

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 8 DECEMBER 1870

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LEGISLATIVE ASSEMBLY.

*Thursday, 8 December, 1870.*Queen's Park, Toowoomba.—Gold Fields Commission.—
Cancelled Surveys.

QUEEN'S PARK, TOOWOOMBA.

Mr. GROOM moved—

That this House will, at its next sitting, resolve itself into a Committee of the Whole, to consider of an Address to the Governor, praying that His Excellency will be pleased to cause to be placed upon the Supplementary Estimates of 1870, the sum of three hundred pounds (£300) for fencing and laying out the public reserve set apart at Toowoomba for a recreation ground, or "Queen's Park."

Five or six years ago, he said, an application was made to the Government to set apart a portion of land in Toowoomba as a public reserve; and about forty acres were so reserved for the use of the inhabitants. But, as the reserve was situated on the top of the Main Range, it was very unsuitable for the purpose desiderated, being very much out of the way, and the land not being of the best character. It was, however, considered necessary to make an application for a sum of money to enclose the reserve; and, upon action taken by himself, £300 was placed on the Estimates for fencing it in. On the motion of a then honorable member for East Moreton, Mr. Edmondstone, the reduced sum of £150 only was voted. That vote was expended, and a very rude kind of fence was erected around the ground. Under the New South Wales Government, a very admirable piece of ground had been set apart in Toowoomba, called the "Camping Reserve,"

situated on a running stream of water, and comprising between forty and fifty acres of good land. At the close of last year an application was made to Government for the transfer of the "Camping Reserve" to the town of Toowoomba, as a recreation ground, to be called the "Queen's Park," in lieu of the first mentioned reserve which was granted to the town in 1862, and subsequently fenced. It was to enclose this new ground that he now asked for a vote of money. He very much approved of having, in all large towns, recreation grounds set apart for the people. When the application was made to enclose the ground in front of the Parliament House, at a cost of £2,000, he gave support to it; and he had also supported the vote for the Queen's Park at Ipswich. It would be observed by honorable members that provision was made yearly in the Estimates for Brisbane and Ipswich, though for none of the other towns of the colony was provision made. He did not complain of this, because it was only right and just that those large centres of population should have reserves; but he did contend that when other towns required similar advantages, especially the inland towns, the Government should make some provision, to lay the reserves out, in the first place, and to enclose them before handing them over finally to local trustees. He had ascertained that £300 would not be sufficient to accomplish the object sought at Toowoomba; but if that amount were granted, the Municipal Corporation of the town would take charge of the reserve, and defray from their limited resources the expense of keeping the reserve in proper order. It might be said that if Government acceded to his application, other towns would come down with similar applications. Well, he could not see why they should not have reserves for public purposes, the same as Ipswich and Brisbane. He did not see why one town should have the advantage in this respect over another. It would be a very great advantage and assistance to the Curator of the Brisbane Botanic Gardens in acclimatising trees and plants; in fact, branch establishments might be formed at those places; and, no doubt, such would be the case with the Toowoomba Reserve. He might remark that the fence which had been put up at a cost of £150, voted by the House, around the old reserve, was still there—it had not been removed. It had been stated that the Government intended to use that reserve as a police paddock. At all events, the old fence was regarded by the corporation as the property of the Government, and was still unmolested. The new ground which had been exchanged for the old reserve was in its natural condition.

The SECRETARY FOR PUBLIC LANDS: He understood the honorable member to say that the Government were now in possession of land on which £150, voted by the House,

had been spent. He had been searching all day, and he had had his department on search since the motion had been placed on the paper, but they had been unable to discover how that was. Yet the Government were not unwilling to devote a certain sum of money to the purpose set out in the motion. They were not able to give to the extent of £300, but they were willing to give £100, which he (the Secretary for Public Lands) thought would do for the present.

Mr. KING objected to the motion on the ground of economy, and because, at this time, heavy taxes were imposed on the people, and salaries in the Government service were being reduced. This was not the time for the House to go into extra expenditure. If the grant were given to Toowoomba, every town in the colony would have a right to similar consideration. He objected to the motion on another ground:—It was said no later than yesterday that roads should be made by local boards, and that the money expended on the roads should be found by the localities requiring them. If the people of the colony had to provide roads, which were actually necessary for their existence, he contended that they should pay for what, in comparison, were luxuries.

The SECRETARY FOR PUBLIC WORKS said that if the honorable mover desired to go to a division on his motion, he must make up his mind either to lose the whole sum or none; and honorable members should bear in mind, that the offer of the Government was made in substitution of the amount asked for by the honorable member for Toowoomba. No doubt there were precedents for asking for money for such purposes; but he did not think the House had the whole of the facts of the present case before them. He warned the House that if the motion were passed, it would form a precedent, and they must be prepared to consent to vote for Warwick, Springsure, Rockhampton, and other towns of the colony. As representative for Maryborough, he could not consent to it, without bringing forward the claims of that town, and seeking to benefit his constituents. The honorable member should have brought forward a comprehensive resolution which would empower the Government to allow a certain sum of money, not exceeding £100 a year, for the various towns of the colony. If he would alter his motion, he would receive support for the lesser amount proposed.

Mr. DE SARGE said he did not feel inclined to vote for the motion or the reduced amount which the Government proposed. As a matter of principle he would object. There were numbers of the northern towns, not possessed of the fine climate of Toowoomba, which wanted assistance from the Government; and he opposed the granting of money for recreation, at a time when the colony was plunged into debt and could hardly find means to pay its way.

Mr. ATKIN said he thought that the objections made by supporters of the Government came with a very bad grace from honorable members who had gone in for increasing the salaries of the Postmaster-General and the Chief Justice. Talk about economy from them, when a small amount was asked for to benefit the public, was no more than the House might have expected after their extravagance. He twitted the Minister for Works with having got up to speak in order to give the cue to the followers of the Ministry, to object to the establishment of a precedent; and he considered such conduct unwarranted after the statement made by the honorable the Secretary for Public Lands. For his part, he thought that all the towns of the colony had claims for such consideration as was now asked on behalf of Toowoomba. He should support the motion, if amended so as to make the sum asked for £100.

The Hon. B. B. MORETON retorted upon the honorable member for East Moreton, whose remarks he could not allow to pass unnoticed. He intended to oppose a grant of money to such a place as Toowoomba for a local work, which should be subscribed for by those for whose benefit it was proposed. Toowoomba was a prosperous town, and should be able to afford £100. He did not oppose the motion on the score of economy at all.

Mr. MORGAN said he should support the motion for £100, and he was equally ready to support a similar motion for any other town.

Mr. SCOTT denied that he, on the side of the Government, had voted for extravagance, and he would not submit to be talked to in the way the honorable member for East Moreton, Mr. Atkin, had addressed the House.

Mr. HALY opposed the motion. If it were agreed to, there would be no end of similar applications; and he should be bound to his constituents to bring forward one, also.

Mr. McILWRAITH: Within the last three or four days, the House had passed a Loan Bill to cover over-expenditure, and partly to pay for works actually necessary, but which works ought to be paid for out of revenue. Considering that the finances of the colony were not enough to carry it on, to ask the House to support a motion for recreation purposes, while the roads were unmade and the railway was standing incomplete for traffic, was to ask them to waste money.

Mr. EDMONDSTONE said he was prepared to support the motion, although he had, on a former occasion, effected a reduction in a proposed vote for a similar purpose to that now in view. The honorable member, Mr. Haly, said there would be no end to such applications if this were granted. Was there no end to the towns of the colony? Were there fifty or a hundred that would require votes? The motion ought to be passed, and

every town in the colony should be entitled to a recreation ground.

Mr. MILES said he was not going to oppose the motion, because he intended to bring forward a similar motion himself. On that ground he should support it.

The Hon. R. PRING said he intended to support the motion. He should be glad to see a sum placed on the Supplementary Estimates for 1871, for such purposes as the motion favored. He approved of the principle of such grants, and of representatives asking for them on behalf of their constituencies. Without wishing to cast any blame on the Government or their supporters, he could not conceal that he viewed the Loan Bill as a measure in which the interests of their districts had been consulted.

HONORABLE MEMBERS ON THE TREASURY BENCHES: No, no.

The Hon. R. PRING: Honorable members might say, "No," as much and as loudly as they liked; but the honorable member for Burnett, Mr. Haly, had "let the cat out of the bag," yesterday. He knew very well that the honorable member, and other honorable members on the other side of the House, had secured consideration in the Loan Bill for their districts. He could see through it; they had had a great deal to do with the Loan Bill. And, now, two or three got up and said they would not vote for this and for that, on the score of economy. However, the honorable member for Drayton and Toowoomba was perfectly right in asking for money to enclose the reserve at Toowoomba. What was the use of a piece of waste land to the inhabitants of that town? The Corporation could not fence it, because they had not a title; and, if they had, they would be using the municipal funds, contributed for other objects. The reserve was for the public benefit, not for the benefit of the inhabitants of Toowoomba only. He (Mr. Pring) regretted that he could not support the views of the honorable members for Burnett—one of whom, not having spoken since he moved the Address in reply to the Opening Speech, now came forward to oppose the granting of a small sum for the public benefit. As against all that had been said about the House being inundated with similar motions, he might mention that the revenue had been tremendously augmented; and, there was £90,000 of the loan which had been so equitably distributed—of course, it was equitably distributed between Ministers and their supporters, before it was brought into the House;—after that, the small sum asked for could not fairly be considered extravagant expenditure by the most rigid of the economists on the other side. He should like to know why £20 a mile, for five miles, was required on the race course road, Ipswich? He should like to see the Eagle Farm Race course road, which was only three-

quarters of a mile long, cared for. It was evident that the Government had provided for their supporters in every possible way they could.

Mr. HALY, in explanation, protested that he had never asked the Government for a single thing; because he knew, from the way the Minister for Works had often before advocated the interests of the Burnett, that the honorable gentleman would act fairly to that district.

The SPEAKER stated that honorable members must not rise to explain for the purpose of making a second speech.

The SECRETARY FOR PUBLIC WORKS, in explanation, said it would have been better for the honorable member for North Brisbane, Mr. Pring, to have been in the House yesterday, than to bring up matters that had nothing to do with the present debate.

The SPEAKER: The honorable member was making a second speech.

Mr. FERRETT said he rose because the Ministerial supporters had been challenged. Had the honorable member for Brisbane, Mr. Pring, been in his place during the debate on the Loan Bill, yesterday, he would not have spoken just now in a manner so unseemly. The distribution of the road votes, under the Loan Bill, was a very fair one. The honorable gentleman had no right to impute motives. The present Government were willing and able honestly to carry on the Government of the colony—to bring forward measures for the general good of the country. However willing former Governments might have been, they had not been able to do the work of the country. If the honorable member for Drayton and Toowoomba would withdraw his motion, and bring forward one embracing a general scheme to provide recreation grounds for every town in the colony, he (Mr. Ferrett) would vote for it; but he could not support the present motion—which was what he called a local matter. Brisbane was the capital, which was a reason for its reserve being attended to; and for Ipswich, too, there were special reasons for that course; but he was not aware that there was any understanding that the reserve should be fenced at Toowoomba, when the exchange was made.

