

(No. 144.)



1886.

PARLIAMENT OF TASMANIA.

MINING LAWS AND REGULATIONS:

**REPORT FROM THE SELECT COMMITTEE, WITH MINUTES OF
THE PROCEEDINGS AND EVIDENCE.**

Brought up by Mr. Lette, and ordered by the House of Assembly to be printed,
Tuesday, October 26, 1886.



SELECT COMMITTEE appointed on Wednesday, 10th September, to enquire into and report upon the working of the Mining Laws and Regulations; with power to call for Persons and Papers.

MEMBERS OF THE COMMITTEE.

MR. MINISTER OF LANDS.
MR. BARRETT.
MR. HAWKES.
MR. LETTE.

MR. SCOTT.
MR. FENTON.
MR. CONWAY (*Mover*).

DAYS OF MEETING.

Friday, 10th September; Wednesday, 22nd September; Thursday, 23rd September; Thursday, 30th September;
Wednesday, 6th October; Thursday, 7th October; Wednesday, 13th October; Thursday, 14th October;
Thursday, 21st October; Friday, 22nd October; Tuesday, 26th October.

WITNESSES EXAMINED.

Mr. S. Hawkes, M.H.A., Mr. John M'Kenna, Mr. S. Richards, Mr. J. G. Payne, Mr. W. Nobes, Mr. Jas. Ogilvie,
Mr. R. H. Price, Mr. Thornton Root, Mr. Joseph Farghar, Mr. Robt. Carter, Mr. Bernard Shaw,
Mr. Gustav Thureau, Mr. F. Belstead.

EXPENSES OF WITNESSES.

Mr. S. Richards	£ s. d.	Mr. R. H. Price	£ s. d.
Mr. J. G. Payne	6 5 0	Mr. F. Farghar	4 19 0
Mr. W. Nobes	6 0 0	Mr. T. Root	6 11 0
Mr. J. Ogilvie	11 15 0	Mr. R. Carter	11 16 5
Mr. J. M'Kenna	10 15 0	Mr. G. Thureau	5 8 0
	0 10 0		4 9 0

R E P O R T.

Your Committee have the honor to report to your Honorable House that they have given careful consideration to the matters remitted to them, and have held 13 meetings, examined 15 witnesses, and have received numerous letters containing certain recommendations.

Your Committee, having considered the evidence placed before them, recommend the following amendments in the existing Acts and Regulations thereunder :—

- (1.) That the existing Mining Acts and Regulations be consolidated and amended as soon as possible.
- (2.) That the Head Office be at Launceston, for the convenience of the mining community.
- (3.) That a Central Board be appointed for the purpose of conferring upon mining matters, and, where necessary, offering recommendations to the Minister of Lands and Works, to consist of the Secretary of Mines, the Inspector of Mines, four members elected by the Mining Districts, one member for the City of Hobart, one for the Town of Launceston, respectively, to be elected by the Directors of all registered mining companies in such city or town.
- (4.) That the country be divided into four Mining Districts, each district to elect a resident member to serve on the Central Board, such members to be elected by holders of miner's rights or any privilege under the Mineral Lands or Gold Fields Act.
- (5.) That rents for auriferous lands be reduced to 10s. per acre.
- (6.) That miners' rights be issued for twelve months from date of issue; and that no miner or wages man, unless residing on Crown lands, shall be compelled to take out a miner's right; and also that mineral rights, entitling the holder to work two acres of land, be issued for any district; but no mineral right be issued to any Asiatic alien for a term of three years from date of proclamation by Governor in Council, as provided in Section 2 of 49 Vict. No. 3.
- (7.) That applications for leasing lands should be received only by the Commissioner or Mining Registrar of the district in which the lands applied for are situate.
- (8.) That claims for surface improvements on forfeited sections should lapse after a period of six months from the date of such forfeiture.
- (9.) That surveyors should erect four substantial corner pegs to each section, marking the said number on a corner peg and also on the nearest tree to such corner peg.
- (10.) That in the event of the first applicant marking off more land than he is entitled to, the next applicant may move up his pegs to the boundary of the said surveyed land.
- (11.) That it is of the first importance that a sum of money should be voted for prospecting purposes to assist prospecting by diamond drills, deep sinking on reefs, alluvial mining, and by offering a reward for payable fields; the said vote to be expended upon the recommendation of the Central Board, subject to the approval of the Minister of Land and Works.
- (12.) That where priority of occupation is proved to the satisfaction of the Commissioner, mere technical mistakes in carrying out the Act should be met by fine and not by forfeiture.
- (13.) That no prospecting area should be granted within one mile of one already existing, and that the following scale be adopted in granting such areas :

Within 1 mile of an existing prospecting area,	10 acres
" 2 " "	20 "
" 3 " "	30 "
" 4 " "	40 "
" 5 " "	50 "
- (14.) That three Mining Commissioners, one of whom shall be the Secretary of Mines, should constitute an intermediate Court of Appeal from decisions of the Commissioner of a District, and a period of at least 21 days be allowed to an appellant wherein to make his appeal.
- (15.) That the Regulations for drainage of mines be enforced.
- (16.) Your Committee would also suggest greater expedition in keeping up surveys of sections applied for under Regulation 7, the time after which an applicant may employ any authorised surveyor be reduced to one month, and that such surveys of sections should not be allowed to fall into arrear. And that some mode be devised of ascertaining the quantity of gold raised in Tasmania.

HENRY E. LETTE, *Chairman.*

PROTEST.

I regret that I am unable to concur in some of the recommendations of the Committee, and I think it necessary to place on record the most important of my objections.

1. As to recommendation No. 1, I agree that the Mining Regulations should be amended and consolidated, and this work is already well advanced by the Secretary of Mines. But I am not prepared to agree that an attempt to consolidate the Acts relating to Mining would be attended with unmixed advantage.

2. As to recommendation No. 2, presuming that by the head office being at Launceston it is meant that the Secretary of Mines should reside at Launceston, I have already on several occasions publicly given what appear to me sufficient reasons why the locating of the Secretary of Mines at Launceston would be detrimental to the transaction of the general business of the Mines Office, for which the Minister of Lands and Works is responsible. I quite recognise the necessity for considering the convenience of the mining community, and additional provisions for their convenience have been made at various times during the last two or three years, especially by ensuring a prompt duplication of registration at the office at Launceston, as well as at other offices of Registrars throughout the Colony.

3. As to No. 5, I do not concur with the proposal to reduce the rent of auriferous lands to 10s. per acre.

4. As to No. 6, with the evidence at present before me I am unable to agree that it would serve the interests or the convenience of holders of miners' rights that the rights should be dated from the date of issue. This was the law at one time, and I believe it was altered to its present form at the express request of a large number of practical miners.

As to the proposed restriction upon the issue of Mineral Rights to Asiatic aliens: this is a question of policy upon which I am not at present prepared to express an opinion.

5. As to No. 7, I think it would cause very great inconvenience to restrict applicants in the manner suggested, and I am not aware that any practical advantage could possibly be gained by it.

6. As to No. 11, I am unable to agree that it would be advisable to grant a vote for the purpose named without further enquiry, and without full information as to the mode of distribution and of providing proper safeguards and guarantees against waste and misappropriation of the funds.

7. As to No. 13, I am of opinion that the practical shutting up of a large area of land from the prospector, which would result from the proposed alteration, would be very undesirable, and I believe that it would be very much better to leave the matter as it now is, in the discretion of the Commissioner.

NICHOLAS J. BROWN.

MINUTES OF MEETINGS.

FRIDAY, SEPTEMBER 10, 1886.

The Committee met at 10.45 A.M.

Present.—Mr. Minister of Lands, Messrs. Barrett, Hawkes, Lette, Scott, Fenton, and Conway.

Mr. Lette was voted to the Chair.

The Committee was instructed to procure the Mining Laws and Regulations of New South Wales, Queensland, and Victoria, and Tasmania.

The Clerk was instructed to write to the following gentlemen, and request them to forward for the information of the Committee any suggestions which they deemed would tend to the improvement of the existing Mining Laws:—Messrs. Ogilvie and Mollison, Gladstone; the Secretary of the Mining Reform Association, Lefroy; Messrs. Stubbs, Kitto, and Richards, Lefroy; Messrs. Webb, Davies, Daniels, and Farghar, Beaconsfield; Mr. John Goodall, Launceston.

Resolved, That the following gentlemen be summoned to attend and give evidence before the Committee, on dates to be hereafter determined:—Messrs. R. Carter and R. H. Price, Launceston; Mr. W. Nobes, Moorina; Mr. James Ogilvie, Gladstone.

The Committee adjourned till Wednesday the 22nd instant, at 11 A.M.

WEDNESDAY, SEPTEMBER 22, 1886.

The Committee met at 12 o'clock.

Present.—Mr. Lette (Chairman), Messrs. Hawkes, Conway, Barrett, and the Minister of Lands.

The Minutes of the last meeting were read and confirmed.

The following documents were laid upon the Table:—

1. Mining Laws and Regulations of New South Wales, Queensland, Victoria, and Tasmania.
2. Letter from the Secretary of the Vigilance Committee, Lefroy, forwarding suggestions for the information of the Committee.
3. Letter from Mr. Joseph Davies, Manager of the Tasmania Mine, Beaconsfield, stating that he had given Mr. Conway, M.H.A., notes of alterations which he deemed necessary in the existing mining law.
4. From Mr. Conway, showing suggestions from the Secretary of the Lefroy Vigilance Committee (*vide* Appendix A.), and Mr. Joseph Davies.

Resolved, That Mr. W. Nobes, of Moorina, and Mr. James Ogilvie, of Gladstone, be summoned for Thursday, the 30th instant, at 11 A.M.

Mr. Payne, Beaconsfield, and Mr. Richards, Lefroy, Wednesday, 29th instant, 11 A.M.; Mr. M'Kenna, Penguin, Thursday, the 23rd instant, at 12 noon; and Mr. S. Hawkes, M.H.A.

The Committee adjourned till Thursday, the 23rd instant, at 11 A.M.

THURSDAY, SEPTEMBER 23, 1886.

The Committee met at 11 A.M.

Present.—Mr. Lette (Chairman), Messrs. Hawkes, Barrett, Scott, and Fenton.

The Minutes of the last meeting were read and confirmed.

The Chairman tabled suggestions from Mining Managers of Beaconsfield (Appendix B.), and from Mr. James Ogilvie.

Resolved, That Mr. Hawkes, M.H.A., be examined.

Mr. Hawkes accordingly gave evidence.

Mr. J. M'Kenna was called in and examined.

Mr. J. M'Kenna withdrew.

The Committee adjourned until Wednesday, 29th instant, at 11 A.M.

THURSDAY, SEPTEMBER 30, 1886.

Present—Messrs. Conway, Scott, Barrett, and the Minister of Lands.

Resolved, that in the absence of the Chairman (Mr. Lette) Mr. Conway take the Chair.

The Minutes of last meeting were read and confirmed.

Mr. Samuel Richards, of Lefroy, was called in and examined.

Mr. John Graves Payne, of Beaconsfield, was called in and examined.

Mr. William Nobes, of Moorina, was called in and examined.

Mr. James Ogilvie, of Gladstone, was called in and examined.

Resolved, That Mr. C. Hall, of Waratah, and Mr. Farghar, of Beaconsfield, be summoned for Thursday next.

Resolved, to summon Messrs. Robert Carter and R. H. Price, of Launceston, for Wednesday next.

The Committee adjourned at 3.55 P.M. till next day.

WEDNESDAY, OCTOBER 6, 1886.

The Committee met at 11 A.M.

Present—Mr. Lette (Chairman), Messrs. Hawkes, Barrett, and Conway.

A letter from Mr. A. P. Reid, dated 30th September, was read.

A letter from James Ogilvie, dated 22nd September, was read.

Mr. Robert Henry Price, of Launceston, was called in and examined.

Resolved, That Mr. G. Thureau, the Inspector of Mines, be examined on Wednesday next.

The Committee adjourned at 12.20 P.M. till next day.

THURSDAY, OCTOBER 7, 1886.

The Committee met at 11 A.M.

Present—Mr. Lette (Chairman), Messrs. Hawkes, Fenton, Conway, and the Minister of Lands.

Mr. Thornton Root, of Waratah, was called in and examined.

Mr. Root withdrew.

Mr. Joseph Farghar, of Beaconsfield, was called in and examined.

Mr. Farghar withdrew.

The Committee adjourned at 12.50 P.M. till Wednesday next.

WEDNESDAY, OCTOBER 13, 1886.

The Committee met at 11 A.M.

Present—Mr. Lette (Chairman), Messrs. Conway, Hawkes, and the Minister of Lands.

Mr. Robert Carter was called in and examined.

Mr. Carter withdrew.

Mr. Bernard Shaw was called in and examined.

Mr. Shaw withdrew.

A letter was read from Mr. Kayser, as Chairman of a public meeting held at Waratah, (*vide* Appendix C.)

The Committee adjourned at 4 P.M. till 11 o'clock next day.

THURSDAY, OCTOBER 14, 1886.

The Committee met at 11 A.M.

Present—Mr. Lette (Chairman), Messrs. Hawkes, Conway, Barrett, Fenton, and the Minister of Lands.

Mr. Gustav Thureau was called in and examined.

Mr. Francis Belstead was called in and examined.

The Committee adjourned at 3.50 P.M. till Tuesday next.

THURSDAY, OCTOBER 21, 1886.

The Committee met at 11 A.M.

Present—Mr. Lette (Chairman), Messrs. Barrett, Conway, and the Minister of Lands.

The Minutes of the last meeting were read and confirmed.

The consideration of the Draft Report was proceeded with.

The Committee adjourned until Friday next at 11 A.M.

FRIDAY, OCTOBER 22, 1886.

The Committee met at 11 A.M.

Present—Mr. Lette (Chairman), Messrs. Barrett and Hawkes.

The Minutes of the last meeting were read and confirmed.

A letter was read from Mr. G. Thureau, (Appendix D.)

The Committee deliberated.

The Committee adjourned till Tuesday next at 11 A.M.

TUESDAY, OCTOBER 26, 1886.

The Committee met at 11 A.M.

Present—Mr. Lette (Chairman), Messrs. Conway, Hawkes, and the Minister of Lands.

The Minutes of the last meeting were read and confirmed.

The Draft Report was considered, amended, and agreed to.

The Committee adjourned *sine die*.

EVIDENCE.

THURSDAY, SEPTEMBER 23, 1886.

SAMUEL HAWKES, M.H.A., *examined*.

1. *By the Chairman*.—You reside at Scottsdale, and are a member of this Committee? Yes.
2. Have you had much experience in mining—if so, where? I have had experience of mining in New Zealand, New South Wales, Queensland, and Tasmania, for about 23 years.
3. Have you had any experience of mining for other minerals than gold in other colonies? Yes; five years' experience in tin mining in New South Wales and Queensland.
4. Do you consider the Mineral Lands Act requires amendment in any particular? I think clauses 3 and 4 of the Amended Act No. 3, 1885, should be amended so as to give the holder of a miner's right power to mine for tin. The regulations should also be amended.
5. What is your opinion with regard to the extent of land it is desirable a miner's right should entitle a man to hold under the "Mineral Lands Act"? Not less than two acres. I should like to add that I consider a miner's right should entitle persons to hold such an area in any portion of the Colony, and that it should be available for 12 months from the date of issue.
6. That refers both to mining for gold or any other mineral? Yes.
7. What is your opinion with regard to Regulation No. 33 as to the value of improvements on forfeited leases? The regulation does not give any limit to the time within which a lessee can claim compensation for surface improvements. I consider that is very objectionable. There should be a limitation of the time within which a person who has abandoned a lease should be entitled to compensation for surface improvements, say six months. At present the power to claim this compensation operates as a continuous bar against any other person applying for the land who may not care to pay for the surface improvements or may not be able to do so. In fact, for all practical purposes, it locks up land in the power of persons who do not really own it, but merely have a claim for surface improvement against any other persons who may desire to take up the land and recommence work upon it, for an indefinite period. I think six months would be ample. I also consider the fees charged for the surveys of water-races are not required. If they are required they should not be charged to the applicant, for this reason: while the applicant has to pay heavy fees for the survey, the survey is practically of no value to him, affording him no assistance in cutting his race. It is simply a survey effected at the expense of the applicant for the purposes of the Mines Department only. The fee is altogether excessive, even if this objection to it did not exist. I am strongly in favour of the establishment of mining boards, and consider the value to be derived from them is the concentration in a business form of the opinions of practical miners in the colony, which opinions would thus be available for the recognition of the Secretary of Mines or the Minister. Under existing circumstances, while we possess men in the colony who have a sound knowledge of mining, there is no channel through which this knowledge can flow to the Mines Department. By the establishment of a central mining board the whole circumstances connected with the operation of our mining laws could be brought under notice, and required amendments could always be made under the advice of men selected from the various mining centres. I am not in favour of local mining boards.
8. How would you have the members of this board elected? The members of the central mining board should be delegates elected by the several sub-districts to be created, and they should be chosen by the holders of any right or privilege under the Mineral Lands Act or the Gold Fields Act. I have had experience of the working of mining boards, and I have no hesitation in stating that such a board would be found to contain elements that would afford very valuable results to mining throughout the colony. It must be borne in mind that mining is an industry in which a considerable deal of change in circumstances takes place; hence the necessity for periodical revision of regulations, and even the laws, on account of such changes in circumstances. It is the fact that this particular feature has not been recognised that causes the friction in mining matters that we have at present. The main objection to the existing state of things is to be found more in the regulations than in the mining Acts themselves. Some of the regulations which may be applicable to one district, owing to the particular character of the mining there, are not applicable to another district; and the delegates composing the board, having the requisite local knowledge, would be able to rectify this, and suggest arrangements for any local necessities that might arise. I consider that our mining districts should be carefully subdivided, and that no land should be taken up on lease except through the local office of the district where the land is situated. The object of this is, mainly, so as to have all the information as to ownership at the local office. I am decidedly in favour of what is termed permanent surveys, so as to afford a reliable means of ascertaining the whereabouts of any existing right under the Mineral Lands Act, so far as the surveyed areas of the Crown are concerned. It would afford a ready means to the Mines Department of compiling a correct mineral chart of the colony. Under the existing system, no sooner is a mineral chart compiled than the re-applications for forfeited leases alters the whole thing, and a constant system of disintegration is going on in the surveys of the Colony. In the course of a few months a chart that has been compiled at great labour and expense is rendered practically useless. Objections have been made to the system of permanent surveys on the ground that people would

be compelled to take the section as it is surveyed, or none at all. These objections would be got rid of at once if the occupation of small areas by a mineral licence was allowed within the limits of unoccupied surveyed areas. All sections should be numbered, and all forfeitures of sections should be duly forwarded to the local registrar and placed by him outside the office for inspection. This information, together with a proper permanent mineral chart, would afford the means to every person engaged in mining of knowing who owned any particular surveyed area of the Crown without any reference to officials. I think the system of contract surveys a very objectionable one. In our districts (Scottsdale and Ringarooma) the surveys are farmed out to a very large extent to youths employed by contract surveyors, and the work is executed in a very indifferent manner indeed. I am decidedly of opinion that the survey fees should be paid into the Treasury, and the surveyors should be paid salaries from the Consolidated Revenue Fund. The very fact of having a system of permanent surveys would obviate the necessity for the employment of more than one surveyor where three are now employed. In that point of view there would be a saving of expense, to say nothing of having the surveys properly effected. It is almost impossible under the present system to ascertain the location of any survey, as the country is cut up into interminable surveys. This acts as an obstruction to men desirous of going prospecting, as they never know whose land they may be trespassing on. The system of permanent surveys is the element necessary where mining by mineral licence is allowed. The laws regulating the occupation of any old surveyed area by mineral licence in the other colonies require any person who desires to lease a previously forfeited surveyed area to see that no mineral licence men are working within its limits. If any mineral licence men are working within the limits of a previously surveyed area the land is not open for lease. Under the system which I refer to our mineral lands would be changing from one system to another—first, by capital under lease, and secondly, by labour at the hand of the individual miner. By a system of this description the very best results are got out of the land. Not only that, but a system of mineral licence opens an avenue for the more energetic class of miners to go out into the bush with this simple tenure, and keep up a continuous prospecting of the mineral lands of the Colony. I consider this is one of the most essential features in the economical consideration of the development of the mining industry. If we wish mining to advance in the Colony we must have a fair and continuous prospecting kept up, and if that can be done by liberalising the laws and the tenure, I think it would be a far more valuable consideration than spending Government money on prospecting expeditions. I am decidedly in favour of Government assisting mining by a prospecting vote to be applied where prospecting is of the nature of deep sinking on reefs, examination by means of the diamond drill, or any fairly deep sinking in alluvial mining. I think that would materially aid mining throughout the Colony. I look upon the present circumscribed condition of mining as being mainly brought about by having only one system of tenure of the mineral lands. I wish specially to put it, that if under the Gold Fields Act the leasing system and the miner's right can be worked, and worked to advantage, there is no reason whatever, from a practical point of view, that the dual system could not be worked under the Mineral Lands Act.

9. What is your opinion with regard to the present rentals, both for gold and mineral land? I consider that for land which has been previously worked and forfeited, a fair reduction in the rental should be made. Under existing circumstances a person who wishes to rent land from the Crown has to pay as much for what is, to a certain extent, worked-out land as for any other.

10. You do not think the present fees of £1 per acre for gold, and five shillings for tin, are too high? I think they are too high so far as they affect the men of small means.

11. *By Mr. Fenton.*—You advocated that a miner's right should entitle a man to select land and mine upon it in different parts of the Colony: would that enable a man to occupy two or more pieces under the same right at the same time? No; because the Act should carry a provision that he should only actually hold it by a working tenure.

12. Personally working it? It does not matter whether he works it personally or employs a man. If he employed twenty men he could hold twenty pieces of land; but the men he employed would each have to hold a miner's right,—every man upon the claim, up to the required number, to represent the area only.

13. Why should a miner's right be issued for twelve months from the date of issue? The reasons are that, under the existing system, a man has to pay five shillings for a miner's right when, perhaps, that right has only three months or three days to run; whereas, if he took it at the commencement of the year, he would only pay five shillings for the whole twelve months.

14. Is the amount charged for a miner's right of sufficient importance to warrant that alteration being made? I think it is not fair that a man should have to pay five shillings for three days' privilege, while another man has the same right for twelve months.

15. Would it not be more confusing to the holders of miners' rights to have to keep account of the day their right expires than it is when they know they all expire on a certain day? No: each right, under the system I refer to, would bear upon the face of it the day of its termination.

16. Would it not lead to the chance of a man's claim being jumped the day after his right expired? That is the law under any circumstances.

17. Would it not be better to prevent the possibility of this, by having all expire on the one day, as at present? The fact of their all expiring on one day does not give a miner any more protection against his claim being jumped. The law says if he has not a valid miner's right his claim may be jumped.

18. Would not the miners, as a body, be more liable to neglect taking out fresh miners' rights when the old ones terminated, if they terminated on varying dates, than if they all terminated on one day? No, I do not think so. The great objection miners have to the present system is that they are compelled to pay the full fee for protection during a portion of the year.

19. You favour votes for prospecting purposes: would you devote any portion of such a vote to assisting prospectors directly? I am decidedly of opinion that to assist small parties to go out into the bush would have very little value whatever.

20. You would be opposed to devoting any portion of such a vote to provide such parties with wages, food, or pack their food to where they are prospecting? I think it is very unnecessary. If you cut tracks into the country, and give the miners rights and privileges under a tenure of a simpler character, it would be far more valuable than sending out prospecting parties into the dense bush of the country without any tracks. But I am decidedly in favour of applying a prospecting vote to the more permanent phase of the development of mining—deep leads and deep sinking.

21. To assist large companies? Not necessarily large companies; to assist not only companies who have reached a certain point, or any body of corporate miners searching for minerals.

22. *By Mr. Conway.*—How would you have the delegates sent by the different mining districts to the mining board elected? By the votes of persons holding any right or privilege under either "The Mineral Lands Act" or "The Gold Fields Act."

23. Then every man who held a miner's right would be entitled to vote? Yes, a miner's right, lease, licence, right, or privilege of any kind.

24. What are the powers of mining commissioners with regard to assessors, in your experience? My experience is that assessors are very seldom used.

25. Is it not your opinion that it would be a great advantage to the mining community if commissioners used them more as juries? Assessors can only be used by the mutual agreement of the parties interested.

