses was taken at these sittings.

Localities visited: Kanieri, Kokatahi, Koiterangi, Ruatapu, Ross, Ho Ho, Stafford, Kumara, Cameron's, Barrytown, Blackwater, Ahaura Plains, Ruru, Bell Hill, Ngahere, Nelson Creek, Moonlight, Blackball, No Town, Reefton, Inangahua Junction, Seddonville, Karamea, Murchison, Collingwood, Rockville, Takaka, Motueka, Deep Creek, Canvastown, Havelock, Blenheim, and Picton.

A plan showing the routes travelled by the Commission is attached.

Upon the several matters into which we were directed to inquire we have the honour to report as follows:—

As to—

- (1.) *Whether the past administration of timber areas under the provisions of the Mining Act and the regulations thereunder has been in the best interests of the State.*
- (2.) *Whether the existing control of the same by the Mining Warden should be abolished, and whether the Land Board of the district should alone deal with all applications for the sale of timber.*
- (3.) *Whether it is desirable to continue the existing classification of timber areas as (a) Warden's timber areas, and (b) Land Board's timber areas.*

Taking together the first three questions, as all of these have reference to the existing methods provided for dealing with the forest lands of the Crown within mining districts in the Land Districts of Nelson, Westland, and Marlborough, we are of opinion—

- (1.) That the past administration of timber areas under the provisions of the Mining Act and the regulations thereunder has not been in the best interests of the State.

- (2.) That the existing control of the same by the Mining Wardens should be abolished, except in respect of timber specially set apart for mining purposes.
- (3.) That it is not desirable to continue the existing classification of timber areas as (a) Warden's timber areas, and (b) Land Board's timber areas.

In arriving at these conclusions we were prompted, *inter alia*, by the following considerations :—

The conditions pertaining to the right to cut timber for commercial purposes have little in common with those pertaining to mining rights.

The Mining Act and the regulations thereunder do not make suitable and adequate provision for dealing with the forest lands in such manner as to ensure that the valuable timber assets of the State shall be administered to the best advantage. As a very large area of Crown forest in Westland is at present held as reserved areas under these regulations, the application of any altered conditions will be somewhat restricted.

Under the existing regulations under the Mining Act no inducement whatever is offered to sawmillers and timber-cutters generally to prevent waste, as royalty is payable on output, and the whole loss on account of trees left standing and wasteful methods is borne by the Crown.

In the interests of the State and the community generally the timber lands should be administered by a Department whose officers are equipped with a practical knowledge of such lands.

We consider it essential that the timber lands shall be so administered as to ensure that the settlement of the land will follow immediately the timber of commercial value has been removed, and having this object in view we are of opinion that the Lands and Survey Department should alone deal with all applications for the sale of timber, other than that set apart for mining purposes, which we consider should be dealt with by the Warden under the regulations for the time being in force relating to the disposal of timber on Crown lands.

From evidence produced and from our observations it is apparent that considerable quantities of timber will in future be required for mining purposes, principally for underground workings. Section 18 of the Mining Act, 1908, authorizes the setting-apart of timber for mining purposes, and we would recommend that action be taken under this provision to secure for the benefit of the mining industry suitable and adequate reserves.

We are of opinion that the timber lands within the mining districts should be administered under the provisions of the Land Act, 1908, and the regulations thereunder as published in the *New Zealand Gazette* of the 15th April, 1909, modified in accordance with our recommendation under clause 6 hereof.

As to—

- (4.) *Whether the existing tenures under which land in mining districts in the Nelson and Westland Land Districts can be occupied are satisfactory and in the best interests of settlement.*

We are of opinion that the existing tenures under which land in mining districts in the Land Districts of Nelson, Westland, and Marlborough can be occupied are not satisfactory nor in the best interests of settlement, for the reason that tenures are restricted to leasehold without the right to acquire the freehold, whereas the persons who gave evidence before us, almost without exception, desired a right to acquire the freehold.

