Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 15 AUGUST 1882

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LEGISLATIVE ASSEMBLY.

Tuesday, 15 *August*, 1882.

New Bills.—Estimates for 1882-3.—Petition.—Motion for Adjournment.—Immigration Bill—third reading.—Mineral Lands Bill—committee.—Message from the Council.—Order of Business.

The SPEAKER took the chair at half-past 3 o'clock.

NEW BILLS.

The SPEAKER read messages from His Excellency the Governor forwarding the following new Bills for the consideration of the House :—

A Bill relating to Jurors and to amend the Jury Act.

A Bill to amend and consolidate the law relating to Bills of Exchange.

A Bill to amend and consolidate the law relating to the Insane.

It was ordered that the several messages be taken into consideration to-morrow.

ESTIMATES FOR 1882-3.

The SPEAKER read a message from His Excellency the Governor forwarding the Estimates-in-Chief for the year 1882-3.

On the motion of the COLONIAL TREASURER (Mr. Archer), it was ordered that the Estimates be printed and referred to Committee of Supply.

PETITION.

Mr. F. A. COOPER presented a petition, signed by 1,100 inhabitants of Cairns and Herberton, praying for the construction of a Line of Railway between those places.

Petition read.

On the motion that the petition be received,

The SPEAKER said the petitioners asked the House to vote a sum of money for the purpose prayed for, and although no specific sum was mentioned, yet there was no doubt in his mind that it was a contravention of Standing Order No. 202, and the petition, therefore, could not be received.

MOTION FOR ADJOURNMENT.

Mr. MACDONALD-PATERSON said he would move the adjournment of the House in order to make a short explanation with reference to certain remarks made on Thursday night week

by the hon. member (Mr. O'Sullivan) during the debate on the Wildash and Hutchison case. In his speech in reply that hon. member said :—

"He would now, in again saying so, refer to a statement made by the hon. member for Rockhampton (Mr. Macdonald-Paterson). The hon. gentleman said that he took the case up against his will in the first instance in the year 1879, and with the understanding that he was not to identify himself with it, and that he was not to follow it up. He (Mr. O'Sullivan) was a personal witness to the fact that the hon. gentleman did identify himself with it, and that he was as warm or warmer on it than he (Mr. O'Sullivan) was. The hon. gentleman further said that he gave the matter up to Mr. Meston because he thought that there was no case. That was really not the fact. He begged, as a personal favour of Mr. Meston, to take the case out of his hands, because he was too busy to conduct it himself, on account of the illness of his partner."

He (Mr. Macdonald-Paterson) was not in the House when those remarks were made, or he would have given them a contradiction on the spot, so far as any contradiction was required; but as his attention had been called to them, and as they seemingly contained an imputation on his veracity, it was his duty to ask the indulgence of the House in order to make a short explanation. The hon. member said that he (Mr. Macdonald-Paterson) sought to remove the case from his hands. To that he would simply reply that the case was never in his hands, although he had certainly agreed to present a petition before he saw the correspondence on the subject, or heard Mr. Wildash in reference to it. Between his agreeing to present the petition and the actual presentation of it, Mr. Wildash gave him a number of interviews, and he went carefully into the matter; and before the petition was presented Mr. Wildash knew his opinion as to the merits of his alleged claim. But having promised to present the petition he did so, with the reservation he mentioned the other evening that he would not be asked to go further in the matter; and he promised Mr. Wildash that he would not communicate his views, whatever they were, to any living soul until the matter had been decided upon. He therefore kept silent on the merits of the case. Subsequently, when the matter was again brought forward on the motion for the appointment of a select committee to inquire into it, he was again asked by Mr. Wildash whether he had changed his views. He (Mr. Macdonald-Paterson) replied that he had not, and expressed surprise that the question should have been asked. Mr. Meston was appointed chairman of the Select Committee, and that gentleman asked him if he would become one of its members. Amongst other valid reasons he gave Mr. Meston for declining the offer was one that he could not spare the time, owing to the illness of his late partner. He considered it was his duty not to prejudice Mr. Wildash's alleged claim by speaking to anyone about it, in order that justice might be done to Mr. Wildash; and his action on that point, and the groundlessness of the imputation cast upon him by the hon. member (Mr. O'Sullivan), were amply shown by a letter which he wrote to Mr. Wildash on the 27th July, 1880, from which the following was an extract :—

"My Dear Sir,—I have just received your letter of yesterday, relative to petition which I introduced last session. You will doubtless remember that the introduction of the petition was all that you asked me to do then, and that at same time I very distinctly stated I could not go further (on any future occasion) in respect of the matter. And with that you were satisfied."

That was taken from a press copy of the letter, and it showed the position he then took up. It would also show to the House that his observations the other evening were strictly in accordance with the facts that transpired.

Mr. O'SULLIVAN said he was not aware that anything he had said in the House on the occasion referred to was calculated to give any offence to the hon. member, and he was glad the hon. member had risen to explain away the imputation that he (Mr. O'Sullivan) had brought against him. It was not his fault that the hon. member was absent when the remarks alluded to were made, although his absence made not the slightest difference in what he intended to say; and unfortunately he could not retract a single word of what he then said. He (Mr. O'Sullivan) stated that the hon. member asked Mr. Meston, as a special favour, to move for a select committee, and to act generally in his absence, on the ground that he was himself overworked. He was glad that Mr. Meston happened to be within the precincts of the House, for he was sure that gentleman would not contradict what he was saying. But the hon. member had not stated the whole of the case, and he (Mr. O'Sullivan) would now carry it a little further. What any hon. member did or did not do in the House was a matter of taste, but he did not think the hon. member distinguished himself very highly in the action he took with regard to the petition, and he forgot to state that he had actually made a voluntary promise to Mr. Meston that he would support the motion.

Mr. MACDONALD-PATERSON: That is false, absolutely.