26. With reference to the subdivision of the mining districts, what basis would you go upon? I should take the particular character of the mining carried on as an index to the subdivision.

27. You spoke of local offices in each district: who would have the conduct of those local offices—would they only be where the commissioners are? These local offices would be entirely under the Mines Department.

27A. Would that not entail a large number of extra officials in the department? No, it only requires a local officer. It would be just the same system as we have now, but a better regulated one.

28. How would you have the permanent surveys effected in the first instance? Just as ordinary surveys are effected now,—carried out promiscuously as per application.

29. As in all probability there will be a petition presented to Parliament shortly for a prospecting vote, how would you regulate the administration of that—by reward, or by what means, and by whom supervised? In the other colonies boards are appointed to examine into the applications for assistance, and the money is allotted under the authority of that board.

30. Do you think the miner's right should date from a fixed day, or the day of issue? From the date of issue.

31. If the right was given at the full rate from the first of January, and at half rate from the first of July, would it not be equally advantageous, and less troublesome to the officers in making up their accounts? I do not think it would confer anything of value to the miner, while I think the system I have suggested really would; and it would not interfere with the office.

32. A miner working on a lease under the Gold Fields Act is compelled to have a miner's right, while a miner working on a tin lease is exempt? Yes.

33. I think that is arbitrary. Should not a man working at a mine under lease be allowed to work as a man at any other trade without interference? I entirely disagree with the law which compels a man working at a gold mine to hold a miner's right; it is altogether unnecessary, and is imposed merely for the purposes of revenue, and of revenue alone. The object of a miner's right, and any other document by which a man holds any consideration from the crown, is to show his tenure. Under these circumstances to compel a man to hold a miner's right because he is working at a gold mine he may leave in a few days, I consider an oppressive and unnecessary regulation.

34. *By Mr. Scott.*—In working under these permanent surveys, suppose an allotment was once surveyed, would you never have that survey interfered with again? No.

35. Suppose a future party got a reef directly on the side-line? Well, the law allows amalgamation of claims without interfering with the surveys, and there you have a remedy in such a case.

36. But suppose both sections have been given up, and the reef is cut directly on the side-line, would the applicant be compelled to take up both sections? The supposition is certainly quite possible, but it very seldom occurs, and I consider the immense advantage to be derived from permanent surveys altogether outweighs the disadvantage of an exceptional case where a man would be compelled to take up a little more ground than he wants.

37. You state that you consider there is no necessity for the surveys of water-races and the fees charged for them? Yes.

38. How, then, would you give the holder of the water-right a claim to the race running over Government property? The law in the other colonies only requires you to make application for the intake and the termination, and you are entitled to cut a race between the two points over the contour of the country—of 2 or 4 feet, or whatever is necessary—without any survey at all. The general objection to the fees is that no benefit is derived from the survey by those who pay them. The surveyor merely runs a line over for the Government, and when the applicant comes to cut his race he has to employ a surveyor, if he is not competent to do the work himself, to lay a line down.

39. Has there not been several disputes in Tasmania over these water-rights, and would not the scheme you propose complicate matters more? Suppose you had a race and I had another, and they interfered with each other—neither having been surveyed—who would have the prior claim? It has been proved on examination of the several cases tried—notably the North Brothers' Home and the Briseis—that the con-

tour surveys of the Department were absolutely unreliable. The law affecting water-races in the other colonies where I have had experience places the control in the hands of the Commissioner, who has the power to order the removal of any portion of a water-race that interferes with the rights and privileges of any other party, without any reference to surveys or anything of the kind.

40. Would the licence system under the Mineral Lands Act, similar to the miner's right, lead to more ground being worked in the North-east District than under the leasing system? I feel satisfied that many thousands of acres, now comparatively locked up, would, by such a simple tenure, be taken up by energetic persevering men operating in small parties.

41. Seeing that the fee is only five shillings per acre for tin ground, would you give the miner a right to occupy ten acres for five shillings? The usual charge is ten shillings. The system is that parties using mineral land, working like the holder of a miners' right, have to work that mineral land with a mineral licence. These mineral licences, for which ten shillings a year is charged, entitle the licensee to hold ordinarily ten acres of mineral land on any unsurveyed or surveyed but unoccupied Crown land. It also entitles him, on unsurveyed portions of Crown land, when prospecting, to hold for prospecting purposes an area equal to 40 acres; and, in the event of striking payable tin outside of previously surveyed or occupied lands, he is entitled to double the area if he wishes to hold under the mineral licence, or he has the alternative of holding the prospecting area on lease. Under any circumstances the occupation by mineral licence entitles the holder of the mineral licence to turn his holding into a lease, and gives him a preferential right.

42. You are, then, in favour of increasing the price of the right to ten shillings, notwithstanding the fact that you say the miners are complaining at the present time? Nothing of the kind. I am in favour of reducing all fees. There would not be any loss to the colony if the fees were reduced to one shilling. In other colonies this fact has been recognised years ago, and the charges for rights and licences are merely nominal fees.

43. Would the gain to the miner, of altering the period of the miner's right to 12 months from the date of issue, be greater than the trouble it would cause the department? I am not aware of what trouble the department would be put to by the alteration of the system. Under any circumstances I am decidedly of opinion that, so far as the miner is concerned it would be an improvement.

44. Would not the suggestion Mr. Conway has thrown out, to have the rights issued for the half-year, not be preferable? I think Mr. Conway's suggestion preferable to the present system, but not so good as the system under which the right should run for 12 months from the date of issue.

45. Is it necessary, as provided in the Mineral Lands Act, that posts of 8 inches diameter and 4 feet 6 inches above ground should be placed at every angle of the lease? It is totally unnecessary. A small peg about 9 inches high would be more likely to remain in position than a post of the height prescribed.

46. Would not a peg somewhere in the centre of the ground answer all requirements? My experience in other colonies leads me to believe that to cut a large slab of bark off the nearest tree to the corner of the block, and chisel on the tree the number of the section, is the more perfect way of marking.

47. The Government intend making a cruise around to see if these matters are being attended to? Yes, we have been served with notices. I would like to amend my answer about these posts: I consider them quite unnecessary if surveys are effected in a proper manner.

MR. JOHN M'KENNA, *examined.*

48. *By the Chairman.*—Where do you reside, Mr. M'Kenna? At present I am living at Penguin.

49. Have you had much experience in mining? Yes, I have been a good deal amongst it, both in Tasmania and in other colonies.

50. For what period have you been connected with mining? About 20 years.

51. Both in gold and tin? Yes; only in this colony in tin.

52. Are you acquainted with the laws and regulations governing mining in this colony? Yes, pretty well.

53. Are there any amendments you would recommend either in the Acts or regulations? Well, only in regard to the prospecting areas on a new rush like Mount Lyell. Some of them take 280 acres instead of 80, and there is no means of deciding the point.

54. *By Mr. Hawkes.*—Is it not a fact that the present system of granting prospecting protection areas at a rush like Mount Lyell permits of the country being occupied unfairly? It does, and wants being put a stop to altogether.

55. Do you not think it advisable the law should be altered to prevent it? Yes, I do, indeed. Each party has a prospecting area. It may be good enough for one, but to have the whole country taken up in that way is not fair.

56. *By the Minister of Lands.*—Would not that objection be met by reducing the area? You ought to reduce the area as well. Some take 250 acres instead of 50. You say they are wrong—they say they are right—and there is no surveyor to settle the dispute. You may go for months without having a survey.

57. Do you not think that a remedy could be made in this way: where a find of reputed payable gold has been made and a prospecting area granted, no further protection should be given within a range of four or five miles? Yes, I do think so. At the time Lynch's Creek broke out, over 1000 acres was claimed under prospecting areas, and other miners were deterred from looking, because if they found anything it would be on these prospecting areas.

58. *By Mr. Hawkes.*—Have you had any experience at all of the system of working by mineral licence in tin? No.

59. Do you think Regulation No. 33 should be amended so as to limit the time within which a party should have the right to claim for surface improvements? I have seen plenty of districts where the value would be very little. Take the case of the West Coast mines: miners would put no value at all upon the surface improvements.

60. That regulation gives a person who previously held a forfeited lease the right to claim for surface improvements? I do not think they should claim anything.

61. Are you of opinion that the time should be limited within which they should have the right to claim? It should be limited to within a short time after forfeiture, and after that I do not think they should have any claim upon it.

62. What is your opinion about contract surveys?—do you think the work would be better performed by surveyors under the Government, receiving fixed salaries? I believe the work would be better performed by surveyors with fixed salaries.

63. Have any instances come within your knowledge where lads have been employed to effect surveys under contract surveyors? Yes.

64. What is your opinion about the manner in which the surveys, from a practical point of view, have been carried out—I mean so far as clearing the line and marking is concerned? It is very imperfect. In some scrubs you could not tell the marks from the blazed tracks prospectors make to get out by.

65. *By the Minister of Lands.*—You think the blocks insufficiently marked?—The marks are not permanent marks? No.

66. *By Mr. Hawkes.*—Have you any experience of the permanent survey system? No.

67. Do you think that the right to occupy two acres or any smaller area of mineral land by miner's right would induce further prospecting? I do. I know several small places on the West Coast—about the Pieman and Heemskirk—where, if a man could work for a bit of tin under a miner's right, many would work.

68. You understand that the present area allowed is only a quarter acre: do you consider that sufficient ground for a man to hold working under a miner's right for tin? It is not enough; because a man is put to a lot of expense to put in a tail-race, &c. to work that bit of ground.

69. Do you think two acres more like the proper quantity? Yes; I do not think it should be less than two acres.

70. Do you think it would be an improvement of the law to have all land taken up in the first instance through the local offices that may be created for each particular sub-district, and through that office only? I think it would be the fairest way to take it up at the nearest local office where there is a registrar.

71. You would think a system of that description far better than the existing one? Decidedly so.

72. Have you had any experience of water-rights in this colony? No.

73. Do you think it would assist mining materially in this colony if priority of occupation, as far as rights are concerned, were more substantially incorporated into our laws? Yes.

74. That no technical mistake should bar in any case where priority was proved? No. I think priority should be the first consideration.

75. Has it come within your experience in Tasmania that, in cases where priority of occupation has been indisputably proved, persons have lost their rights on account of some technical mistake? I know of plenty of instances.

76. Do you think the introduction of a law establishing priority of right would be a benefit to miners? Yes. There are many cases in my own experience where men have taken up ground, and, just through a little deficiency in complying with the laws and regulations, their claims have been jumped by sharks going about looking for these things, and they have lost their ground.

77. Do you think that priority of occupation should give an absolutely preferential claim, and that any breach of the regulations should be met by the imposition of a fine instead of forfeiture? I believe it would be far better.

78. *By Mr. Fenton.*—Do you think that the system of permanent surveys would be preferable to the system in working now? No. If a man wants only half a block, he should only pay rent on half a block.

79. If four blocks adjoining were forfeited, and a man wanted the four corners to form one block? No; I should fix him to one.

80. Do you think he should take the four blocks? No; that would be too hard.

81. Is there any reason why he should not pick the best pieces of the four? No, no reason.

82. Do you think there could be any improvement with regard to the issue of miners' rights? I think they should stand good for twelve months from the date of issue; that would be an improvement.

83. Do you not think there would be more risk to the miner of having his right run out than under the present system, when they all expire on the one day? Yes, there would be more risk that way. But a man may be going out three weeks before January, and find some one had jumped his claim before he could get a new right. If he got a right on the 14th or 15th of December, and it held good until next December, he would have less risk.

84. Do you consider any portion of a prospecting vote could be well spent in encouraging small parties to prospect the country? Yes, I do. If some of the money it is contemplated to spend in cutting tracks were devoted to rewards for finding payable creeks, it would encourage prospecting, and a good deal more country would be opened up.

85. Do you think any portion of the money could be well expended to assist prospecting by paying for supplies, or packing them? No; I think if you were to offer the reward for a find, they would like to have the management of their own affairs. By the time you got the things from Government to the camp the whole thing would be burst up. I would not hold with Government sending men out, as I do not think much would be got from it.

86. *By the Minister of Lands.*—With reference to your answer just now about the payment of rewards to discoverers of anything worth having, do you not think that it is the unsuccessful ones who most require assistance? I think they want it, but those who want do not always get.

87. Do you not think that a prospector who has been successful and found a creek yielding so many ounces of gold, or supporting so many miners, has gained his reward already? He has worked for it. I think it would only encourage idleness if you rewarded men who did not find anything. A great many people would go out prospecting new country if they knew they could get a reward by discovering a payable creek.

88. *By Mr. Conway.*—Have you had any experience of difficulties with commissioners of mining districts—any disputes? Yes, I had a dispute once.

89. Do the present regulations meet all requirements as to these disputes? Decidedly they do, if you can get the Commissioner; but at the West Coast he lives so far away.

90. Are miners satisfied with the decisions of one man? Well, yes, as a body they are. They give pretty fair satisfaction to the body of miners.

91. Has it ever struck you that assessors to assist the commissioner would be of advantage in settling these disputes more satisfactorily? The commissioners, as a rule, devote themselves to the study of the mining laws, and are better able to dispense them than a man just called in.

92. There seems to be a great requisition among miners for delegates to be sent to mining boards: could they not be employed in a double capacity,—as delegates and assessors to assist the commissioner? They might be.

93. Have you had any experience of miners working on leases? Only for tin, not for gold.

94. Then you do not know whether there is any dissatisfaction with reference to miners working for wages having to pay fees for miners' rights? I was not aware they did. It must be evaded in many instances.

95. *By the Chairman.*—With reference to charges for gold-mining leases, do you think £1 per acre too high? No, I do not think so.

96. Nor the charge for other mineral leases of five shillings per acre? Under the circumstances, I think they might be reduced.

97. Do you think the present charge for the right of working mineral land sufficiently high, if a man is allowed two acres, while under "The Gold Fields Act" he can only take up a much smaller quantity? I think he should not pay more than a man does for a miner's right under "The Gold Fields Act," because the outlay required for working tin is greater than that for working gold. A hundredweight of tin may be worth so much in the market, but an ounce or two of gold may be put in the pocket and carried away.

98. If there is anything you desire to add to your evidence, will you submit it in writing? I will.

THURSDAY, SEPTEMBER 30, 1886.

MR. SAMUEL RICHARDS, of Lefroy, examined.

99. *By the Chairman.*—Have you had much experience in mining? Yes, in gold mining for the last 34 years.

100. In other colonies besides Tasmania? In Queensland and Victoria.

101. Do you consider any alterations are required in the mining regulations? I think we want a new regulation with regard to boys. They compel the whim-boys to take out miners' rights, and some of them are under 15 years of age. Another thing I think wrong is that the Government allows surplus ground to be taken between blocks. Some miners peg out 12 acres instead of 10, and if another man pegs out 12 acres instead of 10, anyone can come and peg out five acres in between. This difficulty does not occur when a surveyor is on the ground, but it is a source of trouble on the West Coast.

102. Are you satisfied as to the quantity of land that can be taken up under a miner's right? Yes.

103. What is your opinion with reference to the issuing of miners' rights, which now expire on the 31st December? I think it a difficult question to deal with, because if you allow a man to take out a right for half a year he will frequently not take one out for the first half of the year.

104. Do you think it just to compel a man to take out a right for the unexpired quarter of a year at the full rate? It is not fair to the miner.

105. Can you suggest any means of altering it? It would be difficult to suggest a remedy, but I think it should not be enforced for the last quarter, because no digger could hold a claim without taking out a miner's right.

106. From your experience in working on goldfields and employing men, would you recommend that the rights should stand for 12 months all expiring on the 31st December, and allow a half year to be taken?

Yes, that would meet the case much better. Persons working on leaseholds should not be required to take out miners' rights. I think the rent for leaseholds should be reduced. It is rather a heavy tax for a poor man to pay—£10 for his area.

107. You consider the present fee of £1 per acre too much? Yes. I would suggest that it be 10s.

108. *By Mr. Barrett.*—But if miners live on the leasehold of a claim belonging to a company, and they are allowed to remove wood—take the case of the Native Youth Company, with 50 or 60 workmen, who have a residence area and everything else free on the lease, which is Crown land,—do you consider the fee of 5s. is too much in such a case? No. I do not think they should be on the goldfields if they cannot afford to pay that. But it is the case of men, many of whom come across from Victoria, who take a few weeks' employment on a mine towards the end of the year, and may then go on to the tin mines. It is rather hard that they should have to take out a miner's right.

109. Which do you think the better regulation—to make all miners' rights expire 12 months after the date of issue, or issue them every half-year and expiring at the end of each half-year? The latter would be better, because the man who came here for a few months could take out a right for that time.

110. On the other hand, there are advocates for issuing the right at any time and allowing it to run for 12 months from the date of issue? That system would create difficulties.

111. Define those difficulties? A miner would always have to carry his right about with him, and produce it upon demand by any policeman or other Government official; consequently, the paper would be worn out before the end of the year. It would be a very difficult way of getting over a difficulty, and would prove something like the 30s. miner's right in Victoria, which created a great deal of trouble. I have made it a rule, from my mining experience, to always have in my possession a miner's right, no matter what employment I am in, and if a man cannot take out a miner's right to protect his residence upon Crown land he should not be allowed to live there. I think, though, the law as to boys should be altered.

112. In deep alluvial claims what is your idea of a fair amount of ground to be allotted under the miner's right? Well, that is a very hard question to answer, because much depends upon the character of the ground. On very wet ground he wants a good extent. On dry ground he ought not to have more than double as much as on shallow ground. I think there is a provision in the Act that where land is over 60 feet deep it can be leased as in Victoria. That is the best security a man can take. It is no use to work deep ground with a miner's right.

113. *By the Chairman.*—Do you favour a vote for prospecting purposes? Yes.

114. Would you devote any portion of such a vote to the assistance of prospectors directly? No; that is, if I understand you to mean assisting prospectors to go out.

115. You are opposed to devoting any portion of such a vote for wages, food, or anything of that sort? I should be thoroughly opposed to paying anything for wages, and think it very unwise to give prospectors food. Under such circumstances they would become hunters instead of diggers.

116. What is your opinion about tracks for mining districts? My opinion is that if there are no tracks from the men to the store they ought to have tracks; beyond this, if there is any gold in the district the miners will cut the tracks quickly enough.

117. There has been a great deal said about mining boards; can you give any information with reference to mining boards, or boards of advice? I question whether they would answer in this country. The mining communities are very small, and scattered about the country. Boards of advice might be very good, but I remember that a good deal was expected from the local boards in Victoria, and it was found that they did not answer. They are very good for some districts, but will not suit general districts.

118. Would you be in favour of a central board with delegates from each mining centre? That would be a better system.

119. How would you have these delegates elected? They would have to be elected by the miners. They ought to be the best judges of the qualities of the men.

120. *By Mr. Barrett.*—Have you ever experienced any inconvenience from the head of the Mining Department being such a distance away from the northern mining districts? No.

121. Are you of opinion that it would better conduce to the conduct of mining affairs in the North if the head was resident at Launceston? I do not see that it would make any difference. I have had a good deal of communication with the Government, backwards and forwards, for the last 17 years in mining, while the head of the Department has been at Hobart, and never had any difficulty. As long as you have good officials at Launceston and elsewhere no difficulty can arise.

122. Then in the whole of your experience you have never been put to any inconvenience by having to come to Hobart? No. As long as they keep good plans at Launceston they are just as well off there as down here.

123. *By the Chairman.*—What is your opinion with reference to permanent surveys? I do not understand.

124. Do you believe in one survey, and then keeping the block in that form no matter through whose hands it passes? I believe every claim should be re-surveyed for a fresh applicant.

125. Have you had any difficulty with water rights? No; but I have not had much experience of water rights here.

126. If there is anything you wish to add to your evidence, or any explanations you wish to make, will you submit them in writing to me? Yes.

MR. JOHN GRAVES PAYNE, *examined.*

127. *By the Chairman.*—Where do you reside? At Beaconsfield.
128. Have you had much experience in mining? 30 years.
129. In what parts? Ballarat principally, and for the last 8 years in Tasmania.
130. Can you give us any statement or any expression of opinion with reference to mining where you have been in Tasmania? I would rather you ask questions, for I do not know exactly what you want to get at.
131. What is your opinion with reference to the present mining laws and regulations? Well, the principal alteration I would like to see would be to reduce the rent for gold leases from £1 to 10s. per acre.
132. I suppose you have had no experience in tin? No.
133. What quantity of land do you think a man should be allowed to occupy under his miner's right? I think the present privilege very fair, and do not think you could better it.
134. You do not consider a miner's right should entitle a man to take up two distinct pieces of ground? Decidedly not.
135. Should land taken up under a miner's right be worked by the holder? By the holder or by wages, so long as he complies with the labour clause.
136. *By Mr. Barrett.*—Are you in favour of the present system of issuing miners' rights for 12 months, expiring on the 31st December? Yes; but there should be a concession given at the end of six months. Under this system you can find out whether the miners have taken out rights or not; but I do not think a man should be compelled to take out a right from November till Christmas if he happens to arrive in Tasmania in November. That is where the shoe pinches. If I am in Tasmania at the beginning of the year and do not take out a right till November, I am trying to evade the law, and should be punished; but when a new man comes to the colony in November and is compelled to take out a right which only holds good till the following January, I think that a great hardship.
137. Supposing a miner's right was issued for 6 months instead of for 12 months, would that not be a more preferable arrangement, and one that would satisfy the opposition to the present system? Yes, it would be a better system. If a man did not take one out for the year, he could take one for the six months.
138. *By Mr. Scott.*—Then you would give a man the privilege of taking out a right for 6 months after the first 6 months of the year had expired? If a man took out a right at the 1st of the year it would last till the 1st of the following year; but if he did not require one till June, I would give him one from June till January for 2s. 6d., though it might lead to evading it.
139. But his land could be taken away by anyone else? He could not stop it.
140. There is no reason why he should try to evade it for 6 months any more than for 12 months: can you state any reason why he should do the one any more than the other? No, I cannot. There is one very hard thing upon a wages man in compelling him to take out a miner's right when he is only working for wages.
141. Do you consider a man working on a claim should not take out a miner's right? No, I do not consider that. I will put it in this way: supposing a single man is working on the claim who boards at a house not on Government land, and has come over from one of the other colonies to work on the Tasmania or Florence, or any of these places. He gets a small contract for 6 months, when the Crown bailiff comes around in the meantime and says to the manager, "All your men got miners' rights?" The manager asks the men, and this man says "No; the job will only last a few months, and I do not know whether I will stop afterwards." Without a miner's right he would be discharged, so he has to pay 5s. to be allowed to go to work. He may not get another contract for 4 or 5 months, yet the Government gets the 5s. This is felt to be a hardship by the men.
142. *By the Minister of Lands.*—Is not that the practice in Victoria? No. I was 13 years in Victoria, and never knew a working man to be obliged to take out a miner's right.
143. *By Mr. Scott.*—What is the practice there? Men working on a lease for wages do not have to take out a miner's right. I was never asked for them until I came to Tasmania. The first time Callaghan said I would oblige him by seeing that my men had miners' rights, I looked at him thoroughly surprised.
144. *By the Chairman.*—What is your opinion with reference to a prospecting vote for the assistance of prospecting? I think the prospecting vote quite sufficient up to the present time. We are doing very well.
145. How should a prospecting vote be divided, supposing we get it?—what is your opinion with reference to its being used, and how? Well, it has been given to the Native Youth and West Chum, and could not go to better claims, and to Lefroy, but principally the former, and where money can very well be spent.
146. I do not mean that—I mean prospecting for new fields: do you approve of the Government giving assistance to prospecting parties? I think that would be a harder matter to decide.
147. You would not be in favour of providing bodies of men with wages? No, I would not.
148. Nor are you in favour of providing them with food? No, unless under a thoroughly trustworthy head, because I have seen cases where it has been squandered.
149. Then you would be most in favour of bonuses? Yes, that would be the better plan. When they can show good work has been done and a payable field discovered, give them a bonus.
150. What recommendation can you make to this Committee with reference to men who have proceeded a certain stage in the development of a mine and then desire borrowed assistance for further

prospecting?—could you recommend any system by which the Minister of Lands could be guided? Well, hardly. It requires a good deal of consideration, because some men might go on working a claim and ask for assistance merely to keep them in work without any prospect of the mine developing into a payable one. This is a matter that wants thinking over.