The right to acquire the fee-simple conferred upon the holders of licenses under the Regulations for the Occupation of Pastoral Lands in the Hauraki Mining District should, in our opinion, be also extended to the holders of licenses under the Regulations for the Occupation of Pastoral Lands in Karamea and Westland Mining Districts, and of residence-sites and business-sites, and of leases under Part VIII of the Land Act, 1908. Our proposals for the amendment of the statutes provide for this extension of the right to acquire the fee-simple to include the tenures mentioned.

This restriction of tenures is primarily occasioned by the provisions of section 133 of the Land Act, 1908, but even were this removed the difficulty would only to a limited extent be overcome, as a very large area is within the national endowment, and section 259 of the Land Act, 1908, provides that such lands may not be alienated in fee-simple nor disposed of by way of occupation with the right of purchase.

As a result of our inquiry we are convinced that mining interests are of paramount importance only in certain localities, and that the restriction of settlement tenures on account of mining to the extent at present provided is not justified. This opinion is shared by the Goldfields Wardens for the districts concerned, and also by witnesses actually engaged and financially interested in mining.

Instances that have been brought under our notice of valuable agricultural land that has been rendered practically valueless as a result of mining operations force us to the opinion that, in dealing with applications for mining privileges that will result in the destruction of surface soil, due consideration should be given to the productive possibilities of the land if utilized for agricultural or pastoral purposes, and that, unless evidence is forthcoming that the land is payably auriferous, the destruction of the surface soil should in the public interest not be permitted.

The granting of residence-site licenses to men not directly connected with the mining industry was not, in our opinion, contemplated by the Mining Act, but it has been ascertained that these licenses, in some instances over land in and adjacent to towns, are held by persons who are not in any way associated with mining. With rare exceptions the boundaries of these sites have not been accurately defined by survey, and it is almost impossible from the indefinite sketch-plans on which they were granted to locate them on the ground with any degree of accuracy. Disputes as to boundaries are not uncommon, and serious complications are likely to arise when lands in these localities are dealt with. Considering the term for which these licenses are granted we consider that a survey should be required. Clause 153 of the regulations under the Mining Act provides that the holder of a miner's right may occupy a small area as a tent or hut ground, and this right has been exercised by persons not engaged in mining, while in some cases the land occupied is either adjacent to towns or in localities many miles distant from any gold workings. We consider that this right should be available only to *bona fide* miners.

It has come to our knowledge that there are at present in existence a very large number of mining privileges not recorded on any official plans and on which no operations are taking place, and as these are generally not marked on the ground it is probable that some lands so held have already been dealt with for settlement purposes. With a view to avoiding claims for compensation that may later arise we would strongly urge that action be at once taken to extinguish all such rights. Provision for eliminating these titles is provided in sections 185 *et seq.* of the Mining Act, 1908, but we submit that the process provided is somewhat cumbersome and should be simplified.

The necessity for the grassing of areas of worked-out bush land over which fires pass from time to time was brought prominently under our notice on the occasion of our inspection of the bush workings of several sawmills. Unless these areas are sown immediately after the fire the second growth and weeds spring up, with the result that the land depreciates in value very materially. We would recommend that authority be given to the Commissioner of Crown Lands to have such areas sown with suitable grasses, as we are convinced that the expense involved would be fully justified by the increase in the value of the land.

The increasing growth of blackberry presents a very serious menace to settlement, and it is of the utmost importance that steps should be taken without delay to cope with this pest. The special inducements offered by section 194 of the Land Act, 1908, to persons to acquire land that will not be immediately reproductive should be freely applied to land infested with blackberry, and we are recommending an amendment of the section mentioned to provide for its extension to all settlement tenures.

The possibility of the profitable utilization of pakihi lands has received very full consideration, but no satisfactory process has been discovered whereby these lands can be rendered suitable for agricultural, pastoral, or afforestation purposes.

The best means of dealing with these lands should be the subject of experiments, the cost of which should, we consider, be borne by the Crown.