Mr. O'SULLIVAN said that was not a very parliamentary expression; but not twenty minutes ago Mr. Meston had told him those very words; and he was perfectly satisfied that Mr. Meston would be able to tell the hon. member the same outside the door. He (Mr. O'Sullivan) had said nothing without authority. More than one hon. member had actually gone to the young Hutchisons and volunteered their support in the House—he could mention their names—and when the debate came on they voted against the motion. He (Mr. O'Sullivan) had done his duty in the matter, and had nothing more to say. He was sorry he could not retract the imputation complained of, for it was made on the authority of a gentleman who was as much to be believed as the hon. member himself. He felt bound to say that the hon. member's conduct during the whole proceeding did not please him, and lately in the House he had not risen wonderfully in his (Mr. O'Sullivan's) estimation—although that was not perhaps worth much; and his conduct in regard to the Wildash case seemed to him to be more reprehensible than that of any other hon. member who voted against the motion.

Mr. FEEZ said he would take advantage of the adjournment to bring under the consideration of the Government the great want of labour which at present existed in the Central division, and the strong public feeling expressed about it. Some time ago he asked for a return of the immigrants who had arrived in the colony during the last twelve months, and the return laid on the table by the Premier showed that a very small proportion indeed had been landed at the ports north of Maryborough. That hon. gentleman also stated that arrangements had been made by which a larger number of immigrants would be landed at the Central and Northern ports by the mail steamers; but another steamer had arrived, and very few immigrants had been landed at Rockhampton. The question had become one of very serious importance, and he had been inundated with letters asking him to induce the Government to make an attempt to meet that want of labour. One gentleman, a member of the Upper House, had sent all the way from the Lower Barcoo a waggon, fourteen horses, and men, to engage a few

hands at Rockhampton, but he was unable to get any, and the men on the station, when the dray returned, were almost striking, and they refused to work because they found no labour was obtainable in Rockhampton. For the railway works men had to be engaged in the South, and wages all over the district were so high as almost to prohibit people from undertaking work of any kind. He should like to have an expression of opinion from the Premier as to what steps he intended to take to improve the position of the Central division in that respect. The return to which he had referred showed that the total number of immigrants landed in the colony since the 1st January, 1882, by steamers and sailing vessels was 4,676. Of that number, 2,398 were landed at Brisbane, 1,127 at Maryborough, 478 at Rockhampton, 264 at Mackay, 331 at Townsville, 71 at Cooktown, and 21 at Bowen. Brisbane thus, it would be seen, received nearly 100 more than one-half of the total immigrants brought to the colony last year. The present season was a splendid one in the Central division, and yet everything was retarded for want of labour. He trusted the Government would find ways and means to get a larger number of immigrants now coming out by the mail steamers to be landed at Rockhampton.

The HON. G. THORN said he would take the opportunity of the motion to contradict a statement that appeared in the summary of news for Europe in the *Brisbane Courier* of the 11th August. It was true that the *Courier* under its present management was not so good a paper as it formerly was, but yet, as it was an old-established journal, and circulated in England, he felt it his duty to contradict a statement in it with reference to the late Government and the Polynesian Labourers Bill introduced by them. The article to which he alluded said, referring to a speech by the Premier:—

"He also reviewed the history of the coloured labour question, with the view to prove that Mr. Griffith's newborn enthusiasm for white labour was a mere party movement, and he pointed to the circumstance that the Opposition were five years in power without showing any sincere desire to pass the Polynesian Labour Bills which they successively introduced year after year, and finally allowed to be discharged from the paper."

He (Mr. Thorn) remembered the facts distinctly. The late Government were quite sincere in their endeavours to pass the measure; and even the present Premier, when he was bidding for popularity and the leadership of his party, supported it, and when he saw that that was doing him harm he altered his tactics and became one of the most rabid opponents of it. That hon. gentleman, with Sir Arthur Palmer, not wishing to appear personally in the matter, put up a subsection to block the Bill, and that body expressed their intention to keep the House sitting till Christmas Day twelve months rather than allow it to pass unless it was made to apply to the whole of the colony instead of its operation being confined to the coast and tropical products as proposed. The same thing happened with respect to Mr. P. F. McDonald's claim, and the Government having much other important business on hand allowed the matter to drop, as they did not wish to come down with the "iron hand" at that time, and without it there was no chance of carrying the Bill. He was astonished that the manager of a Brisbane newspaper should allow such a paragraph to appear in it. The Bill was blocked by means of the present Government because the then Government would not allow Polynesians to be employed all over the colony.

The PREMIER (Hon. T. McIlwraith) said the hon. member (Mr. Thorn) must have gone to sleep when the House adjourned on Thursday week, and had only just awakened. What the hon. member's remarks had to do with the subject before the House he could not for the life of him tell. With regard to the question of immigration, he had explained to the hon. member (Mr. Feez) what steps he was taking, and had thought that his explanation was satisfactory. However, he would repeat to the House what he had said to the hon. member. He admitted that Rockhampton had not got its due share of immigrants, and he had taken steps to remedy that. The reason why Rockhampton had not got its fair share of immigrants was that when immigration was stopped there were certain contracts not completed. When immigration was resumed instructions were telegraphed to give all those whose contracts were not completed a chance of completing them if they liked. It so happened that the only contracts uncompleted were for Brisbane and Maryborough, and none for Rockhampton. The consequence was that six ships came to Brisbane and Maryborough and none to Rockhampton. As soon as he saw that he telegraphed for ships for Rockhampton, and he had written some weeks ago for others to follow.

Question of adjournment put and negatived.

IMMIGRATION BILL—THIRD READING.

On the motion of the PREMIER, this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council by message in the usual form.

MINERAL LANDS BILL—COMMITTEE.

The House went into Committee to further consider this Bill.

