Queensland

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Legislative Assembly

TUESDAY, 15 JUNE 1869

LEGISLATIVE ASSEMBLY.

Tuesday, 15 *June*, 1869.

Gold Fields Bill.—Registration of Brands Bill.—Civil Service Acts Bill.

GOLD FIELDS BILL.

The SECRETARY FOR PUBLIC WORKS moved the second reading of a Bill to regulate the Gold Fields of Queensland. The honorable gentleman was understood to say, that the Act hitherto in force in this colony was the old Gold Fields Act of New South Wales, which had been introduced in that colony in 1856, with one or two slight alterations. Since that time that Act had been repealed, and another substituted for it. The necessity for some alteration in the Bill, as affecting the gold fields of Queensland, first arose when the rush to Gympie took place, and a large number of persons flocked to that place, without sufficient capital to enable them to carry on their operations, if the alluvial diggings did not prove successful. Those alluvial workings did not continue, and the result was, that a large exodus of these persons took place. Since that period a great many difficulties had arisen, which rendered it necessary to bring in some measure adapted to the requirements of this colony. In cases of disputed claims, which were continually occurring, it was very desirable that there should be the power to restrain persons holding possession of such claims from removing gold from them until the disputes were settled. It had been found absolutely necessary, on that head, that something should be done for the protection of the miners. Another difficulty had presented itself—the difficulty of appealing from the decisionsof the mining court, established under the existing Act. Miners having disputes as to the possession of claims, had not only been compelled to bring their cases into the Supreme Court, in Brisbane, but, in the event of an appeal, they had been obliged to go to the court at Maryborough. Another and very serious difficulty had been caused by the illegal traffic in spirits, which had been carried on on the gold fields. In order to draw the attention of the House to many of the difficulties under which miners labored, he would read certain statements contained in a memorial to the Government, that had been drawn up by miners and others interested in the prosperity of the Gympie gold fields—

"1. That capital should be encouraged to aid in developing the resources of the district, the absence of this encouragement hitherto having retarded its progress—firstly, by restricting the field of enterprise to the laborer only; secondly, by causing large numbers of unsuccessful miners to leave the district, from the want of obtaining employment.

"2. That the tenure of land held under the miner's right is not a sufficient guarantee of security of possession to invite capital to invest in mining.

"3. That this tenure is subordinate to the Gold Fields Regulations, which have been framed specially for the requirements of the working man, and which involve conditions and disabilities adverse to the investment of capital in mining, on those strict business principles that regulate its investment in other callings.

"4. That the area allowed under this tenure is not sufficient to induce capitalists to search for, or take up, unoccupied mining lands.

"5. That a lease of auriferous ground (whether alluvial or quartz) under specific conditions, is the only approach to security of tenure that a capitalist is likely to accept of the Government, for the twofold reason—firstly, that he requires, in addition to an accurate definition of boundaries, free scope and freedom of action on all points involving the expenditure of his money, subject only to the special conditions of his holding; secondly, that he objects to be responsible to anyone but his landlord direct.

"6. That the areas of auriferous ground leased should be proportioned to the amount of capital proposed to be expended and the guaranteed value of the machinery to be erected, a money security being deposited for the due fulfilment of the conditions for the first year (in addition to the rent); a course which your memorialists are of opinion would greatly diminish the evil of excessive speculation, as opposed to *bonâ fide* intention of working the ground.

"7. That, to encourage the introduction of capital, any worked and abandoned ground on this gold field, in a block of three acres and upwards, any united mining claims from sixteen men's ground upwards, and any block of new ground not exceeding 300 by 150 yards (or 45,000 square yards in the whole), should be open to application for lease.

"8. That in the opinion of your memorialists the existing classification of leases into quartz, alluvial, and river bed, should be abolished, as tending to complication of terms, and that a general lease of auriferous lands be substituted therefor.

"9. That many persons having invested capital by purchasing shares in claims held by virtue of the miner's right subject to the local regulations, disputes and difficulties have arisen in connection therewith. And in preference to the cumbersome provisions of a detailed special legislation, which is apt to create difficulties in the place of those it is intended to remove, your memorialists are of opinion that justices of the peace might with advantage be empowered to deal with cases arising out of ordinary mining partnerships, these cases being mostly in relation to equitable rights."

Now, with the exception of one or two of these statements, to which he would refer, he agreed with them all. No doubt, some of them might be remedied by the regulations, but others could not, and it had been considered advisable to introduce a Bill for the purpose. Honorable members would observe that one of the objections evidently applied to the local court at Gympie. He believed it was a great mistake to establish that court. Not only had it given no satisfaction to the local miners, but it had not given satisfaction to the members of the court itself. He should not like to state all he had heard with

regard to that court, which had caused all classes of miners to hold it in disrepute; but it was asserted that, at times, it had set both the law and the regulations at defiance, while some of its decisions with regard to claims had been such as were calculated to drive all capitalists from the field; and the opinion of the miners and the public generally who were acquainted with the matter, was distinct and emphatic that that court should be abolished. The next difficulty he would refer to, was the want of due provision for dealing with the cases which were frequently occurring on the gold fields, of illegal traffic in spirits. So grave a question had this become, so numerous had been the cases, and the obstructions thrown in the way so great, that, on one occasion, it absolutely became necessary to despatch officers from Brisbane to prevent an outbreak. He believed that there were at one time no less than three hundred informations filed, and in almost all these cases there would have been no difficulty in obtaining convictions, if the informants had not been bought off, so that the informations fell through. No doubt there was a tendency on the gold fields to encourage that traffic, but it was desirable when the gold fields become settled that it should be legalised, and placed on a proper footing. That had been attempted in this Bill, and when he came to the clauses which bore upon that subject, he thought honorable members would agree with him that no other course could be taken to remedy the evil than that which the Bill proposed. Another difficulty which the Bill dealt with was one relating to disputes between miners. As was stated in the memorial he had just read, these disputes were not usually of a complicated character, and were such as required common sense and honesty, more than any other quality, to enable the judges to arrive at an equitable conclusion with regard to them. No adequate authority existed at present—no proper provision had been made to decide these disputes, or to protect the property of the miners while these questions were being settled. Hitherto, as was well known, the only mode of obtaining redress from the decisions of the commissioner and assessors had been to apply to the Supreme Court, in Brisbane, for an injunction to prevent the working of the claim; the case was then heard in Brisbane, and, on more than one occasion, the expense which this involved had eventually brought the appellants into the Insolvent Court. Another question was the right of appeal, which was also dealt with in this Bill. Now in considering what was best to be done in order to give satisfaction to the miners, to give security of tenure to the leaseholders, and to protect them from interference, and to meet all the difficulties of the existing Act, the Government had thought it necessary to introduce this Bill. He need not tell honorable members that he was not a gold digger, and he could scarcely be expected to possess any practical knowledge with regard to gold diggings or gold fields. In the preparation of this Bill, therefore, the Government had availed themselves of the experience of the gold commissioner, Mr. Jardine, as well as that of other persons largely interested in mining pursuits, and he believed its whole scope was to encourage the introduction of capital, and to settle a permanent population on the gold fields of the colony. The questions to which he had invited the attention of the House, were all important, as bearing upon the stability of the gold fields. To have attempted to pass into law the whole system in force in Victoria, where they kept up large and expensive establishments for the purpose of attending to mining interests, would have been simply absurd. To have introduced a system which was now in operation in New South Wales, into this colony, where the jurisdiction was somewhat limited, and where the class of persons composing the courts in New South Wales did not at present exist, would have been inconvenient. The Bill had therefore been framed to suit the wants of the Queensland gold fields. He believed there was no field yet discovered to which it would not apply; and if honorable members would only give their attention to it, he felt sure it would be found to be a great advantage to the mining population. He had been anxious to ascertain what objections to the Bill existed, and what improvements were considered necessary. Certain suggestions had been made in a petition presented to the House by the honorable member for North Brisbane, Dr. O'Doherty, signed by 1,300 persons purporting to be holders of miners' rights; but that petition was the result of a meeting held at Gympie, which, according to the local papers, was one of the most uproarious ever held there, and some of the principal speakers had admitted that they were quite ignorant of the intentions of the Government in reference to the matter they were discussing. There was, after that, a letter published in the paper by Mr. Aplin, the Government geologist, a gentleman who had had large experience on the gold fields of Victoria, and, in that letter, he found that all the objections to the regulations at present in force, except one, were provided for by the Bill before the House. With these remarks he would proceed to refer to the more important clauses of the Bill. Under the eighth clause, the Government were authorised to issue business licenses for a period of twenty-two months, at a charge of four pounds. Under the provisions of the sixth and following clauses, the Government would be able to put down the present illegal traffic in spirits; for when a man knew that the business in which he was engaged could be legalised, and made respectable, without the imposition of any burdensome conditions, it was not likely that there would be much difficulty in making him pay £16, for which sum a license would be issued to him on application to the com-