The provisions for dealing with the surface of the land covered by the descriptions in the First, Second, and Third Schedules to the Westland and Nelson Coalfields Administration Act, 1877, are by section 44 of the Mining Act, 1908, vested in the Warden, but suitable regulations have not been issued. We are of opinion that all powers to deal with the surface of these lands for purposes other than mining should be vested in the Land Board, subject to the provisions of section 110 of the Coalmines Act, 1908.

As to—

- (5.) *To what extent, if any, it is desirable to amend the said tenures, having due regard to mining and other interests.*

We would recommend—

- (a.) That the restrictions as to dealing with lands in these mining districts imposed by section 133 of the Land Act, 1908, be removed.
- (b.) That the restrictions as to dealing with land within the national-endowment area imposed by section 259 of the Land Act, 1908, be removed.
- (c.) That the right of exchange provided in section 193 of the Land Act, 1908, be extended to provide for the acquisition of an occupation-with-the-right-of-purchase license.
- (d.) That such lands as it may be deemed desirable to withhold from permanent alienation for mining purposes be set apart from time to time under section 18 of the Mining Act, 1908, such lands to be dealt with only subject to the consent of the Warden on license under special provisions as set out in our proposals for an amendment of the statutes under clause 6 hereof.
- (e.) That the land described in the First, Second, and Third Schedules to the Westland and Nelson Coalfields Administration Act, 1877, should be administered by the Land Board.
- (f.) That licenses under the Regulations for the Occupation of Pastoral Lands in Karamea and Westland Mining Districts, and also leases under Part VIII of the Land Act, 1908, amended in accordance with our recommendations under clause 6 hereof, be included in the authorized securities of the State-guaranteed Advances Department.
- (g.) That the holders of licenses under the Regulations for the Occupation of Pastoral Lands in Karamea and Westland Mining District, and of residence-sites and business-sites, and also the holders of leases under Part VIII of the Land Act, 1908, be given the right to acquire the fee-simple.
- (h.) That the mining districts land occupation lease tenure be abolished.

As to—

- (6.) *To what extent the provisions of and the regulations under the Mining Act, 1908, the Land Act, 1908, or any other enactment of the General Assembly relating to the disposal of timber and occupation of land within such mining districts should be amended.*

To give effect to our recommendations as set out above we submit the following proposals for amendment of the existing statutes and regulations so far as the districts covered by the order of reference are concerned:—

Clauses 1, 2, and 3 of the order of reference—

*The Mining Act, 1908.*

Section 4: That the words “a timber-cutting right” be deleted from the definition of a “mining privilege.”

Section 18: That the words “including the cutting of timber for mining purposes” be inserted after the word “exclusively” in the second line of subsection (a), and that the word “unoccupied” in the same line be deleted.



Section 19: That the words "or for the cutting of timber for mining purposes" be inserted after the word "purpose" in subsection (a).

Sections 147, 148, 149, 150, 151, 152, and subsection (27) of section 392: That these sections be repealed.

*Regulations under the Mining Act, 1908, dated 25th October, 1909.*

Clause 105: That the words "to the Warden" in the second line be deleted, and that the words "or held under license to cut timber, or reserved for the use of any person under the provisions of any statute for the time being in force relating to the disposal of timber," be inserted after the word "person" in subclause (a).

Clauses 107 to 119 inclusive: That these clauses, together with forms in the First Schedule numbered 65 to 70 inclusive, and also the Fourth and Fifth Schedules, be revoked.

*Regulations under the Mining Act, 1908, dated 3rd July, 1912, and published in the New Zealand Gazette of 11th July, 1912.*

That these be revoked.

*Forest Regulations under the Land Act, 1908, dated 31st March, 1909, and published in the New Zealand Gazette of 15th April, 1909.*

Clause 3: That the following words be added at the end of the clause: "Every such application shall be advertised by the Commissioner of Crown Lands, at the cost of the applicant, in three consecutive issues of a newspaper circulating in the locality in which the area applied for is situated, and such advertisement shall fix a time and place for lodging objections, such time being not less than ten days after the date of issue of the newspaper in which the third insertion of the advertisement is published."