151. Then, in the event of the Government having a prospecting vote, how would you propose to distribute or apply that vote for the benefit of mining? As I have already said, by a system of bonuses.

152. And in any other way? I do not see how you could assist a party of men, unless by half wages. Certainly it would never do to give the men full wages, but you might pay them for a portion of their time. Say they earn £2 5s. a week at ordinary work, the Government might give them half of that, or just enough to keep them in tucker and tools, but not enough to enable them to sit in their tents and play cards on what the Government had given them.

153. You think it would be liable to corruption and fraud? I fancy it would.

154. What is your opinion with regard to Commissioners on Goldfields and the establishment of mining boards? I would not have mining boards; they have the principle of disintegration in them.

155. The commissioners might make use of them as assessors? Yes, as assessors they would be useful.

156. *By the Minister of Lands.*—Do you know that provision has already been made for calling in assessors in any case where the commissioners may desire? No; I have not looked closely into the laws.

157. *By Mr. Scott.*—Under the bonus system, suppose two parties are out prospecting and one drops on a good reef while the other has spent an equal amount of money and been unsuccessful, which of the two parties would you give it to? Certainly give it to the party that got the gold.

158. Has not the other done good to the country? Well, a manager who gets a good claim is thought a great deal of because it pays, and another who has got a bad claim is discharged as incompetent. It is success that is rewarded.

159. Do you not think that the party which has been unsuccessful in finding gold has the most need of assistance? No, I do not believe in that. If you went that way to work, men would go out and do certain things, and then say we have been unlucky, but it will be all right, for we will get the bonus. Assistance might be given to prospectors, but certainly not wages.

160. Does the miner's right under the present system allow you to take up enough ground for a miner to work? I think it is quite sufficient.

161. *By the Chairman.*—Are you in favour of increasing the price of miners' rights? No; but I will tell you what I do not approve of. I do not approve of letting the alluvial ground over a quartz reef held upon lease to be worked by miner's right. The lessee should have the right to all the quartz and alluvial in every section of 10 acres taken up.

162. You believe that the lessee should be entitled to the whole of the minerals on the area of land he takes? If I take up 10 acres for quartz and alluvial, I should be entitled to any alluvial, or to all alluvial, as well as quartz on that land. It is very troublesome; for on the Olive Branch and other claims the men with miners' rights have come right up to the shaft, and do not care a button for you. If you complain they say, "There is my miner's right, and you have nothing to do with this alluvial; we will work where we like." I have had a great deal of trouble sometimes as to what is alluvial and what is quartz.

163. *By the Minister of Lands.*—But look at the other side of the question. Supposing you were an alluvial miner instead of being a manager of a quartz claim, and you saw a wealthy company in possession of both quartz and alluvial, and were getting so much good quartz that they did not care to touch the alluvial, but left it for years—don't you think it would be rather hard if you were debarred from working that alluvial? Yes, if you look at it in that light; but still that quartz reef which has come to the company was open to anyone else to discover and take up.

164. But I was looking at it from the working miners' point of view? I have seen them all over the surface of the Olive Branch, greatly interfering with the working of the mine.

165. Surely that must be only temporary, because they would soon work out the alluvial? It prevents you from going about on your claim, and they pile up heaps of mullock here and there, covering right up to the shaft. In Victoria the leaseholder takes the whole of it, quartz and alluvial. I think Mr. Shaw got the present privilege given to miners' rights to induce miners to come over from Victoria and test the thing. I was never bothered in the same manner in Victoria.

166. Are you sure that it is not the case in Victoria? No, it is not. The Burra Burra was first worked for alluvial, afterwards as a quartz mine, and then for alluvial again.

167. All under one lease? Yes.

MR. WILLIAM NOBES, of Moorina, examined.

168. *By the Chairman.*—Can you make any statement as to your experience of mining in your district? I have been connected with mines during the whole time I have resided there—nearly 10 years—and have seen mining in most forms, but exclusively for tin.

169. Will you give us some few remarks with reference to your experience up there, and we will examine you afterwards? I first took charge of the Weld River, and worked that successfully for four years, then went to Mount Cameron, and since then to the Pioneer. My experience is a varied one.

170. You have had bodies of men working under you? Yes.

Mining.

171. Have you had any difficulty with reference to the mining regulations? No, not personally, but I have seen many imperfections that might be remedied.

172. Can you state any? Well, for one thing, the regulations require you to give notice 14 days of intention to apply for a lease, whereas the application itself is the best notice, and there would then be no time lost. Any dishonest person seeing a post with a 12 days' notice on it could antedate another notice, and apply for your section and get it.

173. But when you put up the notice on the ground do you not post your application to the Department? They make you put up the notice and will not grant the application for 14 days afterwards, and any dishonest person could rob you of your rights.

174. You have stated an evil: now give us your opinion as to a preventative for that? I would have all applications made within 48 hours of the notice, provided the registrar's office was within 10 miles. I do not know that this would do for the West Coast, but there is no part of the north-eastern district where you could not reach a registrar within 48 hours.

175. There have been a great many remarks made about surveys and pegs—what do you think about the latter? I think four corner pegs are unnecessary; one would be sufficient. In many cases you cannot trace the surveys. It is almost impossible to find the early surveys.

176. Could you recommend any alteration? I think if one corner peg was put in 3ft. 6in. high, a trench made north and south or east and west to show the angle of the lines, and the peg marked with the number of the section, it would be all that would be required.

177. *By Mr. Barrett.*—If there was only one peg and all were liable to be obliterated, is there not more chance of that one peg being obliterated than the whole four? The frontage line can in most cases be found; but the back line, where the scrub has been thick and the fires have ran, it is almost impossible to find. In the open country where the ground is marked with stakes, the stakes are broken down, burned, or taken away.

178. *By Mr. Scott.*—Who ought to put in these pegs when the ground is first surveyed, the applicant or surveyor? I think the surveyor should.

179. Is it at all necessary to put pegs in of the size in the regulations? No, I think not.

180. The regulation stipulates for 8 inch pegs, 4 feet 6 inches above ground? Yes, with a trench showing the direction of the line.

181. You think pegs of that size unnecessary? I think one peg sufficient if the position of the line is shown and the number of the section given.

182. The marking seems to be a great cause of trouble among the miners? Yes, it is almost impossible to find the lines, and there is a penalty if the bailiff comes around and finds the pegs not in. It is a continuous source of trouble.

183. *By Mr. Barrett.*—Could you suggest anything to do away with these difficulties? I think one peg would be sufficient. It requires some mark to distinguish the section, and if that one peg was placed at the angle in the front of the section and the positions of the lines shown by trenches, with the number of the section marked on the peg, nothing further is required.

184. Have you ever worked alone as a private miner? I have, in Queensland.

185. The reason I ask the question is to see if you can give us any information as to the extent of ground a miner should hold under a mineral licence? I think two or three acres. In New South Wales it is four acres.

186. You think two or three acres sufficient? I think it would be a fair area—sufficient ground to enable a miner to go to some outlay in bringing in water; with anything less he would not care to go to much expense to work it, for the deposits are now principally on the hills and highlands, and are mostly patchy, at any rate those in our district. In New South Wales the four-acre system is found to work well, and has been the means of keeping a large mining population around Stanthorpe and at the border mines, where a large population is working under the mineral licence system.

187. Do you think if some reward was offered by Government to prospectors for the discovery of new mineral lands it would have the effect of promoting the mining industry? Yes, I think it would be a very good step in the right direction.

188. In what way would you suggest that the reward should be bestowed? Whoever discovered a new country within a certain distance of any known tin-field should have a reward.

189. What distance away would you consider a new field in a district like Mount Cameron? Ten miles.

190. Is not that rather a long distance? Well, I do not think there is anything within 5 miles of Mount Cameron that has not been looked over.

191. Do you think that reward should assume a money value, or simply a grant of an extended area of land? I think the money value would work best. It would induce miners to push out and exert themselves for it.

192. Upon what basis should that reward be given so as to prevent any imposition upon the Government? It would have to be a field that would maintain a certain number of miners, and produce a certain amount of tin, to prove that it was payable ground.

193. Don't you think in giving this reward it would be much more simple to give discoverers an increased area of land than a sum of money—better and more simple, and a greater safeguard against the Government being imposed upon? It would be a better safeguard to the Government; but it would not hold out the same inducement to the miner to push out: it is more the money reward that would actuate them.

194. Regarding miners' rights, should they be issued for 12 months from a certain day or 12 months from the day of issue, or would you give intermediate ones current for the last half of the year, and make them all date from the 1st and the middle of the year? I would have them current from the day of issue. That is the Victorian plan, and it works well there.

195. You think that a more preferable plan? I think so. It would lead to more being taken.

196. *By the Chairman.*—Do you think 5s. sufficient for a mineral licence? That would depend upon the area.

197. *By Mr. Scott.*—Suppose a mineral licence allows you to take up 2 acres, would you consider 5s. sufficient, in view of the fact that you pay 10s. an acre if you lease the same land? I think it a fair price.

198. Still, is there not a want of equity in it? Why charge one 10s. an acre and the other 5s. for two acres? I think the advantage would be that more men would make use of it.

199. Do you think 5s. per acre would be low enough, or too high? I think it is quite low enough.

200. Then by granting a man two acres for 5s. you would make it still less? I think the miner is heavily handicapped by rents. Ofttimes he holds ground for a length of time without being able to work it.

201. Would that be a miner or a speculator? A miner and, no doubt, speculators too. There are plenty of cases where a miner would work land if he could get it at a small rental. Sometimes he cannot do anything for want of water, but considers his land so good that he holds on to it.

202. He considers his land so good that he holds on to it for speculative purposes? There are many cases where it is not so.

203. Do you think two acres for a mineral licence is sufficient? Yes, I think it is quite as much as a miner should have. If this were dealt to him as reasonably as could be arranged, it would induce many miners to start prospecting, and open up ground that must otherwise remain idle.

204. In connection with water-rights, there is a fee that has to be paid to Government for them, and a survey fee likewise paid to Government? I think they are both wrong under the existing regulations. You are not allowed to cut the race until it has been surveyed, or you are not supposed to do so, and it is risky, for until the survey is made you cannot get the lease of the ground, and might cut a race and then not get the lease.

205. Is there any necessity for these fees being charged? I do not think there is. If the water-right was granted, and you were allowed to cut a race from a certain point to the lower terminus of the race, that is all that would be necessary. You should be allowed to cut the race where you like, of course not cutting it so as to interfere with existing rights; but you would not do that for your own sake.

206. Supposing some one else wanted a race coming from the same direction, and you had no claim to the ground over which your race ran, how would you settle disputes? If there are any circumstances by which your race would interfere with an existing race, you could not do it.

207. You have no legal right, it is simply by permission that you are allowed to cut the race? You would not be allowed to cut two or three races.

208. Supposing both parties cut a race and they interfered with each other, how would you settle the dispute? The prior applicant is allowed to cut his race as it suits him, so long as he does not interfere with any applicant prior to himself.

209. But he has no legal standing? I do not see how that would affect him any more than it does under the present system. If you interfere with any existing rights they have a remedy, and if any one interferes with your right you have a remedy.

210. Although you pay these fees to the Government for these rights, have you no claim to the race? Yes, you have a tracing.

211. The very fact that the Government has surveyed the race gives you a claim? Yes.

212. Under the other system you could cut a race where you liked? Yes, from the point of commencement to the termination.

213. Then you propose to abolish all fees in connection with water-rights? Yes.

214. *By the Chairman.*—But if the race cut between those points has to pass over ground held by other men, you must pay some fee to give you the right to hold it. If you abolished fees, would you not abolish all claims to races? You would have to apply for the water-right as now.

215. But you pay no survey fee, and, consequently, there would not be any claim upon the Government, nor anything to prove that claim. Would it not be better to reduce the fees than to abolish them? Yes, perhaps it would; but I do not think that would affect the actual facts as to the race.

216. Unless some charge is made how would you define the right, and what protection would you have for it? The charge for the application gives you a claim to the water-right. The survey does not give you any claim to the water-race; it is simply made for the information of the Department. Any question arising or any dispute is settled by the Commissioner, and the survey is very little guide to him.

217. *By Mr. Scott.*—The course that the survey traverses gives no right to the water, but does it not give a legal right to the ground which the surveyor has marked for you? Provided it does not interfere with existing rights.

218. Still, when a surveyor makes that survey surely he will endeavour not to interfere with existing rights. When he has done so he gives you a legal claim to that land, and by your not getting that ground surveyed would it not be more detrimental to the miner to waive this right than to pay for the survey? The fees are very heavy. I do not know that my suggestion is a good one, but I do not know any other

remedy for the heavy charge of 1s. 3d. per chain for surveys when some of the races are over 3 miles long. I am speaking for the Moorina district more than any other; I do not know how it affects the others. I know there is ground held on lease where it would pay to bring water on, but the holders are prevented by reason of the charges for survey fees. They have to wait for their survey, and then it is 3 or 4 months before they get the line and are allowed to cut the race. These are the difficulties we are labouring under now, and by doing away with the surveys you get rid of these obstacles; making the application for so many heads of water and the right to cut a race from that point to another given point.

219. Would it not be better to make the fees lower than to abolish them altogether? Perhaps it would. Of course to have it surveyed as now is better, if there were no fees.

220. Then you deem it is better to have the surveys? Yes, I do, simply because all would know then that the race is in existence.

221. What is your opinion about working small sections of tin ground under the mineral licence system—would there be much ground wrought under that system? A great deal more than at the present time. A great deal more prospecting would be done in a *bonâ fide* manner if a man knew he was free of the notice regulation and all form of application, and was free to prospect under the licensing system.

222. Are you of opinion that small sections would be taken up by co-operative bodies of miners? Yes, I have seen it work well in other colonies—in both Queensland and New South Wales. At Stanthorpe there is a large population that would not be there if it was not for the mineral licence system, the ground being patchy and small.

223. Would you have any limit to the number of miners combining together to take up ground under the mineral licence system? I do not think I would. It might be necessary for a large number of men to amalgamate for the purpose of bringing water on to the ground, cutting a tail race. If the ground was situated on a creek, with 5 men on each side they could work better and more profitably if they amalgamated.

224. *By the Chairman.*—Have you had any experience in connection with the commissioners settling disputes in your district? Yes, frequently.

225. Does the present system seem to answer the requirements of the district? Yes, I think so.

226. Do you know whether on any occasion assessors have been called in? No.

227. Then you do not know of the system of commissioners with assessors to assist? No, it has never been required in our district.

228. Have you had any experience in taking up abandoned ground? Yes.

229. Has it come under your notice that difficulties arise in taking up ground where the required portion overlaps the lines of an old block?—have you had any difficulty in getting the land resurveyed in the form you wanted it, not confining yourself to the original boundaries? I have taken up two or three blocks at Wyniford River where the sections have been surveyed four or five times.

230. Do you think it would be any advantage to have permanent surveys by having the country divided into permanent blocks, or would difficulties arise from such a system? I think the present system could be bettered, but I am hardly prepared to say how at the present time.

231. *By Mr. Scott.*—Under the permanent system you would have to take the blocks as they stood, and would not be allowed to take 20 acres out of an 80 acre section, or to cut the sections into any other form: do you think that would be an advisable system to adopt? No, not without mineral licences were granted. If mineral licences were granted it would not matter whether there was permanent survey or not. There are plenty of large sections it would not pay anyone to take up as a whole, but there might be small patches in it that would pay a man under the mineral licence system.

232. *By the Chairman.*—Supposing a number of men take up 80 acres, and after prospecting it find 10 acres of really good ground when they get it resurveyed and only pay rent on the 10 acres,—would that not be permitting a monopoly? It would be a difficult matter to get over.

233. Could it not be got over by limiting each party to 10 acres?—do you think that area would be sufficient? No; in many cases 20 acres would not be sufficient, for there is so much dead work required that it would hardly pay to take it up in smaller areas.

234. Have you any further suggestions to make? I should like to remark in addition to my evidence that I think it will be a most difficult matter to frame equitable mineral laws and regulations for the North-East Coast tin mines without first forming a central mining board, to be composed of delegates from the different mining centres. The industry is so varied in its wants and requirements, each district having its own particular features, and consequently is only thoroughly understood by the local men, that I think the delegates should be elected by the miners of each district, subject, of course, to qualifications. A meeting of such men, I think, would have the effect of blending the laws and regulations to suit all.

234A. Under the present circumstances you would not recommend any alteration? No, not in relation to the area of the section.

235. *By Mr. Fenton.*—It has been suggested that all surveys should be permanent and never altered after they are once made, but that in connection with the permanent surveys a system of mineral licence should be allowed—would you favour that? Yes, that would be right.

236. Would there be any difficulty with permanent surveys if there happened to be four sections abandoned, and an applicant afterwards wanted to take up the four corner pieces of these sections to make a new section?—how would he be able to take them? Four 20 acre sections.

237. Or, under the mineral licence system, 2 acres? Yes.

238. *By Mr. Barrett.*—Do you think the business could be expedited and cheapened by having the office of the Secretary of Mines in Launceston? It would for our district in every way.

239. Have you ever been inconvenienced by not finding the requisite information in Launceston and losing time by having to go to Hobart? I have, on several occasions.

240. Have other people been similarly inconvenienced to any great extent? I have known many cases.

241. In your opinion it would be a step in the right direction to have the headquarters of the Mining Department in Launceston? Yes, it would benefit our district in many respects.

242. *By Mr. Fenton.*—Do you think it right that a miner working on a gold lease should have to work under a miner's right? Yes, I do, for his own protection.

243. How do you explain that? His miner's right gives him protection.

244. Suppose he is working for a company for wages? I do not know how to answer that question.

245. It is not necessary in working on a tin lease to work under a miner's right? No.

MR. JAMES OGILVIE, *examined.*

246. *By the Chairman.*—Where do you reside? At Gladstone.

247. You have had a great deal of experience in tin mining? Yes.

248. Since when? Since the commencement of tin mining in Tasmania.

249. *By Mr. Scott.*—Would a mineral licence allowing a miner to take up a certain amount of ground be an advantage to the general working miner in working tin? Yes, I think so, to the general working miner.

250. What quantity of ground would you be in favour of a man holding under a mineral licence? I have given the matter considerable consideration, and I think two acres would be enough for one man.

251. Seeing that a miner's right at the present time is 5s., and the lease for tin ground being 5s. per acre, how would you propose to equalise this discrepancy? Anyone leasing 10 acres of ground would have to pay £2 10s., and any five miners could hold the same quantity for 25s., and such a discrepancy ought not to exist? I wrote a letter to Mr. Packer, at the request of this committee, and from that it will be seen that I have long seen the inequalities of the present system of rents. They are not paying fairly according to what they get under the present system, and it would be worse under a miner's right. I believe, in justice, that the rents should be collected upon the tin obtained by levying a royalty upon it. This would be actual payment by result. There is so much unfairness under the present system. One man pays £20 a year for an 80 acre section, and he perhaps gets five tons of tin out of it, while another man paying the same rent gets 150 tons of tin. There is a case of great inequality there, and it would stand altering. The mineral licence would get over it to a very great extent, particularly by avoiding the necessity to take up large areas. If a return were prepared of the ground that has been worked in my district, and the rents collected for leases in the district, it would be found that £30 or £40 per acre had been paid to the Government for the ground that had actually been worked.

252. *By Mr. Barrett.*—Which, in your opinion, best tends to the development of the mineral resources of the colony, the individual energy of the working miner, or capital contributed to work on lease? That is a very large question. There are very often claims that cannot be worked without a certain amount of capital out of the reach of the ordinary working miner. Companies have spent large sums of money in the district I am connected with, without any payable result.

253. Do you know which has been the most successful—your own energy unaided by capital, or the capitalist? I have been in the Mount Cameron district before any companies were started, and there was much more energy put into the work, more tin got out, and a larger quantity of European labour on the field than now. But other causes have been operating. They are mainly working now on the large spurs. If water is supplied the experienced working miner is the man to settle on the field.

254. If the working miner contributes most to the development of the mineral resources, then the Government ought to make him some consideration? Yes.

255. Well, if the rent is 5s., and you let a working miner hold two acres for the same sum, that is a just premium in favour of the working miner? I think the rental is a small matter for the working miner. If you settle four men on eight acres you get £1 from them; but the general revenue is far more benefited than if you let a 20 acre block to a company, because they may work it with two men, and probably would let it lie idle for a lengthened period without doing anything with it; whereas a miner would work it or give it up, and another would take it up. There is one remark I desire to make in connection with miners' rights. It is an important question. I have advocated these mineral licences publicly and privately, and considerable discussion has arisen from the action I have taken in the matter. In this way I have got the opinions of a good many, and have had my own views considerably altered. Everything I have said in regard to it is perfectly in accord with views of others. But there is an element that ought not to be let in, and that is the Chinese element.

256. *By Mr. Fenton.*—How would the alterations affect them? They are on the same footing as we are now; but leases are rather complicated matters, and take a considerable amount of money. Once you grant them a mineral licence they would soon be supplied with them, and by prowling about the ground would cause considerable trouble with the Europeans.

257. Then you think unless the Chinese are excluded it would be better not to make this alteration? Yes, I think so. I would prefer to remain under the leasing system than encourage the Chinese.

258. You are not an admirer of the Chinese? I have employed them a great deal, and find them very useful as tributers on a field; but that is their place—no more.

259. I suppose you consider water-races necessary for the development of tin mines? Yes, decidedly.

260. Do you consider surveys should be made for them and rates charged? No, surveys are not required, and the charges are unnecessary.

261. How could you hold a water-right claim crossing Government ground unless you have it surveyed and pay the fee? Simply by putting in the regulations that any applicant for a water-right shall have power to cross over Government ground.

262. Have you any idea what the law is in other colonies with reference to water-races? No, I am not acquainted with them.

263. Do you consider it a sufficient guarantee to hold it upon a mere application? You register your water-right, and have it marked sufficiently to identify the intake.

264. That mark is no use unless a survey is made, is it? Under a mineral licence a certain area is granted. It is not defined in any way. The water-right might be given in the same way.

265. Unless you have some claim or right to show, the mere fact of holding possession would not be sufficient in case of dispute—such as anyone crossing your race: you must have some title to prevent trespass? The general spirit under which mining laws are administered is that miners shall not in any way interfere with one another; but all facilities shall be given by one to another to go through ground, bar damages, for which compensation by arbitration. But in going over crown land all surveys and traverses are a useless and unnecessary expense.

266. *By Mr. Barrett.*—Supposing the race is not surveyed, what right or title have you to the ground through which it goes? Just simply what the application for a water-right to take water from a running stream at a particular point will confer upon you—the right to cut into crown land and to carry it over.

267. All these things should be registered, and how is the Government to undertake all this without any payment being made? I do not think it is necessary to have it plotted down and all those charges connected with it. I may have a water-right working at a certain level, and if I wanted to alter it would have to pay 2s. 6d. per chain again for a new tracing and new levels. If it was done otherwise, I would simply have a little document or licence given me, and so long as I did not interfere with others could carry it out as I liked.

268. What is your opinion about pegging out claims as prescribed by 8 inch posts 4 feet 6 inches above ground?—do you consider it is necessary to have one at each corner of the ground? The surveyor ought to put such pegs and marks as may be needful for securely defining the land. The lessee should put up on one of the surveyor's corner pegs the number of the lease and the regulation to define the angle. The present regulation about large pegs and trenches is a mistake. Surveyors' pegs are held sacred by miners, and it would be wise to maintain this feeling.

269. *By Mr. Barrett.*—Is the present charge for mineral leases too high? The charge is 5s. per acre, and operates very unequally; but I do not see any way of getting out of that except by a system of royalties so as to equalise it.

270. *By the Chairman.*—Are you in favour of miners enquiring into any difficulties that may arise, by the establishment of a central board in Launceston composed of delegates from the different districts, as in some of the other colonies? I think if there were fewer mining laws and regulations it would be better. Mining land should be worked as simply as other land under the Waste Lands Act. I do not see why there should be any more complication in working land for minerals than for grazing. The rent would be more equitably fixed if collected upon royalty. Gordon, an old miner, who was manager of the Star of Hope, was working at Amber Creek on a 20 acre lease, but only $\frac{3}{4}$ of an acre was touched, and during the two years he was working there he paid £10 rent. There are other cases harder than this.

271. *By Mr. Scott.*—How much tin did he take out of it? In the two years perhaps 4 tons.