Mr. THORN remarked that if the Government did give their supporters a share of money voted under the Loan Bill, they also conciliated their opponents. The racecourse road at Ipswich had been proclaimed twenty-five years, and it led to a very large agricultural district. He could not say this for the Eagle Farm road, which was put down in the schedule at £20 a-mile, for eight miles, and which was the road to the Brisbane racecourse. If the present motion were acceded to, no doubt a large number of similar motions would be made. The thing was wrong in principle. The honorable member for Drayton and Toowoomba, in making out his case, did not state whether the

land was within the municipality, or vested in the corporation, who might well make a handsome piece of property of the land. If that were the case, he did not see any necessity for voting the money; still, he would not oppose the motion.

Mr. JOHNSTON said he thought the Government would not be giving any special aid to Toowoomba by acceding to the motion. The vote would be only a *quid pro quo* for the expenditure upon the fencing of the old ground. He thought there should be a yearly endowment for the various recreation grounds in the towns of the colony; and, as the country was opened up, such demands must increase.

Mr. WIENHOLT said that although, in the present state of the finances, he was very much opposed to granting money, the present was a peculiar case, in which the application might be supported. He thought it would be mere justice to give £100 to Toowoomba, and he would vote for it.

The SECRETARY FOR PUBLIC LANDS explained that the terms of the exchange of the land included the permission to the Toowoomba Corporation to remove the fence from the old reserve. The fence had not been removed, and the Government had the benefit of it.

With the permission of the House, Mr. GROOM amended his motion, by substituting "£100" for "£300."

The question, as amended, was then put and affirmed, on a division, by 20 to 8 votes.

GOLD FIELDS COMMISSION.

Mr. KING said that it might be thought that the bringing forward of the motion he was about to introduce was in some measure in opposition to the order of the day which stood third on the list of Government business, and which stated the intention of the Government to introduce in committee a Bill for the better management of the gold fields; but it was not his intention at all to oppose that measure. He had never seen it, if it was in existence; and he had not the slightest idea of what it might consist. He believed that no legislation could be attempted with regard to the gold fields—at least, no satisfactory legislation—until the House had some information on the subject which was not at present available. The Act under which the gold fields were administered was a very old one, which was passed in 1858 by the Legislature of New South Wales, and which had long ago been found perfectly useless in that colony, and had been repealed;—in fact, two Gold Fields Acts had been passed since then, and, at the present time, a commission was sitting to procure such information as was considered necessary upon which to found satisfactory legislation. He believed an attempt had been made in that direction in the Assembly of this colony, and that a Bill had been introduced to amend the Act for the management of the gold fields; but

when honorable members came to discuss it, they found that they did not possess information to enable them to pass an Act. There was no doubt that the gold fields question was one that required great care and attention; it was of a peculiarly difficult and intricate nature. There were two points which required to be more especially considered; and although it was very easy to state in two or three sentences what were the requirements of the diggers, yet there was very great difficulty in giving practical effect to the question. Those two points which required particular attention were—first, the administration of justice on the gold fields; and, second, that which affected the security of tenure.

The Hon. R. PRING: Hear, hear.

Mr. KING: Under the Act of 1858, the powers given to a commissioner on a gold field were in some respects excessive, considering that there was practically no appeal from his decisions; whilst in other matters his jurisdiction was too limited to be satisfactory; and, consequently, many matters which might be very judiciously settled before such a tribunal were driven into an expensive court. One great object to be attained in an enactment for the gold fields was to provide a perfectly cheap and easy method of appeal. Owing to the peculiarities of mining industry it was necessary that justice should be extremely prompt—that there should be no delay, when a difficulty arose, in getting a decision upon it. For that reason the commissioner's court, as at present existing, was very well adapted to the wants of the mining community, provided there was an appeal from that court which was cheap and easy. There were, however, very great difficulties in providing a court of appeal, particularly as, at present, there was no special court to which mining appeals could be referred. It was a question, whether such a special court would not have to be constituted for mining appeals, before Parliament could arrive at a satisfactory and rational conclusion on the subject. For that purpose it was particularly desirable that a commission should be appointed, to examine the several gold fields, and ascertain the wants of the miners—in fact, to take their evidence as to the feeling on the gold fields; thus to ascertain what were their requirements and what would satisfy the wants of the mining community. He would suggest that in any commission, it would be extremely desirable to include some legal gentleman, who could give practical effect to recommendations or frame provisions which it might be found desirable to adopt, for the future management of the gold fields; and, also, he could frame provisions for ensuring such a tenure of the ground as would afford every security for capital, without at the same time constituting a monopoly. It was extremely desirable that, in mining, he who invested money should have the utmost security; that he should not be exposed to objections and disputes touching the founda-

tion of his investment. At the same time, it was extremely necessary, if the gold fields of the colony were to progress, that the land should not be locked up—that it should not be competent for any person to hold it unworked for the purpose of selling it at some future period; and that any one holding his claim, whether under lease or license, should have conditions attached to it, and if those conditions were not fulfilled, the claim should be *ipso facto* forfeited. There could be no objection whatever to the appointment of a commission, except on the score of expense, and he thought the importance of the mining interest was sufficient to justify some expenditure. It promised to become the most important interest in the colony, and he would just refer to the fact that there was no country which had become eminent for its wealth and prosperity in which the mining interest did not hold a prominent place. In the United Kingdom, although there were no gold fields, yet the prosperity of the country was largely indebted to the coal and tin mines; and there could be no doubt that the progress of this colony would be greatly advanced if encouragement were given to the mining industry, and capital and enterprise were invited to develop the natural resources of the country. He thought, then, that whatever expense might be entailed by the appointment of this commission, would be fully justified, and that the money would be well laid out.

Mr. MACDEVITT seconded the motion.

The SECRETARY FOR PUBLIC WORKS said the question presented more difficulties than had been noticed by the honorable member who had moved the resolution. At the same time, it was a question of as much importance in the eyes of the Government as in those of that honorable member, or any member in the House. The Government were fully aware that the future prosperity of the colony depended, in a great measure, upon the development of its mining resources, and the equitable management of its gold fields; and he had no doubt that a commission to inquire into the question, with proper means placed at its disposal, would be able to obtain information of great value, and place the House in a position to legislate on the subject upon correct data, and it was only upon reliable data that they would be justified in legislating at all. Day after day he perceived the want of such information as a commission like this would be able to furnish. There appeared, however, to be greater difficulties in the way than the honorable member had noticed. There was the question of expense, and he had yet to learn that the subject was of such urgency as to justify the cost which the commission would involve. The honorable member had given no facts or figures, and he would therefore state his estimate of the probable expense. He believed that the cost of the commission, if the

work were properly done, would not be less than £3,000 or £4,000, or, probably, £5,000; and it was a question whether it would pay to get the information at that price; and, again, whether the want of legislation on this question was so urgent as to justify that outlay. He was aware that the existing Gold Fields Act was not giving the satisfaction it ought, but he did not think it was so imperfect or worked so unsatisfactorily as had been represented. When the Gympie gold field was in the heyday of its prosperity, a large number of adventurers and speculators were attracted to it, a very exaggerated account was given of the place, and a good deal of dissatisfaction existed. Had the proposition to appoint a commission been made two or three years ago, he believed it would have been eagerly accepted by the House and the country. But things were different now: the value of the gold fields of the colony was better understood; the gold commissioners knew their duty better; and the arrangements generally appeared to give satisfaction—so that there was really no immediate necessity for this inquiry. Still, he admitted that a commission properly accoutred, and with the means at their disposal, might be of great service. There was another reason against taking this step at once—a similar commission was now sitting in the neighboring colony, and he thought it would be better to wait and ascertain the result of their labors. His department was in communication with the Government of that colony on the subject, and he should like to be guided by the experience of that commission before going into any further expense. They might anticipate all the information which could be obtained here, and therefore he thought the proposition was rather premature. No doubt the appeals from the mining court and the commissioner's court were anything but satisfactory, and some simplification and reduction in the expenditure attending such appeals was necessary; and he hoped to see the time when it would be almost impossible for any miners to appeal to the Supreme Court, for he believed it was the worst possible court of appeal; it was—he said it with deference—the most ignorant court in reference to mining cases. He had had some little experience on the subject, and for his part he would sooner refer a case in which he was interested to the first man he met, than appeal to the Supreme Court. So far he agreed with the honorable member for Wide Bay. The only objection which the Government had to the appointment of the commission at present was, that the necessity was not of such an urgent character as to justify the cost it would involve. The motion before the House, in its present form, was not of such a tangible or practical nature that the Government could do more than consider it as an expression of opinion that information of this kind should be obtained. If the

motion were passed, and the House ordered a commission to commence its labors, and he were allowed to select that commission, he should at once ask the honorable member for Wide Bay to undertake the task, because he believed that honorable member, with the experience he possessed, would be able to do more than half-a-dozen other persons. There was no difficulty on the part of the Government except on the score of expense, and, he repeated, the exigencies of the case did not, in his opinion, justify that expense. He had given one strong reason for delaying this inquiry—the commission now sitting in New South Wales; and he might also state that the Government had given notice of their intention to bring in a Bill for the better regulation of the gold fields of the colony, and if this resolution were passed, they would have to pause in their action. The honorable member might rest assured that the Government had the interest of the colony at heart, and were fully alive to the importance of developing its mining resources, and he might rely upon their assistance in forwarding the object of this resolution, or any future resolution of the kind. He thought that after the question had been fully discussed, it would be as well if the honorable member would withdraw his motion, in order to give more time to go into the matter.

Mr. DE SARRE said he agreed with a great deal that had fallen from the honorable Secretary for Works. The mining interest undoubtedly deserved the greatest attention, and he thought the House was indebted to the honorable member for Wide Bay for his observations on the subject. That honorable member, as the representative of the largest gold field in the colony, had very naturally asked for this inquiry. He thought, however, the reasons given by the Secretary for Works should induce the House to pause before granting it. It appeared that an immense sum of money would be required; and as the Government were about to bring in a Bill for the better regulation of the gold fields, it would be better to pass that Bill with the assistance of the honorable member than to expend £4,000 or £5,000 in obtaining information. He was of opinion that the department of the honorable Secretary for Works was not sufficient to undertake all the duties connected with the gold fields of the colony, especially as they were increasing in number and extent; and he would suggest the appointment of an Under Secretary, or Commissioner for Gold Fields, who should take charge of all correspondence and papers relating to mining, visit the various gold fields to obtain information, and keep the Minister for Works, to whom he would be responsible, fully informed upon all matters upon which information was required. He was quite sure that as the gold fields increased it would be utterly impossible for the Minister for Public Works to supply the information which the House

required, with regard to what was going on at the various gold fields, without some such assistance, and he would cheerfully vote £500 or £600 for the salary of such an officer. The gold fields of the colony were extending on all sides, and it was to them that Queensland would have to look for employment for a great many of her immigrants. The request of the honorable member for Wide Bay therefore deserved every attention. He would, however, advise the honorable member to withdraw his motion for the present, and consider whether the appointment of an Under Secretary for Gold Fields would not be the better way of meeting the difficulty.