missioner, provided he was the holder of a business license, but not otherwise. These clauses had been introduced into the Bill with the express approval of the golds fields commissioner, and they would relieve him of a good deal of very onerous duty, and he believed have the effect of bringing about a much better state of things on the gold fields. Then, with regard to the issuing of leases, the Government were of opinion that it was only by passing an Act that power could be given to leaseholders to hold their leased ground without interference. Power to grant these leases was given in the 14th clause, and the 16th clause imposed a penalty upon persons occupying Crown lands without a business license. The 17th clause provided that a person mining on Crown lands without a miner's right, should incur a penalty. The 18th clause required that no mining could be carried on upon private land without the consent of the owner. The 22nd clause empowered the Government to appoint commissioners, and other officers, to act in all matters and disputes affecting the working of the gold fields, subject, of course, to the Act and the regulations thereunder. The 25th clause was one to which he wished to direct the attention of the House. It provided that the commissioner shall, in cases of dispute, at the request of either party, summon four persons holding miners' rights, or leases under this Act, to act as assessors. Objections had been made to the system of appointing assessors, which had not worked well hitherto, and it had been suggested that a court should be formed to try these cases, composed of justices of the peace, but it was not always easy to find these gentlemen on a gold field when they were wanted. He thought the appointment of assessors was preferable, though he did not think the possession of a miner's right only should be a sufficient qualification for an assessor. Some alteration in that respect might possibly be made in committee. He thought that, looking at the distance of the gold fields of the colony from the seat of government, and from each other, and from any higher court, it was essentially necessary that some jurisdiction of the kind should be established. It would, he believed, work well; and he trusted that honorable members would be fully disposed to support the clause. He had fixed the amount at a hundred pounds, because he thought it was amply sufficient to cover any disputes that would arise. The fortieth clause gave the right to appeal, and the next clause provided that the court should make order on appeal. To have given any other description of appeal —to have established a court where an officer possessed of no legal knowledge, should preside, or whose members would be in the same position—would have been no appeal at all; it would simply have amounted to a race between two inferior courts, as to which should have primary jurisdiction. Clause twenty-five established the court; and he thought that from that court there ought to be given a right of appeal to the District Court. He did not know that he need detain the House any longer, by any further observations on the measure. He believed the Bill commended itself to the favorable consideration of the House; and he hoped it would go through the second reading, and that its details would be a fit subject for discussion in committee. He begged to move—

That the Bill be now read a second time.

Mr. PALMER: He was certain that, in common with all members of the House, he should be willing to endeavor to make the Bill as good a one as he could. It was not a measure invested with any party interest. The only object the House could have in dealing with it was, to make it as good as possible. He regretted that he was not sufficiently up in mining matters to do as much as he could desire towards that end; but he thought it was a pretty fair measure as far as it went. A few amendments might be introduced in committee which would improve it; and, at the proper time, he should devote his attention to some of its details, with a view to their amendment. If the Minister for Works, at the same time that he explained the Bill, also gave the House a sketch of the regulations under it, that would have assisted honorable members very much. The rules and regulations under a measure of this kind were more for the miner than the Act itself. With reference to clause twenty-five, and the employment of assessors, as difficulties always arose where assessors were called in, no matter what assessors they were, he recommended the Government to throw power, as much as possible, into the hands of the commissioner, and to see that they got the very best men to fill the office. He had lived in the neighborhood of the gold fields, and he had come to the conclusion that a great deal more depended on the personal character of the commissioner than upon all the rules and regulations which might be made under the Act. There was a great error committed in making the penalty under the twenty-sixth clause, too light. He knew of rich claims worked, from which the quantity of gold taken out in a short time would be largely in value above such a penalty; and to fix the penalty at £100 for "jumping" a claim, was like putting a premium upon the offence. There had been claims in the other colonies so rich, that an hour's work might realize £1000. He did not think there should be any limit to the penalty; he did not see why the assessors should be tied down to the limit named. If he objected to the penalty, he must object also to the term of imprisonment: three months was insufficient as a punishment. With respect to the Gympie Mining Court, which it was proposed to abolish, that was an experiment—an attempt to carry out the old Gold Fields Act,

It was, certainly, the first in the colony, and he was not surprised to find that it did not answer; but it was established in compliance with the wishes of the diggers themselves, who had clamored for it; and the Government had acted right in putting the management of their local affairs into local hands, under the existing law. If it did not answer, it was not the fault of the Government, nor of the Legislature; but it was because the diggers did not do their duty to themselves, in the first instance, and appoint proper persons as members of the court. It struck his mind as an incongruity, in clause twenty-six, to place the determination of disputes between partners in the hands of the commissioner. The only other observation he would make upon the Bill, was in regard to clause forty, which gave the right of appeal. It would be of no practical good whatever to the diggers at a distance. If the House were going to pass an Act that would be of any service, the Government must make up their mind to appoint a mining judge; because the law on the subject of mining was a study in itself; and he was satisfied that it would be for the interest of the colony, if the Government would make up their mind to that contingency, and reserve the right to appoint a mining judge. On the large diggings to the north, no doubt it would be found necessary to have a court of appeal. He should be very happy to support the Bill, which he thought a considerable improvement on the measure that preceded it.

Mr. LAMB said he would support the Bill, although he considered it very little different from the existing Act: there was simply one clause struck out, and two or three more put in; that was the only difference he could see. The mining court was abolished, and a provision for summoning witnesses, by the commissioner, inserted. Power was given to compel witnesses to attend, and to inquire into partnership matters; and then, again, there was one clause about spirit licenses, and those were all the alterations in the Bill. With respect to the mining court, the Minister for Works said, the Government of the day made a very great mistake in appointing that court at all. All he (Mr. Lamb) could say was this, that the Act contained the provision by which the Mackenzie Government were, through pressure brought to bear upon them in the House, and at public meetings on the gold fields, bound to proclaim the district for the purposes of the court. The clause required the signatures of one hundred miners, and the Government could have had the signatures of two thousand miners, at the very least, to a petition to proclaim it. Honorable members stated in the House that the mining court was to be the panacea for all the evils that existed in the administration of the gold fields. The late Government could not be taxed with having taken that step without due consideration, or without due regard to the opinion of the House. With respect to the question, Why did not the Government issue leases?—had they done so, four or five men would have taken up the Gympie gold field.