On clause 15—"Conditions"—

The HON. S. W. GRIFFITH said that when the Bill was last in committee exception was taken by himself and several other hon. members to the almost unlimited power left in the hands of the Minister, and it was on that occasion generally agreed that such a state of things was not desirable if it could be avoided by any practical means. He made at the time some suggestions in that direction, and undertook to endeavour to formulate them before the Bill came on again for consideration. The subject of tenure was, however, a rather large one, and the consideration of it had carried him a good deal further than he had contemplated when he previously spoke about it. According to the scheme of the Bill, to which he desired to adhere as far as possible, the question was complicated by the difficulty arising from the fact of gold being found with other minerals. It was not intended that the lessee who held his lease for the purpose of mining for other minerals should have a right to mine for gold except under certain circumstances, and the general scheme of the Bill left the matter entirely in the hands of the Minister, allowing him to impose such terms as he thought fit and to declare the lease forfeited if those terms were not complied with. That power he considered should not be left with any Minister. On the other hand, he agreed with the Minister that it was desirable as far as possible in such cases to reserve the right of mining for gold. In a Bill dealing as this did with other minerals than gold some practical provisions might be inserted with a view of allowing either the lessee or some other person to mine for gold when discovered. Clause 25, providing that other minerals than that prescribed should not be mined for without permission, suggested the thought that the lease ought to state the particular mineral with respect to which it was granted, and that it should be clearly stated what would happen if

other minerals should be found. It would not be fair in such a case to make forfeiture of the lease optional on the part of the Minister. Another question to be considered was whether a lease of that kind should be forfeited for mere cessation of working. He thought it was not desirable. It would be ridiculous in the case of a man working a lead or tin mine to put before him the alternative of wasting £10,000 a year in continuing to work or forfeiting £200,000, the value of the mine. The Bill gave the Minister power of absolute forfeiture in such a case, though it would be very unwise economy on the part of the Government to put such power in force. People who wished to enter into mining enterprises on a large scale objected to their capital being placed at the mercy of any individual; and that objection had already been taken by persons who had written letters from England on the subject. If the forfeiture, they said, were not to be enforced the provision was useless and simply a blot on the title. It was, therefore, far better that something definite should, if possible, be agreed upon, and he had endeavoured to formulate his views on the subject in the clause which he was about to submit to the Committee, and which he trusted would receive the serious consideration that its importance, as dealing with the question of tenure, deserved. A great part of the clause he thought should come, by right, after clause 16, seeing that the lease would be considered after the application was made. The proposed new clause was as followed :—

Every lease shall be granted for the working of some mineral or combination of minerals, to be specified therein, and no other, and shall contain the following reservation, covenants, conditions, and provisoes, that is to say—

1. A reservation of all gold found in the land comprised in the lease otherwise than in association or combination with the mineral specified in the lease.

It was practically impossible to reserve the right of working for gold where it was found in small quantities in combination or association with other minerals. A miner could not get the other mineral without getting the gold, and having got it, the State could not take it back, though a royalty might perhaps be imposed. In the case of a silver-mine, for instance, gold was frequently found, but in quantities not large enough to constitute a gold-mine. Exception might, therefore, be fairly made in that respect. The clause continued :—

2. A covenant by the lessee to pay rent at the prescribed times;

3. A covenant on the part of the lessee to work the mine continuously and *bonâ fide* in accordance with the regulations.

The regulations would of course specify from time to time, as the knowledge of the subject increased, what quantity of labour would be required.

4. A condition for the forfeiture of the lease on non-payment of rent for ninety days after it has accrued due, or on failure to perform the covenant for working the mine;

5. A proviso that forfeiture for failure to perform the last-mentioned covenant shall not ensue until after the lessee shall have made default for a period of ninety days after notice requiring him to perform such covenant shall have been served upon him by the commissioner, either by delivering the notice to him personally, or by posting it addressed to him at the mine.

That was to say, the commissioner would give the lessee three months' notice to resume work, and if at the expiration of the notice the lessee still neglected to fulfil the conditions of his lease the lease would be forfeited. He proposed to add :—

6. A proviso that the forfeiture shall be defeated, if the lessee shall prove—

(*a*) That before he ceased to work the mine in accordance with the regulations the lode or mineral had been reached, and had been worked continuously and *bonâ fide* for a period of six months, during which time the expenses of working, exclusive of interest on capital, were greater than the value of the mineral obtained from the mine;

(*b*) That such working expenses were reasonable; and

(*c*) That, having regard to the nature of the mine, the price of labour, and the market value of the mineral, the mine could not have been worked except at a loss during the period which has elapsed from the time of the service of the commissioner's notice to a time less than ninety days before the alleged forfeiture.

Hon. members would observe that the onus was there thrown upon the lessee of proving that he had endeavoured to comply with the conditions. The clause continued :—

7. If necessary, conditions for the working of gold under the aforesaid reservation;

8. Such other conditions, not inconsistent with this Act, as may be prescribed.

The lessee would covenant to work the mine continuously and *bonâ fide*, and to employ such number of men and for such time as should be prescribed by the regulations; and if he failed to do so for three months after he had received notice his lease would be forfeited unless he could show that he had been working at a loss—that was to say, that the actual working expenses had been greater than the product of the mine. In the latter case the protection would continue until three months after the circumstances that warranted the suspension had changed. That penalty would be sufficient to deter anyone from neglecting to work a mine if it could be worked without a dead loss. That provision went rather farther in favour of the views of the Minister for Works than he should have wished it to go if he had been guided entirely by his own wishes on the subject, but he had framed it in that way in order to meet the hon. gentleman as far as possible. The clause concluded thus :—

The regulations in force for the time being, and which are applicable to the lease, shall be written or printed thereon, and shall be the regulations applicable thereto during its continuance, unless the Minister and the lessee shall by memorandum endorsed on the lease agree to the application thereto of any subsequent regulations.