272. That would be a royalty of at the rate of £2 10s. a ton? Exactly, but many cases are harder than that. The whole of the mining legislation has been as if all claims were like the Brothers' Home and Bischoff. The mining laws and regulations have yet to be made for the small men.

273. *By the Chairman.*—Are the working miners fully satisfied with the commissioners, and not in favour of boards? All mining cases should be tried by a jury, the same as small debts cases.

274. Has there been any difficulty in getting disputes settled on the fields where you were working? No difficulty in getting them settled by the commissioner, but the commissioner's decision is not always according to the feeling of the community as to the justice of the case.

275. Do they ever use assessors to act as jurors? No, none in such cases.

276. The Act provides that they shall have that privilege? Yes, I have just noticed that lately, but that Act is defective. The fees want abolishing, and the privilege of challenging conferred on parties before the court, who also should have the power to say whether the case should be tried by assessors or by commissioner alone.

277. Would it be an advantage to the miners in your district if the office of the Mines Department was at Launceston instead of being at Hobart? The office of Secretary of Mines should be as near to the field as possible.

278. Do you think greater facilities would be given if delegates appointed by each of the centres of mining population were to consult periodically with the Secretary of Mines? Most decidedly. The regulations want altering often, and the Secretary of Mines may be a most competent man, but he would be greatly assisted by practical men.

279. By what process ought such delegates to be appointed? I am not acquainted with the working of such systems elsewhere, but no doubt the information could be obtained.

280. If you were electing a road trust, or anything of that kind, how would you proceed? Call a meeting and elect them.

281. By miners? Oh yes, by miners.

282. *By Mr. Fenton.*—Is it a fact that the last owner of a forfeited lease can claim compensation from anyone taking it up, for surface improvements? It is not clear to me, but it ought to be a fact. There is a statement that surface improvements shall be paid by the lessee, but it is not clear to me.

283. Do you think there should be any limit to the time within which he should be allowed to claim? If the land is never taken up by a second applicant he never gets anything; but if another man comes in and uses his survey, his dam, his head-race, or tail-race he must pay the original lessee for them.

284. Up to what time? I do not know that there should be any limit. If a man makes use of them he should pay for them.

285. *By Mr. Barrett.*—But if the incoming lessee does not use them—assuming that the original lessee has constructed a catch-water and has spent £400 on surface improvements of that nature, and the Government then undertakes to supply the water, this dam, &c. would be no use to him—should the man who has taken up the forfeited lease pay for them then? Cases may happen where the improvements would not be used, but it can always be settled by arbitration as the law provides. There is one remark I desire to make respecting forfeitures. All notices respecting forfeiture of leases and cancelling of applications, together with all other matters affecting miners, should be published in the daily papers, the *Gazette* not being come-at-able by miners, and their ground might be forfeited before they are aware. Also, forfeited areas should be treated from the day of forfeiture as other Crown lands; the 14 days allowed now, when application may be made without noticing, when if more than one applies it is sold by auction, is a catch-penny kind of procedure that should cease.

286. Do you understand what is meant by permanent surveys? Not clearly. I have had it partially explained to me, and believe it means that once a section has been surveyed it is fixed in that form.

287. Would you support that system? No; I believe it would be better to break up the blocks if required.

288. Do you think miners' rights should date from the day they are taken out or from the beginning of the year? I do not see that it would make much difference. You can always get another when the date expires.

289. Are you in favour of votes for prospecting parties? Yes.

290. How should they be expended? Without prospecting there is a want of continuity in the tin mining industry. I do not think the ordinary miner is able to do prospecting. I think where it is known there is a deep lead country the Government should adopt some means to get at it.

291. Would you advocate any portion of the vote being given to prospecting parties to assist them in prospecting operations in the bush? Under proper supervision I think it would be wise to spend a limited sum in that way in some districts.

292. Are you in favour of applying a portion of the vote to assist deep sinking? Yes.

293. *By Mr. Scott.*—Have you ever been put to inconvenience yourself by the mining office being at Hobart? I have lost some thousands of pounds, partly caused by the distance the office is away from the district.

294. Have you ever known of anyone in your district being so inconvenienced? It is constantly arising.

295. *By Mr. Fenton.*—With regard to a central board, are you in favour of it or not? I am in favour of it.

296. And the head-quarters of the central board should be—where? The head quarters of the central board should be where the mining office and the Secretary of Mines should be—in Launceston. I am not at all in favour of it being at Hobart.

297. Do you think the delegates should be elected by miners under their miners' rights? Yes, by all persons holding miners' rights, licences, or leases.

298. *By the Chairman.*—Are there any further remarks you wish to make? I do not consider notices published in the *Gazette* of any use; mining information should be published in the daily papers. I think old workings taken up under miners' rights should be given at double the usual area, or at half rent if occupied under lease. All restrictions about cultivating the soil should be removed. The effect of these restrictions has been to stop all surface improvement and the erection of permanent homes in mining fields. It is from this cause that we have, after 11 years, to get all our eggs, butter, horse-feed, &c. from other districts at a great expense.

WEDNESDAY, OCTOBER 6, 1886.

MR. ROBERT HENRY PRICE, *examined.*

298A. *By the Chairman.*—What are you, Mr. Price? A Manager of mining companies.

299. What companies do you manage? The Tasmania, Florence Nightingale, and other companies.

300. In what districts are the mines of the companies you manage? In Beaconsfield, Lefroy, and Denison.

301. Do you think it would be in the interest of mining generally to have the head office at Launceston? Most decidedly I do.

302. Have you ever in the past been put to much inconvenience in consequence of the head office being at Hobart? I cannot say I have been put to inconvenience individually, because I have always found a way out of the difficulty; but many points arise which would make it a great advantage to have the office at Launceston. For instance, it would save a lot of correspondence and running about if you could go straight to the Secretary of Mines. Launceston is the centre of the mining industry, and if the office were there miners could get at it more readily.

303. Do you think applications for leases for either gold or other minerals should only be received in the district where the land is situated, or at the head office? I think it would complicate matters very much if applications were to be received all over the country.

304. My question is, whether the applications should be made in the district where the land is? Take Lefroy, for instance: would you limit the applications for leases there to the registrar of that district alone, or send them all to Hobart? I would have them go to the commissioner of each district.

305. Are you in favour of a vote for prospecting purposes? Yes.

306. Have you considered the question sufficiently well to give any idea as to how you would have the money expended? I have not given it much thought; but the money should be spent under the supervision of the Government to a certain extent, on the recommendation of their Inspector of Mines, as we do now in connection with the aid to deep sinking. I think the vote should be on a liberal basis; but, of course, you would have to be careful, as it would not do to let anyone have money to go and loaf about the country.

307. In regard to the present rental for gold-bearing and mineral land, do you think them too high? Yes; in Victoria the rent is 5s. per acre and in Tasmania it is £1. You have the right of renewal at the expiration of the lease here, but the Government can exact three times the former rent, and if you object to that, they can put it up by auction. This may seem fair at first blush, and with good dividend-paying mines there could be no objection to paying three times the former rental: it must be borne in mind, though, that while the dividend tax is imposed the dividend-paying mines are handicapped twice over. I think the rent should be 10s. an acre, with the right of renewal—that is, double the Victorian rent. Certainly, if the rent remains as it is the claims should have a right of renewal. This is a matter that has been legislated upon three times already. In the first case lessees had the right of renewal without extra payment; then that was repealed, and lessees were left to apply again and again. As the leases would expire at 12 o'clock at night, it was in the power of anyone to peg out your claim the moment your lease expired. Then the right of renewal was again given at an advanced rental, while, in the event of any objection, the lease could be put up by auction,—which is the present state of the law. You can now claim the right of renewal by giving a month's notice.

308. As to miners' rights, do you think they should be issued for 12 months from the date of issue, or, as it is now, from a fixed day in the year? That, again, is a vexed question, and one the miners have taken a great interest in. Many are of opinion, and my own opinion is, that the miner's right should be issued for 12 months from any day. This was at one time the law, but the miners objected to it, and upon their representations they were all made to date from the 1st of January. There is just this to be said about the system of making them run for 12 months from the day of issue, the miners will have to look out when the rights expire, but that is their own look out. The law once was that a right was taken out for 12 months from the 1st of January, and at the end of June you could take one out for six months, and it worked well, though it was done away with.

309. Do you think it right that miners employed on leases held by companies should be compelled to take out miners' rights? No, not to enable them to work; but I think it is just where they live on Crown land that they should take out a miner's right. It is right to make a man with a family do so; but in the case of his two or three sons, who do not live on Crown land, but in lodgings, it is rather hard to make them take out miners' rights, or other single men who live in lodgings. A miner should not have to take out a miner's right to allow him to work on a claim, but should do so if he was going prospecting, or to hold a residence area on Crown land.

310. *By Mr. Hawkes.*—In what way do you consider mining would be benefited by allowing applications for mineral lands at Launceston and Hobart, where no mining occurs? I do not know that mining would benefit by it, but it is a public convenience. If I have a man out prospecting for me—my money is in Launceston—and he sends to me to take up a piece of land, I can do it in Launceston. If, on the other hand, I have to send him the money I do not know to whom I am trusting it, and he may take up land that is no use to me. It is no benefit to mining, but it is a public convenience.

311. Do you not consider such a system fails to give the same publicity as when the application is made locally where the land is situated? There is not the same publicity given to tin as there is to gold. In gold, when you make your application for a lease in Launceston you have to post a notice at the nearest post office to the place of operations. It is not so with applications for tin leases, and therefore there is not the same publicity given.

312. You think that all the benefits derived from publicity are not met by making the applications at Launceston and Hobart, only that it is a business consideration—to managers of companies, for instance? Not to managers of companies only, but to others interested in Hobart and Launceston. Of course, there is no advantage whatever to mining.

313. *By Mr. Barrett.*—Do you think the payment of the dividend tax acts prejudicially against mining? There is no question about it; the dividend tax does act prejudicially against mining, inasmuch as you may be in a lot of companies, and sink a lot of money in mining, even in the particular mine that is paying dividends, while directly you get a dividend the Government comes down for the dividend tax. If Parliament determines to still adhere to the dividend tax it should not be enforced until the mine had paid back what the shareholders had put into it. Then I think we should have renewals without putting on any extra rent, whatever the rent may be, on account of the dividend tax.

314. If the dividend tax was not in existence there would not be anything said about paying three times the amount of rent upon the renewal of the lease? No.

315. Is there anything you could suggest in a general way for improving the laws and regulations at the present time? There is just one thing I had in my mind to suggest. In pegging out claims to leases, one party may peg out what he considers to be 10 acres—and as a rule he takes good care to peg out quite sufficient, because the surveyor will not give you more, though he will take you back—and another party comes along and pegs out 10 acres adjoining. If the first applicant has taken two acres too much the surveyor puts him back, but he does not bring me up to the line of the first applicant, though I intended to join him. Of course, if I knew he had over-pegged I could have over-pegged too, but miners are not surveyors. I think the applicant adjoining an original application should have the right to be shifted up to adjoin the other, as his intention was to adjoin that other, and it is not his fault that the original man has over-pegged. The result of this is that the ground between them is left vacant.

316. Do difficulties and disputes arise from this piece of ground being left vacant? Yes, because one man expects he is adjoining the other, and finds he is not, as there is this piece between them. Then, so far as mineral leases are concerned, it is the opinion of many people in Launceston that a party taking up an 80-acre section of mineral land should have the privilege of surrendering the lease if he found it was not remunerative and taking up any portion of it. Of course, he may surrender the lease now, but then he runs the risk of not getting the portion he wants.

317. *By Mr. Hawkes.*—Do you think it would be an improvement in our laws that any person who could satisfactorily prove priority of occupation, and yet had made any errors in his application, should be confirmed in his rights? I have been impressed with that idea. It is only right, when a man can show a *bonâ fide* priority of occupation, that he should have a right to the ground. There is no doubt about it.

318. You are aware that the present system of surveys is contract surveys: do you think the surveys would be better effected if the surveyors were paid permanent salaries and all fees were paid into the Treasury? My own idea is that that system should be carried out, all surveys being done under Government.

319. Do you think it militates against the interests of the country when surveyors refuse to go some distance away and only take up work in their immediate vicinity? No doubt it does.

320. Are you in favour of Chinese holding leases on our goldfields? I do not see any objection, provided they are naturalised.

321. Then you are of opinion that no right or privilege under the Gold Fields Act should be granted to the Chinese unless they are naturalised? No, it should not.

322. *By Mr. Barrett.*—From your experience have you found the existing system of commissioners sufficient to settle disputes which arise? Yes. I have had some very important cases before the commissioners, and I think both sides have had to acknowledge that the decisions have been just and quite sufficient.

323. Then you think they would not derive any practical assistance from the institution of mining boards? I do not think the establishment of mining boards would be a good thing.

324. *By Mr. Conway.*—In the event of there being a central commissioner, do you favour delegates being appointed from centres of mining population? No. I have had a great deal of experience of gold mining in all shapes and forms, and have never suffered any inconvenience, and have never known anyone to suffer any inconvenience, from the commissioners acting alone.

325. Then you do not favour mining boards at all? No, I do not.

326. Do you think, if the proposed prospecting vote is granted, it would benefit mining if any portion of it was devoted to using the diamond drills under Government superintendence? Yes, I favour that.

327. Do you think there is any field where the indications are favourable for expenditure in prospecting with the diamond drill at Beaconsfield? Not only at Beaconsfield, but at Lefroy and the Denison too.

328. At Back Creek do you think there are favourable indications for expenditure in testing with the diamond drill there? Yes. No reef has been found there yet, but no doubt there is a reef in the vicinity, judging by the shed of gold.

329. Do you think the position the Government Geologist occupies as Geologist and Inspector of Mines requires alteration?—do you not think it would be better for him to attend solely to the duties of Geologist, and that it complicates his duties too much to hold the other office as well? It would be very much better if the offices were separated.

330. Is there not an inspector under him? No. Mr. Harrison is in charge of the diamond drills, and he acted as inspector and tested some boilers at the Tasmania mine.

331. Have you ever come into contact with him in examining the underground workings? I do not think he ever inspected the underground workings.

332. Do you not think the interests of mining would be better attended to if there was a thoroughly practical inspector—that is, a man thoroughly acquainted with timbering, &c.? In the event of Mr. Thureau being taken for other work, my own opinion is that we should have a man thoroughly acquainted with the timbering of mines.

333. *By Mr. Hawkes.*—You have stated that you are not in favour of mining boards: are you acquainted with the functions of mining boards? Only by what I read of their operations in Victoria. From what I have read about them I should not favour them.

334. Why? Because they would only tend to clog and fetter things more than at present. I think it would be better to leave matters as they are.

335. Are you aware that mining boards are exclusively formed for the purpose of tendering advice to the authorities as to required amendments to the mining laws and regulations? Yes.

336. And you think such boards very objectionable? I do not see any advantage from having them.

337. Do you think advice comes better in the promiscuous manner in which it is now given? There has been a great outcry lately that the mining laws want altering, but as a rule the commissioners of goldfields are quite competent to advise the Government in matters requiring attention.

338. *By Mr. Conway.*—Do you think the commissioners of goldfields have any knowledge of mining? I can only speak of those I have come in contact with. The two gentlemen we have had in Launceston had a knowledge of mining gained in travelling through mining districts—no other practical knowledge.

339. I suppose you are aware that in other colonies delegates are appointed to confer with and give advice to officials such as we have here upon any mining question? Yes; but I do not think it is any advantage to them.

340. It is said to work very well in the other colonies? I do not see that it works well. I see by the papers sometimes that it does not work well in Victoria.

341. *By Mr. Hawkes.*—Have you, or have you not, had any practical knowledge of the working of mining boards? No; I only give you my opinion, which you must take for what it is worth.

342. *By Mr. Conway.*—With regard to the assistance given to deep sinking, do you think the regulations framed sufficiently liberal?—take the Lefroy, for instance, do you think a more liberal system could be adopted? Yes; I think where a claim is down 400 feet, and from force of circumstances they have left off working and the mine is filled with water, I think the Government should assist to unwater it. That is one thing. Again, I think the vote should extend to surface expenditure as well as sinking—that is on the principle of £1 for £1. At present it is only for sinking and cross-cutting.

343. Do you favour assistance in the shape of loans if security can be given? Yes; that has worked very well in Victoria. I recently noticed that a company in that colony had borrowed a small amount which it had afterwards repaid and paid a dividend, when, but for the assistance given, it would have been wound up.

344. What is your opinion as to the division or application of a prospecting vote if it passes?—could you suggest any scheme by which loans could be effected? I am not aware of the basis upon which the loans are regulated in Victoria, but the information could be obtained; and I should favour the adoption of a similar system here, as it seems to work successfully.

345. *By Mr. Barrett.*—Have you any other suggestions to offer? There is a great deal of talk touching the labour clauses. The Tasmanian Mining Department has just adopted the system they have adopted in Victoria. Directly rents are due they send you a notice stating that you are liable to forfeit within 30 days; that is a great improvement. Regarding the labour clauses being enforced, I think anyone applying to have the labour clauses enforced should be prepared to show that he would *bonâ fide* work the claim. If a man has spent a lot of money in working a claim, and another man applies for forfeiture of it on the ground that the labour clause has not been complied with, it should not be forfeited unless the applicant is prepared to work it himself. If he is not prepared to work it, then the original holder should be allowed to keep it.

346. *By Mr. Hawkes.*—Are you aware that the Government have frequently applied to the Launceston Stock Exchange for advice as to the revision of the mining laws? No, I do not think the Government have ever applied to them. That has come about in this way: the Stock Exchange, knowing that the Government were preparing a measure, have applied for a copy of it, and have then made suggestions of their own accord.

347. Then, you are aware that the Launceston Stock Exchange has given the Government advice gratuitously: do you think they are more competent to give advice than a body of selected miners who are engaged in practical mining? It depends a great deal upon whom the Government would appoint, or the board that would be appointed.

348. The boards would be elected by the miners? The position that the Launceston Stock Exchange has taken up is this: it is not exactly what the boards would do. The Government has been framing new regulations, and the Exchange has sent for a copy of them, and after going through them, has made certain recommendations. It does not frame the regulations. Of course there is a difference between a working miner and one connected with mining.

349. Your reply indicated that the Launceston Stock Exchange has been a committee of criticism on the proposals of the Government: do you not think that a committee of criticism would be better composed of a body of practical miners elected by the miners themselves? Not better, but equally as good.

MR. THORNTON ROOT, *examined.*

350. *By the Chairman.*—Where do you reside? At Waratah.

351. What is your profession or business? Manager of the West Bischoff Tributing Company.

352. What experience have you had in mining? I have spent all my Australian life in mining—from the latter end of 1852, principally in Victoria.

353. I presume in gold mining? Yes, principally in gold mining.

354. How long have you been at Waratah? About six years.

355. During which period you have been engaged in tin mining? Yes.

356. In regard to rents for mineral and gold-bearing land, do you think the present rents too high? I do, most decidedly.

357. What would you recommend their being reduced to? In Victoria they have been reduced to 5s. per acre; but, even supposing you reduce gold leases to 10s. per acre, it would be far better.

358. And for other minerals? I do not see there should be any difference with respect to the rent paid for tin or for gold. Other minerals might remain as they are.

359. What extent of ground ought to be allowed for a prospecting area? I think the areas laid down in the Regulations are altogether too large.

360. For gold? Yes, for gold they are much too large. For instance, the present law allows 10 acres where the distance from another claim does not exceed a quarter of a mile; not exceeding half a mile, 20 acres; not exceeding a mile, 30 acres; not exceeding two miles, 40 acres; and over two miles, 50 acres. This is altogether too much. In Victoria, if a miner goes out prospecting and discovers a payable field—a field to produce so many thousand ounces of gold, or to support so many men for 12 months or two years, he gets perhaps £2000, but he is only entitled to an ordinary prospecting claim, no matter what the distance away from other fields is.

361. What is an ordinary claim? 80 yards along the line of reef, and 160 yards makes a prospecting claim. You must be a quarter of a mile away from the last claim before you can take up a prospecting claim, and that is only double the ordinary area. Our areas are altogether too large. I am a gold miner, and am likely to be so for the rest of my life, as I am now fit for very little else, and however pleased I might be to take up 30 acres if I found anything, I think it is altogether too much.

362. What do you consider a proper area? Ten acres. If such large areas are allowed to be taken up by a few men, they shut out a number of legitimate miners who may come after them. A man can do a good deal of prospecting on 10 acres, and if he finds anything good on 10 acres he can get as much from a company for it as for 150 acres. If the discovery is good 10 acres is sufficient, if it is no good 10 acres is too much.

363. Within what distance do you recommend that a prospecting area should be allowed? Not nearer than one mile.

364. In regard to other minerals—say tin—what area would you think large enough? I must say I have not heard any complaints with respect to the areas for tin mining, but not having had practical experience myself in pegging out such areas, I cannot speak from experience.

365. Should applications for gold or mineral leases only be received in the district where the land is situated, or do you think they should only be lodged with the commissioners there or elsewhere? I think applications should be made to nearest commissioner, whoever he may be. In Victoria, after a man has pegged out his claim he is supposed to register that with the mining registrar within 48 hours, so that there is always proof that he is in occupation. It was thought useful, as it saved a lot of litigation as to the priority of ownership of claims.

366. *By Mr. Hawkes.*—That registration is to be done locally? Yes. In districts where I have been there has always been a registrar or district surveyor, who is empowered to receive registrations.

367. *By the Chairman.*—Do you think miners' rights should be issued for 12 months from the day of issue, or, as now, from one fixed day? I think they should all be for 12 months from the date of issue, most decidedly.

368. Do you think miners employed upon claims, and working for a company, ought to be compelled to take out miners' rights? A man working for wages should not be compelled to take out a miner's right, but where he holds ground for others he should be forced to take out the right.

369. Are you in favour of a vote for prospecting? Yes, decidedly I am.

370. Have you considered the matter sufficiently to suggest in what way the expenditure should be supervised? I cannot say I have. The reason why I say I am in favour of the Government spending money for prospecting purposes is because I think the prosperity of Tasmania largely depends upon the development of its mineral resources, and it is the duty of the Government to encourage the mining industry in every way it possibly can. While we see that it is being done in the other colonies, we must be prepared to admit that it is there admitted to be for a good purpose. With respect as to how the money should be spent, that requires a little consideration. I do not think the money would be misspent if the Government appointed one or two thoroughly reliable men to take the lead of prospecting parties of two or three men each for the discovery of new fields.

371. Do you recommend that these men should be paid by wages? Let their wages be small, and give them the right to take up a certain area of land where they are successful for mining purposes. I know that Warden Howitt—I think, of Gippsland, was the finder of the Crooked River diggings under this system.

372. *By Mr. Fenton.*—Do you consider you represent the opinions of the miners at Waratah and the West Coast generally? I do. There is a great number of Victorian miners at Waratah and the West Coast also.

373. You believe you represent the views of these men from having had a meeting of miners, and finding their opinions agreed with your own? Yes.

374. Do you consider it desirable that the Gold Fields Regulations and the various Acts relating to mining should be consolidated into one Act? I do; and have heard the same opinion expressed by a good number.

375. Do you consider the language of the Acts is in any way ambiguous? Yes, in some instances, as in the case which has cropped up at Mount Lyell at the present time with respect to the pegging off of the prospector's claim. He pegged off thinking his claim was five miles away from the nearest gold find, and

took 15 acres, which is 5 acres too much according to Jones' opinion. Many argue that you should measure by the road, but it does not state whether you should measure as the crow flies or as the tracks go, which wind about the heads of gullies or over spurs. Looking at it from a common sense point of view I should say the distance should be as the crow flies, because in scrubby country a man can make 10 miles into 20 miles by taking a more circuitous route.

376. Then you think, generally, that the language of the Acts might be made less ambiguous? Yes, I do.

377. Do you approve of the appointment of mining boards? Most certainly I do. I believe I was the first who ever mentioned the subject here, at a meeting held a good time ago at the Mechanics' Institute, Waratah. Since then others have advocated it in different parts of the island.