MR. MILES was of opinion that the motion before the House was inopportune, more especially as a similar commission was now sitting in the neighbouring colony. He thought it would be better to await the result of that inquiry. He certainly thought, that with the assistance of the honorable member for Wide Bay, whose long experience as gold commissioner would be invaluable, they ought to be able to pass a measure for the better regulation of the gold fields, which would give satisfaction. The Government were about to introduce such a Bill, and they would, no doubt, avail themselves of the information which the honorable member would be able to furnish; besides which, they could examine witnesses from the various gold fields. It would be much better, he thought, to take that course than to adopt the recommendation contained in the resolution. With regard to the suggestion of the honorable member for Clermont, to appoint an Under Secretary for Gold Fields, he hoped he did not mean a Minister for Mines, with a seat in the House, and that the Government would not attempt to thrust such a proposal upon the House. He hoped that after a full discussion of the subject, the honorable member for Wide Bay would withdraw his motion; for although he was anxious to do everything he could to assist the miners, he believed it would be quite possible, with the information at their disposal, to frame a measure which would give general satisfaction.

The Hon. R. PRING said he thought the motion had been brought forward at a very opportune time, although he could scarcely advise the appointment of a commission. He did not think any evidence taken by a commission would assist legislation; but he believed that in preparing the Bills about to be introduced into the House on this subject, a good deal of information might be obtained from the decisions in the Supreme Court in reference to the bad management which had obtained in consequence of the imperfect regulations hitherto in force. They might also examine into the management of the gold fields in Victoria, preceding the legislation on that subject, and find out the reasons which had induced the Victorian Legislature to pass their Gold Fields Act, an Act which, he

believed, worked very satisfactorily. After reading cases which had been brought from the Ballarat Mining Court into the Supreme Court of Appeal in Victoria, he found that there was very little clog or obstruction in the mode of appeal in that colony, and he was led to conclude that the system was based upon sound legislation. It might, of course, be said that the gold fields of Victoria were different in character to those of Queensland, and upon this point he was not competent to express an opinion. But he should imagine that the different conditions under which gold was discovered in this colony existed there also. There were alluvial workings, quartz reefs, and different formations there as well as here. It would, therefore, be of great advantage to examine into the legislation of that colony on the subject of gold fields. Then, he came to New South Wales, and he did not think much information could be obtained from the legislation of that colony. He believed the only Act in force there depended upon its regulations, which might be altered from time to time. In his opinion, it would be impossible to pass any Gold Fields Act which would be of use to the colony, as a whole measure—at least for some time to come. The subject would be better dealt with in a series of Bills to suit the different mining interests. The reefing interest, for instance, differed from the alluvial interest. Then again, there was an agricultural interest, altogether distinct from mining property. Residents on the gold fields, who were not miners, should have their interests protected by law. Great complaints had been made at Gympie, by persons who had put up places of business and could get no title or security of tenure. He thought, therefore, it would be better to bring in several Bills, so as to deal with the subject in sections. Of course he agreed with the honorable member for Wide Bay, that the question was a very important one; and if the expense did not stand in the way, he had no doubt the proposed commission might do good service to the country. But it would be an expensive mode of inquiry; it would be some time before the report was brought up, and it was desirable that a Gold Fields Bill should be passed as soon as possible. It should be clear and simple, and should not depend upon regulations attached to it, which, while they had the force of law, could be altered by the Government at any time. They were, in fact, looked upon as law by the judges of the Supreme Court, and interpreted with the Act, and that he believed was never intended by the Legislature. The only regulations which should be attached to an Act of this sort, should be regulations as to details of management, and quite within the scope and spirit of the Act. He did not know whether the honorable member intended to press his motion. He thought it would perhaps be better to postpone any action at present,

until the report of the New South Wales Commission was brought up, and some examination had been made into the legislation in Victoria on the gold question. They would then have some reliable data to go upon, and it would be the more economical course to adopt.

MR. ATKIN said it had been admitted on all sides that legislation upon this subject was absolutely necessary, and also that the question was a very difficult one. Now, it was generally understood that the session would be of short duration, and there was very little probability that a Gold Fields Bill would be passed this year. He could not, therefore, conceive a better way of dealing with the question than that proposed by the honorable member for Wide Bay. The commission would prosecute their labors during the recess, and when the Government came down to the House next session, they would be able to furnish a large amount of valuable information. The subject was one of very great importance, and he did not think the question of expense should stand in the way. He did not think the cost would be so great as some honorable members seemed to think; and in view of the refusal on the part of the Government to take off the export duty upon gold, he thought the mining interest was entitled to some consideration. He could not see how any one could object to the motion of the honorable member. The necessity of appointing this commission had been particularly impressed upon him by the remarks made from time to time by the honorable Secretary for Works. That honorable gentleman had been continually urging the want of some inquiry of the sort, and he (Mr. Atkin) had heard nothing to convince him that that want did not at present exist. When the Mackenzie Ministry resigned, the honorable member had tried to get an inquiry into the management of the gold fields, and he had then urged that the appointment of a committee would probably be the means of preventing a number of persons from leaving the colony, and had brought forward many other arguments to shew the danger in delaying the consideration of the question. He had appealed to honorable members who were conversant with the subject, to say whether there was not great necessity for legislation in that direction. When the Gold Fields Bill was brought in, in the second session of 1869, the honorable member had spoken with great force in support of that view of the subject. He had referred to the great expense attending lawsuits in the Supreme Court, in consequence of there being no proper court of appeal. Did the honorable member say that the same necessity did not now exist? If it were admitted that legislation on the management of the gold fields was required, some mode of obtaining information such as had been suggested by the honorable member for Wide Bay must be obtained, for without reliable

data no legislation could be effectual. No doubt some valuable information might be obtained from the evidence taken by the New South Wales Commission, but he thought some inquiry should be made into the management of the gold fields of this colony. The honorable the Secretary for Public Works had stated in that House that if the committee he had asked for had been appointed, a much better Gold Fields Bill would have been the result. Well, that was the exact position which the honorable member for Wide Bay took up. If the Government agreed to this commission they would have a much better Bill—one which would do more justice to the miners, and would be in every respect more satisfactory than any measure which the Government, however desirous they might be to do what was right, could possibly frame without such an inquiry. He should support the motion, because he looked upon this as a case in which the money would be well spent, and be the means of bringing in a large accession to the revenue.

MR. LILLEY said he should support the motion. The question was one of such importance to the future of this colony that he was not disposed to offer any opposition to the proposition, and he thought the suggestion of the honorable the Secretary for Public Works, to appoint one gentleman possessing the ability and experience of the honorable member for Wide Bay to conduct the inquiry was a very good one. In this way the information might be obtained at a very small cost; although, considering the importance of the subject, he thought they would even be justified in going to considerable expense. He did not agree with the honorable Secretary for Public Works that the present condition of the gold fields of the colony did not justify any immediate action in this direction. On the contrary, the yield of gold was very large, and he thought the utmost encouragement should be given to develop the resources of the various fields. He thought that if the Government would appoint one gentleman, possessing the requisite qualifications, as commissioner, very valuable results would follow. He did not concur in the opinion that all the information necessary might be obtained from the other colonies. Valuable information would, no doubt, be obtained in that way; but he thought this colony should make some independent exertion, and endeavor to benefit her neighbors in proportion as she derived benefit from their experience. There were peculiarities in the conditions under which gold was found in each gold field. Gympie had unsettled the views of a great number of scientific persons; that would be the case in other new fields, and it was, therefore, necessary to obtain local information. He thought the Minister for Works would do well to give his support to the resolution and allow it to pass, limiting the appointment to one commissioner, and, of course, limiting also the expenditure.

Mr. HALY said he did not think there was a single subject which required so much attention as the mining interest. It would be much better to obtain reliable data than to rush into any hasty legislation; and the necessary information would, in his opinion, be much better obtained by a commission appointed by that House than second-hand from the other colonies. The gold fields differed materially in their character in different parts of the country, and the regulations which applied to one gold field would not apply to another, in the same way that the land laws of one colony would not suit another. For these reasons, he thought it very desirable that a commission should be appointed to collect information on the subject. There was not the slightest chance of a Gold Fields Bill being passed this session, and there would, therefore, be plenty of time for the commission to bring up a report. He did not believe it would cost anything like £4,000 or £5,000. Some years ago, he had asked for a commission to inquire into the diseases in cattle and sheep, and he had made calculations that if that commission had been granted, and they had taken evidence and travelled through the different districts of the colony, the cost would not have exceeded £2,000. Now, supposing even £3,000 were required, the money would be well spent in obtaining reliable data for future legislation. Nothing injured an interest so much as hasty legislation; it was much better to have no legislation at all.

Mr. FYFE said it was his intention to vote for some amount of money to be expended in obtaining information upon which to base some practical legislation on the subject of the gold fields of the colony. In his humble judgment, they had been following too closely in the footsteps of amateur legislators, and the legislation of the other colonies, in reference to this question. Too many clauses from the Acts of Victoria and New South Wales had been incorporated into the Act in force in this colony. He believed it would be quite impossible for any honorable member in that House, without some practical experience of the various gold fields of the colony, to lay down any principle for their management. For example, in some gold fields there was no deep sinking, no river frontage claims. Quartz reefing differed from alluvial workings, and required different regulations. In fact, each gold field had its own peculiarities. It was necessary, therefore, to obtain information on the spot, and he thought that could best be obtained by appointing one or two competent men to go round and visit the different localities. Such an inquiry would give general satisfaction, and a great deal of expense would be saved to the country; more especially if the honorable member for Wide Bay, who possessed an intimate knowledge of the subject, would undertake to conduct it. Something ought to be done to satisfy those persons who

invested money in mining enterprises; for he did not agree with the honorable Minister for Public Works that everything was in such a satisfactory state on the gold fields. He would point out the great expense of litigation which had been incurred during the last twelve months, and the trouble and annoyance to which the miners were subjected from it. It was very necessary, in his opinion, either that a commission, consisting of one or two gentlemen, should be appointed, or else that delegates should be invited from the different gold fields to confer with the Government in Brisbane, in order that their suggestions might be embodied in the Bill. The gold fields question was one which required mature consideration, and it was especially necessary to give greater security to those who invested in mining property.

Mr. McILWRAITH said he must oppose the motion before the House. Looking to the tone the debate had taken, he thought the Secretary for Public Works had touched the real gist of the matter when he had recommended the honorable member for Wide Bay to withdraw his motion, and to await the result of the commission now sitting in New South Wales. That inquiry would probably afford a solution of the difficulties which existed in this colony. In bringing forward his motion, the honorable member had referred particularly to the great want of a proper administration of justice, and a proper security of tenure. Now, those two wants were equally felt in the gold fields of Victoria and New South Wales; and the gold mining carried on in those colonies differed in no essential particular from the gold mining in this colony. There might be certain slight points of difference, but none which affected these two points. Gold was obtained there in different ways, and in different formations, the same as in Queensland. There was nothing to hinder the Government from obtaining all the information they were now collecting in Sydney, as well as the information which had been obtained in Victoria. He thought it would be of great advantage to obtain the experience of the other colonies, because it extended over a much wider field than would be offered to a commission appointed here, and the legislation which would be based upon such an inquiry would last probably for years. If the House had been engaged in legislating upon this question, and had been obliged to stop for want of data, he could have understood this motion, but that was not the case. There was another reason against the appointment of this commission. There were now two or three members in the House who represented gold fields, which had never been represented before; they were conversant with the subject, and would, no doubt, attend to the interests of their constituents; and it would be well to wait and see the result of their labors before going to the expense which the appointment of a commission would involve.