Mr. WALSH: No.

Mr. LAMB: When it was spoken of, the honorable member for Maryborough and others meant large areas of five acres; and that would have been the result. The Government did grant leases at Gladstone, and up in the neighborhood of Rockhampton: whenever the alluvial was worked out, and the diggers had abandoned the ground, leases were granted. The Government should be careful in granting leases of large areas. Objection had been taken to the Government not putting all the rules and regulations in the Act. In that respect, he (Mr. Lamb) thought they were perfectly right, because the same regulations would not apply to all diggings. Every gold field had some special features of its own, and required regulations to meet them. The right of appeal to the District Court, he thought a very good clause; and the suggestion for the appointment of a mining judge, also, was a very good idea, and, if it could be carried out in any way, he should be very glad to give his assistance.

Mr. WALSH: This matter had been long before the House, and he was not at all surprised to find that there was so little interest in it, or that the House was thinly attended when it came on for discussion. If it were a question immediately affecting the South or Brisbane, there would not be such paucity of members. He thought the Bill of so much real importance to the country, and one upon which the weal or woe of the country depended, that it was incumbent on honorable members to be present, if for nothing else, to cheer up the Minister whose task it was to introduce the measure. He knew nothing more annoying than to find, after months of labor and thoughtful attention bestowed on a measure, that only a few members attended the House when the Bill was to be discussed. He was extremely sorry that so much apathy was shown towards a Bill affecting the welfare of all parts of the country, as contrasted with the interest taken in a measure applicable to only a part of the colony. He had had the Bill in his mind six or eight months; but, he must confess, it was so long coming—there had been so much delay in bringing it forward—that he did not now enter into it with that warmth which he would have felt some time ago. He had two gold-fields Bills which he was called upon more or less to apply his mind to, and also two sets of regulations. He knew that only one Bill, with the regulations, was for discussion at present. But the whole circumstances had a depressing effect upon honorable members; and he thought that, in introducing matters of this nature, the Government should endeavor to be more definite in their publications than they were, so that honorable members could apply themselves to their duty with

some certainty. Now, the regulations before submitted to him must be wholly condemned; and, perhaps, the regulations that were placed before the House, by the Government, this afternoon, were not all they wished, for the Minister for Lands seemed unprepared. There could be no doubt that, owing to the mismanagement of the gold fields—the way the regulations were promulgated and applied, not being suitable—great injury had been done to the colony. From his experience on Gympie—and, probably, he had a larger experience than any other member of the House—he could state that hundreds and hundreds of valuable colonists had been driven away from Queensland simply on account of the uncertain, unreasonable, and illiberal regulations that were in force. He did not hesitate to say that there had been gentlemen at Gympie, who by the introduction of their capital, and the application of science, would have been most valuable colonists; but they were not allowed a chance of investing here; they were driven away by the regulations of the Government. They had called personally on the Minister of that day, but they could get no relief. The Government, he (Mr. Walsh) thought, should so frame their regulations under the Act of Parliament, that they should be elastic; for regulations that would do for Gympie would be wholly unsuitable for the Gilbert. Gympie was a diggings *sui generis;*—Gympie was purely a field of luck, so far; it was not the men who had worked persistently at their claims who made most there; and, at present, persons of small means could do nothing there. The refusal of the late Government to issue leases was a wholly wrong step, a gross mistake. He said this with all deference, and not for the purpose of being uncharitable at all to the honorable gentleman who had presided over the Lands and Gold Fields Departments, who, however, totally misunderstood his business in respect to the gold fields. The honorable member for Mitchell had listened to the clamoring diggers instead of to the sensible men resident on the gold field—to those who tried to cheat the men who made discoveries of their own. He (Mr. Walsh) blamed others for that, as well as the honorable member to whom he particularly referred; but, if the honorable member had shown a determination to support the respectable class of diggers, and to encourage capitalists, large and small, he believed he would have made a name for himself that subsequently he did not earn. It was because of a want of confidence in himself, as much as in those who would have brought strength to the colony, that the honorable member did so much harm. He (Mr. Walsh) knew almost every application that was sent in for a lease on the Gympie gold field; and he did not hesitate to say, that there had not been a single piece of ground applied for that the present Government would not gladly let on lease, if they could. But, the persons who were then desirous of getting leases were not now anxious for them: their patience, their hearts, and their means were gone—many of them were gone altogether. There was never a rich patch of ground at Gympie applied for that was wanted by the working diggers;—not a piece of ground, subsequently proved to be rich, had been applied for.

Mr. LAMB: Yes.

Mr. WALSH: With the exception of one lease that was granted while the honorable gentleman was in office, there was not a piece of ground applied for that every digger would not, at this moment, be glad to see leased. None of the diggers would have been injured by granting any application that had been made. There never was a piece applied for that was not reported upon by the commissioner; but whether the commissioner reported in favor of the grant or not, the honorable member for Mitchell invariably refused to issue a grant. That honorable member was mistaken in his policy, and his action as a Minister had done much harm to Gympie, which it would take a long time to make up for. He (Mr. Walsh) would tell the House what his policy would be. He would put a stop to all those little heart burnings. Where the ground was worth working, he would sell the ground absolutely to the digger. If the Government would only sell forty feet, say, along the reef, or, forty square feet of alluvial claim—or whichever way was best—the advantage would be very great to the digger, and not less to the Government. They would open their eyes in wonder at the result, and that they never thought of doing it before. Then, instead of the diggers being an erratic population, and not settling in the colony, they would go cautiously to work, and choose their ground carefully, and, when they got it, they would use it, and turn every bit of it over thoroughly; and, when they had worked it out, it would be little the worse. But they would choose the land, not for digging purposes only, but for residential purposes, and there would be a settled population on the gold fields. The diggers paid absolutely nothing for the ground, now, and they worked it in the most slovenly way; they fossicked, and, when they left it, it was in the most dangerous state for the future. It was worthy of the highest effort of the Legislature to strive to make the gold fields a permanent benefit to the country—to make the people grow on the soil. In all his travels through Queensland, he had seen no spots so well adapted for cultivation, and nowhere greater success attending the efforts of the cultivator—than at Gympie. He hardly agreed with the Bill in some respects. He would find all the faults he could with it at once. Its chief faults lay in that it left too much power to the Government. The principles which were to guide a man on the gold fields should be laid down in the Bill; and, he thought, if the Government enlarged more upon these principles, it would prevent a good deal of that