It was better that the matters treated of in the clause should be embodied in the Bill instead of being left to the discretion of the Minister, and he hoped the hon. gentleman would see his way to agree to the amendment. He had endeavoured to deal with the questions raised by the 24th and 25th clauses, and he called attention to them now on account of their bearing on the clause under consideration. The scheme he proposed was perfectly fair to the country; it would secure the *bonâ fide* working of the mines and would not discourage persons who wished to invest in mining enterprise. Investors would not come forward when they were at the mercy of what would really be the caprice of an individual. He did not speak now with reference to the present Minister for Works; but that hon. gentleman would not be Minister for Works for ever, and it was desirable that properties to the value of hundreds of thousands of pounds should not be liable to forfeiture by any Minister, no matter how good his intentions might be. Such action might be considered capricious, and it was better to lay down some definite line, leaving upon the lessee the onus of proving his *bona fides*. That might be done without difficulty, and he had himself seen such cases, involving questions of the expenses of working mines and the cost of labour, proved without any difficulty at all before courts of justice. Considering the value of the property frequently at issue, it was better to encounter that difficulty, if there were any, rather than leave so important a matter to the discretion of the Minister. If the Com-

mittee agreed to his proposals he should be prepared to specify any further alterations which might become necessary in other parts of the Bill.

The MINISTER FOR WORKS AND MINES (the Hon. J. M. Macrossan) said he agreed with much of what the hon. gentleman had said; but he thought the hon. gentleman would not have made some of his remarks if he had understood practical mining better than he did. The hon. gentleman viewed the matter as a lawyer; he (Mr. Macrossan) viewed it as both a practical and theoretical miner. He was therefore bound to differ from the hon. gentleman in many things which he said. He perfectly agreed with the hon. gentleman as to the first part of the clause, that "every lease should be granted for the working of some mineral or combination of minerals, to be specified therein, and no other, and should contain the following reservation, covenants, conditions, and provisoes;" but he thought some alteration was necessary in the covenants and provisions which followed. The 1st declared a reservation of all gold found in the land comprised in the lease otherwise than in association or combination with the mineral specified in the lease. That was a reservation of all free gold found within the four pegs of the lease. The hon. gentleman said that it was impossible to apply the same rule to reservations of gold found in combination or association with other minerals; but did he not know that a law dealing with that subject had been in existence in New South Wales since 1874? In the very same year that the hon. gentleman passed the Goldfields Act now in force in the colony an Act was passed in New South Wales providing for the reservation of gold found in association or combination with other minerals, and leaving it to the Minister to determine, according to the merits of the particular case, what should be done. There might be gold found in combination with other minerals, such as silver; it was as likely to be found there as anywhere else. The hon. member for Cook the other evening had treated them to some statistics with regard to mining in Nevada. He told them that about 65,000,000 dollars' worth of minerals had been taken from there in a very short time, and that one-third of that was pure gold found in combination with silver. What had been suggested by the hon. gentleman (Mr. Griffith) he proposed to do. The amount of royalty must be left to the discretion of the Minister. It was impossible that a royalty could be imposed that would suit each particular case. The royalty must be in proportion to the value of the gold found in association with other minerals, and therefore he could not agree with that condition which expressly said that all gold found in combination with other minerals should be reserved.

"2. A covenant by the lessee to pay rent at the prescribed times."

That was a portion of the clause that did not call for any discussion, and he could agree with it.

"3. A covenant on the part of the lessee to work the mine continuously and *bonâ fide*, in accordance with the regulations."

That he also agreed with.

"4. A condition for the forfeiture of the lease on non-payment of rent for ninety days after it has accrued due, or on failure to perform the covenant for working the mine."

Of course no Minister would impose a penalty where it was proved, or where there was the slightest scintilla of proof, that the rent had not been paid through oversight on the part of the lessee. He did not think any gold-mining lease had ever yet been forfeited through non-payment of rent only since the Goldfields Act of 1874 was passed; every case had been favourably dealt with by every Minister who held office. He therefore did not agree with the ninety days. He, however, agreed with the principle; but he thought it ought to be thirty days. That had been found practical under the Goldfields Act. There was a law, but thirty days was the practice. He now came to a proviso which he could not agree with—

"5. A proviso that forfeiture for failure to perform the last-mentioned covenant shall not ensue until after the lessee shall have made default for a period of ninety days after notice requiring him to perform such covenant shall have been served upon him by the commissioner, either by delivering the notice to him personally, or by posting it addressed to him at the mine."

The next proviso went on the say how the forfeiture should be defeated. Now, he thought the present practice under the Goldfields Act of 1874 was quite applicable to mining under the Bill now being discussed. The practice was this: When the lessee of a mine found his mine not paying, no matter from what cause—whether through the yield of gold not being sufficient, or through an influx of water, or through the absence of machinery he had not got but wished to get—he made application to the goldfields warden for an exemption from work, either partially or totally. That application was published in the newspapers circulating in the goldfields district, and any person then had a right to state any objections there might be against granting the exemption. If no objections were offered, if no one could show any reasonable cause why the mine should not be exempted, of course it was exempted up to any period not exceeding six months. If an objection was made, the case was gone into just as in a court of justice. The warden took down the whole of the evidence and transmitted it to the Minister, generally with a recommendation to either grant the exemption or not grant it; and the Minister, upon the evidence, gave his decision. In any case where the mine was never proved to be non-payable the exemption was refused. The hon. gentleman had spoken about having regard to the non-paying or workable value of a mine. All that was taken into account, and it had a proper effect upon the mind of the Minister in forming his decision upon the evidence. As to the number of men that might be employed, the lessee of a large mine could easily reduce the number of men without any notice being taken of it. Miners, as a general rule, were very lenient with each other; they were not strict unless they knew that a mine was valuable and should be worked; and the lessee could, as a rule, reduce the number of men without the fact coming to the ears of the commissioner. Then why should a lessee be allowed to cease work entirely upon his own determination? Why should he not be compelled to do the same as he would be under the Goldfields Act? Under the plan now proposed the very best system of shepherding ever devised could be carried out. If a man acted according to the proviso, he would simply have to wait eighty days, and then commence work for ten days. If he commenced, then the forfeiture would be defeated; if he did not commence, then in ninety days he might prove that the mine was not payable. He thought it would be much better to adopt the present system of applying to a commissioner for exemption; if a lessee was entitled to an exemption he would get it; if he was not entitled to it he would not get it. The hon. gentleman was still labouring under a frame of mind that made him think there was some great difference between mining for gold and mining for tin, or silver, or copper. What was the difference?