378. How should the election of the members of that board be carried out? I think the colony should be divided into mining districts, or should form one district; if divided into districts, let each district appoint thoroughly practical diggers from among them by election under their miner's rights. The reason why I think mining boards desirable is that I cannot see who should be more suitable to frame the laws for the government of the gold-fields than the miners themselves. Circumstances at Bischoff, the West Coast, and Lefroy differ in character and consequently require different regulations. An excellent set of regulations for Bischoff might not suit Lefroy, and what would suit Lefroy might not suit the West Coast. In the Beechworth district in Victoria there are a number of different places with different regulations simply because the character of the country differs. If I represented the Waratah district I would know what was suitable for that district better than anyone else, though I might not know about other districts; and the same could be said of the representatives of Beaconsfield and Lefroy. The duty of the mining board members would be to meet quarterly, half-yearly, or annually, as may be decided, at Launceston or some other place, and each knowing what laws require to be altered or brought into existence, they are discussed by the whole of the members of the board and then sent to Parliament for approval or to be made into law. In Victoria I think each member of the mining board gets £50 allowed him for the cost of travelling. If mining boards are considered necessary in Victoria, which has been a mining colony for more than 34 or 35 years, and are in existence in that colony now, why should they not be suitable for Tasmania? There are a great number of Victorians at Waratah at the present time, and one and all are of my opinion in this matter. I believe we will never have satisfactory and workable laws until we have mining boards established.

379. With regard to marking off claims, what is your opinion of the way they ought to be marked off? When first the question of pegging out was mooted, I thought that the system of every man pegging out his ground by putting in full pegs of prescribed size, and trenching, was the best. Many seem to think that miners and anybody else pegging out a claim, not being surveyors, find it very difficult to mark out the ground in a densely wooded country with accuracy; and that it would be much better to mark a claim by putting in two pegs to mark his front line or position along a line of reef, as the case may be, leaving the surveyor to put in the side lines at right angles and to complete the marking off. I see no objection to this.

380. Where would an adjoining man put in his pegs? Within a few feet of him, if he desired to come close up.

381. If after survey the position of the first applicant's block is shifted, should the adjoining applicant close up to him? If the first claim was an area in excess of what he was entitled to, the adjoining applicant should be moved up to it if he desired; but if he declined to do so his claim ought to be surveyed as applied for. If the section applied for states to join such and such claim north, or such and such claim south, he ought to have his claim surveyed in accordance with the application.

382. Do you consider a prospector should report to the commissioner any discovery made by him within a limited time? Yes, I do.

383. What time do you suggest? I think it would give every man a full opportunity if within 14 days, say. That would allow him plenty of time. I believe our Act says within 14 days if practicable, but that "if practicable" should be left out. It leaves a power in the hands of the gold commissioner which he should not possess.

384. Do you know of any case where that word "practicable" has been unduly taken advantage of? No, I cannot say I have.

385. Would you advocate that a discovery ought to be forfeited owing to failure to report within 14 days? I would hardly go so far as that. I think if a fine were inflicted it would be sufficient. At the public meeting I have referred to it was carried for forfeiture, but that seems rather a hardship.

386. Are you of opinion that in many cases fines should be substituted for forfeiture? Yes—for not keeping up pegs, or anything of that sort. But if a man fails to take up a claim upon which he is supposed to do legitimate prospecting, but leaves it for a long time, it is a different thing.

387. *By Mr. Hawkes.*—You are in favour of mining boards? Yes.

388. Are you in favour of a central or local mining board,—a central board being composed of delegates from the different mining districts elected by the holders of any right or privilege under the Gold Fields or Mineral Lands Acts? Well, that is rather a question. A man might take out a miner's right for the purpose of the election. They should be elected by the miners, and if a man held a miner's right in connection with mining he is a miner.

389. You are well acquainted with the operation of our mining laws? Pretty well, I think, though I have not had much practical experience of them, not having been sufficiently long in the country. Still I understand them, and have heard the complaints of others.

390. Do you think it would be a wise law, that where a man can show priority of occupation that he should not under any circumstances be subjected to forfeiture? Unless he has failed to comply with the regulations as to the labour covenants.

391. Do you think any person who takes up a piece of ground, and can prove priority of occupation, should be made to forfeit by reason of any errors in his application, or that he should be only subject to a fine? I think he should be subject to a fine only. Many a man who goes out prospecting is unable to read, and blunders are natural.

392. Are you of opinion that any errors in an application for any ground should deprive the applicant of the ground if he can prove priority of application? Decidedly not.

393. Do you think that a miner's right or mineral licence for mining for tin is as desirable as a miner's right for gold? I do think so.

394. Do you think the area now allowed on the West Coast—a quarter of an acre—is sufficient for tin? It is not. My reason for saying so is that a man may find payable tin provided he can bring water to it. Even in a creek half an acre would be too small. But supposing a man finds alluvial tin, where he will have to spend a good amount of money to get a race to it, as soon as he has put the race on and got to work, he finds there is only a quarter of an acre, for others have swallowed up the ground around him, and when that is done the water is no longer of any use to him. I think 2 acres is the least that might be given; that would give four men 8 acres.

395. Four men is the usual party? Yes.

396. What is your opinion in respect to the operation of the mineral licence,—do you think it should be confined to any particular portion of the Colony or not? That is where the mining boards would come in. Not having had sufficient experience of the different districts of the Colony, I could not venture to say whether they should be applicable to the whole of the island.

397. In any case you say it is applicable to the West Coast, and you have not had any experience elsewhere? Yes.

398. Do you think the surveys as at present effected are effected in a proper manner? Yes, as far as I know.

399. Have you any experience of any particular district besides Bischoff? Yes, the West Coast.

400. Are surveys effected as to time in a manner compatible with the interests of mining? Probably where one surveyor only is appointed in a district it is almost impossible for him to get through the surveys very expeditiously; but I cannot say I have heard much complaint in this respect.

401. Have you ever heard any refusal on the part of a contract surveyor to effect surveys on account of there not being sufficient work where the survey was required? No.

402. Never had any difficulty in getting surveys effected? No.

403. Do you think it would be any assistance to mining if the district surveyor was compelled to keep a plotted chart of the surveys effected in the local registrar's office? Yes, it would be very serviceable and necessary.

404. Are you in favour of the Colony being carefully divided into sub-districts? Yes. I think it would be more easy and workable.

405. Are you in favour of all applications for mineral lands of any description being applied for through the local office of the district in which the land is situated? Yes.

406. Would that system confer any benefit upon mining by way of information? No, only it would be more readily carried out.

407. When you wish to enquire for any information you go to the local registrar, do you not? Yes.

408. Would the local registrar be better able to give you information in regard to any particular lease if the application had been made to his office instead of, say, in the office at Launceston? Yes, decidedly.

409. You are in favour of prospecting votes for deep sinking in quartz? Yes, I think it is very necessary where a company has paid a large sum of money in developing a mine, and is unable to carry on without aid, that Government should assist. In Victoria if such a company was subsequently successful the money has to be refunded.

410. Are you in favour of the money being refunded in the event of success being met? Yes, certainly.

411. Have you had any experience of the prospecting parties sent out by private individuals 4 or 5 years ago? I cannot say I have had practical experience, but I have heard a good deal about them.

412. Is your opinion favourable or unfavourable to that system? Favourable, if you can get thoroughly reliable men who will do legitimate prospecting.

413. What is your opinion of the ability of any Government to subsidise prospecting parties with roving commissions? It would be money well spent if competent leaders were appointed, to be accompanied by one or two men. They should not receive full wages, but part wages, or "tucker," as we call it.

414. Do you think if the Government spent the same amount of money in cutting tracks through the bush, and in giving rewards, it would be equally good? Yes, I do; I believe it would be preferable.

415. Do you think it desirable that prospecting areas should be allowed to be taken up within a quarter of a mile of where payable mineral has been found? I see no objection to allowing a man a prospecting claim, but he should not have a prospecting area.

416. A prospecting claim is only double ground? Yes. There are four different areas here, and there should only be one.

417. Are you in favour of a regulation which would entirely prohibit any prospecting area from being taken up within a quarter of a mile of any other prospecting area that had struck payable indications of mineral? I am decidedly of opinion that no prospecting area should be taken up adjoining another, as I

am given to understand has been done at Mount Lyell, to the exclusion of the general public, which is an injustice to them and a loss to the general revenue. No protection area ought to be allowed nearer than a mile of another one. If, as at present, there are four or five men in a party, and each one takes up a prospecting area of 20, 30, 40, or 50 acres adjoining each other, it is a monopoly.

418. Regulation 34 of "The Mineral Lands Act" gives no limit to the time within which compensation for surface improvements may be claimed by the original lessee, who has forfeited, from the lessee who has taken up the forfeited ground—are you of opinion that there should be any limit? Yes, there should be a limit.

419. What do you consider a fair limit? I think the right to claim for surface improvements, if there is any right at all, should be limited to three months after the forfeiture of the lease.

420. *By Mr. Fenton.*—Suppose the land is not taken up till six months after the forfeiture by the original lessee, what would he do about compensation for his improvements then? Let him go without.

MR. JOSEPH FARGHAR, *examined.*

421. *By the Chairman.*—Where do you live, and what is your business? At Beaconsfield. I am a miner.

422. Have you had much experience in gold mining? Twenty-two years.

423. How long have you been in Tasmania? Six years.

424. Do you consider the present rentals for gold-bearing land too high? Yes. The association I am connected with at Beaconsfield forwarded suggestions representing that it should be reduced to 10s. per annum, as the present price prevented men from taking up land, costing something like £14 for the first year's rent and fees.

425. Do you think miners' rights should run for 12 months from the day they are issued, or, as they run at present, from a fixed day? The miners' rights, the way they are now administered, are a great grievance to many miners. A certain portion of the men compelled to take out miners' rights are just working for their daily wages the same as any other tradesman or labouring man, and why should they have to pay for the right to labour? I always take it, a miner's right means a privilege given a man as security for the occupation of a section of ground, and not a permit to labour where he wants no protection. It was only a portion of the men that were taxed, because such a law was evaded. If the inspector comes around I have to pay for it, but if I am not at work that day I am not compelled to take out the right.

426. *By Mr. Conway.*—But are you aware that the mining manager is asked by the inspector how many men he has on the mine who have not taken out rights? I wish to show that it is administered in a bad way. If a man is working for a company he has to pay five shillings a year for earning his living there. Why not treat the storekeepers and wood-carters in the same way? It is simply dragging a tax out of a man for the privilege to work. I am a working miner working for the Tasmania Company, and I live on a freehold, and yet I am compelled to take out a miner's right.

427. *By the Chairman.*—You have got away from my question. Do you think miners' rights should be from any day of issue? Yes, I think they should run for 12 months from any day of issue.

428. Would that not be an inconvenience to the holders, as they might forget the date when it was issued and neglect to take out another when it expired; whereas on a fixed day everybody would recollect that the rights expired and renew them for protection? If a man had any property worth looking after he would not omit to keep his miner's right.

429. *By Mr. Conway.*—Would it be better to issue them for six months from a fixed day? I hardly think so.

430. You favour the rights being taken out for 12 months on any day, but would it not be equally well to take them out for six months from a fixed day, and be a great advantage in keeping the books? I do not see that any good would be effected by it. I think 12 months from any day of issue would be best. That is what I have seen done in the other colonies.

431. There is a strong feeling in your district with regard to the dividend tax: you do not think the dividend tax should be taken from mining companies until the capital invested has been returned? Yes, they consider it detrimental to the miners' interests.

432. *By the Minister of Lands.*—I cannot see how it affects the working miners? Anything which affects the company affects the miners.

433. *By Mr. Conway.*—It is considered very arbitrary that a company has to pay the tax, whereas a private individual is not taken into question—the Krushkas, for instance, who have taken £28,000 out in profits—that is the point? Yes.

434. *By the Minister of Lands.*—Would you like an export duty on gold and tin better than the dividend tax? I do not think we have considered that question.

435. *By the Chairman.*—Should applications for gold mining leases be sent to the commissioner or registrar of the district where the land is, or, as at present, be sent to Hobart or Launceston or anywhere? I do not think I have heard any complaints of the present system; but I have not had much to do with taking up land.

436. *By Mr. Conway.*—What is your opinion about mining boards? There is a feeling among miners in favour of mining boards being established. The colony should be divided into a certain number of mining districts with members, elected by the holders of miners' rights, to constitute a mining board, meeting at stated intervals at some central spot.

437. What qualifications would a man require to be a member of the board? I do not know that he would require any qualification; the fact of the miners having chosen him would be a guarantee that he was a suitable person.

438. *By the Minister of Lands.*—What advantage do you suppose would be gained by having mining boards?—I understand you to say you would favour a central mining board—not one on each gold field? No, not a number of mining boards, but one, to meet at some central place.

439. What advantage do you propose to gain? The men constituting these boards would be conversant with the facts of mining in their districts, and through their suggestions the Minister of the Department would receive advice about the amendment of the law in any particular.

440. Do you not think the same effect could be obtained by the miners appointing a sort of committee of four or five, at a public meeting, who would take some trouble about the work? Possibly it might; but men are often very dilatory about this work.

441. Speaking generally, are you aware of any representation ever having been made by the mining communities, or those men who act for them, with reference to any amendment of the law, or the removal of any grievance that has not been attended to with a fair amount of promptitude? No.

442. *By Mr. Conway.*—Could you suggest any arrangement for the distribution of the vote to assist prospecting? I think the suggestions from the different districts would be a good guide to the Minister.

443. Are you in favour of prospecting loans being advanced upon substantial security? I do not know that the idea has been brought before the miners. The general idea is that the money for prospecting purposes should be applied for prospecting in different parts of the colony.

444. Would there not be some danger of the money being frittered away without any benefit being derived? There possibly might be some of it frittered away, but a great deal of good would be derived.

445. You are not in favour of loans to assist mines in progress of work? I do to a certain extent if there is good security; but my idea is to assist prospecting in new country.

446. Would you leave representations to be made by the central board to the Minister? Yes.

447. In the event of a claim being abandoned after a water-race and other surface improvements had been effected, and such claim being taken up by another man, what time would you allow the original holder to have the right of claiming compensation? I do not think he is entitled to any compensation.

448. Do you think the central office being at Launceston would be more convenient than at Hobart? Yes.

449. *By Mr. Hawkes.*—Have you had any experience in other colonies? Yes, in Victoria.

450. Miners' rights there run for twelve months from the day of issue? Yes.

451. Do you think a man mining for tin should have equal privileges of occupying ground all over the colony? I think so; but I have had no experience in tin mining.

452. Do you consider the mining regulations generally suitable and applicable to all cases of mining? I think so. There may be some slight alterations required; but take them generally, they are about as good as in the other Colonies.

453. Has it come within your experience that mining regulations suitable for one district are not suitable for another? No, they are not.

454. Do you think mining boards would be the best machinery for advising as to what regulations are required for each district? I think so, because you would have every district represented on the board.

455. Can you state what is the opinion of the miners of Beaconsfield as regards the establishment of a central mining board composed of delegates from the different mining centres? No; because I do not know that it has ever been put to them.

456. Do you think that a mining board would be more competent to deal with the regulations generally, than mere committees formed in the various mining centres? I hardly think they would. I think a committee of mining men—say at Beaconsfield—could tell the requirements of that place better than any man on the board could.

457. But the mining board is to be composed of delegates from these various mining centres, and would probably be selected by these committees you speak of: do you think the mining boards would give better assistance? The mining board would be able to frame regulations for the whole colony better than a local committee would.

458. Do you think that under the present method a working miner employed in mines receives that physical protection he is entitled to? As far as my experience goes the Tasmania mine is worked in an excellent manner. But does your question go so far as to invite an expression of opinion about the mining inspectorship?

459. No, only as to whether the mines are properly conducted? They are properly conducted as far as I know. I have worked all my time in the Tasmania since I have been here, and have never worked in a better conducted mine.

460. *By Mr. Conway.*—There are some small mines at Beaconsfield that have been worked to a certain extent, and cannot be worked any further for the want of assistance—do you think a prospecting vote should be used to assist in such mining as well as in prospecting? I think in Victoria the prospecting vote is used for almost all purposes.

461. Do you favour a prospecting vote being treated on the same lines as in Victoria? Yes.

MR. ROBERT CARTER, *examined.*

462. *By the Chairman.*—You reside at Launceston? Yes.

463. Do you think it more desirable that the central office for mining should be at Launceston than at Hobart, as at present? Well, that is a peculiar question. It would, perhaps, from a Launceston point of view; but, looking at it in a wider view, I do not think it would.

464. Do you think applications for the rental of land upon gold or mineral leases should be made to the commissioners, or to the local registrar of the district wherein the land is situate, or would you allow applications to be made anywhere, as at present? I should be in favour of the system we have at present.

465. Do you think the rents for gold-bearing land too high at present? I think they are most exorbitant.

466. What would you propose reducing them to? I should consider 10s. an acre quite sufficient for gold-bearing land.

467. In regard to tin and other minerals? I think 5s. for tin, and 2s. 6d. for other minerals, is not out of the way; but I think £1 an acre for gold leases is much too high.

468. Do you think the same notice for applications for tin and other minerals should be posted at the nearest post office, as is now done with regard to gold? I do not think any harm could arise from it. It would give more publicity, and I think, perhaps, it would be advisable.

469. With regard to miners' rights, have you ever studied the question? I do know something about miners' rights.

470. Do you think they should run for twelve months from any day of issue? Yes, most decidedly. I do not think a miner applying for one during the last three months of the year should have to pay for the whole year. They should run from the day of issue till the same day next year.

471. Do you think gold miners employed by companies and otherwise working for daily wages should be compelled to take out rights? No, I think the money the Government gets otherwise is quite sufficient without compelling him to take out a licence.

472. Do you think the dividend tax a fair tax as at present levied? No, I do not think it is without it is accompanied by an income tax. Speaking for myself, I pay an income tax, because most of my revenue is derived from dividends in mining companies. I think the present tax is most unfair. If the dividend tax is continued it certainly should not be enforced until a mine has reimbursed in dividends the money that has been paid into it. In the Mount Victoria Gold Mining Company the shareholders have paid 2s. 9d. per share in calls, and have received back 1s. 1d., upon which the dividend tax has been paid, while they have not yet got back their original outlay.

473. With regard to improvements on forfeited leases, at present you are aware there is no limit to the time within which the original lessee who has forfeited can claim compensation for the surface improvements he has effected—do you think this should be altered? I think there should be a limit.

474. What would you fix it at? No claim should be allowed after the lease has been abandoned for twelve months?

475. Are you in favour of mining boards being established? I am, rather, but perhaps there is some objection. I know a great deal of information was obtained in the early days of Victoria through the mining boards, and I think some could be got here. These are boards of advice for taking into consideration the circumstances of different fields for the guidance of the commissioner. The country is divided into so many districts, each with a board, and one board for a central board. I have not gone fully into the thing, but as I recollect the boards in Victoria gave a great deal of information in mining matters, I should be in favour of their establishment here.

476. Are you in favour of a prospecting vote being granted by Parliament? Yes.

477. Have you considered in what way the money should be expended should a vote be granted? I think the Government should grant the money without any restriction as to repayment on the £1 for £1 principle. The assistance to mining ought to be given. If there are no boards of advice the money should be distributed by the advice of the commissioners or others; but this is one of the purposes for which I advocate mining boards. In this way alone I think mining boards would be of great service in connection with these prospecting votes. Under the vote of last session the only company to take advantage of it was the West Chum, simply because the others have not the means.

478. But in what way would you have the money expended—in deep sinking? I think in deep sinking and testing with the diamond drills for quartz or alluvial, also for rewarding parties who make discoveries like those at Mount Victoria, Mount Lyell, and other places. Rewards given to these prospectors would be money very well laid out.

479. Do you think it would be more advisable to have surveys effected by salaried surveyors instead of the present contract system? I could not give any opinion upon that; but I think as regards surveys persons should only have to pay what the Government pays. It is not so now. When two lots are surveyed together the surveyors only get paid for the lines not joining the other lots, and the applicants should only pay for the same.

480. If the surveyors were to carefully mark out sections and number them, do you think it would be so necessary then for the lessees to keep up pegs and such like things? I think the lessee should see that they are kept in order. The lessee should be responsible if anything happens to the pegs, but in the first instance the ground should be properly marked by the surveyor.

481. Do you think the prospecting areas allowed at present are too large? No, I do not. If a man goes out and finds anything he is entitled to something out of the usual run of claims.

482. Within what distance of one prospecting area do you think another should be granted—for instance, I believe at present they can almost join? I think they should not be as close as that. They should be something like two miles apart.

483. *By Mr. Hawkes.*—You are pretty well versed in the principles of our mining laws? Yes.

484. Do you think it would be advisable to incorporate into our laws a principle that wherever a man proves priority of occupation no defect in his application or in any other technical matter should deprive him of his right and title? That is so now. The commissioners have the power to impose a fine for technical breaches.

485. But illiterate men make mistakes and blunders in their applications. If a man could prove undisputably that he went on to the ground first and put up his notice, are you of opinion that the law should sustain him in his holding, notwithstanding any defect in his application? I do not agree with that altogether. The present law would quite answer such a case. If a man can prove that he put a notice up first, unless there is something very

wrong indeed he is not likely to lose his ground. If you left the door open, many men without the same right could claim the same thing. I believe a certain amount of strictness in the applications must be exercised. If a man proves he is the first applicant he is almost sure to get the ground, unless there is something to show against his evidence by which it is upset. It is forfeiture or fine now, and I am inclined to leave it as it is. To alter it would be to fix the mere imposition of a fine in many cases where forfeiture is demanded.

486. Do you think a system of permanent surveys would be better than the present system? I do not; because a man desiring to take up an old block of land may only want certain parts of it. Better leave it as it is now, so that a man can have 10, 20, or 40 acres if he does not want the whole of the 80 acres.

487. Do you think permanent surveys would be of any use if mineral licences were granted under which? By permanent surveys you mean that the applicant would be required to take up the whole of a block as surveyed, or leave it. I think the present system is best.

488. Do you favour mineral land being worked without lease on the miners' right principle? Yes, I am in favour of it. There are many places at Scamander and elsewhere that it would pay a man to work under a mineral licence where it would not pay under a lease.

489. *By the Minister of Lands.*—Are you aware that the law already provides for the issue of mineral licences? Yes.

490. *By Mr. Hawkes.*—Do you consider a quarter of an acre a fair amount to be held under these licences? No, it should be two acres.

491. You are aware that in the legislation of the other colonies a temporary restriction has been placed upon the granting of rights or privileges under either Gold Fields Acts or Mineral Lands Acts, to the Chinese: do you think it would aid the development of mining in this country if the same temporary restrictions were carried out here? I would object to Chinese.

492. That no mineral licence or miners' rights should be issued to other than naturalised Chinese, and that only for a certain period? Well, I am against Chinese myself, and would restrict them altogether.

493. *By the Minister of Lands.*—You would not grant them any licence or privilege under the mining laws? No, I would not.

494. *By Mr. Hawkes.*—You are aware that there is a clause which empowers the Minister of Lands for the time being to refuse any right or privilege under either Act? No; I am not aware of it.

495. Do you think that if our regulations carried a clause to more distinctly define that class of cases to be tried by the commissioner, and that the commissioners' decisions in such cases should be final, that it would be of any benefit in the more prompt settlement of disputes? Do you mean that there should be no appeal in all cases?

496. No, but that the cases should be restricted? I do not think that any harm can result from giving the right of appeal in all cases.

497. Do you think that needless litigation on goldfields and at mining centres has any detrimental effect upon mining? I am not aware of it.

498. *By Mr. Conway.*—Do you think the £1 for £1 in aid of deep sinking, returnable out of profits, would be practicable or advantageous? As I have said before, I think the Government should give the money without expecting any return, except that which might be looked for in the benefit to mining; but I think if the Government did grant the assistance it would greatly benefit mining; as the public would get the benefit of it, the public should give the assistance.

499. It has been suggested that a board should be appointed, to consist of the Commissioner of the mining district, with the Inspector of Mines and others, to report upon this matter for the guidance of the Minister from time to time. Do you favour that? If mining boards are constituted I think the members appointed to the central board should be consulted. It would be one of their functions to take into consideration the distribution of this money.

500. Do you think a money reward and a smaller holding of ground should be given to a prospector who discovers anything payable at a distance from any other known discovery—a money reward of, say about £100, and a smaller reward claim than they get at present? I certainly believe you should give a money reward to prospectors.

501. You would still give them some quantity of land? Yes.

502. Do you think the reward claims are too much at present? No; but an excess comes in where there are three in the party, and each takes up 15 acres, making the reward claim 45 acres—that is a mistake.