litigation which would follow after the Bill passed, and which the honorable the Minister for Mines seemed so anxious to put a stop to. The Bill contained nothing except the power to the Government to frame regulations. There was too little defined respecting the gold fields, and the question which must arise on any and all gold fields; and, in these respects, he was afraid the Bill was not right. If honorable members had time, before the Bill went into Committee of the Whole, he should recommend them to study the Victorian Gold Fields Act of 1865, and especially the regulations adopted on the different gold fields of Victoria, for the management of each. Some of them were really admirable, and might be copied for the Gympie diggings; others for the fields around Rockhampton; others for the fields more distant. The Victorian Gold Fields Act differed from the Bill before the House, inasmuch as it laid down certain rules, laws, rights, and principles, which no regulations could alter. If honorable members would refer especially to the regulations for Ballarat and Gippsland, they would see how much superior those of Victoria were to the regulations of Queensland, especially for the richer gold fields. For instance, he found that the facilities to amalgamate claims were more liberal than anything in Queensland. With one exception, it would be found that encouragement in every way was given to men to go on the gold fields of Victoria. He had, he might say, hundreds of suggestions to offer: they poured in to him from Gympie, from gentlemen well informed on the whole subject. But, he thought he should be best consulting the feelings of honorable members if he reserved his oral suggestions till the House went into committee. He heartily agreed with the suggestion of the honorable member for Port Curtis, that they should endeavor to make it as good a Bill as they could. They should make it acceptable to the colonists on the diggings, and he trusted that it would put an end to those frightful scenes of discord and doubt which had been so often witnessed, and the vexatious and costly lawsuits which so frequently took place. He might say that he had himself spent hundreds of pounds in law expenses on the Gympie gold field, simply because of the defective legislation upon the subject of the gold fields, and because there was no power to define or decide a case without an appeal to the law, and until a legal decision was given. If the House could only do away with the almost endless litigation which Gympie was so fruitful in, they would do much good. He was quite willing to do away with the mining court at Gympie, which was a disgrace to the colony. Men had got into positions in that court for which they were unfitted. Mining disputes were brought before it; but no one could define its power. It came into collision with the police court and with the magistrates; and it brought everything into such a state of jarring that it might be thought to have been intended to divert the people from mining, and to set them all by the ears. He happened to be at Gympie on the initiation of the mining court—when the members were first elected; and the whole town was in a state of inebriety. Since he left England, he never saw anything to equal the excitement, and the noise, and the confusion that ensued. He was particularly struck at the want of understanding to work the regulations, because, actually, those concerned went through all the forms of the ballot. The commissioner thought that that was the best way to keep the miners quiet. He (Mr. Walsh) actually saw children go and vote. The police magistrate sent for him to witness the scenes; and, while looking on, he (Mr. Walsh) asked the age of one boy who was returning from the polling place after voting, and who told him he was "going on for eleven!"

Mr. PALMER: Had he a miner's right?

Mr. WALSH: Oh, yes! He trusted that it would not be long before the House would go into committee on the Bill, and that they would make it such a measure as, when passed, would restore confidence to the diggings.

Mr. LAMB stated, in explanation, and in answer to the honorable member who last addressed the House, that he knew of one case in which, if the application for a lease had been granted by the Government, they would have had to turn fifty diggers off the ground applied for.

Mr. WALSH: If the honorable member stated the case, perhaps he should be able to show that, at this moment, if leased, there would be two hundred persons working the ground. He (Mr. Walsh) had the advantage over other honorable members; he had been on the ground, and, without any personal feeling either one way or the other, he could speak from his experience on the gold field.

Mr. ARCHER said he must compliment the honorable gentleman who had charge of the Bill upon the manner in which he had introduced it, in so far that he acknowledged, as a great many other members of the House had done, that he was practically ignorant of what was necessary for the working of the gold fields. He, though living in the very middle of an auriferous district, knew nothing practically of gold digging. He was brought into contact with a great many men who had not only sunk their capital in mining, but who pursued the industry; yet he must admit that he had not studied the subject as if he had been a practical miner. He had taken the trouble to go over the notes of the commissioner, and to see, for himself, what pains had been taken in compiling the Bill from the enactments of the other colonies; and he was, therefore, acquainted to some extent with the rules which ought to guide any one in bringing in a Bill for the regulation of the gold fields. It was said by the

honorable member for Mitchell that the Bill was very little different from the old measure; and he rather made light of the alterations that were proposed in the existing law. If the alterations were few, they were decidedly advantageous, and he (Mr. Archer) had not the slightest hesitation in saying that he should vote for the second reading of the Bill. There was not the slightest doubt that any one who had noted the correspondence from the gold fields must know that something was necessary, not only to decide as to the manner in which leases should be granted, but to settle the various disputes which at present were so frequent. He was quite prepared to admit that the regulations were the most material part of the Bill. The Bill, he believed, hardly went far enough—it left too much power in the hands of the Government for making regulations. After what had fallen from several honorable members, he was inclined to think that the necessities of the gold fields were not all alike. The natural features of almost all the gold fields were different, and some power must be left to the Government to make regulations to apply to all the various gold fields of the colony. He found that the regulations drawn up by the Government occupied more space than the Bill, and comprised a larger amount of matter. He was rather dissatisfied, at first, that they were so bulky in comparison with the Bill; but, after listening to the discussion, he found that it would be exceedingly difficult to frame any Bill that would not necessitate very bulky regulations. Of course, there had been many a discussion in the House as to the powers to be entrusted to the Government. This was one of those cases in which a large amount of power might be entrusted to them, because it involved nothing of political significance, but the advantageous working of the gold fields; and that might as well be left to one set of men as another, so long as they had the brains to work it. Nobody was going to make it a political question, and he was not going to quarrel with the Government for making regulations for the gold fields. One of the first clauses in the Bill, which actually referred to the gold fields, was that relating to leases. He was quite aware, from personal intercourse with the miners, that the want of leases of large areas had been a great disadvantage in the working of auriferous land. It was often the case that a large amount of capital applied to a large area of land would make that land profitable to work; whereas, without the capital, it would be utterly worthless. A man who had only his labor to depend on must work to find necessaries for himself; whereas a number of men with some capital, combined, could effectually work land which was not so rich as the other required, but which contained gold, and, by bringing water to their claim, and by other appliances, could make a profit out of it, which the poor man, without capital, could not do. But men working in combination wanted a larger area for their operations, and a lease of the land. Leases could have been granted under the former measure; and, in his (Mr. Archer's) opinion, the granting of leases should be made a more prominent part of the Bill than it was. However, if the regulations to be proclaimed under the Bill, for giving effect to it, were framed with care, the advantage to the country would be very great. He was sorry to say that, when he was last on the diggings, where a great many of his constituents resided, he promised, at their request, that he would, as far as in his power lay, get the Government to grant a local court for that portion of the gold fields. There were cases in which a man talking to a large number of persons, and having their case put before him, fell in with their views. However, after what he had heard, he must say that he had promised what he was not inclined to support, now. It was no disgrace to a man to change his opinion after acquiring fuller information upon a subject than he had before. He had several letters from persons stating that, after the failure of the Gympie local court, they were not inclined to have one in his district. He had seen reason to change his opinion, and he would, therefore, support the abolition of the mining court which had been already established. In fact, with the evidence which the House had of the operation of the Gympie court, no one could for a moment doubt that it had done evil instead of good; and, therefore, it was the duty of honorable members to try to prevent any such evils occurring on any other gold field. As far as he had seen of the northern gold field, he must admit that he did not think the leases spoken of in the Bill could do any harm to any one. Mining was now the principal resort on both Gympie and Rockhampton gold fields; and, he would observe, that there was no case in which leases were of greater value than for working quartz reefs, because it was found in every case in which a reef had been opened by men without substance, they had either to sell it or to abandon it. Machinery must be bought; the quartz had to be raised to the ground before it could be operated on, and other matters were expensive in connection with the work. If the Bill passed, and leases were granted, it would be effectual in introducing capital to the colony from the southern colonies. On quartz reefs, a very different class of men were engaged from those who went about the country, from rush to rush, and engaged on alluvial diggings, or in surfacing. The men who worked quartz reefs were skilled in getting up quartz, and extracting the gold from it, as any other class of mechanics; and it would be for the House to say whether on those diggings where alluvial workings were utterly exhausted, mining courts might not be established. Sometimes, the quartz miners were only hired men, he