The difference was simply in the value of the material and the expense of getting it; nothing more than that. The greatest field of operation under the Mineral Lands Act at present was Herberton. What difference was there between mining for tin at Herberton and mining for gold at Charters Towers?

Mr. GRIFFITH: Not much at present.

The MINISTER FOR WORKS said there was not much, for the miners on that field—Herberton—were so impressed with the necessity for the Bill now before the Committee, and for the clauses he had introduced in it, that he had received a letter actually protesting in the strongest language against any exemptions being allowed under any conditions whatever. The letter was signed on behalf of the miners by the President, Vice-President, and Secretary of the Miners' Association, which comprised three-fourths of the miners of the district. But he did not go so far as they did. He would allow exemptions as under the Goldfields Act, whilst they would go to the extreme and allow no exemptions at all; they looked upon tin-mines as better and more easily worked than gold-mines. He would show the hon. gentleman two cases for the purpose of illustrating the lenient way in which the Goldfields Act was at present worked in favour of the leaseholders who showed a *bonâ fide* intention of carrying out the provisions of the Act. There was one which the hon. gentleman knew something about; it was No. 16 at Etheridge. He knew the hon. gentleman received an offer of shares in it.

Mr. GRIFFITH: I have never accepted any shares in anything.

The MINISTER FOR WORKS said the lease was at a place called Commissioner's Hill. Before the lessees had spent one single penny on it they actually received an exemption. Why was that? Because they stated, and it was not objected to, that it would be very expensive to work the mine before it could be made to pay properly; therefore they wanted six months' exemption. They applied for the lease on the 4th February, 1878, and on the 5th of the same month they applied for and got an exemption for six months; that was a total exemption. On the 6th August, 1878, they got a further six months. The area was twenty-five acres, which, under the Goldfields Regulations, should be worked by twenty-five men, or one man per acre. On the 10th January, 1879, they were granted another six months, working the mine with only five men, or one-fifth the number. On the 13th July, 1879, a further exemption was granted, ten men working; and on the 1st November, 1880, a total exemption for six months was given. Could the hon. gentleman imagine anything more favourable than that? That was how the present law was worked; and yet the hon. gentleman would pass an Act giving the lessee power to refrain from working the mine, with the exception of a few days, for a period of three months. The other case was one known to the hon. member for Kennedy. It was a lease now known as 288; it was once 146, and previously 105. The lessee of that actually got eleven exemptions, partial and total. Nothing more favourable than that could be expected by miners working for silver or tin. He would admit that perhaps there was some difference in working for copper or bismuth. What he said on a previous occasion he said now—they could not provide for every case that might arise. Every case must be provided for by regulations giving the Minister large discretionary power. He was quite certain that no Minister would knowingly abuse the power given to him by the Goldfields Regulations, and more power than that no Minister could have. Then again, the 8th subsection provided that—

"Such other conditions not inconsistent with this Act as may be prescribed."

He agreed thoroughly with that. He held that the Minister should have large discretionary power, and the hon. gentleman gave that power in that subsection. But the limit was too much under the labour clause in subsection 5. Then again:—

"The regulations in force for the time being, and which are applicable to the lease, shall be written or printed thereon, and shall be the regulations applicable thereto during its continuance, unless the Minister and the lessee shall by memorandum endorsed on the lease agree to the application thereto of any subsequent regulations."

He did not see any great objection to that; or rather he really could see nothing in it. He did not see the use of having the regulations printed on the lease; they would certainly make it extremely large, and he thought it was quite large enough already. If the hon. gentleman would make some alteration in the language of the 1st, 2nd, 3rd, and 4th subsections, he (Mr. Macrossan) was quite willing to accept them; but the 5th he could not accept on any condition whatever. The hon. gentleman was no doubt trying all he could to make the Bill a workable one, but he must remember that, not being a practical miner, he did not see the things that a practical miner would see. If the hon. gentleman would indicate the alterations he would be willing to make, he (Mr. Macrossan) would endeavour to accept them.

Mr. GRIFFITH said he failed to see what practical mining had to do with the question before the Committee. That question was simply whether the tenure should be at the Minister's discretion or be fixed by law; and he did not see what practical mining had to do with that—he saw no connection between the two. The hon. gentleman had given them two illustrations of beneficent despotism in respect to mining leases; but the fact that a despotism was beneficent was no argument in favour of despotism. The question was whether the tenure was to be left to the despotic power of the Minister or be determined by fixed rules of law. He had heard a good many complaints on the subject. Suppose another Minister came into power who declined to allow exemptions: it would be the same despotic power exercised in a different way.

The MINISTER FOR WORKS: He could not do it.

Mr. GRIFFITH said the Minister could instruct the warden not to grant exemptions. What he contended was that it was not desirable that a Minister should have such large discretionary powers. If the Committee thought differently he could not help it; he thought it would discourage mining to a great extent. The Minister had told them that many people at Herberton did not want exemptions to be given at all. But the Committee were not dealing simply with tin-mining; the Bill dealt with the whole of the mining in the colony. He had heard a great many persons object to the Minister having such absolute power, and he could quite understand their doing so. As an instance he might take the case of the Mount Perry Copper Mine, which he understood was not working.

The PREMIER: Yes, it is.