Clause 32: That this clause be amended to read as follows:—

"The original area of a sawmill license shall not exceed 400 acres, but the holder may apply to have one or more additional areas of not more than 400 acres each, adjoining each other and forming together as far as circumstances will permit one compact block, reserved for his exclusive use. The total area of the sawmill license and reserved areas shall not exceed the following: Where the necessary outlay to erect mills, sidings, tramways, &c., does not exceed £1,000, 400 acres; exceeding £1,000 but less than £2,000, 800 acres; exceeding £2,000 but less than £3,000, 1,200 acres; exceeding £3,000 but less than £4,000, 1,600 acres; exceeding £4,000, 2,000 acres."

Clause 47: That this clause be revoked.

Clause 67: That the following words be added: "Such royalty shall be paid to the Receiver of Land Revenue, and in respect to telegraph-poles the Postal Department shall require proof that the royalty has been paid before accepting the same, or, failing such proof, shall deduct from the amount otherwise payable for the telegraph-poles the royalty herein provided, and shall pay the same to the Receiver of Land Revenue."

Clause 91: That "400" be substituted for "200" in the third line, and that the words "but not exceeding a total area of 600 acres" in the fifth and sixth lines be deleted.

That the following additional clause be inserted:—

"With respect to timber set apart for mining purposes under the provisions of the Mining Act, all powers and duties conferred by these regulations upon the Minister and the Commissioner of Crown Lands shall be transferred to and exercised by the Warden for the mining district in which such timber is situated. The revenue from such timber shall be deemed to be goldfields revenue, and shall be payable to the Receiver of Gold Revenue."

Clause 5 of order of reference—

*The Mining Act, 1908.*

Section 37: That the words “No Crown lands within” in the first line, and the whole of the second, third, fourth, fifth, sixth, and seventh lines, be deleted and the following words substituted: “The Land Board or the Commissioner of Crown Lands may dispose of Crown lands within any mining district, not set apart for mining purposes under section eighteen hereof, under any of the provisions of any enactment for the time being in force in such district relating to—

“(a.) The making of reserves; or to

“(b.) The exchange of agricultural leases under any former Mining Act for leases or licenses under the Land Act, 1908; or to

“(c.) The occupation of land held under any lease or license granted before the first day of February, one thousand eight hundred and ninety-nine (being the date of the coming into operation of the Mining Act, 1898), or in the case of a mining district existing at the time of such coming into operation, and in any other case before the issue of the Proclamation constituting the mining district; or to

“(d.) Land reserved for any public use or purpose; or to

“(e.) The issue of leases or licenses for any of the following purposes: Depasturing; removal of clay for bricks or pottery; removal of sand, gravel, or stone; working of quarries; sites for ferries, sawmills, flour-mills, tanneries, fellmongers' yards, slaughter-yards, potteries, brick or lime kilns; and cutting, growing, or dressing flax.”

That the last two paragraphs be deleted, and the following substituted:—

“In no case shall any land set apart for mining purposes under section eighteen hereof be dealt with in any manner without the consent of the Warden.”

Section 39, subsection (1): That the following words be added at the end of the third paragraph: “as to whether the said land or any portion thereof should be set apart for mining purposes in terms of section eighteen hereof.”

Section 44: That paragraphs (a), (c), (d) of this section be deleted.

Section 167: That after the word “acres” in the second line the following words be inserted: “or the mining privilege applied for is a residence-site.”

*Regulations under the Mining Act, 1908, dated 25th October, 1909.*

Clause 153: That after the word “holder” in the third line the following words be inserted: “and while actually engaged in mining.”

*The Mining Amendment Act, 1910.*

Section 10: That the words “the subject of the license” in the last line be deleted.

*The Coal-mines Act, 1908.*

Section 4, subsection (3): That this subsection be deleted.