Mr. MACDEVITT said he thought this motion should be supported by every member who took the position of the colony into his serious consideration. It was singular to note the different reasons which had been given by different members in the course of the debate. The most insufficient reason advanced in opposition to the motion before the House was, he thought, that adduced by the honorable member for Warrego just before he sat down. The honorable member had stated that he could have understood the motion if the House had been engaged in legislating on the subject or had been in want of data. He begged to call the honorable member's attention to the fact that the House had recently been engaged in the work of mining legislation. The question had been discussed at length; a Bill had been framed with great care by the honorable Minister for Mines, who had been assisted by a gentleman well conversant with the subject, and passed through all its stages in that House, and had gone to the other House, where it had been thrown out. It could not, therefore, be said that the question had not been a subject for legislation, but information was now wanted, which the House did not possess. The honorable member who had tabled the motion would, no doubt, give the House all the assistance in his power; but it must be remembered, that in the Victorian and New South Wales Legislatures, there were members who were fully conversant with the subject, and yet there it was found necessary to appoint an expensive commission to collect information. The honorable Secretary for Works appeared to have changed his opinions, since he had moved for a Gold Fields Committee in that House. Since that time the gold mining interest had become more important, and the present conduct of the honorable member was, therefore, somewhat inconsistent. If the necessity for the appointment of a committee to obtain information upon which to base legislation was then so urgent, it was equally so now. Then the honorable member had enlarged upon the danger of delay. Now, speaking from the Ministerial benches, he saw no necessity for immediate action. He (Mr. MacDevitt) held that it was absolutely essential that reliable information be obtained upon which legislation on this important question might be based. It had been suggested by several honorable members that it would be advisable to await the result of the commission now sitting in New South Wales before taking any direct step in this colony. But admitting, as honorable members did, that the honorable member for Wide Bay, from his knowledge and experience, was thoroughly qualified to express an opinion on the subject; it would only be right to follow the course which he had pointed out. His opinion was, that it was desirable to take action at once. Commissions had also been appointed in Victoria to

obtain information on this important subject, but the people of New South Wales had not been satisfied to accept the result of those commissions as conclusive, but had resolved upon instituting an independent inquiry themselves. They had not been satisfied to follow in the wake of their neighbors, and to arrive at the conclusion that the same regulations would apply to different colonies. The same argument applied with equal force to Queensland; each colony required special legislation. The honorable member for Warrego had remarked, that in no essential particular did the mining operations carried on in this colony differ from those in New South Wales, but he had not given his interpretation of the term "essential particular." If the honorable member had spoken of the accidental circumstances connected with the different gold fields, he would not have come to that conclusion. If he had been correctly informed, there had been no gold field discovered similar to the Gilbert gold field. Nowhere else had gold been discovered under similar conditions. If honorable members would imagine a country similar to that leading to Gympie, traversed with creeks and rivers, and dotted over with patches of gold here and there, they would have some little idea of the Gilbert gold field. There was no other gold field like it. Then again at Ravenswood, he was informed that the accidental conditions under which gold was discovered there, were altogether different from those of other gold fields. The deposits of gold in quartz differed from the deposits in other localities. The honorable member who represented Wide Bay so efficiently, would bear him out in these statements, because he possessed practical experience of these peculiarities. Now, as to the legal aspect of the case, it might be presumptuous in him to offer an opinion, but he must say that, from his point of view, the appointment of a commission was absolutely necessary, because, as had been observed by a great statesman, elsewhere, justice delayed was justice denied. It was only necessary to consider the existing state of things. There were at Gympie, Ravenswood, and elsewhere, mining properties as valuable as any pastoral properties in the country. These properties might be adjudicated upon by a commissioner, who could decide upon them without taking any evidence, and there was no appeal from his decision. On one occasion, in a case in which he was interested, he had asked the commissioner for a memorandum of his decision, which was readily given; but, when he had asked for the reasons which induced that decision, he had been refused. When the rights of property of such value were in question, the want of a proper appeal became a serious grievance. He had no doubt the honorable Secretary for Public Works and Mines was quite aware of these matters, since he had been so emphatic in warning the House against the danger of delaying legislation on

this subject. There was equal force in the argument against delay now. He hoped, therefore, the Government would consent to the appointment of this commission. The expense it would entail was, no doubt, a serious consideration, and he fully recognised its importance; but the system of cheese-paring might be carried too far. The question was not only a question of expense, but of judicious expense, and, in this case, he believed the outlay would be fully justified. By his own experience he could fully bear out what had been stated by the honorable the Minister for Works, as to the appeals on mining disputes not being settled on their merits. He ventured to assert that there would not be found on the records of the Supreme Court one appeal case from the Mining Courts that had been decided on its merits. He therefore hoped that the honorable member for Wide Bay would press his motion, and that he would succeed in carrying it.

Mr. Groom said that ever since he had had the honor of a seat in the House, the question as to gold fields legislation had been brought forward almost every session. Now, while he said so, he must add that he thought there was scarcely any question more deserving of consideration. When he saw that the honorable member for Wide Bay was returned he expected that one of the first acts of that gentleman would be to bring in a measure for the improvement of legislation as to the management of the gold fields; and he must say that he thought it was highly honorable to that gentleman that before taking any steps as to legislation in the matter he had asked for the appointment of a commission of inquiry, inasmuch as it shewed that he desired to avoid hasty legislation. If, however, the commission asked for by the honorable member should be appointed, he hoped it would not cost so much as a commission of a similar kind in New South Wales cost that colony. The members of the commission there received three guineas a day, and the president four guineas; and, more than that, a demand had been made by the president of the commission that he should be paid for seven days per week—or, in other words, that Sundays should be included in the number of days for payment in his case. Now, he did not think that this colony, under present circumstances, could bear such an expense. He thought there was much value in the suggestion put forward by the honorable member for Clermont, that because of the gold fields of the colony being so widely scattered there should be a special commissioner in Brisbane to attend to the administration of matters relating to the gold fields. The present system was most unsatisfactory. To-day, for example, there were certain regulations issued; and to-morrow, if there was a change of Ministry, another and opposite set of regulations were issued. For those reasons he would support

the motion; and he hoped the honorable member for Wide Bay would be appointed a member of the commission, should the motion be agreed to by the House, because of his great experience in connection with gold fields legislation.

The COLONIAL SECRETARY said that, when the motion of the honorable member was placed upon the notice paper, it seemed, at first sight, rather vague, and the Government thought it would be likely to entail a large expense. It was, also, at first, thought by the members of the Government that the motion was premature. However, during the debate the opinions of the Government had undergone some modification. The report of the commission that had been appointed in New South Wales, to inquire into matters connected with the working of the gold fields there, might be of considerable value, as a guide to the commission that might be appointed here. The Government, he might state, thought that if a certain amount—and that a reasonable amount—for the expenses of the commission was stated in the motion, the House might be induced to pass it; and, if so, the Government would accept of it. He and his colleagues had had a consultation about this matter, and the conclusion they had come to was, that it would be better to have one commissioner of experience and sufficient ability to conduct such an inquiry as was proposed, than to have a commission. If the House should decide on appointing a commissioner, they ought to appoint some legal gentleman, who should be assisted by a secretary who had a knowledge of mining matters. He was sure that every honorable member would admit that it was absolutely necessary that a great amount of information was required as to gold-mining affairs, before further legislation as to the gold fields was entered upon. If the honorable member for Wide Bay would consent to amend his motion, so as to specify the amount he thought would be required, the Government might support him. It would, however, be for the House to vote the amount. Honorable members should also bear in mind that no legislation on the subject of the gold fields could take place until the report of the commission or of the commissioner, as the House might determine, was produced. If the House should determine in favor of the appointment of a commissioner, it would be necessary to appoint a gentleman who would be able to prepare a draft of a Bill for the amendment of the present law as to mining affairs. He would suggest to the honorable member for Wide Bay that he should amend his motion to the effect that an address be presented to His Excellency asking that a sum not exceeding £2,000 should be placed on the Supplementary Estimates to meet the expenses of an inquiry as to the management of the gold fields. If the honorable member accepted of the sug-

gestion the Government would agree to the motion. He believed that inquiry as to the management of the gold fields was necessary; and that it would be productive of much good. He had considered the probable cost, and he thought that for the services of a commissioner and secretary, the House would require to vote £1,500 at least. The inquiry might be completed for that amount, but he thought it would be necessary to put down £2,000. If one of the District Court judges was appointed it would be necessary to pay him a sum in excess of his usual salary in order that he might be able to meet travelling expenses. There would also be the salary and travelling expenses of a competent secretary, and the travelling expenses of witnesses. He had thought over all those matters, and he had come to the conclusion that the inquiry might be carried out for about £2,000.

Mr. BELL said, that while he admitted the necessity for the inquiry proposed, he could not agree to the way in which it was proposed by the honorable member for Wide Bay to make the inquiry. He thought that, by the way the inquiry was proposed to be made, the expense would be much greater than the House at present anticipated. If the House should determine to appoint a commission, he hoped the honorable member for Wide Bay would be one of the members of it, because of his great experience in connection with the administration of the laws relating to mining matters; but while saying so, he thought it would be preferable that the inquiry desired should be conducted before a select committee of the House, just as in the case of any other question of equal importance, than by a special commission. He thought, that considering the time a commission of inquiry would necessarily occupy in travelling to the various gold fields, and the expense that would thereby be occasioned, the House would be disappointed as to the amount of benefit—as compared with the amount of expenditure—which honorable members, at present, expected to result from the proposed inquiry. He thought that the amendment he was about to propose would have a more lasting and beneficial effect than the motion now before the House. The amendment he desired to propose was, that certain words should be omitted, so that the motion would read as follows:—

That a committee of this House be appointed, with power to send for persons and papers, to inquire into and report upon the present management of the gold fields, and to prepare a report thereon, which may serve as a basis for future legislation thereon.

Honorable members were quite well aware that nothing could be done in respect to legislation for the gold fields during the present session; and feeling convinced of that he had no hesitation in submitting, for the adoption of the House, the amendment which he now proposed.

Mr. KING said he could not accept of the proposition of the honorable member for Northern Downs, because he considered that instead of its being a simple amendment, it amounted almost to a new motion. His reason for desiring the appointment of a commission, was that he believed the bringing of witnesses to be examined before a committee in Brisbane, would involve a much greater expenditure than would be necessary in the case of a commission visiting the various gold fields. While he held the office of gold commissioner at Gympie, he had had the opportunity of hearing the question now before the House discussed by practical miners; and it was only the opinion of practical miners that was of any value for the initiation of legislation with respect to matters relating to the gold fields. The honorable the Secretary for Works had stated that the complaints which had been made as to the working of the Gold Fields Act, were made by miners whose first expectations had not been realised to the extent they anticipated, and that the agitation on the subject had ceased from those disappointed miners having left the colony. Now, he could inform the honorable gentleman that he was quite mistaken. The reason why there was less agitation now than formerly, was owing to the fact that the mining population was more scattered. He believed, that if, next day, the number of miners was increased to any great extent upon any of the gold fields in the colony, dissatisfaction with the working of the Gold Fields Act would be as strongly expressed as ever. The first local court that was formed at Gympie consisted of miners from Victoria and New Zealand; and, without exception, all the members expressed their dissatisfaction with the existing Act. The working of the Act seemed to him to depend entirely upon the views that might be held by the commissioner as to the extent of its application. Another reason he had for desiring that a commission should be appointed instead of a committee was, that the members of the commission would have the benefit of the evidence locally obtained from the miners. The members of the commission should consist of gentlemen who had had a legal training, in order that, accompanying their report, they might produce a reasonably satisfactory draft of a Bill for the amendment of the present Act. He thought that something like the Victorian system should be adopted. The gold fields in that colony were more productive than were the gold fields in this colony; but the cost of the mining department in Victoria amounted he believed to about £58,000 per annum; and honorable members should bear in mind that the gold fields in Victoria were not so widely scattered as were the gold fields in this colony. He had only further to add that he was willing to accept the suggestion of the honorable the Colonial Secretary, as to fixing a certain sum to meet the expenses of

the commission, and to amend his motion accordingly.