Mr. GRIFFITH: Not working as regulations would require. Or, taking the case of the Peak Downs Copper Mine: Supposing exemptions were applied for in such cases, and were not granted; in a moment the leases might be forfeited by the Minister. He himself had never

speculated in mining at all; he only stated what he was told. The element of tenure was the most important part of the Bill. If a man was seeking to invest a large amount of capital he would first of all ask upon what tenure the lease was held, and if he were told that it was at the discretion of the Minister he would probably say that he would invest his money in something else. With respect to the question of embodying the regulations in the lease, the Minister for Works did not appear to apprehend that there was any difficulty without doing so; but he (Mr. Griffith) was sure that there was a great deal of difficulty. It had not come before the courts yet, but it had come before him several times in the course of his practice. Under which regulations were leaseholds held under the Goldfields Act? Under which regulations were those old leases to be treated?

The MINISTER FOR WORKS: Under the regulations under which they were taken up.

Mr. GRIFFITH said that the hon. gentleman treated the matter as if it was perfectly clear, but in his mind it was not so. Some of the regulations purported to be retrospective, and he knew they were treated in that way by some of the wardens. In one case he knew of this question was raised, and might have gone to the Privy Council on the very question whether the last regulations were applicable to it or not. The doubt ought to be cleared away. The fact that a matter so small should have been allowed to remain in uncertainty as it had for years might some day necessitate very expensive litigation, and on that account he said that it should be cleared up. With respect to the other matters, if the Committee thought the Minister for Works was right, he (Mr. Griffith) should be content with having performed his duty in suggesting what he thought would be the better plan. If the Committee did not adopt his views he could not help it. He had done and would still do his best to make the Bill as good as he could. With reference to the reservation of gold being impracticable when it was found in combination with other metals, he thought that the reservation could only be made of free gold. When gold was found in combination with other metals he thought that a royalty might be charged, but that the royalty should be limited to some extent, so that a Minister should not be allowed to put it at £4 an ounce if he chose to do so. The probability was, he admitted, that the present Minister for Works would not do that, but every other Minister might not be as liberal as he was. The penalty of absolute forfeiture he considered unreasonable, and he also thought that they should deal with gold found in combination on an altogether different principle from free gold. With reference to the remarks of the Minister for Works that he (Mr. Griffith) seemed to regard as different in nature all mining for minerals other than gold: of course he did, and he thought they might just as well say there was no difference between mining and whale-fishing. Especially was it so from the point of view that one mineral varied in price 100 per cent. while the other varied only 5 per cent. Gold was always worth about £4 per ounce, something more or less; while within the last few years tin had varied from £50 to £120 per ton. So they could not regard mining for those two metals as being the same in character. That was the point of view from which he regarded it, and he confessed to the Minister that the accusation that he did so was correct.

The MINISTER FOR WORKS said that the hon. gentleman did not make a fair statement in asserting that the land was held simply on the fiat of the Minister. The lessee did not hold the land so.

Mr. GRIFFITH: Practically.

The MINISTER FOR WORKS said that it was not so; but that, on the contrary, the man held his land as firmly as any freeholder, so long as he complied with the Act and regulations. The Minister was simply the administrator of the Act and regulations. The hon. gentleman also returned to his statement about the difference in value between gold and tin, but the condition which made a mine payable was the same whether it was tin or gold which was produced. The value of the gold did not matter at all if the man did not get enough of it, and so with tin—the condition of payable working was the same. The silver-mines of Nevada were worked under the same general laws as other mines in the States. In Victoria there was only one code of regulations, and in New South Wales they had the same Act and code of regulations; so it was evident that people in those places did not look upon the matter with the same degree of difference as the hon. gentleman looked upon it. When he stated that the hon. gentleman did not look upon the matter from the practical miner's point of view, he acknowledged the hon. gentleman's knowledge of it from the legal aspect to be a wider one than his own. The proviso of the hon. gentleman amounted to giving the lessee the right to stop working of his own accord. What the lessee ought to have to do before he stopped was to get permission to do so. The hon. gentleman would know as a practical man the use that would be made of his proviso by speculators—by men who wanted to invest £10 and make £1,000 by it, who were the very men they were trying to legislate against.

Mr. McLEAN said that he thought the hon. gentleman was hardly fair in contrasting Queensland with Victoria, as here it was well known that they had all kinds of minerals, whereas there was almost only gold in Victoria. He agreed, however, with the Minister for Works that a good deal would be required to be left to the Minister and to regulations. He could not support proviso 5, as he did not think that the lessee should be allowed to leave off work at any time he chose to do so. It might be necessary that before the leave was given for exemption inquiry should be made as to the grounds on which it was asked for; and it might be found on examination that, although such exemption might be in the interest of the applicant, it would be detrimental to the holders close to him. It was well known that in the other colonies it was allowed to shepherd a certain number of claims along a lead, but as soon as the last working claim struck water the next one had to work, and so on in rotation. The reasons of an applicant for exemption should be taken, and if it was proved that the granting of it would prove detrimental to the adjoining shareholders it should rest with the commissioner to say whether he should recommend it or not to the Minister to whom he had to report. It would not be fair to leave it in the hands of the lessee himself. The provisions of subsection A were, he thought, too much to leave to the Minister. Whether a mine was paying or non-paying very often depended on the way in which it was worked. He looked upon the Herberton Tin Mines as being probably as good to the colony as the gold-mines of Gympie, and for the reason that the stuff was much easier to get up, and the only difficulty in connection with it was its manipulation. If the proper machinery were supplied the field would be as good as

Gympie. It was not simply that the Gympie Gold Field was wealthy and Herberton poorer, because he believed that the country would be more benefited by the tinfield of Herberton than by the goldfield of Gympie. It was not so much the value of the article that they had to consider as the rate at which they could get it out; and so they should not leave too much for the lessee to decide, nor trust so much to him as to the judgment of the commissioner or Minister. He hoped the proviso would be withdrawn or amended, so as not to leave it to the lessee to leave off work whenever he chose to do so.