(Mr. Archer) knew; but, in many cases that he knew also, they were really intelligent and good miners who had formed themselves into a company, and, with their own means, carried out mining on quartz reefs. Those were very different from the men who followed the rushes and worked alluvial diggings, and in whose hands it would not be right to place very much power. It might be well to retain the power, which might be put in force if necessary, of establishing mining courts. It was known that in Victoria, where mining was an established industry, the mining courts did good. The honorable member for Mitchell said that the reason the late Government did not lease lands was, that it might injure the poor miners. That was a matter upon which Government could not do better than take the advice of the honorable member for Port Curtis—appoint good commissioners, with sufficient insight and sufficient brains to keep the Government informed of what was going on. There would, then, be no difficulty in deciding what land ought to be leased, and what not, to those who were trying to make their fortunes on the gold fields. With regard to selling the land to the digger, he did not generally take long to make up his mind upon a subject, but he did not think he could make up his mind soon on that one. He never heard of the proposal before. It might be an excellent one—a plan might be arranged by some kind of auction; but he did not see how it could be carried out. If the honorable member for Maryborough thought fit to move an amendment on the Bill, in committee, no doubt honorable members would give it consideration. As to the twenty-fifth clause, which provided for the commissioner asking two miners to be assessors, in deciding disputes, it was better than asking two justices of the peace to assist him. It was surprising how very soon a commissioner who was fit for his position found out the men on a gold field who had the confidence of the diggers; and it was surprising how the same men, who had gained their confidence, were applied to by them in their difficulties. He (Mr. Archer) did not know that the leaseholders, as a rule, would be at all superior to the diggers; but he excluded altogether the loafers who were always amongst those first at a rush. He would prefer leaving the assessors to be selected from the *bonâ fide* diggers, rather than from persons holding business licenses; because the business men were dependent upon the popularity of the diggers; and, therefore, he should not object to the clause standing almost in its present state. He had no doubt that, with other honorable members who had spoken before him, he should have something to say in committee. The House, with a little trouble, might, no doubt, make the Bill a successful one; and, therefore, he would support the second reading.

Mr. FRANCIS said he thought that whatever cause of complaint there might be against the existing Act, there was much greater cause of complaint against the existing regulations; and, it would be found that it was the regulations which had been framed for the purpose of carrying out the Gold Fields Act which were most offensive, and which were looked upon as grievances by the diggers. Whatever might be said against the Bill, there were one or two things which might be alleged with much more force against the regulations laid before the House. He was not convinced that it was not possible to do a great deal towards including in the Bill whatever regulations were necessary. He had heard that there was a variety of regulations requisite for the various gold fields. That, to his mind, clearly showed that different Bills were required for the different gold fields. He did not see or understand upon what principle certain things were laid down in the Bill, and certain things left to the regulations. He held in his hand a copy of "General Regulations;" and, he should like to ask, to which of the gold fields did they apply? If they applied to all, there was an answer to the argument that different regulations were required for each. The large book of regulations was, to his mind, full of matters upon which very serious ground of objection could be taken. He did not, however, see that the House had any power to deal with them, as provided in the Bill. The twenty-first clause provided that—

> "Every rule and regulation made under authority of this Act shall be laid before the Legislative Council and Legislative Assembly within fourteen days from the making thereof or of the Governor's assent thereto if the Parliament shall be then in session and if not then within fourteen days after the commencement of the next session thereof."

Well, then, if the House had power or were expected to go through the regulations and discuss their merits, and make alterations—which did not seem to him to be competent, at all;—if they were asked to interfere at all with "the regulation of the gold fields," as the preamble of the Bill set out, the advice and assistance of the Parliament were equally demanded in small matters of detail, that affected the interests of the miners—"to make better provision" for them. The preamble of the Bill ought, otherwise, to run—

> "Be it enacted that Government make due regulations for each separate gold field."

He should have to say a few words when the matter went into committee. It was extremely desirable that the Government should appoint good commissioners. Indeed, he thought that would be a most difficult business. It was a very easy thing for the Government to make certain regulations as to the behaviour of commissioners—that they should not hold shares in claims; but he (Mr. Francis) was told that they practiced trafficking in shares, —were partners in claims.

The SECRETARY FOR PUBLIC WORKS: No commissioner was allowed to hold shares. If such a case were brought forward, the officer would be dismissed.

Mr. FRANCIS: He did not think commissioners were likely to be got at all fit to decide partnership disputes; and that function was altogether beyond a commissioner's province—it was for the Supreme Court, although there would be considerable delay entailed by leaving such matters over for that court. Such cases, and the appeals from the commissioners' decisions, should go together; and he thought the suggestion of the honorable member for Port Curtis was worthy of all consideration. He did not wish to see an expenditure of money; but he wanted to see the mining court, if instituted, what courts of justice seldom were, self-supporting—a novelty in Queensland. A moderate scale of fees would make up a fund ample to cover the expenses of the court. The attempt made by the late Government to bring cheap justice to the people—rough justice—at Gympie, was a good experiment. He should be extremely sorry if the diggers were left to appeal from the decisions of the commissioners to the District Court, waiting for three months, perhaps. The court of mines which existed in other colonies was quite within the reach of this colony, and deserved favorable consideration. By all means, lands should be held on lease; the only stipulation which it seemed to him necessary to impose upon lessees being that they should expend a proper amount of capital, or that they should employ one-half or two-thirds of the number of diggers who would be employed, if the ground were taken up by individual diggers. He was exceedingly anxious to see the Bill result in the diggers on the different gold fields feeling greater confidence that, in the Assembly, their reasonable demands would be attended to;—that amongst those members who lived far away from the gold fields there was a disposition to see that the diggers had every facility and every advantage to carry on their pursuits, which were for the benefit of the whole colony. He would go farther than the honorable member who proposed to sell the land to the diggers; if it was parted with by the Government, the land could be made taxable. But, let the House show all classes of industrious persons in the colony that they should have security for carrying on their business; that they should have justice. He hoped to see the Bill made fair and reasonable.

Mr. THOMPSON said he merely rose to call the attention of the House to the very large power of framing regulations given to the Government by the Bill. If, as he believed the practice hitherto was, regulations were to be laid on the table, and nobody looked at them, the House would fall into the error of having illegal regulations authorised under the Bill, as had been done notoriously under some former Land Acts. He, therefore, cautioned the House against allowing the Government, in virtue of the right to frame regulations, to assume the power and functions of legislation. Although there were no two gold fields alike, still, regulations could only refer to the nature of the field, the size of the claims, the run of the reef, whether a claim should be on the block system, or on the running system—whichever term was chosen; —and those and all regulations referring to the fees to be paid to the court, and so forth, should certainly form part of the Act. Enormous powers were given to the commissioner—power over valuable property, power to deal with intricate legal questions—which required that he should not only be a man of good practical common sense, but also a lawyer. Where were the Government to get such a man? Those powers were too great. Something ought to be done by which the judicial powers might be otherwise exercised. It was not advisable to appoint a mining judge at present; but some arrangement might be managed by which the District Court judge could deal with the partnership matters. The jurisdiction would have to be altered. For instance, the commissioner was only to have jurisdiction in cases where the amount involved was limited. He could only ascertain the amount after he had heard the case.

The SECRETARY FOR PUBLIC LANDS: The amount claimed.

Mr. THOMPSON: The Bill did not say so. He suggested that the jurisdiction should be dependent upon the amount of partnership property in dispute, so that it did not exceed £500. It was possible that there might be enormous interests at stake in matters of that kind. The same difficulty arose in the District Court: the judges had not yet come to a decision as to what their powers were. No one but a lawyer could decide on matters of that sort. It might be said that in a new colony, rough justice was sufficient. Those Gympie disputes were only rough justice.