Mr. ATKIN said he would support the proposition of the Government, as he believed that, in conducting such an inquiry, the expense that would be incurred by a committee would be greater than the expense that would be incurred by the appointment of a commissioner, while it would not have an equally beneficial result. As far as information to honorable members was concerned, he thought it would be well that the Attorney-General might be appointed commissioner, because of his great ability, intelligence, and legal knowledge. If the Government did not approve of that suggestion, they might adopt another he was prepared to make,—and that was, that the Surveyor-General should be appointed the commissioner; and, he had no doubt, that from the great knowledge that gentleman possessed as to mining matters, much advantage would result to the colony from such an inquiry being conducted by him.

Mr. GROOM said he hoped the honorable member for Northern Downs would withdraw his amendment; and his reason for asking him to do so was, that during the time he had had the honor of a seat in the Legislative Assembly, he had very seldom found that the reports of select committees had been attended with any practical results, though such inquiries occasioned great expense.

Mr. MILES said he would support the amendment of the honorable member for the Northern Downs; as he believed that, by a select committee the House would be able to obtain all the information they required to enable them to legislate as to the management of the gold fields. He wished to take that opportunity of drawing attention to a motion further down on the Paper, proposing that there should be a geological survey of the colony. Now, such a survey would cost a very large amount of money if properly carried out. The honorable the Minister for Works had stated that the gold fields were not so beneficial to the revenue as had been represented, and yet, in the face of that, the House was to be asked to provide for a commission of inquiry as to the management of the gold fields, and also for a geological survey. He thought that if a committee were appointed, with power to summon witnesses, all the information that was necessary as a guide for legislation would be obtained. He must, however, say, that he did not think miners were the best witnesses in such an inquiry, as the matter too nearly affected themselves. What would be said if, acting on the same principle, they were to examine squatters to obtain information as to the best way of framing a Land Bill? He could not support the proposition of the honorable member for Wide Bay; and, therefore, on the present occasion, he felt it to be his duty to support the Government.

Mr. MORGAN said he would support the amendment proposed by the honorable mem-

ber for Northern Downs, as he did not think the finances of the colony were in such a condition as to bear the expenditure that would be necessarily occasioned by the proposed inquiry being conducted by a commission. By summoning witnesses from the various gold fields for examination before a committee, the House would obtain all the information that was necessary to enable honorable members to legislate on the subject.

Mr. DE SATGE hoped the honorable member for the Northern Downs would withdraw his amendment, because he considered it would be perfectly useless to appoint a committee; inasmuch as the members of the committee might know nothing about mining matters. Besides, there were so many gold fields, and they were so scattered, that the expense of bringing witnesses to be examined before the committee would be much greater than the expense that would be occasioned by the appointment of a commission. He should certainly support the proposition of the Government, because he considered it to be a very reasonable one.

Mr. MACDEVITT said he could not agree with the honorable member for Maranoa in saying that, in any inquiry of the kind proposed, miners would not be the best witnesses. For his part, he considered that, as practical men, they would be the best witnesses to give evidence for the guidance of the House in legislating as to the management of the gold fields. The miners would only be asked for information, and it would then be for the House to make use of that information for the purposes of legislation. He fully approved of the motion introduced by the honorable member for Wide Bay, and he would therefore support it. If it should be carried, he hoped the inquiry would not be obstructed by what he might designate as false economy. Since 1857, when the present Gold Fields Act was passed, no inquiry had taken place as to the working of the Act; and yet, during the same period, several inquiries by commission had taken place, in Victoria, as to the working of the Gold Fields Acts in force in that colony.

Mr. STEPHENS said he believed it would be admitted by most honorable members that they required more information than they at present possessed in respect to the working of the Gold Fields Act, before they entered upon further legislation upon the subject. It had been suggested that the Government should appoint one of the District Court judges to act as commissioner. Now, he would like to know whether, if that suggestion were acted upon, the gentleman who might be so appointed would receive the difference between his ordinary salary and the sum of £2,000 proposed to be voted for the expenses of such commissioner. He believed that the amount of evidence that would be brought up by a commissioner, if a member of the legal profession, or by a com-

mission, would be so bulky that very few members would be at the trouble of perusing it. For his own part, he thought that, in the case of any inquiry that might be instituted in regard to this matter, the miners, who were the persons chiefly concerned, should bear the expense of witnesses. He would certainly support the amendment of the honorable member for the Northern Downs; because he considered it would not be nearly so expensive as that of a commission, or of a commissioner, who might be authorised to travel over the whole colony. The expense of the committee might be greatly kept down by requiring the resident miners of any particular district who desired to send witnesses to bear all the expenses, except the travelling expenses, of those whom they might appoint to attend the committee, and give evidence.

Dr. O'DOHERTY said he thought it would be well if he reminded the House—there being many honorable members who had not been in the last Parliament—that he had the honor, about a year ago, of presenting a petition very largely signed, he thought there were 700 signatures, by guaranteed miners. It was from Gympie, and prayed that the House might adopt the very plan that was now suggested by the honorable member for Wide Bay, before legislating on the very important question of the management of the gold fields. He thought it might be of some weight with the House in coming to a decision this evening, because, probably there was no class of people in the colony who ought to be, and doubtless were, more familiar with the difficulties of legislating on mining matters than the miners themselves. Their evidence would have great influence with honorable members, more especially, as they all acknowledged that they knew practically very little about the subject. That petition had much effect in preventing the Gold Fields Bill formerly passed by the House from becoming law, as they considered it would be unsatisfactory, in the face of such a protest. He was, however, inclined to agree with the honorable member for Northern Downs that a select committee might meet the difficulty at the present time, because it must be recollected that there were now in the House honorable members who were practically conversant with mining affairs, which was not the case formerly. He mentioned the honorable members for Wide Bay and Kennedy, who, directly and indirectly, had considerable experience of the gold fields. The question therefore was the relative expense of the two propositions. It appeared to him (Dr. O'Doherty) that the appointment of a committee would still be very expensive, as it would require the attendance of witnesses from a great distance—practical miners from the various gold fields. Most honorable members regarded the question of legislating for the gold fields as one affecting

the most important interests of the colony. He thought that on such a vital question, a few hundred pounds, one way or the other, was a minor consideration, as compared with the necessity of obtaining the most valuable information for the guidance of the House in future legislation. On the whole, he was inclined to agree with the suggestion of the Government to appoint one commissioner; and he trusted, if it were to be decided that way, that the House would see that a fitting man was appointed.

The Hon. R. PRING said the question was rather a difficult one to decide, because both propositions recommended themselves to support. There could be no doubt as to the necessity for having an investigation; but the real question was, how was it best to be done? He had considered which was the most suitable mode of carrying out the wishes of the House, and he had determined that the amendment of the honorable member for Northern Downs was the best. He was not in favor of select committees of the House. He knew that they sat, and sat, and sat; and they brought up very short reports, which very few members ever read—he excepted one gentleman, who was not now in the House. However, that difficulty would not exist in the present case, for everyone was anxious for information. He did not think that any good result would be achieved by a legal gentleman travelling through the mining districts to obtain evidence, and then drafting a Bill for the Parliament. His opinion was, that if a Bill or Bills were to be drawn, instructions given to a practical man, from the information secured, would ensure the drafting of a measure better than if the man who collected the information drew a Bill himself. It struck him (Mr. Pring) that a select committee would be of value, and obtain the necessary information without much expense. He had had some experience of mining matters in the courts, and he always found that the commissioner on a gold field ascertained the wants of the miners. In the first place, he was always amongst them, and, under the existing Act of Parliament, he was the sole arbitrator in their disputes—up to the time of the establishment of the local courts, which was under the Mackenzie Government—sometimes assisted by assessors. He (Mr. Pring) apprehended that the commissioners for the various gold fields could give the best information of the requirements of the miners, and how to provide for them. He would back Mr. Jardine, of Rockhampton, to come down and say what the miners wanted; from the practical knowledge of that gentleman, and his experience of gold fields, extending over a series of years, from his familiar acquaintance with the various nature of the disputes arising between diggers, and the several causes and objects of litigation in connection with mining, he could give the

best evidence. If allowed to do it, he could give as much information that would lead to a good result as if twenty barristers went up to collect it. No commission could do more. He (Mr. Pring) apprehended that the gold fields differed. The commissioners on the different gold fields could give evidence, each in his own sphere. As to mining disputes, if the existing law of mining partnership was not good for the gold fields population, any skilled lawyer, with the proper material in the shape of information, could frame a Bill in his own chambers. But it did not require a large body of miners to give information upon the law of partnership. That was one part of the system of gold fields management about which there should be no great difficulty or anxiety. Again, there was the question of granting agricultural leases of land on proclaimed gold fields, where portions of the land might afterwards be required. That demanded, and must have, very serious consideration; but he did not think evidence from the miners was much needed, as to that matter. He thought he could form a very good opinion himself, as to whether the land should be alienated from the Crown, whether by leasehold or not, or whether some other tenure should be preferred, in the establishment of a system to suit the gold fields. No body of miners could ever give him information upon that subject. Therefore, he thought the commissioners would afford the best evidence. Again, there were honorable members now in the House, who took a deep interest in the well-being of the mining population: take the honorable member for Wide Bay on the committee; and take the honorable member for Kennedy, and the honorable member for Rockhampton. The latter knew something about mining in Victoria, also. The House could get the benefit of the practical experience of those honorable members, who would be able to render valuable services—all three of them. With reference to the proposition to send gentlemen round the country, he did not know, in the first place, where they could be found. As to the District Court Judge, if he undertook the duty, he could not attend to his court for six months. The only way was, that the District Court Judge might employ some of his time—when his court was not sitting—which he might well do, and draw up a report; but that could not be done under six months. Yet, after all, he very much doubted whether that was the proper person to appoint.

The question—That the words proposed to be omitted (from the original motion) stand part of the question?—was put and negatived.

The amendment (Mr. Bell's) was then put—That the words proposed to be inserted (in place of the words omitted) be so inserted?—and the House divided:—

Ayes, 12.	Noes, 17.
Mr. Thorn	Mr. Walsh
" Moreton	" Palmer
" Mollwraith	" Ramsay
" Edmondstone	" Scott
" Bell	" Thompson
" Jordan	" De Saigé
" Pring	" Johnston
" Morgan	" Wienholt
" Fyfe	" King
" Miles	" MacDevitt
" Forbes	" Italy
" Stephens	" Groom
	" Lilley
	" Royds
	" Ferrett
	" Atkin
	Dr. O'Doherty.