Mr. HAMILTON said if the clause were passed it would not be on the fiat of the Minister that the tenure of the claim would depend, but on that of the lawyers. The proposed amendment was an excellent one from a lawyer's point of view, for it would lead to endless litigation. The infringement of the conditions on which the lease would be granted might possibly be visited with the penalty of forfeiture, and it would be impossible to refrain from breaking those conditions if the amendments of the leader of the Opposition were carried. Subsection 1 of those amendments specified that all gold found in the mineral lease should be reserved from the holder of the lease, and a following amendment of the member for North Brisbane rendered it competent for other persons to take up a gold reef if found on a mineral lease, and work it. That would lead to complications, and might very prejudicially interfere with the interests of the owners of a mineral lease. For instance, a case might occur—it certainly would be an extreme case—where the owners of a mineral lease taken up to work a silver lode might have on their claim a gold reef running parallel with it and only a few feet distant. Another party of miners might, as they were empowered to do by one of the hon. member's (Mr. Griffith's) amendments, take up a claim on that reef. The owners of the silver lode might, on account of the nearness of the gold reef, be unable to sink on their lode without interfering with that reef, and if they did so litigation would ensue on the part of the owners of the reef. Again, even if the reef were not held by anyone, as according to subsection 1 all gold was reserved from the holder of the mineral lease, the owners of the mineral claim would be liable to punishment through infringing the conditions of the lease if in working their lode the reef was interfered with, although perhaps it might not be sufficiently good to induce anyone to take it up. The holding of the one lease under two titles would never answer. With regard to subsection 5, if carried it would be the most successful method of shepherding which could possibly be devised. According to it the owner was not liable to forfeit his lease unless he had received notice from the commissioner that it was unworked, and had also failed to put men on for ninety days after that notice had been given; yet the owner could at the end of about eighty-seven days after receiving the notice put men in for three or four days, after which time he would be entitled to another ninety days' notice before his lease was forfeitable. The provision in subsection A, that a lease might be left unworked for an unlimited term if payable results had not accrued after six months' work, would not answer. He would support an amendment to the effect that after six months' work a breathing time might be allowed of a similar period if expenses had been great and no returns, and he thought it might be desirable to embody such a provision in the Act so that the Minister would have no discretionary power but to grant it; but to lease it unworked for an unlimited time as proposed, because nothing payable had been discovered for six months, would be unjust, as it did not follow that because the mineral returns during those six months did not pay the mine would continue to be equally unproductive. Further researches might show the mine to be more valuable.

Mr. F. A. COOPER said when clause 15 was originally moved he had thought it best, in the interests of the miners generally, to have the conditions properly defined, and that it would be better that the tenure should be made known to them and not be left to the caprice of the Minister. He had stated before that, though the Act empowered the Minister to make regulations, none had been made for ten years; therefore the mistake was made in leaving to the discretion of a Minister what ought to be defined by legislative enactment. Lord Camden said:—

"The discretion of a judge is the law of tyrants; it is always unknown; it is different in different men; it is casual, and depends upon constitution, temper, and passion. In the best, it is oftentimes caprice; in the worst, it is every vice, folly, and passion to which human nature is liable."

It was because he had wished to divest the Minister of that power that he had moved his amendment—the one he thought the Committee would do well to adopt. That was the definition of the working of the claim—

"Covenants on the part of the lessee to continuously and *bonâ fide* work the lands comprised herein by not less than one man for each three acres or fraction of three acres, for eight hours on each day except Saturday, when four hours' work shall be considered sufficient."

That was the state of the law as binding on the claimholder; and he thought they should adopt it, as he did not think there should be any difference between the working of a claim and the working leaseholder. He had expected that the leader of the Opposition in his amendment would have framed a clause which would have been a benefit to the working miners, but he had not done so. With regard to the 1st subsection, he quite endorsed the sentiments of the Minister for Works. Section 2 was already provided by subsection 2 of clause 16 of the Bill. The 3rd subsection would, he submitted, be leaving too much to the discretion of the Minister—leaving to him a power which the Committee should now take upon itself to determine. He knew that he was speaking in accordance with the opinions of the Miners' Association at Herberton, which worked harmoniously with the Miners' Association at Charters Towers, both of which felt very strongly on the matter of the labour conditions, and, indeed, even went further than what he had asked the Committee to endorse. As to the 4th subsection, he failed to see why they should have forfeiture for non-working for ninety days, when the working miner had only three days' grace. To equalise them, he thought they should both be made three days. He was opposed to granting leases, more especially at Herberton, where such liberal terms were already granted for the working of claims. The 5th or shepherding subsection, as it was called, introduced by the leader of the Opposition, was not likely to meet with the approval of the Committee, for under it a man might work a claim as economically as he chose and in defiance of law for years before he was detected. The next process was that, before the land could be seized and taken possession of as ordinary claims could be, the commissioner had to give ninety days' notice, and on the eighty-ninth day the lessee could put the requisite number of men on to work and so save his lease. Such a provision was not likely to meet with the approval of the Committee. Subsection 6 would give to the lessee the power now vested in the warden. Under the present Act, if exemption was wanted application had to be made for it in open court, after notice had been duly

given in court and at the wardens' offices. No exemption ought to be granted in the way it was sought to be obtained here, without the intervention of the warden and without any objector having the power to come forward and stop the process. Under the Goldfields Act the exemption was always conditional, but here a man could be allowed to take upon himself to say that it was necessary not to work any further, and so flood the adjoining claims out. But one great objection to leasing—an objection shared by the whole of the miners—was the extraordinary indulgence accorded to the lessee. First of all, a man applying for a lease posted his notice and applied to the warden, before whom the application remained a month, during which time objections might be lodged, and for the whole of that time he employed whatever hands he liked; in fact, the man and his mate might work the mine themselves until they learned whether the Minister approved of their application. Then there was a further indulgence to the lessee of three months, as the warden could not submit a recommendation of the lease until after the ground had been surveyed by a licensed or mining surveyor, and that was the time given to the applicant to send in his plan. Where no surveyor was appointed the time allowed was six months. So that from four to seven months after a man applied for a lease he had the opportunity of testing the mine by working half-handed, and he was not called upon to work it till such time as he heard from the Minister that his application would be granted. He submitted that the Committee should not agree to subsections 5 and 6; and he would move, by way of amendment, that the word "ninety" be struck out with the view of inserting the word "three" in subsection 4. He saw no reason why the same principle should not be applied to leases as to claims.