503. Do you think that a more liberal and extensive assistance should be given to encourage the use of diamond drills for prospecting? Most decidedly.

504. Are not greater benefits to be derived from that system of prospecting? I do not think there is anything in vogue so admirable for prospecting as the diamond drill.

505. Is it not your opinion that if we got the prospecting vote we have applied for, and have got such a large petition in favour of, that prospecting by diamond drills should be taken into consideration? Yes; before you go to any further outlay, prospecting should be done by diamond drills.

506. As the Government has this plant it is better to have it used than keep it idle? Yes.

507. Do you think the officer in charge of the diamond drills should be employed more in prospecting than looking after the idle drills? Most decidedly, it is more advantageous to keep the drills going.

508. With reference to miners' rights, do you think any advantage would be gained by the department in the keeping of accounts if the rights were issued half-yearly and expired on the 30th of June and 31st December, instead of issuing them for 12 months from any day? No, I think if a miner wants a right he should be allowed to take out one for 12 months on any day in the year.

509. You think the amount of capital employed in a mine should be returned out of profits before the dividend tax should take effect? It should be taken off altogether if possible, but I am certain it should not be taken out of the capital returned.

510. By whom would you have the mining boards elected? By the holders of miners' rights.

511. How would you manage the distribution of a prospecting vote? I should leave it to the Minister of Lands; but he ought to be advised by a board on the matter, and that is where the want of boards comes in. If you have no mining boards you must leave it to the Minister; but if you are going in for mining boards I think one of the functions of the delegates from these mining boards should be to take into consideration the distribution of this vote.

512. I presume you would place a great deal of reliance upon the recommendations of the Government Geologist? Yes.

513. *By the Minister of Lands.*—Will you explain in what way the public share in the success of mining enterprise specially, as distinct from the mode in which they share in the success of any other enterprise? My own experience and that of others who have been interested in mining for the last 5 or 6 years is, that if it had not been for mining Tasmania would have been in a state of insolvency. If it had not been for mining there would have been no public works, and there would not have been any progress in other directions.

514. There are a great many phrases yet current, and I wanted to see on what particular ground this phrase rested. Can you say in what particular manner, other than the general benefit, the assistance of mining as distinct from any other industry would benefit the public? Because it is more distributed, employs more labour, and causes a greater increase in population. Mining has made all classes. Mining means population, and population means prosperity. Without mining there could not have been any increase of population. It is not in Tasmania alone, but in the whole of the colonies. The history of the Colonies proves it, and the whole world remembers what took place in California in 1849. Mining is the stay of the world, in my opinion.

515. To what extent has that been brought about by the assistance of Government? It has been assisted in every colony except Tasmania. In Victoria, New Zealand, New South Wales, and Queensland mining has been assisted.

516. Can you instance any special way in which a direct benefit has accrued to the State from the assistance of mining? I do not know that I can, except from year to year. The water scheme of New Zealand has been a large indirect benefit, and the general impression is that it has encouraged mining. In Victoria many a defeated prospect has been improved by Government aid into a paying mine.

517. Have not even the deep-lead results been mainly brought about by private enterprise? In the first instance I believe they were, but at present they are aided. The previous opinion, before Lansdell proved otherwise, was that after you got to a certain depth in quartz reefs the gold ran out.

518. Did he get any assistance from Government? Not that I am aware of.

519. You are perhaps acquainted with the views of those who advocate a special vote of £10,000 for prospecting purposes? Yes.

520. Are you aware whether it is contemplated that any portion of such a vote should be devoted to sending what are known as prospecting parties out into the bush to make fresh discoveries? No, I am not aware whether they do or not. I would not be in favour of prospecting parties in the usual sense of the term, because the Government would be taken in the same as private parties are, and perhaps a little more so.

521. *By Mr. Hawkes.*—In respect to the extra benefit derived by the community generally by the development of mining, do you consider any elastic development of mining in any country would benefit a community particularly by the rapid absorption of all produce raised for use—do you think that has had any beneficial effect upon the prosperity of the country? I do not understand the question.

522. A miner produces nothing but minerals, but does he not consume almost every article produced by the rest in every direction?—do you think that beneficial to a country? Miners are large consumers. You have only to look at Black Boy, where the farmers before any mining in that district were almost starving, but when mining was going on they did well.

523. The question is only how the balance of the community would be benefited? The farmers benefit by mining more than anybody else, because they are sure to get greater profits and have no risks. Steele, McKenzie, and others used formerly to send large quantities of cattle all the way to Hobart, but when the tin mines on the East Coast were opened they did not need to send a beast to Hobart, as they could all be consumed in the district.

524. Do you consider that by the development of mining in this Colony there has been a more general diffusion of wealth? I have no doubt of it.

525. Do you think it would materially benefit mining if the direct tax put upon it by way of rent was reduced? I have already said that I think the rent of gold leases should be reduced one-half. With regard to other minerals, I see no need of reduction.

526. Do you think that the value of mining to the State is to be found more in direct than in indirect revenue? In indirect revenue; but a direct revenue you are bound to have for the purpose of carrying out the law relating to mining, and for the protection of the interests of those who are engaged in it.

527. Would you advocate that where prospecting protection orders are granted to any person that there should be a space between each one? I have stated that I would not allow one within two miles of another.

MR. BERNARD SHAW, *examined.*

528. *By the Chairman.*—What offices did you hold in connection with the Mining Department? I was formerly Commissioner of Mines, and subsequently Secretary of Mines.

529. For how many years? I was Commissioner for about seven years, and Secretary for three years.

530. *By the Minister of Lands.*—During the time that you were Secretary of Mines was your attention called to any necessity for alterations in the laws or regulations after the last regulations were issued? No.

531. Do you think they gave general satisfaction? I think so. My attention was frequently drawn to letters in the newspapers, or reports of speeches, but not officially.

532. Was your attention ever officially called to any defect in the laws or regulations? I do not remember that it was.

533. What were the defects to which your attention was drawn in the manner in which you have mentioned? I do not consider they were defects. I have seen letters in newspapers and reports of speeches in which certain matters have been urged as requiring certain provisions in the law, when such provisions actually existed. That was quite a common thing, showing a want of attention on the part of those who wrote or spoke. It was also quite a common thing to find suggestions made in that way which would be wholly impracticable, or, if adopted, would seriously impede the prospector or miner.

534. Referring specially to the regulations for prospectors, as distinct from those actually made for mining, are you aware of any defects owing to the difficulty of proving priority of occupation? No; no case came under my notice where there was a difficulty of proving priority of occupation. When I was Commissioner I had one or two disputed cases, but there was no difficulty whatever about them, as they resolved themselves into the simplest question. imaginable when the statements of both sides were heard.

535. Are you aware of any prospectors being deterred from pursuing their avocation by any uncertainty caused by the regulations? Not since the present regulations have been in force. These regulations did away with a great many difficulties.

536. Will you inform the Committee in what respect the present regulations differ from former ones? The former regulations were necessarily very meagre, because the Act did not authorise liberal regulations to be made. When the Act was amended, the making of the present regulations became authorised, and we were enabled to make regulations which, it seemed to me, met all requirements of prospectors. These regulations have only been in force a short time. The gold regulations were made on the 14th January, 1884, another one on the 3rd March, 1884, and again on the 5th October, 1885. The mineral prospecting regulations were made on the 15th of March, 1884, under the authority of the Mineral Lands Act of the same year.

537. As to securing claims? Under the Mineral Act there were practically no regulations before, because the Act did not authorise them. A person had to peg out ground for a lease before he could prospect it.

538. In your opinion the regulations are sufficient for all practical purposes? I think so.

539. Now as to gold? There were prospecting regulations under the Act of 1870 for several years. When that Act was repealed, the clause in the Act of 1880, authorising prospecting regulations to be made, was struck out in Parliament, and it was passed without that clause. Then that Act was amended in 1883 by a short Act, which, amongst other matters, authorised special prospecting regulations to be made. These regulations were made accordingly, and are now the regulations in force, which appear to me to meet, as far as I am able to judge, all the requirements.

540. Are you speaking, Mr. Shaw, from your views of the construction of the regulations merely, or from a practical acquaintance with the mode in which they operate? From my personal acquaintance with the mode in which they operate—not as a miner, but as an officer of the department, moving about amongst the miners and hearing what they had to say, listening to their complaints and settling their disputes.

541. Have you heard any complaints made as to the amount charged for leases, especially for gold? Yes; I have often met with men who said they thought £1 an acre too much.

542. What is your opinion about it? I do not think it is too much. I think if a gold mine is not worth £1 an acre, it must be a very miserable one. It does not seem to me too much, if revenue is to be derived at all from such a source, as it is not more than a reasonable rent to charge. Of course it is more a matter for financial consideration by the Government than any one else.

542A. As to water-rights, the Committee have before them some evidence from which it would appear that there is an opinion held by some of those engaged in mining operations that the survey of a water-race should be dispensed with, or, at all events, should be left to the parties applying for the race. Can you inform the Committee of the opinion you have regarding that? It depends upon the nature of the tenure of the water-race. Under the Goldfields Regulation Act, a water-race can be held under a miner's right. That is generally looked upon as an insecure tenure, but in that case a survey is not compulsory, and a miner should estimate its value himself. It is looked upon as a temporary holding, which he may throw up at any time; but if he wishes to hold under a grant for ten years, renewable practically for an indefinite period, he is required to pay a survey fee, and a survey is made. Under the Mineral Lands Act the only way a water-right can be held is for twenty-one years, renewable practically indefinitely. In this case survey is compulsory. It seems to me, to issue a grant for a water-race without having a survey made, would be a most absurd thing. If you make a grant practically for an indefinite period without having a survey, you would find yourself landed in a very great difficulty indeed. It is imperatively necessary that a survey should be made.

543. Do you think the absence of a survey would lead to litigation and disputes? Undoubtedly.

544. Have any special cases occurred to your knowledge in which litigation and disputes have arisen from imperfect survey? Yes, very serious disputes indeed in one or two instances have occurred to my knowledge—the Brothers' Home, No. 1, and the Briseis Companies.

545. Are the Committee to understand that you would not seek a remedy for these disputes, which arose through imperfect surveys, by sweeping away surveys for water-races altogether? It would be no remedy, but would add to the confusion and disputes? You must bear in mind that it is a grant for 21 years, renewable for 14 years again and again as often as you choose. It is transferrable, and it would be a most dangerous thing to issue a grant for a water-race without having it clearly shown where the race was to run.

546. Are you aware of instances in which races held under miners' rights have been transferred from the original holders to others? Yes, in more than one instance.

547. Those who buy the race under such circumstances run the risk of the right being cancelled? Yes.

548. Is it, then, your experience that parties in that position have sought to place themselves in a more secure position, and applied for leases of water-rights formerly held under miners' rights? I think so, but I cannot say that I know any had been actually issued before I left the Mines Department. It is comparatively a new thing. The regulation authorising the leasing of water-rights under the Gold Fields Act did not come into operation till 1883. Other rights had been issued, in the shape of grants or leases for years past.

549. As far as the department is concerned, do you think it would make any difference to the department if races were held under a miners' right instead of under lease? It would add to the work of the Commissioners because races held under a miners' right would be liable to be jumped, and that would keep the Commissioners at work.

550. Then, it is more a question for the parties themselves as to whether they shall have a secure tenure or not? It is entirely a question for the holders.

551. To get a secure tenure a grant should be obtained? Yes; and it is most dangerous to issue a grant when a survey has not been made.

552. *By Mr. Hawkes.*—Do you think the regulations which regulate mining in the colony are quite as applicable to one portion of the colony as to another? We have different regulations for the West Coast.

553. Do you think it necessary in all mining regulations that they should be framed with regard to particular requirements of various districts? Yes; and there is provision for that under the Act.

554. Do you think the present regulations have kept that object in view? I think so, so far as we could ascertain the different features of the different localities; and it seems to me the regulations provide for all of them. There are some regulations which should not be put into force in some parts of the colony, because circumstances do not make them practicable; and there are others which are resorted to in some parts and not in others. For instance, extended areas in the alluvial gold mining regulations apply to Lisle and Beaconsfield, and the commissioner has power to use these regulations where he considers it advisable.

555. Do you think the establishment of a central mining board, as a board of advice to the Secretary of Mines, would be of any general benefit to mining? Yes, I have no doubt it would be a benefit, if suitable men could be found to devote their time to the purpose.

556. Do you think that the gratuitous opinions which have been from time to time tendered to the Mines Department could be better given by a mining board? It might: probably it would. It was my practice always to pay very great attention to any suggestions made to me by miners; and in a great many instances the suggestions made were adopted by me in the shape of recommendations to the Minister, and were subsequently embodied by the Minister into legislation. At the same time, many of the most absurd things were suggested to me,—things which it would be totally impracticable to carry out.

557. Then you think there could be no objection to a properly constituted mining board acting as a central board of advice only? No objection; but there would be a difficulty in the way of getting the proper class of men to devote their time to it.

558. Section 33 of the Regulations under the Mineral Lands Act states no limit to the time within which compensation can be claimed for improvements by the original lessee, and there are one or two instances in which a Commissioner has found it imperative to come to a decision in favour of the previous lessee, although he has left it for three years. Ought there not to be a limit? Yes, undoubtedly, that is a bar. The Act might be altered there by putting a limit to the time.

559. What, in your opinion, is a fair time to allow a former lessee within which to claim compensation? I should say a very short time indeed. Whatever time is allowed is practically a hindrance to the land being taken up by anyone else. There ought to be no claim after one month.

560. But a man may not take it up for a certain time? There should be a limit to the time.

561. If the value of the surface improvements was determined within a certain period after the forfeiture of the lease, and then if anyone applies for it he would have to pay that amount? It should be limited to a very short time. I have said within a month.

562. Do you think it would be beneficial to mining generally that the law should be so arranged and so administered that any man who could prove priority of occupation of any piece of ground should not lose his claim, but should be liable to a fine—that is, priority of occupation should in all cases carry a title to the land, and any infringement of the regulations, like a defective application, should be subjected to a fine only? I do not think you could make a hard and fast law to operate in that way. Priority of occupation gives a man a title to the land now, provided that occupation is a valid one, and no informality in his application can deprive him of it. The only way in which he can be deprived of it is by his neglecting to secure a proper lawful occupation of the land. If he has any lawful occupation no informality can deprive him of it.

563. Has it ever come under your observation as Commissioner that applicants have lost a claim through not conforming to the regulations, though they had priority of occupation? Yes, where a man has failed to comply with the regulation in taking possession of the land.

564. So far as the application was concerned? Not in that altogether, because an application must always be taken into consideration with the way in which he has taken up the claim and marked it. For instance, if a man posts a notice in the north-east corner of the ground and in his application states it is in the centre that would be a fatal objection, and he would be deprived of his lease. It is quite right, too, because he would be putting his posted notice in one place and describing it in another, and he could claim the right to extend over the whole area and select the best piece out of it, to the detriment of other prospectors. It must be clear in this respect, otherwise injustice would be done to others.

565. Has it come under your observation that there is a class of men about the mines who do nothing in practical mining, but prowl about the commissioners' courts for the purpose of finding a technical objection in the rights of others? No, certainly not prowling about the commissioners' courts; but there are men who prowl about the country and look after the posting of notices and that sort of thing. They could not gain anything by prowling about the commissioners' courts. There are a number of these men in all mining communities, who follow on the heels of prospectors and look out for any defects in the notice or marking-off of a claim.

566. Are you aware that *bonâ fide* prospectors have failed to go out on account of this regulation? If he does not secure his land it is his own fault. The manner of doing so is simple enough, and if he exercises ordinary care it will secure him.

567. Is there anything in the regulations to prevent a man putting up a post-dated notice? Only that such a thing is a misdemeanor, that would render him liable to a severe penalty.

568. Has any case come under your observation? No. I have heard such a thing said, but there was nothing to show whether it was true or not.

569. In any case such a circumstance would be very difficult to discover? Very difficult indeed, I should think. Still, it is one of those offences which if proved the perpetrator would be liable to severe punishment as a misdemeanant.

570. Do you think permanent surveys would be any benefit if coupled with permission to occupy smaller areas under ordinary licences? Permanent surveys would be an immense advantage to the department, but would prove a very serious obstacle to the miners, inasmuch as a man could not take up the exact piece of land he wanted. Permanent surveys would materially interfere with the operations of the prospector and miner.

571. Do you think it would interfere with them if a second tenure was created allowing a portion of land to be held under a miner's right? Yes, because a man would like a more secure tenure. He might desire to get a lease of a claim which was not in the exact shape of the survey, but might include portions of three or four formerly surveyed blocks. That is a very common thing. I have seen numerous instances where abandoned ground has been taken up over portions of three or four former leases.

572. Do you think the advantages of permanent surveys are not in excess of the drawbacks? I do not think there is any advantage to the miner; but the department would be saved a great deal of trouble.

573. Do you think the present mineral charts are of any value to miners? Yes, the charts I believe are accurate, though there may, of course, be mistakes.

574. Do you think the present system of allowing surveys to be taken up under different forms sets up a disintegration of the mineral charts? No, not if the mineral charts are kept up, and revised surveys marked on them.

575. I believe it is a fact the mineral charts have to be issued every two or three years? Only one of each district has been issued, and they are not all out yet.

576. Does not the present system of surveys immediately destroy their value as soon as they are made? It does not destroy their value, but as soon as fresh surveys are made they require alteration.

577. Are you in favour of issuing mineral licences? Not on worked-out ground, but on new fields, decidedly so. I always was, all through, but Parliament would not agree to it.

578. Are you in favour of their being issued all over the colony? No, I do not think they would work well in the districts where the shallow deposits are worked out; the day for that has gone by.

579. What do you think about the area for a mineral licence?—do you think a quarter of an acre of ground is sufficient? No, I do not think it is, but more is allowed.

580. Is it not a quarter of an acre at present? No; that is a popular error. The area is one acre, and there is nothing stated in the Act, or elsewhere, about a quarter of an acre.

581. Why should not a miner's right for tin operate throughout the whole country? Because the shallow alluvial deposits, which are the only deposits that it would pay to work under a miner's right, have been worked out,—at least it is supposed so.

582. Do you think that, under the Mineral Lands Act, a miner's right, applicable to the whole of the colony, would have any effect in inducing prospecting on account of a man being able to always carry his tenure with him? It would not, simply because a prospector under the Mineral Lands Act can take up a prospecting area wherever he likes. If he was only allowed a miner's right it would be imposing a restriction which he does not suffer at present.

583. Are you aware that in all the colonies certain limited restrictions have been placed upon the Chinese as regards rights and privileges under either Mineral Lands Act or Gold Fields Acts? I believe that is so from what I read in the newspapers; but I have not made myself acquainted with the practical operation of any of the laws in other colonies with reference to granting of licences and so on to Chinese.

584. Do you think it would be a benefit to the people of this colony in any way if some limited exception could be taken as to the terms upon which Chinese should hold rights or privileges? I have not considered it sufficiently to enable me to give an opinion. Regarding the Chinese in this colony, I have found them generally law-abiding and industrious; but I believe it to be a fact, which is not disputed, that where the Chinese become very numerous and are in a majority, they are a most objectionable class of people, dangerous to the peace of the community. In this colony they have never been sufficiently strong in any one part to make their presence, as far as I know, objectionable in that respect.

585. Do you think, in the event of any legislation being required as affecting the Chinese, that it would be best to limit their holding for a period, or actually refuse? If it is desirable to legislate in that way, I should say that to absolutely refuse is the only way, because if you gave them such rights for any time they would be there.

586. Do you think legislation of that nature far more preferable than a poll tax? I should not like to suggest legislation to exclude the Chinese from the colony. If you refuse to give them permission to mine that would, in effect, exclude them; there might be an odd Chinaman here and there, but not any number together.

587. Can you make any suggestions as to the alteration of the present laws where the decision of the commissioner should be deemed final? There is no matter in which the decision of the commissioner is absolutely final.

588. Do you consider it would be beneficial for mining generally if prompt and final decision could be given by the Commissioner in mostly all cases that come before his court? No, certainly not. I would not leave a final decision to any commissioner in existence. I do not think that final decisions in any mining dispute ought to be left to any commissioner. There should be an appeal, as now, to the Supreme Court; but that is practically out of the reach of a great number of mining men.

589. Do you think it would be any benefit to the mining community if all the mining legislation were consolidated? That is a very delicate question to answer. My experience is this: if a bill is introduced into Parliament you do not know in what shape it will appear when it comes out. I would recommend not to try for the consolidation of the Acts. Consolidate the regulations, most decidedly, because the Governor in Council can do that, but you do not know where the other course would stop. I found my statement in this respect on the fact that the Gold Fields and Mineral Lands Acts have had several amendments. There are four amendments to the Gold Fields Act; the original draft contained every one of the matters in those amending Acts. They were thrown out in Parliament, and Parliament next session had to undo some of its work, and restore some of the clauses it had thrown out. Next session there was a little more, and, shortly after, a little more still of the return to the original draft. If you attempt to consolidate the Acts you do not know in what way they will come out of it.

590. What is your observation of the way in which surveys have been effected in our mineral lands? I cannot express any opinion as to whether they are properly effected. It is a matter for a professional man. But there has been frequent delay in many surveys, and I think that delay is inseparable from the system of contract surveys now in existence.

591. Do you think contract surveys should be abolished and a proper salary paid to surveyors, while the survey fees should be paid into the Treasury—would that be any benefit? It would be a benefit to the mining community in getting their surveys more expeditiously effected. But the question is one of expense, and that is a matter I have not to deal with.

592. Has it come under your knowledge that the present surveyors farm out their contracts to lads? No, they are sublet to authorised surveyors.

593. Relative to water-rights, what is your opinion of the charge of 1s. 3d. for a contour survey after a race is out? It is entirely a professional matter, and I could not give an opinion. It is a matter the Surveyor-General should deal with. The charge was fixed in the regulations after reference to the Survey branch of the Department.

594. That survey which is effected is effected at the expense of the applicant for certain legal considerations? At the expense of the applicant, in order that he may be furnished with a right deed.

595. It is of no value for the purpose of cutting the race? No, but of very great value for determining the position of the race in case of disputes. It is precisely in the same position as the surveys of the boundaries of a section of land in order that they may be clearly defined in the grant deed.

596. Have you heard any complaints with reference to this charge since you have been Commissioner of Mines from miners generally? No, not from miners generally. I have had instances of grumbling. It is not necessarily a charge in addition to the expense of laying out a race, because where a race is laid out by a competent surveyor his survey is accepted by the department for the purposes of the grant.

597. Do you think that should not be intimated in some way, because there is not one miner in a hundred who knows it. It has been the case for years, and has been availed of many times. I think they do know it if they take the trouble to think.

598. There is nothing in the regulations to set that forth? I think there is; regulation No. 19 provides for it.

599. *By Mr. Conway.*—Do you think the £1 for £1 loan for deep sinking, returnable out of profits, would give a stimulus to mining and create a fund to assist mining? It would give a stimulus to mining, no doubt.

600. Do you not think a board consisting of one or two practical men from each mining district, with the Commissioner and Government Geologist as members, would be of assistance in recommending the Minister as to applications in connection with the mining vote for prospecting purposes? I have no doubt such a board would be of very great assistance.

601. Do you not think that a miner's reward should be given, and a smaller portion of ground on a sliding scale, according to distance from former discoveries, to prospectors making finds? It is so now, except that no money is given. A claim is given, under a sliding scale.

602. Do you not think a money reward and a smaller piece of ground would be more acceptable? It might be more acceptable, but I do not think it would be wise.

603. Do you not think that by giving such large grants of land it causes a monopoly, and puts other people applying for ground too far from the centre of operations in prospecting ground? No; the prospecting grants are not large; the largest area is 20 acres.

604. If three men apply they can get 15 acres each—45 acres? If there is a discovery made, they have as good a right, if not a better right, than others.

605. Do you think better encouragement should be given to prospectors to make use of the diamond drill? Yes, I think the assistance to prospecting ought almost all to be done by diamond drill; so very much more can be done for the money. Of course, that would not apply to searching for indications of minerals in new country, which is another kind of prospecting altogether. In speaking of the diamond drills, I refer to prospecting at a depth.

606. You can prospect at any angle with them? Yes, one of the drills can be set at any angle.

607. Could you frame a system to assist mining companies to proceed when they are unable to do so without assistance? That is a question that could not be answered verbally or at a moment's notice.