The SECRETARY FOR PUBLIC LANDS then moved—

That the following words be inserted in place of the words omitted:—This House will, at its next sitting, resolve itself into a Committee of the Whole to consider of an Address to the Governor, praying that His Excellency will be pleased to cause to be placed upon the Supplementary Estimates for 1870, a sum not exceeding £2,000, for the purpose of defraying the expense of a Commissioner to visit the Gold Fields, and to take evidence and examine into."

This was, he said, the amendment which the Government had stated they would bring forward.

Question:—

That the words proposed to be inserted be so inserted.

MR. BELL: Before the question was put, he would ask honorable members to consider their proceedings fully. He admitted that up to a very short time before he proposed the amendment which had just been negatived, he did not conceive that there was any course open to the House but the acceptance of the resolutions proposed by the honorable member for Wide Bay or that suggested by the Government. Other honorable members were in the same position, as he found by the division, as he had been in earlier in the debate. He now asked honorable members who had not given the question their fullest consideration—who were not wedded to their opinions, or afraid of admitting that they had hastily given their votes upon a question which involved this country in the expenditure of a considerable sum of money—who were, on the one hand, saving every £10 note, dealing with every question in the most narrow manner, on the plea of economy, and, on the other hand, as in the question before the House, committing the country to extravagance;—he again asked them to pause before pledging themselves, finally, to the proposal just made. It was proposed to spend £2,000, nominally, on the commission; but what would that involve, practically? Before the commission came to a close, £4,000 or £5,000 would be expended. He was quite prepared, notwithstanding the expense that the commission would involve, to agree to the Government proposal, if the honorable

member for Wide Bay would take part in the commission. He considered that a legal gentleman would be perfectly useless, and out of his element, travelling about the mining districts of the colony, and he thought that to appoint a lawyer, whosoever he might be, for such a purpose, would be perfectly useless. Look at the legal gentlemen in the House, or, further, in the colony: what advantage would be gained by any of them going out as a commissioner? If a legal gentleman had the evidence before him, he could, in his own chambers, draw up a Bill which would be all that was necessary for the purpose. The House had just increased the burden of taxation, and he recollected what professions of retrenchment had been made, and how many vitally important matters were in abeyance for want of funds. He asked the House, if they could, under such circumstances, wilfully incur such expenditure as was now proposed, when it could be so well, so easily, avoided? He would ask, what had become of the Bill which had been brought in by the honorable gentleman who now presided over the deliberations of the House? What had become of the evidence taken by the Minister of the day upon the gold fields? Again, he asked, what discontent on the part of the mining population of this colony, at this time, had come to the knowledge of the House, out of proportion to the dissatisfaction admitted all along to be felt by the gold-fields community in all the colonies alike? If that could not be answered, he asked what was the sudden necessity for the proposed expenditure? He looked upon the last proposal as in part the result of a hasty conclusion come to by the House, carried away by the "sweet words" of the honorable member for Wide Bay. He would ask those practical members of the House who could look upon this question as not of such urgent necessity, to reconsider their decision, and to bear in mind that they were about to commit the country to an expenditure which was not justifiable at the present time.

Mr. MILES said honorable members had been told, both inside and outside, that the honorable gentleman who held the position of Colonial Treasurer, was to get the country out of its difficulties, and that he would be able to come down with a surplus of revenue over expenditure. He was afraid, from the goings-on in the House, that if the Treasurer allowed such sums as that proposed to pass, the honorable gentleman would be like all the Colonial Treasurers heretofore, a "shicer." He would come down with a much larger deficit than any other Treasurer. There were large sums on the business paper, and how was the Treasurer going to provide for them? He (Mr. Miles) could assure him that if he asked for another Loan Bill he should not get it. While the Government were going in to reduce the salaries of the civil servants five per cent.—he might take this opportunity of saying that he thought reductions might be

made, but not in that wholesale way—the House could not afford to vote such a large sum as that proposed. He agreed with the honorable member for Northern Downs, that to send a legal gentleman on the commission would be the greatest evil. The honorable member had said he would consent to the expenditure if the honorable member for Wide Bay took a practical part in the commission; but that would be one of his (Mr. Miles') greatest objections, as he thought they could not afford to lose the services of that honorable member in the House. He could not consent to that; as the House and the country would benefit from that honorable member's long experience to aid them in legislating upon the important question of the management of the gold fields.

Mr. FERRETT remarked that the honorable member for Brisbane, Mr. Pring, who had alluded to other honorable members' conduct, was not himself present to judge of their proceedings on a previous occasion. With reference to the present question, he had considered it in all its bearings, and regarded the securing the greatest good at the smallest cost; and this could be done by adopting the course proposed by the Minister for Lands. At an expenditure of £1,200 to £1,500, all that was required would be done; and quite as cheaply as by appointing a committee. There would be no time, this session, for a committee to make full inquiry, and if the question were referred to one, it would be only another way of shelving it. He was not for rushing the country into expense, and he hoped the House would bind the Ministry not to exceed the amount named.

Mr. LILLEY said he was very much amused at the allusions to the lawyers. He was sure this session would be memorable for raining upon their heads good things. In fact, Queensland, from the commencement of her career, had been distinguished for the favors she had shewn to the members of his profession. The House had been making judges, and were going to make more—at least, he understood so. They were now about to provide from the public Treasury a sum of £2,000 to grease some other fat thing in his profession. He hoped that they would not do so foolishly. He was not disposed to vote for the expenditure of £2,000 to put into the pocket of some lawyer; because, knowing the high character which the gentlemen in his profession enjoyed for disinterested patriotism, he should be extremely sorry to see them exposed to this very trying ordeal. When he first spoke on this question, he indicated that it ought to be in the hands of a practical man. He thought the assistance of an able lawyer could be got afterwards for drawing a statute. But the work itself of making the inquiry and collecting information ought to be in the hands of a practical man. Still, if the House were disposed to secure the services of a lawyer, he believed the Judge of the

Northern District Court would be as good a man as could be got for collecting information. It would not take up a great deal of his time; at any rate, he (Mr. Lilley) thought the judge could easily have at his disposal sufficient time, apart from his judicial duties; and the expenditure would be a reasonable amount covering his travelling expenses. He did not think the judge would consider it necessary to supplement his salary for such a service. The only other expense would be remuneration to a secretary, if needed. The Crown Prosecutor, perhaps, an active intelligent young man, might be induced to undertake the duties of secretary. He (Mr. Lilley) believed those two gentlemen could be induced to place their services at the disposal of the public, if the House wished to get the assistance of legal gentlemen. He thought he spoke the opinion of the honorable member who moved this matter, that he, at all events, was not anxious that a large amount should be placed in the hands of the Government for disposal. But, he did not think the amount named was enough to secure the services of a leading counsel, who would have to leave his own practice to go into the subject of the proposed inquiry. Fancy a leading counsel leaving his practice to go out on to the waters of the Cloncurry! If the Government could get the Northern District Court Judge to go to Gympie and to Ravenswood, they would do very wisely; but his opinion was, that they had far better endeavor to secure the services of some gentleman of experience on the gold fields to make the investigation, and have the lawyers' work done afterwards.

The COLONIAL SECRETARY said he did not quite agree with the honorable and learned member for Fortitude Valley, that the leading members of the bar would not be available for a much less sum than £2,000. Although he knew that the leading talent of the bar was in the House, if possible, the seat of one would be vacant before long, who might be available. But the idea of appointing the Judge of the Northern District Court was not a new one. He thought he had himself suggested it in the early part of the debate. But it would hardly be fair to ask that gentleman to give his services without some remuneration. The cost might be reduced. It would be quite possible to carry out the investigation by giving that gentleman some additional remuneration. He (the Colonial Secretary) did not think that the Crown Prosecutor would be the proper person to associate with him; because, if there were two legal gentlemen engaged, the result of the inquiry might be something that no ordinary mind could understand or conceive; but by giving the judge a practical miner as secretary, the work might be done in that way. He warned the House, that if they did not wish to go to such expense, not to vote the money; for if the Government got it, they would be sure to spend it.

The SECRETARY FOR PUBLIC WORKS: No.

The COLONIAL SECRETARY: Well, his experience as a member of the Government—and he was Premier—assured him that he was right; and he repeated, that if the House gave the money, the Government would spend it all. Such a pressure was brought to bear: "You have got the money; I may as well have some of it for my friend Tom, Dick, or Harry." It would require a stoic to refuse, and a Minister could not, when so wrought upon. He (the Colonial Secretary) should hope that the whole amount would not be spent, but if it was, it would not be ill spent. A great deal of very valuable information which the House and the Government did not possess, would be obtained, which would be much more valuable than any evidence that could be obtained by a committee. He believed that to refer the subject to a committee would be absolutely shelving it, as the inquiry could not be concluded this session; and there would be a very objectionable delay in consequence. Men would have to be brought from the various diggings—from the distant north. If the commissioners came down, and they would all be required about the same time, their absence would do more harm to the diggings than could readily be conceived; and the effect would be to retard the progress of the diggings for years. The arguments of the honorable members for Northern Downs and Fortitude Valley came to him in a refreshing manner. In looking down the notice paper, he saw a motion of the honorable member for Northern Downs, asking for £1,500 to make a short street in a town. After what the honorable member had just said, it was certain that the House would hear no more of that motion. A great deal of good might be effected by the commission; but if the House chose to vote the money, the Government would spend every penny of it. His honorable friend, the Minister for Works, was very sparing of cash; but he would find that if Ministers had the expending of it, it would go. If honorable members were not willing that £2,000 should be expended, then let them cut it down to something less. But he thought it would take all that to make the investigation valuable.

Mr. KING: The honorable members for Northern Downs and Maranoa were pleased to suggest that he was the proper person for commissioner. They were extremely complimentary to him; but he wished to have it known that he had not the slightest intention of vacating his seat. He had just gained it, and he meant to stick to it, as long as he and his constituents got on together. With reference to the economy professed by the honorable member for Northern Downs, he pointed to the twenty-third notice of motion on the business paper, in which that honorable member applied for £1,500 for a local work. If the Premier looked a little further

down the paper, he would see another motion for a further sum of £490 10s., or a total of £1,990 10s. for Dalby; making only £9 10s. less than the sum now asked for to benefit the gold miners of the whole colony. He (Mr. King) could say, at all events, what the feeling of the gold fields population was; and they would not be satisfied with anything less than a commission. A committee of the House would be most expensive, and if it were to be of any use at all, six or seven miners from each gold field would have to be examined; the cost would be very much in excess of what the commission would cost. All the commissioners of the gold fields would have to be examined before a committee; and there would not only be the cost of the travelling expenses of those gentlemen, but there would be the expense of bringing down practical miners; the latter would be taken away from their claims, and the former from their official duties, which demanded their constant presence, and the whole work of the gold fields would be disorganised by the absence of the proper authorities. He knew that the commission was very anxiously looked for by the mining population of Queensland; and he thought it was worth while for the House to go to a little expense, if only to satisfy them that attention was paid to their requirements. For a long time they had the impression that very little attention was paid to them. He believed that if a proper person was appointed to go to the gold fields and take evidence, the work would be of more value than the sum asked for.

Mr. ATKIN was understood to say that he was still of the same opinion that a commissioner and a secretary should be appointed. He remarked upon the very strange proceedings of some members of the Government in reference to the subject before the House introduced by the honorable member for Wide Bay.

The SECRETARY FOR PUBLIC LANDS: The present proposition was brought forward, because that honorable member suggested it.