Mr. WALSH: No, no.

Mr. THOMPSON: Well, if they got good law, they ought to be satisfied with it.

Mr. DE SATGE said he wished to make two or three remarks on the Bill, and especially with regard to the survey of gold fields, concerning which the honorable member for Maryborough had had a motion on the paper for some days. He was satisfied it would be impossible for the Government to carry out the provisions of the Bill in a proper manner, without a survey of the gold fields. He would adduce an instance of this in the case of spirit licenses: the whole of the publicans of Clermont and Copperfield are on a small gold field within the townships—they were some sixteen or seventeen in number. These publicans would have to pay £20 per annum for their business licenses, instead of £30, as they would have to do if the gold fields were properly surveyed. It was time that some geological survey were made, and

the places pointed out where the gold fields really are. In his own neighborhood there was gold everywhere, but at present there was but a small gold fields' reserve around Copperfield and Clermont. But he had not the slightest doubt, that by the range, there were gold fields of considerable value, and, as a proof, the escort had brought down some £70,000 worth of gold from the Peak Downs. If they were to legislate for population and its settlement, the Government should pay some attention to these administrative points, and not neglect these *minutiæ* to which he referred. They should listen to the remonstrances of the gold commissioner, Mr. Lambert, and give the country the survey due to it. He had had a motion tabled some time since to obtain this, and the only answer he got was, that the salary of the officer there would cease at the end of the month. The ill effect of this neglect would be that the sixteen publicans' licenses in Clermont and Copperfield, would merge into payments of £20 instead of £30 a year, all for want of proper administrative attention. The honorable member for Maryborough advocated the sale of gold fields' land, and he agreed with the proposal, as the only way to bring capital to work upon auriferous patches of land. He believed there were immense patches of surfacing ground, which would yield sufficient gold for its purchase over and over again, if worked with capital, and held by a company in fee-simple. In Victoria, they could lease for £1 per annum, 640 acres for a period of fifteen years, for mining purposes. Now, if they could attract capital by offering land to settle on, they would succeed beyond other colonies; if the land could be had in areas of 1,200 acres, he knew there were persons prepared to buy at £1 an acre, and he was sure this could be done without sacrificing the gold fields at all. They might perhaps raise the miner's license fee from 10s. to £1 a year, or better, perhaps, make it 10s. for six months. This would enable the Government to pay more than at present for the better administration of the gold fields. Another subject which required attention, was security for the safe custody of gold. The present uncertainty and risk of robbery by one man or other—it might be by a public servant, as in the case of the man robbed by Griffin—required a clause to be introduced, providing for the deposit of gold with the same security as in Victoria. There were several other little matters which he would not enter into detail upon now, but would attend to when the House went into committee upon the Bill. He thought the Bill should be very materially altered in committee, and that honorable members, with a moderate knowledge of the working of gold fields, would enable the country to obtain a good Gold Fields Bill.

Mr. FRASER said he was glad to see the Bill introduced, though late; but it was better late than never. The delay to put the gold fields on a proper footing had been a serious injury to their principal gold fields. He was glad to see the determination arrived at to do away with the local court. If ever there had been an arrangement which made confusion worse confounded, it was the Gympie gold field local court. There was not a digger on the gold field that knew what the position was; one set of regulations was made by the court, and another much different by the commissioner—so that between the two, all were at a loss. Now, as to the serious losses sustained at Gympie, he could say that a very considerable extent of deep lead had been abandoned by capitalists for the want of a lease, and those now at work had exhausted their capital, and the large works had been abandoned. He had no doubt that the Bill might yet, with proper security afforded for the investment of capital, bring about a reaction, and the deep leads and reefs would be developed. They ought to give every facility to the gold digger, for they tax him at every point. They charge him for his miner's right; they charge him for his ground; they charge him a fee for conveying his gold, and charge him duty for its export. The gold was the only production which was taxed, while there was no occupation which involved so much toil, labor, anxiety, or uncertainty, as the production of gold. Therefore they should afford the producer every facility and encouragement. He might say that he thought the regulations in force at the early stage of the gold fields, were more to blame than the Act itself. The present Bill should be drawn out so as to meet the necessities of the case, and they now had information enough to do so. The duties, too, of the commissioners ought to be strictly defined. At Gympie, the commissioners frequently gave decisions on the very same case, different from each other. If their duties were well defined, there would be no room left for this variety, and it would do away with a large amount of dissatisfaction. He should support the second reading of the Bill.

The Bill was read a second time.

REGISTRATION OF BRANDS BILL.

The COLONIAL SECRETARY said that, in moving the second reading of this Bill, it was only right to mention that he was requested by his honorable colleagues to invite—and did invite—the honorable member for Port Curtis to take charge of the Bill, because it was that honorable gentleman's Bill, and the Ministers had adopted it. It would, he hoped, be passed by a large majority of the House. He had paid the honorable member for Port Curtis the compliment of asking him to take charge of the Bill, on the part of the Government, because he did not wish to take credit to himself for it, lest it might be said of him—and he trusted he might be excused for quoting Latin—

"Hos ego versiculos feci tulit alter honores."

That was the position he might have been

placed in, at a later period of the evening, if he had not paid the honorable member for Port Curtis that compliment. He felt that, from the practical experience of that honorable member, he was in a better position to deal with the question than himself. He might mention that, a short time since, a Bill very similar to the Bill before honorable members, was introduced into the Legislature of New South Wales; and that Bill was now working satisfactorily. It had also put down cattle and horse stealing—a crime prevalent in this colony, especially in the outlying districts, and more especially in the district he had the honor to represent—the Warrego—upon that part of the district which bordered upon the sister colony of New South Wales. This Bill, although very similar in its operation to the Bill passed in New South Wales, has one element in it which is totally dissimilar—he alluded to the manner in which it is proposed to brand our horses and cattle. In New South Wales, considerable difficulty was experienced, on the application for brands, to know how these applications should be dealt with. In one particular instance, especially, the two letters JC, there were no less than two hundred and eighty applicants, when that brand could only possibly be adopted by one individual. No such difficulty could take place under the present Bill. If honorable members would turn to clause four, they would find how the brands were intended to be provided for. Under that clause no less than 7,800 brands could be produced by two figures and one Roman capital;—that is to say, taking the alphabet right through, and the figures 00 to 99; by placing the Roman capital between two figures; then by placing two figures before the capital; and then at the end of the two. In that simple and efficacious manner, a total of 7,800 brands was obtained. This number might be further expanded by placing numerals and symbols together, such as a diamond, heart, spade, or club, giving three hundred brands to each symbol. The adoption of script letters and others would further extend the list. The total number of brands in this colony is between 7,500 and 8,000. If honorable members would turn to clause seventeen, and subsequent clauses, they would there find a main principle of the Bill, where it is ruled that the change of brand must take place within two years from the passing of the Act. It might be objected that it would be impossible to legislate for an effective Brand Bill, with such change at once. But the brand need not be changed until after two years, when it could readily be done. It was further provided that no proprietor should have more than one brand. That was a useful provision. He remembered travelling, about this time last year, from Dalby to Taroom, when he saw, close along the road, so good a lot of cattle that he went off the road to have a look at them; he then saw that each animal had a different brand. When he arrived at Jinghi Jinghi, he spoke of the curious herd he had seen not seven miles off. He was told that the herd was not only curious, but very dangerous, and that the owner of the cattle had a peculiar knack of putting brands upon every beast he got hold of, and claiming them. This was made easier by the possession of several brands. That was a very important provision, therefore, which allowed but one brand to a proprietor. No honest man would wish to have six brands amongst his cattle, and the use of so many brands must be for some purpose—a purpose which was very well carried out in the particular instance referred to. He could not help adducing from a letter an illustration of what he said. A person had returned lately to the Goondiwindi district, bringing with him thirty-five head of superior horses, all branded with an anchor. These horses were turned out on a certain run, and one after another, all disappeared. Contemporaneous with the disappearance of these horses, a number of scrubbing young horse stock appeared in the neighborhood, bearing exactly the same description of brand—an anchor—recently imprinted on them. This person, with the assistance of the police, set to work to discover the owner of these last-mentioned scrubbers, and in the course of their investigation they discovered, ingeniously planted amongst some bushes, at no great distance from the public pound, a branding-iron of exactly the same description—an anchor—and corresponding exactly with the brand on the young horses. The owner of this branding-iron has not been found; but the object of the owner is plainly palpable. Doubtless, the horses had been stolen, and sold to some travellers going into New South Wales; and in case he should be discovered, he would doubtless produce these scrubbing young horses, to show that the anchor brand was his brand, and that he had as much right to the horses as the other. Thus, what would otherwise have been a felony, might be represented to a jury merely in the light of a case of mistaken identity. The letter remarks "These nefarious games will be completely put a stop to by the Bill now before Parliament, by registering a brand to each person. The particulars of the above case can be had on application to the police court, Goondiwindi." There was another case spoken of in the letter, not the person he alluded to just now, it said: "The second case is one of very common occurrence,—a man who was formerly stockman at a certain station, is, and has for a number of years past, been in the habit of using *six* different brands. He is thus enabled to brand any unbranded animal which may come in his way with less risk of detection than if he confined himself to one brand, and can also, with some show of reason, claim any stray stock the brands of which nearly correspond to one or other of his numerous brands." This would