608. I think you have stated that all miners' rights should be issued to date from one day and to expire on one day? I think they should all expire at the end of the year whenever they have been granted. If they were to run for twelve months from any day of issue you would find a great many miners would have their claims jumped, because they would forget that the miner's right held by them had expired. At one time in this colony the miner's right ran for 12 months from the day of issue, and I was then Commissioner of Goldfields. Several cases came before me where claims were jumped because miners' rights had expired and had not been renewed. A very strong feeling seemed to gain ground throughout the colony amongst the miners that the law should be altered, and at their solicitation I brought the matter under the notice of the Government. The result was an Act was passed compelling miners' rights to expire on the 31st December. It was done upon the solicitation of a large number of miners, and now I see they are agitating to have it put back again. Whichever way you have it, you will always find a number of men who want it otherwise.

609. During my passage through my own districts it has been suggested that it would be practicable to issue them for six months only, closing at the end of June and the end of December? It is quite practicable; but it would require an Act of Parliament to do it, as it could not be done under the regulations.

610. Making it 5s. for the year and 2s. 6d. from the 30th June? It could not be done without an amending Act of Parliament.

611. Would it be objectionable? Not if it was thought to be worth while. I do not think the majority of the miners care very much about it. Some of them I know do; but I do not think the majority of them care much about it or desire the change, and half-a-crown seems to be a very small thing to introduce an Act for. It can be done, and there is no objection on principle to it whatever; in fact, one time it was the law. The Act authorised the Governor in Council to fix the fees, and it was tried at 10s. for the year, 5s. from the 1st July, and 2s. 6d. from the 1st of October. I should very strongly advise and urge upon the Committee not to attempt to make the miners' rights run for 12 months from any day of issue, or, much as you may wish to assist miners in that respect, you will find that numerous cases of hardships will ensue, and claims will be jumped, because miners will then allow their rights to run out by forgetting the day they were taken out.

612. Do you not think the miner contributes more, by the consumption of dutiable articles, to the revenue than any other class in the colony? No, I do not think so. I think the labouring classes in this colony all eat and drink as much as they want.

613. Have you given any answer to the question of the alteration of the dividend tax? That is not exactly a matter I have anything to do with. It is not a mining question.

614. In the event of mining boards being created, how do you recommend that the delegates to the central board should be elected? By claimholders, either under lease or miner's right. I would not allow a man to have a vote because he held a miner's right, but he would have to hold a claim either under lease or miner's right so as to keep a meeting from being packed if some big company rolled up all their men to vote on a question of that kind.

615. What control would you recommend over the vote for prospecting purposes? It should be recommended by a board that has been spoken of, consisting of the Secretary of Mines, the Commissioner, Geologist, and the delegates or representatives. After being recommended by this board it should be approved by the Minister.

616. You are in favour of applications for grants being received outside of the district where the land is situated? Decidedly so, otherwise you would create an obstacle to mining. A man would be hampered a great deal if he were not allowed to put his application in wherever it was convenient to him.

617. Do you favour a central office in Launceston? Well, there is a central office in Launceston.

618. But a central office where all mining business could be transacted? Yes, I do; my opinion upon that point is already in print. I think the mining community should be allowed to do all their business there; of course that does not imply that the head office should be there. The head office should be the Minister's office.

619. You think the commissioners and delegates comprising the board should have the power to recommend and advise on the distribution of the prospecting vote? I think it would be an advantage to have a board of that kind to advise.

620. Do you consider the workmen on leases should be compelled to hold miners' rights? I certainly think they should not.

621. Could not a cheaper method of appeal from the decision of the Commissioners, other than the Supreme Court, be adopted, and can you suggest any method? Yes, I can. It is a subject to which I have given a very great deal of consideration. I am of opinion there should always be some means of appealing against the decision of the Commissioner, because he sits alone and adjudicates upon claims which may amount to thousands of pounds. I myself have adjudicated in a case where the property in dispute was worth many thousands of pounds, and in other cases where it was stated to be, or supposed to be, worth thousands and thousands of pounds. The Commissioner is the judge of both law and fact, and unless there is an appeal against his decision you will have no check upon him whatever. That would be too much power to place in the hands of any man, I do not care who he may be. The

present law regulating appeals is practically out of the reach of a very great many of the mining community. The Commissioner's decision can only be appealed against to the Supreme Court which sits in Hobart, involving the usual expensive practice in such cases of employing counsel on both sides, and the full machinery of the Supreme Court. I would suggest an intermediate court of appeal, consisting of the Secretary of Mines as chairman, and all the Commissioners sitting in one court, which would somewhat resemble the Court of General Quarters Sessions, and that they should sit wherever and whenever they thought it desirable, and then review the decisions of the Commissioners which might be brought before them upon appeal.

622. Would you limit a quorum? Yes, of course; not less than three to form a quorum. I believe that such a court as that would be highly satisfactory in its operation. It would be within the reach of anyone interested in a mining dispute, would not be costly, and I think it would tend more than anything else to establish a uniform practice amongst the Commissioners. I would not abolish the subsequent appeal to the Supreme Court—that goes without saying, because the Supreme Court has a right to hear appeals in almost any decision. It would be a court for the establishment of which many precedents could be given. It exists in the magisterial jurisdiction where cases adjudicated upon by a Justice of the Peace can be taken on to the whole Court of General Sessions composed of all the justices resident in the district. It would be somewhat analogous to that court. I may add that it might be found advisable to give the Governor-in-Council power to place on such a bench someone who is not Secretary of Mines or Commissioner of Mines. There might be a judicial officer whose services might be used in that Court of Appeal—such as Mr. Commissioner Whitefoord, or any officer who succeeds him, or it might be found advisable to place the police magistrate on, perhaps. It would be as well power should be given to the Governor-in-Council to place upon the bench any one or two individuals of that kind.

623. What would you recommend as a suitable notice, and how should this Court of Appeal be called together? It should be called together by the chairman by notice in the *Gazette* or such other notice as might be deemed necessary. You see, in a matter of that kind not much notice would be required, because appeals would be entered. As soon as the court had fixed upon a time and place for holding the court, then notice should be given to the appellant and respondent. Notice would be given in the papers; that would be quite sufficient to the outside public.

624. What time would you limit between the notice of appeal and the holding of the court on the same? The best way to manage that would be that the court should sit at least once a quarter, or as many times as it thought fit. The advantage of holding this court wherever and whenever the members thought fit is that it would accord with a general principle. There is one principle which pervades the whole of the mining legislation, and that is to take the court to the miner instead of bringing him to the court. The Commissioner goes to where the case is to be tried. If the court of appeal found that there were half-a-dozen appeals entered in the North-East District at Ringarooma it would probably go up there and hold the court; if at Launceston, it would hold the court there; if on the West Coast, the court might be held as near to the places as they could get, and by that means it would be made a convenience to the mining community.

625. *By Mr. Hawkes.*—In your experience as commissioner, have you found miners a litigious class of people? No, certainly not a litigious class of people. There are a great many disputes amongst them, of course, but certainly not more than amongst other people.

626. Do you think there would be any benefit to the mining community if in all cases, except such as involved the right to property held under the Gold Fields Act or Mineral Lands Act, the decision of the commissioner was made final? I cannot call to mind any decision of a commissioner where property was not involved.

627. He sits as a justice of the peace? That is another thing. He is the same individual, but not the same officer.

628. Do you not think it would be convenient if all these matters were finally dealt with by the commissioners? It would be a departure from the practice of the justices of the peace.

629. But in trivial offences under the Mineral Lands Act and Gold Fields Act? In ordinary offences the appeal would be, not to the Supreme Court, but to the General Sessions. I could not recommend the abolition of the right of appeal in any case. If you cut away that provision a very great deal of injustice could be done. Magistrates are liable to err, and there should be that check upon them that their decisions should be subject to review by a higher court.

630. Do you think it to the interest of the mining community that miners engaged in prospecting for minerals should have to post a notice up at the nearest post office when they make a claim, as they do now with gold? It would undoubtedly be to the interest of the community generally that this notice should be posted; but it would entail a considerable amount of trouble on the occupant.

631. Should not the convenience of the public be considered as to the particular office where an application should be received, as well as the convenience of the individual? It does not cause any inconvenience to the public. Priority of occupation has nothing to do with it. Priority of marking out is the thing.

632. Do you not consider that a man having to put his application in at the local office would be a convenience to the public as to who occupied that land? No, because neither he nor the public can know whether his application will secure the land. It may have been marked off and applied for, but some one else may be before him. Reliable information is given to the public as soon as possible after the application comes in, notwithstanding where it may have been received. It is sent to the Hobart office, and on the same day intimation is sent to the registrar of the localities where the claim is situated, and he enters it in his books. That is the earliest reliable information that can possibly be supplied.

633. Do you think it would be any convenience to miners if the local officer should post the substance of that communication outside the office? No doubt, but the books are there for them to see. I had the register kept up with the greatest care at Moorina, and numbers of miners wrote down for information, when they could have got it there.

634. You consider it to be a great convenience to the mining office that miners' rights should all terminate on a certain date? No, I do not know that it would be a great convenience to the office. I rather think that, as it would entail a large amount of work at the close of the year, it would be better for the office if they were distributed over the year.

635. *By the Chairman.*—Are you aware that in the other colonies miners' rights are almost invariably issued for 12 months from the day of issue? No, it is not the same in any of the other colonies—at least when last I looked into the regulations of the other colonies—but in the majority of cases they expire at the end of the year.

636. In regard to the rents for auriferous land, do you think £1 an acre too high? No, I do not think it is.

637. Do you not think the mining interest contributes largely in other ways to the revenue? Of course they do, as much as other people, perhaps a good deal more than some classes.

638. The members of this proposed central board—do you think they ought to be paid for their services? That is a question I would not care to answer at once. As far as the principle is concerned I am strongly opposed to it—

the payment of the members of a board of that kind. But I question if you could get men to come unless you paid them—at least I do not think you would get really good practical men unless they were paid.

639. *By Mr. Haikes.*—Are you aware that in New South Wales the Government does pay their expenses? No, I do not know it.

640. *By the Chairman.*—Are there any further suggestions you can give the Committee? No, I do not think so. I should just like to add, as bearing upon what I have already said, that a very great deal of what is being written and said about the regulations is based upon utter ignorance of what the existing law is. A very great deal of what is read in the newspapers as suggestions for amendment actually exist at the present moment.

MR. GUSTAV THUREAU, *examined.*

641. *By the Chairman.*—You are Inspector of Mines? Yes.

642. You are, I believe, also a mining geologist? Yes, as a matter of fact, I was appointed Inspector of Mines in order to fill the position of mining geologist as well, in 1880.

643. You have been frequently called upon by the Minister of Lands and Works of the day to go and report upon various mining districts as a mining geologist? Yes.

644. You have credentials of your qualification as a mining geologist? Yes. I was educated at the Royal School of Mines at Clausthal, Hartz Mountains; Fellow of the Geological Society of London, and possess credentials stating I am competent in every respect.

645. I think you were not long ago asked to report upon the Geology of Tasmania for a German School of Mines? Yes, by A. von Groddeck, one of the Councillors of the School of Mines, Germany.

646. Have you been connected with mines for many years? I do not know anything else. I was brought up to mining in the district of the Hartz Mountains, and so far as I can remember, since 1845 I have never followed anything else.

647. Do you think it would be more suitable and convenient to the mining community if the central office was at Launceston—not the head office, but a central office? Yes, I think so.

648. Do you think that applications for land under the Gold Fields Act or Mineral Act should be sent to the commissioner of the district where the land applied for is situated? Yes.

649. Do you consider the rent of auriferous land too high? I think so.

650. What would you reduce it to? I would make it the same as the mineral lands, 5s. an acre.

651. Do you think miners' rights should be issued for 12 months from any day of issue? Yes.

652. Do you think miners working for wages should be compelled to take out miners' rights? I think so.

653. Is that done in the other colonies, so far as your experience goes? Yes, I think so.

654. Why should they be compelled to do so? It is simply under the old rule, that miners occupying or working auriferous crown lands ought to pay.

655. But suppose they do not occupy crown lands, but lodge in private lodging-houses, or live on freehold properties? In that case they ought not.

656. You are aware that a notice has to be posted at the nearest post office when a section is taken up under the Gold Fields Act—do you think the same thing ought to apply to mineral sections? I think it should apply in all cases.

657. Do you think it desirable a prospecting vote should be given? Yes.

658. Under what supervision would you recommend its being expended? I have had a large amount of experience in Victoria as regards prospecting votes, and have jotted down a few remarks upon that point. In the first instance these prospectors got wages, but that system failed; then they were paid half wages with an interest in the yields, but this was not more satisfactory. The distribution of the vote was then partially placed under the control of local bodies, but this system was grossly abused, and proved unsatisfactory. In a few instances successful results have followed Government assistance, but as a whole the results have been inadequate to the large expenditure. If a prospecting vote is granted in Tasmania, any assistance given to registered companies, as, for instance, in aid to deep sinking, should be a charge on future dividends if any, so that the money returned by successful companies would be available for helping other ventures, without again coming to Parliament. For distribution of grants to private prospectors or co-operative parties and reward for new discoveries, I would suggest the appointment of a board, composed of one or two officers of the department and one or two leading mining men, who would thus take the responsibility of not allowing Government assistance to be abused. As new discoveries are almost invariably made by *bonâ fide* prospectors, often at great expense and hardship, it is worth consideration whether in addition to reward claims (as at present) money gratuities, given under certain conditions of the new fields employing a certain amount of labour or yielding a certain value of mineral, would not be an encouragement to a class of men of whom we cannot have too many in Tasmania. In dealing with miners and prospectors, over whom it is practically impossible to exercise supervision, it is a very difficult matter to accord fair encouragement and a system, and at the same time prevent the Government being robbed of the conditions of a subsidy abused. We cannot afford failure and disappointment at the outset, as these would prejudice Parliament against further assistance in this direction; therefore, a common-sense principle and business system must be strictly observed. I would suggest that—(1.) Care should be exercised in only granting assistance to miners of good character and practical experience. (2.) The leader of the party to be furnished with a book in which every item of expenditure should be entered, and vouchers obtained for every item of importance; when a draw is desired the book and vouchers to be forwarded to headquarters, when a new book is issued, and after examination whatever proportion of expenses has been agreed on will be paid by the board. (3.) In the event of a successful discovery Government to pay the balance of the expenses and such gratuity as a competent officer of the department shall recommend as justified, under regulations relating to pecuniary rewards, in which a maximum would be fixed. (4.) The leader of prospecting parties to furnish fortnightly reports to the person or board entrusted with the administration of the prospecting vote. By this means the money would be expended under proper control.

659. How would this board be composed? One or two officers belonging to the department, and gentlemen interested in mining to be nominated by the Government.

660. Are you in favour of mining boards? Yes, to a certain extent. I believe they should not be elected perpetual members, but elected for a short period by the holders of miners' rights.

661. Would these boards send any members to the central board, one of the functions of which would be, as you say, to advise the Government as to the expenditure of the prospecting vote? Yes, that central board would consist of the delegates from the local boards, the members for the districts, the Commissioners, and the Secretary of Mines.

662. *By Mr. Hawkes.*—What is your opinion with regard to the West Coast generally, as to its value for minerals? I think it is very highly valuable.

663. Do you think the mines of the West Coast will be more in the direction of lode-mining than alluvial? Both.

664. Which do you think likely to predominate? I think the lode will.

665. From your knowledge of the West Coast, are you of opinion that there will be any discoveries made with regard to various minerals, taking into consideration its geological formation? Yes.

666. What do you think, taking into consideration this geological formation, is most likely to be found there? Gold and tin.

667. Do you not think there is sufficient evidence of its value as a mineral country to warrant the Government in cutting a series of tracks through the West Coast, quite irrespective of any particular discovery? I think so: in fact, I am sure that every encouragement should be given by the Government to cut tracks.

668. Do you not think sufficient discovery has been made to induce the Government to cut tracks in any direction, without reference to any particular discovery? Yes, I think so.

669. As Inspector of Mines, do you think the regulation absolutely necessary which requires a complete suspension of working when an accident has happened in a mine? In some cases it would be necessary. I have been Inspector of Mines for nearly six years, and never had occasion to enforce it but once.

670. What is the object of that regulation for suspending work? The object is, if an accident happens the Inspector may examine into the cause of the accident before anything is disturbed subsequent to the accident. I may mention that during my administration of the Act there was only one accident in which I found it necessary to examine under these circumstances—at Campania.

671. How have you found, as Inspector of Mines, that your orders regarding the working of mines have been carried out by the various companies? I find that mining managers generally comply with my orders.

672. You have had a great deal of experience in practical mining? Yes.

673. I wish you to give your opinion in regard to the value of the suggestions of a central board composed of delegates from the different mining centres to advise the Minister in regard to the requirements of mining, so far as the regulations are concerned. Do you think a board of that description would be of any value or not? I think as a board of advice—taking it in that way—it would be of great value.

674. And in assisting the Government to determine the expenditure of any votes for prospecting? It would aid the Government in forming an idea of how that money should be expended.

675. Where did you get your experience of mining? I was brought up to it at the School of Mines, Germany, and have followed mining ever since. I landed in Adelaide in 1849, and have been mining manager, and lecturer on geology and practical mining at the School of Mines, Sandhurst, and delegate to California to report on mines, treatment of ores, machinery, and geology. I am a Fellow of the Geological Society of London, and a member of various scientific societies. In fact, I may say that I do not know anything but mining.

676. I wish you to give your opinion to the Committee, taking your varied experience to assist you, as to whether or not the general tendency in all countries, as far as mining laws and regulations are concerned, has been to have these laws framed under the guidance of men engaged in practical mining? I think so.

677. I wish you to give a clear opinion on that point, whether the arrangement of the laws has or has not been generally entrusted to men engaged in the industry, and having a practical knowledge of it? Yes, speaking generally. So far as my colonial experience goes, the tendency is in that direction.

678. Do you think it is necessary or unnecessary that land contiguous to the mines should be locked up by the Crown? I would recommend that some officer should be sent to see if the land was valuable for any other purpose but mining.

679. You consider it necessary before any land is alienated contiguous to the mines it should be examined by an expert as to its characteristics from a mineral point of view? Yes.

680. *By Mr. Conway.*—Do you not consider a more liberal and extensive assistance ought to be given to encourage the use of the diamond drills for prospecting? Yes, of course; there is no other method of proving the future of a deposit.

681. Would it not be cheaper to prove deep ground from, say 400-feet level, by the diamond drill than by sinking? Yes, much cheaper.

682. Do you not think this would be a practicable way of assisting companies who are down to a certain depth—200, 300, or 400 feet? I think so.

683. Do you think it would be practicable to give £1 for £1 loans to companies? Yes, but I think any assistance in that way ought to be returned out of dividends.

684. Would it not require substantial security? Yes, I think so.

685. Do you not think a board, consisting of one or two practical men from each district, with the Commissioners and the Inspector of Mines, would be useful to recommend to Ministers the disposal of any money voted for prospecting purposes? I think so.

686. *By the Chairman.*—Do you think any court could be formed to hear appeals from the decisions of individual commissioners without taking them to the Supreme Court? A cheaper means of appeal might be found, but I am not prepared to say how.

687. *By Mr. Fenton.*—Do you know the country between Mount Bischoff and Mount Lyell? No; I went along the Long Plains; that is the only part of that country I know.

688. *By Mr. Hawkes.*—In a geological point of view, is it a fact or otherwise that generally the best metalliferous formations are found on the edge of the metalliferous and non-metalliferous country? Yes.

689. That is a circumstance not generally known to miners? No.

690. *By the Chairman.*—Do you consider it desirable that the mining laws should be consolidated? Yes, I consider the mining laws should be kept in force for three years and then reviewed.

690A. At present prospectors can take out any number of prospecting areas adjoining each other? That is

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wrong altogether; there should be only one prospecting area, and no other allowed within five miles by the nearest way of communication. At Mount Lyell the nearest deposits are at King River, which is eight miles away by the track and five miles in a direct line.

691. *By Mr. Hawkes.*—Do you think that any person who proves absolute priority of occupation through any defects in his description of a piece of ground or in his application, should be deprived of his right? I think not, because it is sometimes almost impossible to give a right description.

692. A person may, in his application, state that his peg is in the centre of his ground, and it may turn out to be on the western boundary of it. Do you think an error of that description should deprive a man of his right and title? No, I think not.

693. Is it not a fact that there is no centre or real boundary of a claim until survey has been effected? I think so.

694. Suppose a person marked out too much ground, do you think it would be preferable or otherwise that the man who occupied the ground next adjoining him should be allowed to move his pegs upwards instead of allowing a small piece of vacant land between the claims? Yes.

695. Is there anything further you wish to say? Mr. Chairman, I wish to bring before your notice a matter I have moved in for some time—a means of attracting a mining population to Tasmania. If the other colonies only knew that we were producing such large quantities of gold it would attract a large mining population. I have suggested to the Government for two or three years past that we ought to follow the plan of Queensland, that is, that any man acting as a shipper or merchant exporting gold should register the amount, and the Government should keep a record of the amount of gold exported, by rendering a man liable to forfeiture if he did not register. They have such a law in Queensland. At present we do not get the credit for our product, as it leaves secretly and goes to swell the returns of the other colonies. I would go so far as this: persons leaving the colony should be asked if they have any gold, and if they say not, and gold is found afterwards in their possession, it should be forfeited. That is the plan adopted in Queensland, where they recently seized 1700 ounces in the possession of some Chinamen. The Customs officer making the inquiry does not want the names of the parties, but simply the weight of the gold for record. At Lyell during the last 12 months, I have it upon good authority, that there were 90 or 100 miners, and that they sold close upon 1000 ounces of gold, and that close upon three times that amount went away with the miners.

MR. FRANCIS BELSTEAD, *examined.*

696. *By the Chairman.*—You are Secretary of Mines? Yes.

697. You have framed some fresh regulations? No; I am in process of codifying the present ones.

698. You are not consolidating the Mining Acts? No; not interfering with those in any way.

699. Do you think it desirable the Acts should be consolidated? Yes, distinctly, but I do not think it is desirable they should be amended to any very great extent.

700. Do you think it desirable that the country should be divided into mining districts, and that these districts should elect members to go on a central mining board? Yes, I do.

701. That is, to advise and assist the Secretary? Yes, I do.

702. And how would you have the members of that board elected? I would first divide the country into mining districts—say three; I would allow each district to elect a member, and have two members nominated by the crown, one of whom should be the Secretary of Mines. I would have these elected members elected by persons holding mining leases or mining claims.

703. You object to those holding miners' rights alone? Yes, as the law at present stands. I may state that as the law at present stands all employes in mines are supposed to have miners' rights. I do not think these persons should be entitled to vote for the election of members of the mining boards.

704. Do you think these persons should be compelled to take out miners' rights? No, I think they should be exempt; but that is the law at present, and we are bound to enforce it. As a matter of course many of them would take out miners' rights, because under miners' rights they hold residence areas to live upon; but those who simply receive a daily wage and lodge at hotels or elsewhere, I do not think ought to be compelled to take out miners' rights.

705. In regard to the prospecting vote, should that vote be passed, how would you recommend it being expended—for what objects, and under what supervision? I would recommend its being expended in deep-sinking upon the £1 for £1 principle, and in assisting approved prospecting parties, whether for quartz or alluvial, irrespective altogether of the depth. For instance, some party may be going on prospecting and may want to bottom a hole of 100 feet, and require assistance to enable them to do so; I would assist them.

706. Of course you would recommend using the diamond drill? Yes, as a matter of course.

707. Under whose supervision? The board I have already alluded to. The mining board should receive applications and decide them, subject to the approval of the Minister always.

708. Do you think the rent of auriferous land—£1 per acre—too much? No; I have not heard any complaints of it.

709. And I presume you think the same with regard to other minerals? I do not think I ever heard a complaint of them, and do not think the rents too much.

710. Do you think that applications should only go to the commissioner of the district wherein the land applied for is situate; or that they should remain as they are? I should say remain as they are, for facilities should be given to the mining community to lodge their applications at the most convenient place to themselves, as is done at present.

711. Under the present regulations are you not aware that it is very hard for those in the district to learn whether a particular section is taken up or not? No, I do not think it is, inasmuch as the person proposing to take up a section of land can at any time go upon the section and see the notice; and if he makes enquiry at the Mines Office at Hobart he can always ascertain instantly if there has been an application lodged, and if there is an application lodged it is known and recorded at the particular local office on the following day. I do not think there is any difficulty in the present system.