Section 110: That the last paragraph of this section be deleted.

*The Land Act, 1908.*

Section 62: That the word “or” in the first line be deleted, and the words “or VIII” be inserted after the word “VI” in the same line.

Section 63, subsection (1), paragraph (c): That after the word “lease” in the first line the words “or lease under Part VIII hereof” be inserted.

Section 96, subsection (1): That the word “and” in the second line be deleted, and the words “and VIII” be inserted after the word “V” in the same line.

Section 97, subsection (1): That the word “or” in the second line be deleted, and the words “or VIII” be inserted after the word “IV” in the same line.

Section 116, subsection (1): That the word “VIII” be inserted after the word “IV” in the sixth line,

Section 133: Subsection (1)—That the following words be inserted at the commencement: "Subject to the provisions of the Mining Act, 1908, relating to the disposal of Crown lands within a mining district"; that the words "as provided in section one hundred and thirty-five hereof" in the fourth and fifth lines be deleted, and the words "under this Act" substituted. Subsection (3)—That the words "as provided in section one hundred and thirty-five hereof" be deleted.

Section 135, paragraph (a): That after the word "VI" in the second line the words "or under Part VIII" be inserted.

Section 144, subsection (1): That the word "or" in the third line be deleted, and the words "or VIII" inserted after the word "VI" in the third line.

Section 145, subsection (1): That the words "or lease under Part VIII" be inserted after the word "lease" at the end of the eighth line, and that the words "or license under the Regulations for the Occupation of Pastoral Lands within the Karamea and Westland Mining Districts" be inserted after "1892" in the eleventh line.

Section 146, subsection (1), paragraph (c): That after the words "renewable leases" in the fifth line the words "and of leases under Part VIII hereof" be inserted, and that the following subclause be added: "In respect of licenses under the Regulations for the Occupation of Pastoral Lands within the Karamea and Westland Mining Districts or leases under Part VIII hereof granted prior to the coming into operation of this Act for a period of fifteen years from the first day of January, nineteen hundred and fifteen."

Section 179: Subsection (1)—That after the word "mining" at the end of the third line the following words be inserted: "or any license under section one hundred and thirty of this Act over rural lands not required for mining purposes within the mining districts in the Westland, Nelson, and Marlborough Land Districts"; that after the word "lease" in the fourth line the words "or occupation-with-the-right-of-purchase license" be inserted; that after the word "Act" in the fifth line the words "subject to the approval of the Minister" be inserted. Subsection (2)—That the following words be inserted at the end of the second paragraph: "and that before any such new lease or license is granted the report of the Warden shall be obtained as to whether the land is required for mining purposes."

Section 193: That after the word "lease" in the thirteenth line the words "or occupation-with-the-right-of-purchase license" be inserted; that the last paragraph be deleted and the following substituted: "Provided that before consenting to a new lease or license the Land Board shall obtain from the Warden a report as to whether the land affected is required for mining purposes"; that the following paragraph be added: "The cash price or capital value for the purposes of sections one hundred and seventy-one and one hundred and eighty hereof shall be assessed in manner provided in subsection two of section twenty-eight of the Land Laws Amendment Act, 1913."

Section 194: Subsection (1)—That the word "renewable" in the fourth line be deleted, and the words "under Parts III, IV, or VIII of this Act" be inserted after the word "lease" in the same line. Subsection (2)—That the word "renewable" in the first line, and also the words "of sixty-six years" at the end of the subsection, be deleted.

Section 269: Paragraph (a)—That the words "for agricultural or horticultural purposes" in the first and second lines be deleted. Paragraph (a), subparagraph (i)—That the words "set apart for mining purposes under section eighteen of the Mining Act, 1908," be added. That the following subclause be added: "Of any Crown lands held under license to mine at a depth of not less than fifty feet."

Section 270, subsection (2): That this be deleted.

Section 271: That the following words be added: "Every such application shall be advertised by and at the expense of the applicant twice in one such newspaper as the Commissioner of Crown Lands may direct."