also be checked by the Brands Bill, by confining this man to one brand only. Any stock branded with an unregistered brand will, by that Bill, be considered and treated as unbranded stock. The effect would be to do away with roguery of that sort. One principle of the Bill was to introduce Roman letters and numerals for brands; and another, that an owner should have but one brand, a principle which would be easily carried out, and check the large amount of cattle-stealing prevalent in the colony. Some honorable members who have paid attention to this subject, will have seen in the *Courier*, a short time ago, a very excellent letter, dated Sydney, May 24th, and signed N.S.W. He had a very good idea of the writer of the letter, and believed he held an official position in New South Wales, and to whom might be attributed the success of the Brand Bill in that colony. In that letter a favorable idea of the proposed Brand Bill is held, and the great advantage possessed by Queensland is pointed out. They certainly had an opportunity of introducing some measures which they were very sorry, in New South Wales, had not been adopted. The writer winds up his letter in these words—

"Besides the instances mentioned, your measure is a great improvement on ours, in many other respects. For instance—first, in the appointment of inspectors of brands—a very necessary one; second, in having the same brand for both horses and cattle—the horse brand can of course be made small; third, in having the distinctive brand in a certain position, instead of on any part of the animal, as with us; fourth, in the registration of brands made by blacksmiths; fifth, in making the owner (as well as the drover), when in charge of travelling stock, carry a way-bill; sixth, the omission of the absurd provision allowing drovers, on certificate of two justices, to omit carrying way-bill; seventh, the impounding only the stock which are not in the way-bill or are inaccurately described, and not the whole mob, as with us; eighth, the power to make regulations; ninth, the penalty for misbranding. In fact, you have largely profited by our dearly-bought experience, and I trust your Bill will pass without opposition, and prove a decided success."

He might also mention that this Bill would be entirely self-supporting, and might, indeed, prove a source of some small amount of revenue to this colony. There was one clause he should like to see introduced, and he hoped it might slip into this Bill in committee. He was told by the inspector of sheep, now residing in Brisbane, that he would be able to deal with the Bill as far as clerical assistance was concerned, but he could not see how the provisions could be carried out without travelling inspectors of brands, to see that the Bill is properly carried out. He hoped that this motion would recommend itself to honorable members in committee. Clause 22 might be considered as a somewhat imperious clause, because it appeared to lay owners of cattle open to injury by constables and inspectors, and perhaps that clause might also be amended and improved in committee. Clause 27 is what may be called the duffing clause; "duffing" was certainly a word that one could not find in Walker's or Johnson's dictionary, but he used the word because it had a generally well-known meaning; "duffing" meant a proneness to brand calves that did not belong to one! Clause 34, was a very important clause, indeed; it provides that for the purposes of any prosecution or action under this Act, any registered brand upon any stock shall be *primâ facie* evidence of the ownership of such brand, and of its having been imprinted on such stock by the owner of such brand. He believed his honorable colleague, the Attorney-General, would agree that one great difficulty in dealing with cases of cattle-stealing was, that the brand was no *primâ facie* evidence of ownership. There might be some objection to these brands having to be replaced at the end of two years, and that the hide of the cattle would be covered with more brands than necessary. In reply to that, he might say that the brand was small, and consisted of a simple numeral and capital, or symbol, to be imprinted upon the beast or horse. The proposed plan of branding would obviate the considerable difficulties which had been met with in New South Wales in connection with the brands. With regard to mobs of cattle driven from this colony into New South Wales and South Australia, there would be no difficulty. A man with cattle would be bound to show the brands he had in his possession, and if he could not account for the brands in his possession, he should be dealt with there and then. The present Bill would thus do away with the curious coincidence of anchor brands he had spoken of, and similar roguery. He hoped the Bill would do away with the large amount of horse-stealing prevalent in the colony. The Bill provided amply for the case of families with distinctive brands. He did not think it would be necessary to occupy the time of the House further; he had, already, endeavored to give the principal points in the Bill which appear worthy of comment, and he would recommend it to the attention of honorable members.

Mr. WALSH said he rose to a point of order, although he was sure the House felt under obligations to the honorable gentleman for the excellent manner in which he had introduced the Bill; he had admitted that it was a money Bill by speaking of revenue to accrue under it. It was only necessary to turn to clause thirty-one to see that taxation was imposed. Although he admired the speech of the honorable gentleman, the Bill ought to have been introduced in a committee of the whole House; and this was another instance to teach the Government that they should be careful how a Bill was introduced.

The ATTORNEY-GENERAL said he was sorry there was so little of substance in the objection, although he admitted that the blot pointed out was fatal at this stage of the Bill. He thought

the rule for the introduction of money Bills should be adhered to, and as the 31st clause provided that certain fees should be payable and enforced, the Bill was doubtless a Bill of taxation, and ought to be introduced in committee. He begged to withdraw the Bill, and to move that the order for the second reading be discharged from the paper.

Motion put and passed, and the Bill discharged accordingly.

CIVIL SERVICE ACTS BILL.