Mr. ATKIN: Certainly, if he were a supporter of the Government he should think that the £2,000 would be well spent. He had himself suggested £1,500 for the work. Mr. Daintree's valuable expedition would cost about £1,200; and he (Mr. Atkin) was sure the present one could be carried out for £1,500, and all requisite information obtained.

Mr. GROOM said he must rise to call the attention of the House to a statement made by the honorable the Colonial Secretary which he thought ought not to be allowed to pass without notice. The honorable member had stated that there was a legal member of the House whose seat would probably be shortly declared vacant. He thought that remark was uncalled for, especially considering that one of the honorable member's colleagues was in that position. It looked as if the question had been prejudged, especially considering that the committee had only just commenced their labors.

Mr. THORN said he would suggest to the honorable member for Wide Bay the desirability of moving the suspension of the Standing Orders, if he wished to get his resolution through the House before Christmas, as it was not probable that there would be much business done after next week. He must say, however, he could not see that any practical results were likely to follow from the appointment of this commission. The commission now sitting in New South Wales, he had heard, had already cost that colony some £3,000 or £4,000, and they were not likely to bring up their report for some time, and that would be the case here if legal gentlemen were employed. He thought that a committee of the House, with the assistance of the honorable member for Wide Bay, would be able to obtain sufficient data upon which to found a good measure. It might perhaps be advisable to bring down some experienced person from the Gilbert and from Rosewood, but he did not see the necessity of putting the colony to the expense of a commission.

Mr. MACDEVITT said he did not think the expense should be such an obstacle. The honorable member should bear in mind that the miners had not been treated very fairly. Their interests had been neglected, except when they were required to contribute to the revenue, when, perhaps, a little more had been done than was either desirable or expedient. They contributed a large share of the revenue in proportion to the benefits they received, and he thought some liberality should now be shewn to them. The Legislature had not assisted the miners in any way: not a single Act had been passed which had fairly recognised their wants, and the present occasion offered a fair opportunity of testing the sincerity of the Government, and the value of their professions in favor of the gold mining interest. The honorable member for Northern Downs was, he thought, strangely inconsistent in opposing this motion on the score of economy, in the face of two motions which appeared in the Business Paper of the House in his name, asking the House to vote a large sum for the town of Dalby. Considering too, the action of the honorable member in connection with the cotton bonuses, which had affected the revenue so seriously, he thought he could not well object to this motion on the ground of economy.

The amendment was put and the House divided.

Ayes, 14.	Noes, 13.
Mr. Walsh	Mr. Jordan
" MacDevitt	" Mellwraith
" King	" Fyfe
" Thorn	" Morgan
" Johnston	" Atkin
" Ramsay	" Lilley
" Haly	" Bell
" Royds	" Moreten
" Wienholt	" Groom
" De Satgé	" Forbes
" Scott	" Edmondstone
" Ferrett	" Miles
" Palmer	" Stephens
" Thompson	

The question, as amended, was then put.

Mr. FIFE said, before the question was passed, he thought it desirable that the Government should explicitly declare to the House whether or not it was their intention to appoint a District Court Judge as Commissioner; if so, he should vote against what he should consider a useless expenditure. What was required was the appointment of some practical man. To suppose that a District Court Judge could visit the different gold fields, hold meetings, and take evidence with any beneficial result, was altogether absurd. His reason for suggesting the appointment of a select committee instead of a commissioner was that he believed that as soon as it was known that the committee had been appointed, the miners would hold meetings and forward their grievances to that committee. The different gold commissioners would also be able to furnish the committee with valuable information, and the country would thus save a considerable sum of money. He believed the Gold Fields Bill which the Government intended to introduce could be made a very efficient measure without appointing this commission. He spoke on behalf of the gold miners at Rockhampton.

Mr. ATKIN said that his amendment to reduce the amount to £1,500 had not been put. He could, however, move the reduction in committee, which would come to the same thing.

The amended motion was then passed, and Mr. King gave notice that he would move the suspension of the Standing Orders, to pass it through the House without delay.

CANCELLED SURVEYS.

Mr. MORGAN moved, pursuant to notice—

That, in the opinion of this House, the conduct of the Surveyor-General in cancelling, without authority, surveys which cost the country considerable sums of money, is highly reprehensible and deserving of the gravest censure.

He regretted that he could not produce the returns which he had moved for some days back. Those he had asked for from the Lands Office had been furnished without any difficulty; but he had not been able to obtain the others from the Survey Office, where the usual obstructiveness appeared to prevail. He thought, however, he had sufficient evidence to enable him to elicit an expression of opinion from the House on the subject of his motion. It would be recollected that, some days ago, he had put certain questions to the honorable the Minister for Lands, and had asked for certain papers; and, among others, a copy of the instructions given to the Surveyor-General, by which he had been authorized to cancel certain surveys; and the honorable gentleman, in reply, had told him that no such instructions existed. Now, during certain proceedings in the Supreme Court, the Surveyor-General, in cross-examination, had stated upon oath that, in cancelling those surveys,

he had acted upon the authority given him in his general instructions as Surveyor-General. In contradiction to that statement, there was the assertion of his political chief that no such authority existed. The cancellation of that survey had cost the country about twenty pounds, and, when the extent of country surveyed along the railway was considered, a similar course of action might involve the country in a loss of £20,000 or £30,000. He maintained, therefore, that this officer had, in arrogating to himself a power which he did not properly possess, had committed an abuse of his office, which merited a distinct expression of censure by the House. He did not intend on the present occasion to allude to any further transactions in the Survey Office. When the Estimates were brought forward, an opportunity could be offered to deal with them.

Mr. ATKIN seconded the motion.

The SECRETARY FOR PUBLIC LANDS said he must, in the first place, deny that there had been any unwillingness shewn by the Surveyor-General's department to furnish returns. He denied it *in toto*. They were invariably furnished without loss of time, and he believed as expeditiously as returns could be furnished by any department. He certainly had not expected that returns on this subject would be asked for, because the question had been decided in a court of law to the satisfaction of everyone. He would now give the history of the whole affair. The Land Act of 1868 was passed, as they all knew, in a hurried way. It contained various provisions, and amongst others, a provision to the effect that all lands in railway reserves should be open to selection as agricultural lands, unless otherwise classed. There it was in the Act in black and white. There was also a permissive power given in the same Act, to tie up from selection lands which were intended to be put up for sale by public auction. That was not done in this case, and the lands were open to selection by Mr. Clark or anyone else. There were many other cases of the same sort; whether the lands had been surveyed or not had nothing to do with it; the Act gave the Government power to reserve from selection land which were to be offered for sale by auction. It was intended to cast the blame upon the shoulders of the Surveyor-General, but if honorable members would take the trouble to refer to various regulations published by the Executive, in the *Government Gazette*, in 1868, they would perhaps alter their opinion. They would find in the *Government Gazette* of 6th March, 1868, a notice to this effect:—

"That the lands hereinunder described shall be open to selection under the provisions of the hereinbefore mentioned Act, and subject to the special conditions contained in the sixteenth section of the same, on and after Wednesday, the 8th day of April, 1868, at the several Crown Lands Offices of the pastoral districts within the limits of which such lands are situated, &c."

The next notice appeared in page 275 in the same volume, and it took the form of an instruction to land agents from the Lands department, and it stated among other things,—

"Land in railway reserves, where not specially reserved for sale by auction or otherwise, which will be open on and after the 1st of May next, &c."

Then came another provision which touched the matter exactly. It enabled a man to take up 640 acres of surveyed land along a railway reserve, and whether the survey had been cancelled or not, did not signify. The Surveyor-General, he might say, had had nothing to do with these regulations, and had protested against them. He had a perfect right to protest against them, as every permanent head of a department had to keep a Minister right on all matters as far as he could; and if the then Minister for Lands had taken the advice of the Surveyor-General, he would not have got into such a mess. He now came to the real matter at issue. The survey in question was that which was known as Pratten's survey. The Surveyor-General had, for some time previously, been receiving instructions to survey land for sale. There was a continual demand for more surveyed land, and, from time to time, he caused fresh surveys to be made, in pursuance of repeated instructions to do so, and he had this survey made among others. Before the land was offered for sale by public auction, or advertised for sale, it came to the Surveyor-General's knowledge, in a roundabout way, that it was intended to divert the line of railway, and that this survey would be useless, and he caused it to be cancelled. A return had been furnished shewing the date and mode of cancellation. Now, it would be seen by the map which he produced, that if the Surveyor-General had allowed that survey to stand, he would have been selling land right across and inclusive of the railway line. Certain curves which appeared in the original plan had been straightened by the second railway survey; and as the Surveyor-General had no official knowledge of the proposed deviations, and it was impossible for him to obtain it, it would have been contrary to his duty to allow a survey to stand as a permanent and official record, when he knew it would have to be altered. In consequence of this alteration, the survey was altered, and it cost somewhere about £15. If the survey had not been cancelled, the results might have been serious—actions might have been brought against the Government for selling land which ought not to have been sold—and all sorts of complications would have arisen, as had been the case before. If that officer had not done what he was now accused of doing, what a howl would have been raised against him; nothing would have been too bad to say of him. The real fact was, that he had done what it was clearly his duty to do, and had probably saved the country from the

cost of actions brought against the Government. The next charge was that the Surveyor-General had acted without instructions. Now, he should like to know what Minister was competent to instruct the Surveyor-General on these matters; he was naturally and officially responsible for all surveys; he must be so, and, therefore, he required no specific instructions. He (the Secretary for Public Lands) could not see that any wrong had been done to the country or to any single person in this particular case. If Mr. Clark's application had been refused, it was a question whether he would not have had a claim for redress from the Government; at any rate he would have been treated in a different way from other people. The Surveyor-General had nothing to do with the administration of the land in this case. There was a provision in the Act which took the matter entirely out of his hands. The course of action was this—the application was received by the land agent, approved by the commissioner, and then sent to the Minister for Lands. He did not say the system was a wise one, but it was provided by the Act, and the Surveyor-General had nothing to do with it. After the Minister accepted the application, he had merely to prepare the description, or cause it to be prepared. He did not even make the survey, but, after it was made, he had to inspect it to test the correctness of the lines. This magnificent structure which had been raised about the Surveyor-General—this charge of causing great loss to the country, had vanished into thin air; there was not the most remote foundation for it. That gentleman would have been unworthy of his position if he had allowed a survey which he knew would be useless. He had nothing to do with it, as he had shewn; and, according to Mr. Justice Lutwyche, it was no consequence whether the land was surveyed or not. He was quite ready to give his assistance to prove any specific charges which might be brought against the Surveyor-General, but the charges so frequently made were only vague generalities. In this case his action clearly redounded to his credit; it was his duty to see that no surveys were continued which would be likely to mislead the Government. The Surveyor-General was anxious for an inquiry into this matter, and he expected that something would be done to give him an opportunity of defending himself. He was quite aware that there was a general feeling against that officer, but it appeared to him that the various Ministers for Lands, from their vacillation and ignorance of the work, had made use of him as a scape-goat to hide their own deficiencies. All mistakes of Ministers and the errors charged against their departments appeared to be thrust on to the shoulders of that officer; the more so that he was found to be somewhat reticent in defending himself. Why this cry had been got up, or why, to use a colonial term, there

was such a "down" upon the Surveyor-General, he could not conceive; that was the only explanation he could find for it. If charges were brought against him, they should be looked into separately, and decided upon their merits. It was well known that under a popular Government, a person who did his duty well frequently was the one to suffer, and to have his motives misconstrued. In his own case, he had on one occasion been accused of thimble rigging with the black soil, but he found afterwards he had had nothing to do with it, and that the charge had arisen out of a dispute between two land agents. It would probably be found too, that this charge against the Surveyor-General was the result of a clashing of certain conflicting interests in a small town, and that he was not at all to blame. It might become his duty some day to find fault with the Surveyor-General, and he should not hesitate to do so if the necessity should arise; but, in this instance, that gentleman had come off with flying colors, as everyone who was not prejudiced against him must admit. Such had been the jealousy which had been shewn towards the Surveyor-General, that the land laws of the colony were actually pointed at him, and he was now accused of doing what the Land Act specially prevented him from doing. The applications for land did not go to him at all; he simply received instructions to have certain land surveyed, and even then it was not surveyed by his own officers; it was done by a contract surveyor, and the Surveyor-General had merely to revise the work. Mr. Pratten's survey, he repeated, was cancelled, for a very good reason—because, in consequence of the deviation of the railway line, it would have been useless as it stood.