712. Are the registrars at the different districts supplied with a chart now on which to mark all the sections taken up? Yes, all surveyed sections.

713. And not all those applied for? No. We cannot, of course, chart them until they are surveyed and we know where they are; for many descriptions given are so vague that you could not locate the ground.

714. Do you think it is desirable that notices should be posted at the nearest post office in regard to tin and other minerals, as is now carried out with regard to gold? No, I do not think so.

715. And in regard to sections (whether prospecting areas or others), when an applicant has marked off too much, do you not think the next applicant should have the right to move his pegs up? No, I do not, for the reason that I consider that an applicant absolutely indicates the ground he requires by the pegs he puts into the ground, and that he should be kept to it. But, though I do not think he has a preferential right in such a case, if no one objects, and the applicant wishes it, there is no reason why he should not be moved up.

716. Persons sometimes accompany surveyors, and if they find there is a spare piece they apply for it at once? I do not see how it is to be avoided, and to deal fairly with all round. If you were to make any law such as your question indicates you seem to be in favour of, you would encourage persons to mark off in excess for the purpose of favouring their friends. Pegs should be taken as the real indication of what a man desires to have.

717. Regarding the prospecting areas, at present parties are allowed to take them up adjoining each other—do you think that is desirable? I see no reason why it is not.

718. Do you not think there should be a fixed distance before another area should be taken up? No, I see no reason for it.

719. In regard to the central office, do you think it would be more suitable and convenient for the mining community generally if there was a central office in Launceston—not the head office, but a central office? Possibly I do not really understand you. I think there is a central office there already.

720. All the principal business to be done at this office, and every information should be obtained there? You could not do that unless the head office was in Launceston. Every available information is forwarded to Launceston, and it is in every sense of the word a central office, but the official head of the Department is not there in attendance.

721. *By Mr. Hawkes.*—You state that you see no reason why the prospecting areas should not join one another; can you give any reason why? If prospecting areas did not join one another it would allow a certain extent of country, that possibly it is desirable to prospect, to remain unprospected. I do not see any reason why there should not be a line of prospecting areas right through the country if it is desirable to have it prospected.

722. Do you think the present law which permits them has a tendency or not to occupy large areas of the country by a very limited number of men? Not if discreetly administered by the commissioners.

723. Do you think there should not be a limit to the distance—say, not less than half a mile—between each area. No, I do not, distinctly. You know, I suppose, that the granting of prospecting areas is within the discretion of the various Commissioners, both as to area, extent, and time. I would not have that discretion limited. I think that discretion should be left to the Commissioner. If he uses it fairly there is no fear of the country suffering by the law as it at present stands.

724. You have stated that you are not in favour after ground is surveyed of the surveys being closed up—to use a local term? I am not in favour of its being compulsory.

725. You say you are in favour of assisting to sink a shaft of 100 feet. Are you in favour of prospecting parties being given a roving commission to go where they like and how they like? Yes; in my answer I embraced them; but you say where they like and how they like. I think they should indicate what their object is when they start, what area of country they intend to prospect, and what they are prospecting for. The mining board which has the allotment of the vote should have the outline of what was going to be done.

726. You say you are in favour of a man putting in his application where he likes, on the ground that it is a convenience to the mining community? Yes.

727. Is it not more a convenience to the individual than the community generally? No; a community is made up of individuals.

728. In the particular circumstances of that application does not the law consult the convenience of the individual rather than the convenience of the community, by giving it a fair and prompt knowledge of all who make application for rights under the various mining Acts? I do not see how you are to separate the two. If you study the convenience of the individual you study thereby the convenience of the community.

729. Why does the law compel a person who applies for rights or privileges under the Gold Fields Act to post a notice locally of his application? For the information of the general public.

730. If it is for the information of the general public so far as the Gold Fields Act is concerned, do you not think the same rule should obtain with regard to applications under the Mineral Lands Act? It should if the law were a good one, but I do not think it is a good regulation to require an applicant to post a notice of his application under the Gold Fields Act; I would do away with it.

731. Do you think a prompt acquisition of information with regard to either Act a good and valuable feature to those engaged in mining? Yes; and I consider that under the Mineral Lands Act you have that prompt knowledge, inasmuch as the notice is on the ground, and is open to any man who chooses to go on to the ground to see it.

732. Have you any experience of the character of the bush on the North-East Coast? Not much.

733. You are not aware that it would be almost impossible to find a notice owing to the general character of the bush? I have a fair knowledge of the bush of Tasmania throughout most parts, and am not aware of any bush of such a nature, if the notice be placed as required by the regulations.

734. Do you think that it is possible for a man to hunt for a week in a 40-acre section and not find the notice? In some places, yes; it depends upon the man.

735. What is your opinion of the charts at present issued to the mining offices with regard to the knowledge and whereabouts of any required mineral land? I think they are very valuable as they stand, but they admit of improvement, which is in daily process of going on.

736. Do you think the present system of surveys—allowing the ground to be re-surveyed in different directions—is any detriment to the charts? To a certain extent it is; but mining charts in the very nature of things alter every hour.

737. Is not that alteration caused by the want of the system of what is called permanent surveys? Not entirely.

738. Do you think permanent surveys would do away with that alteration? It would do away with it to a certain extent. But I do not agree with permanent surveys at all.

739. Do you think it would be of any value to the mining community that a plotted chart of all applications should be exhibited outside the registrar's office? If it were possible to attain it, it would; but it is not possible without survey, inasmuch, as you are quite aware, the applicants in their written applications are so very vague.

740. Do you think the present system of contract surveys is a desirable one? No, I think it leads to very considerable delay, and it can only be supported as a measure of economy.

741. Do you think there is anything gained from an economical point of view in the present survey system, when the inconvenience to the mining community is balanced against it? Setting one against the other, as I understand your question, as a mining man I most decidedly say all things should be done to assist the mining industry; but, as you are aware, it would involve a considerable cost.

742. Would the alteration from contract surveys to official surveys involve any cost if the system of permanent surveys were introduced? I do not know that it would; but I should like to say again that I am altogether opposed, and I believe the mining community would be opposed, to permanent surveys for mining purposes, because I think they are impracticable.

743. Why? Simply because you could not give the mining community what it wants.

744. Are you aware that in the other colonies permanent surveys have been carried out with a second tenure by mineral licence to enable miners to take up areas within permanent surveys without a survey? No, I am not aware.

745. Do you think the objection to permanent surveys would be met by the law providing for the issue of mineral licences to occupy land within the limits of survey, without a survey? I do not. I do not think any mineral licence would give that security of tenure that the miner requires for large operations.

746. Are you in favour of a copy of the application for mineral lands being posted at the local registrar's office for public inspection? I do not think it is necessary. Under our present system it is at the local office the day after it is received at the head office, a copy of it being sent by the head office to the local office, where it is open to the inspection of anyone.

747. By application? By asking for the sight of that which any man can see without fee or reward.

748. Is there any objection to posting it outside the office? No, if you pay the registrars better than at present.

749. Do you think the local registrars are properly paid? So far as their present duties go, I think they are.

750. Do you think mining would be benefited if he had a larger pay and more duties? No, I do not.

751. Then you think this posting of notices outside the office is not of sufficient value for the Government to pay the registrars to do? No, I do not; simply because anyone going to the office can see the applications, and he might just as well walk inside and see the book. It would be a multiplication of work.

752. Do you think it is conducive to the interest of mining that they should have to make a general inspection of the books at the registrar's for a copy of the application, rather than this application should be posted outside the office? I think the inspection of the books is a more convenient mode for the miner. It seems to me to be a simple thing; a man might as well read from the book as read the application.

753. Do you think the present area of ground held under a miner's right for tin is sufficient—an acre? I have had doubts of that. I am not quite clear as to the effect in different parts; but my present view is in favour of extending the area.

754. Do you think the right to mine under the licence should be extended to the whole of the island or not? I do.

755. *By Mr. Conway.*—Do you think a more liberal and extensive assistance could not be given to encourage the use of the diamond drills for prospecting than at present? Yes, certainly, I think so.

756. Can you explain a system that would be of service to develop our mineral resources, by helping mining companies to proceed? I think it would be a legitimate thing for Government to assist companies on the £1 for £1 principle, and that to be returned in the event of the mine subsequently becoming a dividend paying mine.

757. That would establish a fund for further assistance? Of course it would recoup the Government for its outlay and enable them to assist further.

758. In the present regulations there is an appeal from the Commissioner's decision to the Supreme Court. That is a very expensive method; could not a cheaper method of appeal, without the Supreme Court be adopted? Yes, I think so. A sort of intermediate court of appeal for minor cases, to be composed of a body of not less than three Commissioners, somewhat analogous to the appeals from Petty Sessions to the court of General Sessions. The expense and so on of an appeal to the Supreme Court is practically a bar to many persons appealing who possibly might have legitimate grounds for doing so.

759. Are you aware that some of the surveyors never go on the surveys themselves, but keep a staff of pupils and others to do the surveying? It is not within my personal knowledge, but I think it is very commonly done. The surveyor checks the work, and is responsible. We never accept work that has been performed by an assistant, excepting under the signature of the surveyor himself.

760. Has it ever come under your knowledge that any of these surveyors have offered to take up land for people on condition that fees are given to them? No, I have never heard of such a thing. It is so irregular, that if it had come to my knowledge I should report it to the Ministerial head of the department at once.

761. You do not think such a thing could occur without coming to your knowledge? Of course it may do so. I cannot say what might take place between a surveyor and an individual out in the country.

762. In the event of an intermediate court of appeal being established, what would you recommend as a suitable notice to the parties, and how should the court be called together? Well, I think that the appellant should serve the opposite party with a notice in the first instance of his intention to appeal, and also lodge a similar notice with the Secretary of Mines, who should call the court together.

763. What time would you allow to elapse between the notice of appeal and holding the court for the same? That would depend very much upon the constitution of the court. The court might be constituted of members who were far apart, and it would take some days to communicate with them. It would also be composed of members who would have other engagements. They would have to arrange between themselves, but the time should be as brief as possible.

764. Do you think a money reward would be an advantage to prospecting, instead of the quantity of ground that is given—that is, to reduce the quantity of ground, and give discoverers a money reward subject to the approval of the board and the Minister? No, I do not see that it is necessary. I think the reward claims sufficient.

765. Will you refer to Regulation 33 under the Mineral Lands Act, with regard to the time within which claims should be made for compensation by former lessees? I have that noted for amendment, the desirableness of doing so having come under my notice. I think the claim should be made within six months, after which the claim should lapse.

766. *By the Minister of Lands.*—How long have you been connected officially with the Mining department, Mr. Belstead? About four years.

767. The first portion of that time in the North, as Commissioner of Mines? Yes, three years as Commissioner of Mines in the northern and southern districts, and the balance of the time as Secretary of Mines.

768. During that time have you had complaints made to you officially as to any need for amendment of the law or regulations connected with mining? No official complaints. I might perhaps add that I have observed myself, and it has come under my knowledge in other ways, that there are various matters of a comparatively trifling nature in which the law and regulations might be amended.

769. Have you officially observed complaints as to the necessity for amending the law relating to mineral lands or mining for gold? Yes, I have.

770. Can you inform the Committee as to whether many of these complaints were such as might be reasonably met by provisions already contained in the regulations? A very great number, in fact a majority, of the complaints proceeding from the public press, meetings, and so on, have been based on insufficient information on the part of those who made the complaints.

771. Can you give a few instances of it? There was one at a meeting at Waratah, when I noticed a candidate for one of the seats in the House was before the meeting, and complaint was made to him that there was no provision for mining for tin under miners' rights on the West Coast, while as a matter of fact there is that provision, and it has been availed of to very considerable extent. There was another at Beaconsfield, where, from a question asked another candidate, it was represented that miners were not allowed to cut wood on Crown Land under their miners' rights for domestic purposes and mining, while the law allows them to do so. As to the other cases, I cannot at present recall them.

772. As regards the holders of miners' rights not being allowed to cut wood on Crown Lands, are you aware whether any official, the Bailiff of Crown Lands, or somebody else, made a mistake in attempting to prohibit miners from exercising their rights in this respect? I think there was one case very lately. Someone was interfered with lately by mistake on the part of an official—yes, there was, at Lisle. The police constable there, who acts as bailiff, interfered improperly with a miner cutting wood, under the impression he was cutting illegally. As soon as it became known the matter was remedied.

773. As to miners' rights generally, are you aware of any complaints made by men employed on mines at Beaconsfield, Lefroy, and Waratah, as to being compelled to take out miners' rights? Yes, they do—that is, the employees.

774. Will you inform the Committee whether you think it would be desirable to alter the regulation as to the issue of miners' rights, making them to date from the day of issue, irrespective of any particular time of the year—that is to say, not to be for 12 months from one fixed period of the year to another? I do not think any alteration is necessary. I think it is very much to the interest of the miner that miners' rights should expire at one period—viz., at the end of the year.

775. *By Mr. Conway.*—Do you not see any unfairness in charging 5s. from the 1st January, and the same amount for the 1st December to the end of the year? The amount is so small that it does not seem worth while to divide it; but of course it might be done.

776. Is it not the practice all over the colonies? In the other colonies the charge for miners' rights is not so low as 5s. It is 10s. and 20s.

777. Do you think the revenue would be more if they were issued from the 1st of January and the 1st of July, at the full price in the former case, and at half price for the latter half of the year? It might be done, if it were considered worth while to divide such an amount. I have never heard miners make a valid complaint as to the fact of paying 5s. for the smaller portion of the year.

778. *By the Minister of Lands.*—Not even for a few weeks? No.

779. Have you heard any complaints as to the mode of pegging out sections under the Goldfields Act—as to the particular regulations relating to the West Coast, where miners have not kept to the cardinal points? No, I have not—none whatever.

780. Have you had many complaints made to you as to delay in effecting surveys under the Goldfields or Mineral Lands Act? Yes, very great.

781. To what cause do you attribute the delays that have occurred? To the system under which the surveys are effected. They are contract surveys, and, as a matter of course, unless the surveyors can get a certain amount of work to pay them to go in a certain neighbourhood, they put off going there and do other work more remunerative to them.

782. What remedy do you suggest for that? I would suggest the employment of one or two travelling surveyors paid for the purpose. When the district contract surveyor falls into arrear, the other officer should be available to effect the surveys.

783. Have you had many complaints made to you as to the necessity imposed upon applicants for water-rights to have their races surveyed before a grant can issue? No, no official complaints whatever.

784. Are you aware that complaints have been made by a portion of the mining community as to that matter? I have seen reports of it in the newspapers.

785. You have never been asked to amend any regulation under the existing system? No, never, nor do I think an alteration would be in any degree advisable.

786. Why not? Inasmuch as these water-races are very valuable works as a rule, and the Crown gives a grant of them for 21 years, which is renewable at will. It is practically a right for ever, so long as the parties choose; and that kind of thing could not be done without a definite survey and definite plans. There would be no security of tenure. No man would be satisfied with his tenure unless he had a proper survey.

787. Have you, in order to meet the requirements of the mining community as far as possible, prepared for approval certain regulations? They were in course of preparation, and I had them fairly well in hand, when notice was given of this Committee; and, anticipating the probability of a large amount of work being thrown over, I held my hand. I had then been engaged upon the work for some time.

788. Can you inform the Committee whether new regulations will be framed by you for all matters brought under your notice? They would have been finished before now had it not been for the sitting of this Committee.

789. *By the Chairman.*—Do you think, as long as the dividend tax is levied upon mining companies, that upon the expiration of leases there should be an increase of rent charge? It does not follow, as the law at present stands, that there would be an increase of rent; the rent may be the same.

790. There is power to increase it to three times the amount? Yes, not greater than three times. I think the law can very safely be left as it is. I imagine that the holders of the Bischoff and Tasmania would not object to pay three times their present rent.

791. *By Mr. Fenton.*—Do you think five miles a proper distance between a prospecting claim and a former discovery? I think so, for the maximum reward claim.

792. Is it clear how that distance is to be measured? No, it is not clear, and I think it ought to be. In any new regulations I should propose that it should be made clear.

APPENDIX A.

Lefroy, September 18, 1886.

SIR,

In answer to your letter of 10th instant, the Lefroy Vigilance Committee have the honor of submitting the following suggestions for consideration by the Select Committee appointed to enquire into the working of our Mining Laws:—

- (1.) That Miners' Rights should not be demanded from boys before they reach the age of 16 years.
- (2.) Would suggest that Clause No. 37, with reference to drainage laws, be strictly enforced.
- (3.) That Miners' Rights should run 12 months from date of issue.
- (4.) *Re* Clause No. 94, when the Lessee can prove that the Claim is being worked with unremunerative results, that upon proof of such work having been done not less than two men are employed on each ten-acre section, to comply with labour clause, until the Claim is proved payable.
- (5.) Until we have a Minister of Mines the Mining interest will not be properly represented in Parliament.
- (6.) That there should be an elective Mining Board to act with the Minister of Mines, one man elected by each mining centre to form the Board.
- (7.) Fix the price of $\frac{1}{4}$ -acre allotments on Gold Fields at £5.
- (8.) Owing to the dissatisfaction that has often existed after the decision of the Commissioner, we would recommend that two assessors be appointed by disputants to adjudicate in all mining disputes.

Messrs. W. Stubbs, S. Richards, and T. L. Kitto are members of the Lefroy Vigilance Committee, and agree to the above suggestions.

I am, &c.

G. F. GRUBB, *Hon. Secretary Lefroy Vigilance Committee.*

H. E. LETTE, *Esq., M.H.A., Hobart.*

APPENDIX B.

To Select Committee, House of Assembly.

HON. GENTLEMEN.

WE, the undersigned, respectfully forward for your consideration the following suggestions in reference to the Mining Laws and Regulations:—

- 1st. Dividend Tax—
That the Dividend Tax be abolished.
- 2nd. Rent of Gold-mining Leases—
That the Rent of Gold-mining Leases be reduced from One pound (£1) per acre to Ten shillings per acre per annum.
- 3rd. Miners' Rights—
That it shall not be compulsory for men employed in Gold-mining Districts to be holders of Miners' Rights, but they may hold them for their own protection, and shall date 12 months from issue.
- 4th. Gold-mining Leases—
That the labour clauses in Gold-mining leases shall be strictly enforced.
- 5th. Second Brace—
That all mines worked by steam power shall have a second brace, so that in case of overwinding the cage would be allowed to drop more than one foot from the poppet heads.
- 6th. Mining Engine-drivers—
That all mining Engine-drivers shall be required to pass an examination, and be holders of certificates of competence.
- 7th. Prospecting—
That the Government place the sum of Ten thousand Pounds (£10,000) on the Estimates in each year for prospecting purposes.
- 8th. Drainage of Mines—
That every company or person holding land for mining purposes, and being directly benefited by another company's pumping water to the surface, shall pay to the proprietors of the pumping plant the sum of Four pounds (£4) per month.
- 9th. Mining Inspectors, &c.—
That the Colony of Tasmania be divided into three Mining Districts.
That for each district a Mining Inspector be elected for a term of years.
Qualification of Voter—Miner's Right.
That the three Inspectors constitute a Mining Board to recommend alterations in mining regulations to the Minister of Mines; also that they form a Board of Trust for all money voted by Parliament for prospecting purposes—this, we are of opinion, would place them out of reach of the patronage of Members of Parliament and others.

We think for a salary of £200 per annum the services of thoroughly practical and intelligent miners could be secured.

10. Mining Company's Act—

That a clause be inserted in "The Mining Company's Act," exempting from registration any association formed solely for the purpose of prospecting, so that shares may be legally forfeited; the present system being considered a direct tax on and hurtful to mining.

We are, &c.

George Webb.
P. C. Rasmussen.
Robert Swainston.
John Daniel.
Samuel Wilson.

Leslie Jolly.
William Lamerton.
Thomas G. Williamson.
John G. Payne.
Joseph B. Farghar, *Hon. Sec.*

Beaconsfield, September 22, 1883.

APPENDIX C.

MINING LAWS.

Alterations and Amendments adopted for recommendation to the Government at a Public Meeting held at Waratah on 29th September, 1886.

"THAT the desirability be affirmed of amending the Gold Fields Regulation Act and the various amending Acts, so as to consolidate into one Act. The language used to be in all cases clear and definite, without any ambiguities, and it is desired that provision may be made therein for dividing the Colony into Mining Districts; and that Mining Boards be established, to be elected by the holders of Miners' Rights; the duties of such Boards to be to collect information and frame Regulations suitable for their respective districts, and submit the same to the Government for approval."

Prospector's Protection Orders (Section No. 123) to read, after the 4th line, "prospect for gold in alluvial deposit, *but not to apply to shallow ground*, or in veins, leaders, and reefs of quartz, as the case may be, for such period not exceeding *six months* as the Commissioner shall think fit, who also may grant a *renewal at his discretion*; and such Protection Order shall specify whether it applies to gold in alluvial deposit, or in quartz, or both. Such prospecting claims shall not be within one mile of one another. *The Prospector shall report to the Commissioner any discovery of a payable character made by him within 14 days of its discovery, and shall forthwith mark off the claim he is entitled to under the regulations, and failing so to report he shall be liable to forfeit all his right and interest in the claim; any person proving such neglect, or the failure to properly prospect, to have priority of right in pegging out. Any claim so granted under Protection Order shall be liable to forfeiture if not prospected in a bonâ fide manner.*" [Alterations, &c. are in italics.]

Marking off Application (Section No. 81).—The marking off may be by erecting (as stipulated in regulations) *two pegs only* to form a *base line*, north and south, or east and west, in the *centre of* and the *length of* the claim required; and that a notice (in form required) on *one peg*, which shall be his *starting point*, shall be sufficient; and, provided the notice shall have been upon *durable material* (of which the applicant can give proof), the *one posting of notice* shall be sufficient. Also, that the time for lodging application be definitely stated *not to exceed 14 days*. And should the notice in the *Gazette* be necessary, it be sent *by the Commissioner* instead of the applicant. The area pegged shall be shifted up (should the adjoining claim be in excess), if applied for *as adjoining*, but if not so applied for shall be *as pegged*. And should less than the area applied for be pegged, the applicant shall *not be entitled to any more ground*, if to the *detriment of another applicant*. [These are general alterations, not at all following original wording.]

H. W. FERD. KAYSER, *Chairman of the Meeting.*

APPENDIX D.

Inspector of Mines Office, Launceston, 19th October, 1886.

DEAR SIR,

I WOULD respectfully draw attention to some modifications in our mining laws:—

1st. A law should be passed to record our export of gold, as is done in Queensland.

2nd. Claims on lodes or reefs should cut one base line, 600 feet in width, and no side lines be allowed except in parallel lodes; the main lodes to be followed without hindrance as to depth, and no claim or lease should be more than 800 feet in length.

3rd. On our deep leads—Back Creek, Lefroy, and Brothers' Home, the Ballarat frontage system, which allows miners to follow the gutters in all their sinuosities, thereby attracting capital—had my proposals, made nearly three years ago, been adopted, those districts would now support hundreds of miners where there are not a dozen left fossicking.

I have, &c.

G. THUREAU, *F.G.S.*

H. E. LETTE, *Esq., M.H.A., Hobart.*

APPENDIX E.

Additions to Mr. Thornton Root's Evidence.

Question 403. In answer to that question, the District Surveyor ought to keep a plotted chart of surveys at his office, also at the head office.

Question 405. In answer, I mean that all lands applied for under lease should be to the commissioner or his clerk in that particular district. That is why I gave such an answer to question 406.

Question 408. The local registrar in Victoria simply registers claims taken up under miners' rights, and issues the same, so that any one wishing for information simply requests permission to look at the register book, for which he pays one shilling.

Question 418. In reference to this regulation I think the Victorian law is the best. If a company takes up a gold lease and erects machinery, &c., and that lease eventually becomes forfeited, the plant still remains the property of the owners, but they cannot claim compensation from either the Government or lessee who takes up the ground, but can remove it or sell it to any one.

I have referred to questions 403, 405, and 408, as they might appear to some contradictory; of course, they allude to the Victorian regulations.

Where the words "prospecting area" occur, I mean areas of 50 acres held under prospecting orders, and "prospecting claim" means a double ordinary claim.

I cannot see any other question to speak about, so remain, Sir,

Yours respectfully,

THORNTON ROOT..