Section 272: Subsection (1)—That the words "consider such opinion before giving a decision on any application" in the sixth and seventh lines be deleted, and the following words substituted: "not grant any such application unless and

until the approval of the Warden has been obtained." Subsection (2)—That after the word "discretion" in the fourth line the following words be inserted: "but subject to approval as aforesaid."

Section 273: Subsection (1)—That the words "or following thirty days' notice of completion of the survey, as the case may be," in the fourth and fifth lines be deleted, and the following words inserted at the end of the subsection: "and upon the expiration of the term of the lease the lessee shall be entitled to receive a new lease for a further term of twenty-one years subject in all respects to the same conditions and provisions as the original lease, including the right of renewal, save that the rent shall be determined at the first and at each subsequent renewal in manner provided in section one hundred and eighty-two hereof. The provisions of sections one hundred and eighty-three, one hundred and eighty-four, one hundred and eighty-five, one hundred and eighty-six, one hundred and eighty-seven, one hundred and eighty-eight, and one hundred and eighty-nine hereof shall extend and apply to a renewal of a lease under this Part of this Act." Subsections (2) and (3)—That these be deleted. Subsection (4)—That the words "fixed by the Board, but shall not be less than sixpence per acre," be deleted, and the words "an amount equal to four per centum of the capital value of the land as determined by the Board" substituted.

Sections 274, 275, 276, 277, 278, 279, 280, 281: That these sections be deleted and the following inserted:—

"The holders of miners' rights shall have the right to prospect over the whole area held under lease, except such part as is actually used as a garden, orchard, vineyard, nursery, plantation, or ornamental pleasure ground, or is the site of, or situated within one hundred feet of the site of, any dwellinghouse; and for that purpose may, so long as they are legitimately engaged in prospecting, enter and camp thereon and use mining timber and firewood growing thereon.

"The provisions of subsections one, two, three, and five of section one hundred and ninety of this Act shall extend and apply to leases under this Part of this Act.

"The Warden shall have the right to grant any mining privilege or easement in respect of the land comprised in a lease under this Part of the Act, subject to compensation for improvements as provided in the Mining Act, 1908, modified as hereinafter provided; and for the purposes of such grant the land shall not be resumed from such lease, but the following provisions shall apply:—

"The Warden shall notify the Commissioner of the area over which the mining privilege has been so granted, and the rent payable under the lease shall be proportionately abated on an acreage basis to the extent of such area, provided that such abatement of rent shall in no case exceed the rent payable on account of the same area under the mining privilege; but the lessee shall retain the right to the surface soil, subject to the rights of the holder of such mining privilege, to whom free right of ingress, egress, and regress shall be permitted.

"The holder of a lease shall not, during the currency of a license for a mining privilege, effect any improvements whatsoever upon the land held under such mining privilege without the written consent of the Warden first had and obtained.

"In the matter of compensation for improvements the following provisions shall apply:—

"The licensee of the mining privilege shall notify the Warden as to any areas which he may from time to time desire to actually utilize for mining purposes, including the making of roads or tramways, sites for buildings or machinery, or for the deposit of tailings; and compensation for improvements, assessed in manner provided in the Mining Act, 1908, on account of the area from time to time so notified to the Warden, shall be payable to the lessee by the holder of the mining privilege.

"The holder of a lease over an area in respect of which a license for a mining privilege is granted by the Warden shall have no claim to compen-

sation on account of any injury or damage caused to stock by mining operations upon the area so held under mining privilege.

“Upon the termination by effluxion of time or otherwise of a license for a mining privilege granted over an area held under lease, the rent payable under such lease shall be proportionately increased on an acreage basis on account of the area so released from license for mining privilege.

“The lessee shall put upon the land comprised in his lease substantial improvements of like value and within the like periods as prescribed in section one hundred and sixty-two of this Act, subject to the right of the Land Board to modify such conditions in their discretion in the event of licenses for mining privileges being granted within the area.