The ATTORNEY-GENERAL said he had now to move the second reading of a Bill to repeal the Civil Service Acts. A Bill of a similar kind, but with somewhat more extensive provisions, has been introduced by the honorable member for Maryborough, last session; but the present Bill was not placed before the House, with the intention of bringing it into competition with the honorable member for Maryborough's Bill; but he had taken it up at an early stage of the session, feeling the pressure and necessity of some such measure, and not knowing whether the honorable member for Maryborough would introduce his Bill again. There were some provisions made in that honorable member's Bill, which would be well worthy of the consideration of the House in committee upon the Bill. That honorable member had proposed to introduce provisions, to enable members of the Civil Service to forego their claims, and place themselves outside the provisions of the Civil Service Act. He should be happy to see these introduced as amendments, for he believed they would commend themselves to a considerable majority of this chamber. There was no reason why the gentlemen of the Civil Service, should not get back their contributions to the superannuation fund, together with some addition, in the way of interest, and thus be enabled to relinquish any claims upon the Government which they may have at the present time. At the same time, he did not propose to compel these gentlemen to do so. All existing interests, in accordance with the principle of all our laws, must be carefully preserved. Experience had shown that, in a young country like this, subject as it was to rapid changes, any attempt to render permanent the offices of the Civil Service, and make the officers a fixture upon the country, had never been a success. In a country like this, it was a better policy to place the servants of the Crown on the same footing as the servants of other persons, and to leave them opportunity to rise, without making promotion dependent upon seniority. The working of Acts heretofore in existence, to effect this permanency in the service, had proved to be a sham, and the supposed advantages of the Civil Service Act have been really delusive. It would be better for the civil servants to know that they depend upon assiduity, for their position and promotion in the Civil Service. He hoped that no honorable member who followed him would depart from the rule he had laid down for himself—that they would not single out examples of individuals to prove the advisability of doing away with this Act. It was sufficiently well known that the operation of the Acts had not been satisfactory, and that they were adverse to continue them on the statute book, while they were anxious that none should be deprived of any vested rights. He hoped and felt assured that there would be no need to resist any attempts to deprive the civil servants of any rights which they may have under existing Acts. There would be no hardship, in future, to gentlemen entering the service, as they would enter it with their eyes open, and knowing that it was upon the same footing as other occupations in the colony; but there would be one advantage left—that in any circumstance, employment in the Government service was likely to be more permanent than in trade or commerce. This permanency, naturally attached to the Civil Service, would at all times be likely to induce gentlemen of ability to enter the service. They should look to see the service not so strong in numbers as in ability, while its members were better paid. He did not think it was generally the case that the Civil Service are highly paid or overpaid; he could not say that. His rule had always been that it was well to have good men, and pay them better, The Civil Service should obtain thoroughly qualified and able men, it ought not to have any inefficient men. He believed that if the rule of having efficient men had been more insisted upon and carried out from the beginning of responsible Government, we should have had fewer painful disclosures such as had recently taken place, and escaped the trying duties of bringing the servants under us into a court of justice, to have them punished for their misdeeds. He hoped, at all events his own feeling was, that the House would agree that they might well do without any Civil Service Act for years to come. He would like very much to see the experiment tried of a perfectly free Civil Service, in which recognised ability and diligence would meet with its reward, under the eye of the head of the department. He thought this the best plan in our circumstances, which are different from those of a settled country. There, it might be more consonant with usage and feeling that the appointments should be like a freehold or a life interest to the civil servants. But we are not a people advanced to that stage, nor ripe for such a system;—that was his way of thinking. He thought it would be possible to place the Civil Service upon a better footing than it was at present. He introduced this Bill to repeal the Civil Service Act, only continuing it in force to the officers in the service at the date of the Act. The amendments which might be introduced by the honorable member for Maryborough, in committee, would be well worth the consideration of the House; there was much in their favor, and they could

do no harm, indeed, they might prove of advantage rather than otherwise. He now moved the second reading of the Bill.

Mr. WALSH said that as the honorable gentleman, the Premier, had introduced his name in the discussion, because he, himself, had anticipated his Bill to repeal the Civil Service Act, he would give it as his opinion that it was time this young colony should have no Civil Service Act. He had never been in favor of any such Act, and it had been introduced under very fallacious notions, and he very much doubted whether those who introduced it had the interests of the country, so much as the Civil Service, at heart. The effect of the Act was injurious, and brought disgrace upon the country. It was very evident that the Civil Service Act had not prevented the unhappy and discreditable deeds lately brought to light in the service. He would not only be prepared with amendments on the Bill—and was glad that the honorable gentleman at the head of the Government approved of them; but he would, also, frame another clause in the Bill to carry out and make imperative a suggestion he had recently made, and providing that, in future, all applicants for appointments in the Civil Service shall have their name, or that the name of each applicant should be duly published, for the observation of the public, for a certain period, in the *Government Gazette*. He believed that all those gentlemen, for the future, with characters to justify them in applying for public appointments, could say nothing in objection to such a clause. It would not concern them so much as tend to prevent the Civil Service of the country being discredited by unworthy appointments in future. His impression was that merit alone should be the road to promotion; and he was quite satisfied that by repealing the present Civil Service Act, by improving the treatment of some of the officers, and keeping a strict guard over others, their honesty and usefulness would be increased, and something like an *esprit de corps* would in time be created, which would prevent the recurrence of such disgraceful doings as had taken place in the service. There was one point on which he particularly wished to be understood;—he hoped that in the endeavor to relieve the country from the present Act, nothing like repudiation would be attempted. The Government must carry out their engagements faithfully; but if they could induce gentlemen in the service to forego their claims in certain cases, and take a *quid pro quo*, he thought that, sooner or later, the object would be achieved, and that part of the Civil Service be done away with which had led to so much ruin and disgrace. There could be no doubt that when Mr. Herbert was at the head of the Government of this colony, there was an opinion among the civil servants that nothing could remove them. He recollected, on one occasion, complaining to the Postmaster-General, because he had been manifestly lenient to one of the officers in his department, who had been guilty of some remissness; and he had been told by that gentleman that, according to the Act, he could do nothing to suspend or dismiss the officer in question. He had nothing further to say, except that he would join cordially with the Premier in endeavoring to make this a satisfactory measure to the country, and not an unfair one to the civil servants.

Mr. LAMB said he did not intend to offer any opposition to the Bill; at the same time, he did not altogether agree with it. He believed it was a step towards Americanising the institutions of the colony, and tended to bring about a state of things when every in-coming Government would turn out the servants appointed by their predecessors. He did not believe the defalcations which had taken place had been caused by the Civil Service Bill; they were rather to be attributed to the bad appointments which had been made, and the little supervision exercised over the officers, and the absence of any proper inspection of their accounts. In many cases, by means of this laxity, temptation had been thrown in the way of the civil servants. For instance, if the Government had adopted the system of making payments in stamps, a good deal of dishonesty might have been prevented. He had heard the Collector of Customs say that the accounts in his department had never been audited since Separation, and that officer was just as anxious to have them audited as any other officer in the service. It must be remembered that the civil servants were not in the same position as clerks in merchants' or bankers' offices;—instead of having only one master, they had a number of masters who were continually changing; and if there were no Act to protect them, the result would be that every Ministry who went into office would find places for their own friends and supporters, and the old servants would have to leave on some ground or other;—they would be found either inefficient or contumacious—and out they would have to go. In Victoria, there was a Civil Service Act, and it was not found that defalcations took place in the public departments. He contended that it was not the Act which gave rise to abuses; but the want of proper supervision on the part of the Government, and the bad appointments which had been made. He should listen to the arguments advanced in favor of the Bill, and would support it, if he felt he could conscientiously do so.

Mr. BELL said he was not prepared to offer any opposition to the Bill, at this stage, but he thought there was a great deal to be said in reference to the position of the civil servants, which was evidently attacked, and intended to be destroyed by the Bill before the House.

The ATTORNEY-GENERAL: All distinct rights would be preserved.

Mr. BELL: He thought it embraced some

retrospective action, which he should be sorry to see. There could, however, be no doubt that it was desirable to do away with the Act which had been in force so long, as it had not worked well; and as the Premier had stated that existing rights would be protected, he had no objection to offer to the motion.

The question was then put and passed, and the Bill was read a second time.