Mr. DE SATGE said he thought the explanation of the Secretary for Lands had clearly shewn that the action of the Surveyor-General was fully warranted by the circumstances of the case, and he was of opinion that it would be useless and unworthy of the House to discuss a motion which could only be intended to serve a small party purpose. It was to be regretted that so much time had been taken up with it, while other matters of importance to the country were held in abeyance.

Mr. MORGAN rose to a point of order. The honorable member had imputed motives to him.

Mr. DE SATGE would say that the motion appeared only to serve a party purpose. He would, however, withdraw the expression. The cost of the survey was somewhere about £15, and the saving to the country in the alteration of the line, perhaps over £1,000. It was quite clear to him that if the Surveyor-General had acted otherwise, he would have shewn himself an inefficient public officer. He was only sorry that the Minister for Lands should have had to defend that gentleman for half an hour, from a charge which

ought never to have been put on the business paper of the House.

Mr. LILLEY, having referred at some length to the main features of the case now before the House, said he believed that Mr. Clark was quite right in what he did, and that the libel was not justifiable. It was, he held, quite competent for Mr. Clark, under the provisions of the Act, to take up the lands he took up; and he further believed that the revenue of the colony had sustained a loss by the action that had been taken against Mr. Clark. Now, before the House agreed to the resolutions at present under consideration, he thought the Surveyor-General should be heard on the subject. In his opinion, the article complained of, had been written under a misrepresentation of facts, and he could not therefore support the motion before the House.

Mr. GROOM said he did not think the Surveyor-General was so exceptionably guilty in this matter, as some honorable members seemed to think he was; for he believed that other public officers were guilty of similar conduct. At the same time, he must say, that during the late elections, he had frequently heard it stated that it would pay the colony to pension off the Gregory family, and get them thereby to retire from the public service. Now, he considered that Mr. Clark was alone to blame for all the odium that had fallen upon him in this matter; because, in a speech he delivered at Toowoomba, he distinctly stated that he was not to become a member of the House for nothing. He also stated, on the same occasion, that he had not got all the land he wanted, but he was determined to have it. Now, he must say, that he could not agree in the opinion that the Surveyor-General should be held responsible for all the acts of the Lands Commissioner of the Darling Downs, inasmuch as he was not himself present. The Lands Commissioner for the Darling Downs, by his maladministration of the Land Act, prevented hundreds of people from settling in the district. Though he could not agree with the motion of the honorable member for Warwick, he must add that he could not bring himself to believe that Mr. Clark was not somewhat blameable in this matter. When the Estimates came on for consideration, he thought he would be able to advance very good reasons for the omission of the salary of the Surveyor-General, and for the appointment of some other sufficiently qualified gentleman to the position.

Mr. KING said he could not consent to the motion. He thought it was very awkwardly worded, and besides, he did not think the House should pass the motion without affording the Surveyor-General an opportunity of defending himself. He did not see that there was any reasonable ground for finding fault with the Surveyor-General in the matter referred to; and as he believed the honorable

member had brought forward the motion solely for the purpose of obtaining the opinion of the House, he hoped that, after the discussion which had taken place, he would consent to withdraw it.

MR. MILES said he believed that the conduct of the Surveyor-General had very greatly tended to prevent settlement in the colony; and he thought that some steps should be taken to prevent him cancelling surveyed lands. One day he announced certain lands to be surveyed lands, and open for selection and purchase, and the next day he withdrew them from purchase. In dealing with the public lands, it seemed to him that the Surveyor-General had more power than any other man in the colony. He believed that in the case before the House the cancellation was made for a particular purpose. As to the Surveyor-General, immediately he was appointed to his present office, after the separation of the colony from New South Wales, he was required to select lands for agricultural reserves; and the lands he selected for that purpose were the most worthless that could be found in the colony. He fully agreed with the opinion that had been expressed by the honorable member for Toowoomba, that it would be a benefit to the colony—no matter what amount it might cost—to pay the Surveyor-General such a sum as would induce him to retire from office. He believed the Surveyor-General had more power in dealing with the lands of the colony than the head of his department had. He could not vote for the motion before the House; but he thought that when the Estimates came under consideration, then would be the proper time to deal with the case of the Surveyor-General; and he, for one, would certainly do all in his power to have that gentleman's salary struck off.

MR. ATKIN said that though he agreed with the object of the motion to some extent, he nevertheless hoped the honorable mover of it would consent to withdraw it. He did not think that the honorable member, in bringing it forward, desired more than to obtain an expression of the opinion of the House; and by the discussion that had taken place he had fully accomplished his object—if such was his object. The honorable the Minister for Lands had said that the Land Act of 1868 was passed in a great hurry. Now, that was not correct, for the Bill was before the House for nearly six months. The same honorable gentleman also stated that the judges of the Supreme Court had decided the whole matter. But what did his honorable colleague, the Minister for Works, say respecting the Supreme Court? Why this—that the Supreme Court appeared to be the most ignorant court in the colony. It appeared that Mr. Clark's application for the land referred to, was accepted by the local land commissioner two months before the cancellation of the survey was intimated through the *Government Gazette*. The

charge against the Surveyor-General was, that the second survey was cancelled when it was determined that there should be a deviation of the railway line, and that he had not made the cancellation public in due time. In the meantime, Mr. Clark was allowed to take up eight adjacent allotments, and was only required to pay the survey fees as for one allotment. Subsequently the survey was cancelled. Now it seemed to him to be a very important question, as to whether the Surveyor-General had a right to cancel surveys under such circumstances. But what appeared to him to be still more strange, was that some of the land in question was sold very shortly afterwards. Though the cancellation of the survey was made, he believed, the very day after Mr. Clark had taken up the land, there was no notice of such cancellation for some time afterwards. Was it not monstrous that the Surveyor-General should be allowed to cancel surveyed lands, and keep the cancellation locked up in his drawer till it was convenient for particular reasons, perhaps, to produce it; and that especially in respect to surveyed lands which had been taken up? He hoped the honorable member for Warwick would withdraw his motion, and that, on the other hand, the Government would require the Surveyor-General to be more careful in future.

MR. STEPHENS said he thought the defence the honorable the Minister for Lands had attempted to set up in behalf of the Surveyor-General was a very weak one. In his opinion, the explanations of the honorable gentleman almost amounted to an admission of the charges made against the Surveyor-General in this matter. He would rather have avoided taking any part in the present discussion, as he had a high personal regard for the Surveyor-General, but he could not allow that to prevent him from commenting on the fact that the country had been put to the expense of two surveys of the land in question. He maintained that it was quite competent for the Surveyor-General to reserve the lands from sale, after they had been surveyed, because at the time a deviation of the line of railway was contemplated. It was not at all necessary to cancel the surveys in order to prevent their being offered for sale; and in this case the cancellation did not prevent the lands being put up for sale. The honorable the Minister for Lands had said nothing whatever about the second survey of the land. The honorable gentleman avoided that part of the question; but there was no doubt the land was twice surveyed; and the public had a right to expect that the survey fees on every allotment should be made. He thought the circumstances of this case shewed that there was great remissness on the part of some one in the Surveyor-General's office.

THE HON. R. PRING said he could not agree to the motion, because he did not think that sufficient data had been furnished in support of

it; and unless that was done, it was not justifiable to make such serious charges as were here brought against a public officer who held a high and important office. As honorable members knew, it was one of the fundamental principles of the British Constitution that no man should be condemned till he had an opportunity of defending himself; and as such an opportunity had not been afforded to the Surveyor-General, he hoped the motion would not be agreed to. Besides, it should be remembered that a motion setting forth such charges as were contained in the motion before the House, against a gentleman holding so high an office in the public service as the Surveyor-General held, might have the effect of seriously injuring his reputation.

Mr. FERRETT said he could not agree to the motion before the House. He considered it was very wrong to bring forward such a motion, unless there were more data to justify it than had been produced.

The COLONIAL SECRETARY said that, as a private member, he must protest against such motions being placed on the business paper of the House. He thought it was a disgrace to the House that such a motion should be brought forward. He was afraid he would be guilty of using unparliamentary language if he were to describe the motion as he thought it ought to be described. In the course of his parliamentary experience, he had never known of such a motion being proposed, and he hoped he never would again. He would object to the motion being withdrawn, because he considered it was the duty of the House to reject it.

Mr. MORGAN said that he considered he was fully justified in bringing forward the motion; and he must say that the speech of the honorable the Secretary for Lands, in defence of the conduct of the Surveyor-General in the matter under discussion, was the lamest he had ever heard. As to the protest of the Colonial Secretary against the motion, he would treat it with the contempt which he thought it deserved. He had brought forward the motion because he considered it to be his duty to his constituents to do so. Notwithstanding what had been said during the debate on the motion, he held that the cancellation of the surveys was a violation of the public trust reposed in the Surveyor-General. It would have been a very different thing if, by the proposed alteration of the line of route of the railway, it had been considered necessary to pass through the several blocks of land taken up by Mr. Clark. But the fact was, that by the proposed alteration of route, only the corner of one of the allotments would have been interfered with. He would not care though the motion should go to a division; though he had only brought it forward with the view of obtaining an expression of the opinion of the House on the subject, and then withdrawing it.

Mr. BELL said that he had listened with much pleasure to what had been said by the honorable the Secretary for Lands in defence of the Surveyor-General; but at the same time he must protest against the attempt of the honorable gentleman to transfer all the delinquencies in the administration of the Land Act from the shoulders of the Surveyor-General, and place them on the shoulders of gentlemen who had previously been at the head of the Lands Department. Now, he thought that such a charge was most unjust, for he never knew of any ex-minister of the Lands Department endeavoring to relieve himself from blame by attributing mal-administration to the Surveyor-General. He had never heard of any Minister attempting to place upon the shoulders of the Surveyor-General any blame that should rest upon his own shoulders. If all the charges that had been brought against Mr. Gregory were true, he was not fit to occupy the position of Surveyor-General; but he must say that, whenever Mr. Gregory had been called to account, with the view of enabling him to defend himself, he had always been able to give a satisfactory reason for the course of conduct he had pursued.

The motion was then put and negatived without division, and the House adjourned.