“Personal residence shall be compulsory, and shall commence on bush and swamp lands within four years and upon open or partly open lands within one year from the date of selection, and thereafter shall be continuous during the whole of the remainder of the term, subject, however, to the right of the Land Board to dispense with personal residence upon sufficient and satisfactory grounds being shown for non-residence.

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

“The holder of a lease under this Part of the Act may, with the consent of the Warden and the Board, surrender his lease and obtain in lieu thereof a renewable lease subject to the provisions of section one hundred and ninety-three of the principal Act, or acquire the fee-simple of the land comprised in his lease in like manner as provided in section twenty-eight of the Land Laws Amendment Act, 1913, and subject to the restrictions imposed by section twenty-nine of that Act.

“With respect to applications to exercise the right conferred by this section the following provisions shall apply :—

“A copy of every application shall be lodged by the lessee at the Warden's Court nearest to the land affected, and such application shall be deemed to be an application for a mining privilege. The provisions of the Mining Act, 1908, relating to procedure on application for mining privileges shall apply.

“The right to acquire the fee-simple conferred by the last preceding section upon holders of leases under this Part of this Act shall extend and apply to the holders of licenses for residence-sites and business-sites granted under the Mining Act.

“With respect to licenses in existence at the date of the passing of this Act the following provisions shall apply :—

“For the purposes of calculation of the price in accordance with section twenty-eight of the Land Laws Amendment Act, 1913, the original unimproved value of all residence-sites shall be deemed to have been twenty pounds and of all business-sites sixty pounds, and in respect of residence-sites the present unimproved value of which does not exceed twenty pounds and of business-sites the present unimproved value of which does not exceed sixty pounds such present unimproved value shall be the price.”

#### *Land Laws Amendment Act, 1913.*

Section 28, subsection (1): That after the word “Hauraki” in the fourth line the words “Westland or Karamea” be inserted, and that after the word “district” in the same line the words “or lease under Part VIII of the principal Act granted prior to the coming into operation of this Act” be inserted. That the following words be added at the end of the subsection: “Every notice of intention to acquire the fee-simple under this section shall be referred by the Commissioner of Crown Lands to the Warden for his report as to whether the land affected is required for mining purposes.”

Section 29: Subsection (1)—That all the words in the first paragraph down to and including the word “land” in the third line be deleted, and the following words substituted: “with respect to the fee-simple acquired under the last pre-

ceding section of land that in the opinion of the Warden is required for mining purposes the following provisions shall apply." That the word "such" in the third line be deleted. Subsection (2)—That all the words down to the word "section" in the second line be deleted, and the words "the land" be substituted. Subsection (3) (a)—That all the words down to and including the word "section" in the second line be deleted, and the words "the land" substituted. Subsection (4) (a)—That all the words down to and including the word "section" in the second line be deleted, and the words "the owner of the land" substituted.

*Regulations for the Occupation of Pastoral Lands within the Karamea and Westland Mining Districts as published in the New Zealand Gazette of 3rd April, 1913.*

That these be revoked.

*Regulations under Part VIII of the Land Act, 1908, as published in the New Zealand Gazette of 25th February, 1909, 3rd February, 1910, and 25th August, 1910.*

That these be revoked.

*Regulations under Section 193 of the Land Act, 1908, as published in the New Zealand Gazette of 27th May, 1909.*

That these be amended as necessitated by the amendment of the statute.

*Regulations for the Occupation of Pastoral Lands known as the Glenroy Block as published in the New Zealand Gazette of 11th January, 1912.*

That these be revoked.

And this our report we have the honour to submit to Your Excellency's consideration, in obedience to the Commission to us addressed.

Given under our hands, at Wellington, this twenty-ninth day of August, nineteen hundred and fourteen.

JOHN STRAUCHON, Chairman.

D. H. LUSK.

J. ALLMAN MERCHANT.

F. T. SANDFORD, Secretary,  
29th August, 1914.

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