The MINISTER FOR WORKS said he had already intimated to the hon. member for North Brisbane the portions of the proposed new clause he would be willing to accept; but he thought the amendment of the hon. member for Cook would only cause a loss of time, as he could not expect the Committee to agree to a limit of three days in the case of a lease.

Mr. F. A. COOPER: A claimholder is allowed only three days.

Mr. GRIFFITH said he assumed the Committee wished that the power should be left in the hands of the Minister; and if clause 15 were negatived he would propose his new clause after clause 16.

Mr. KING said with reference to what fell from the hon. member for North Brisbane about exemption being left to the Minister he might observe that when the Committee accepted the principle of the Bill they put themselves into a very difficult position. The principle of the Bill was leasing, and it was very difficult to provide for the effective working of leases without giving the Minister arbitrary power, while on the other hand that arbitrary power might be exercised to the detriment of the leaseholders. That showed how much better it would have been to have accepted the plan he proposed—to allow freeholds as formerly, only limiting them by reserving to the public at large, or any miner, the right of working the mine if the owner failed to do so. He could not see any way out of giving the Minister great discretionary power where leasing was concerned.

Question—That clause 15 stand part of the Bill—put and negatived.

On clause 16—

"1. Every application for a lease shall be made in the prescribed form, and shall be accompanied by the proper survey fee and the first year's rent.

"2. The yearly rent of every lease shall be at the rate of ten shillings per acre, payable in advance, at the time and in the manner prescribed.

"3. The term shall not exceed twenty-one years, and shall be renewable for a further term of ten years, on such conditions as the Minister deems equitable.

"4. The area shall be such, not exceeding three hundred and twenty acres, as may be from time to time prescribed"—

The MINISTER FOR WORKS moved that subsection 3 be amended by substituting the words "twenty-one" for "ten."

Amendment agreed to.

Mr. GRIFFITH said he considered 320 acres too large an area for any kind of mining lease.

The MINISTER FOR WORKS said he thought 320 acres too much, but he had in his mind at the time he introduced the subsection the area for copper-mines. His opinion was that different minerals should not be prescribed the same area, but that there should be different areas for different minerals, and that the largest area should be that for copper. In New South Wales the largest area was 80 acres, in Victoria 640 acres, and in South Australia 640 acres. In the mining States of America the area was not fixed by acreage, but by a line along a lode 1,500 feet in length. He had no objection to reduce the area to 160 acres for copper, the areas for other minerals being much less, if the Committee thought it advisable.

Mr. F. A. COOPER, in moving the following new subsection to be substituted for subsection 4—

The area shall not exceed three hundred and twenty acres for coal, shale, and iron mining lots, eighty acres for copper lots, nor twenty-five acres for any other mineral lots, and the parcel of land demised shall be in the form of a parallelogram wheresoever practicable, whereof the maximum length shall not exceed more than twice the maximum breadth—

said he might state that the area was defined by statute in New South Wales and likewise in Victoria. In New South Wales the gold lease was the same as in Queensland—namely, 25 acres; coal and shale 640 acres, and other lots 80 acres. In Victoria all the lots other than gold were 640 acres. He placed the maximum of coal, shale, and iron at 320 acres, or, better still, at the reduced area suggested by the Minister for Works—namely, 120 acres. An area of 320 acres was, of course, equal to a mile in length and half-a-mile in width. He placed copper lots at 80 acres, which he thought would be quite sufficient; and they had a precedent for that in one of the most productive copper-mines in New South Wales, which was only 60 acres in extent, and in which the lode was traceable for only 1,200 feet. He referred to the Cobar Mine, where 30,000 tons of ore was raised yearly by 800 miners. That mine supported a township of some 3,000 people, and so large a trade was done on that small area that a contract was recently entered into for a branch line of railway to join the main line from Dubbo to Bourke, and the manager of the mine had guaranteed railway carriage worth £60,000 annually; and with a view to the completion of the work he had offered the contractors a bonus of £5,000 to supplement the bonus offered by Mr. Lackey for that purpose. He found that the ores were very poor—only 8 per cent. ores, which were nothing compared with the rich ores of Queensland, especially at the Cloncurry where the copper in many cases is found in a pure state; and if they allowed 80 acres for copper lots, that would be sufficient to remunerate anyone who took them up. Silver, tin, and antimony lots, at 25 acres, would be of sufficient size. He found on reference to some of the well-authenticated reports they had with regard to the production of silver on the Star River, near Townsville, that some of the assays showed from

100 to 500 ounces of silver per ton—that was to say, from £20 to £100. He had not the slightest doubt that 25 acres of such land as that would be quite sufficient to give to any company. He found by a calculation he had made that that would allow for a claim 23 chains along the lode by 11 chains, or 1,518 feet by 726 feet. He took occasion a few evenings ago to refer to the size of holdings on the Comstock silver lode, and showed that some of those claims were only something like 10 feet in extent, yet were now worked at a depth of over 2,000 feet; and surely the increased size he suggested would be quite sufficient to remunerate anyone going into the enterprise in this colony. With regard to tin, there were at Herberton exceedingly rich mines, and the miners there had very extensive holdings under their miners' rights, and were opposed to the granting of leases. But there were other parts of the colony to be considered as well as Herberton. The tin found there was exceedingly rich, some of the claims averaging from 25 to 60 per cent.; and where property was so rich as that it would be unwise to allow a few men to come in and monopolise the land as they would be enabled to do if they were allowed to take up 320 acres. To give hon. members an idea of how the industry was carried on in Cornwall and Devon, he found, on reference to the latest statistical reports, that the lodes there averaged something like 3 feet in width, and the tin stuff only averaged 2½ per cent. of clean tin ore. Some of the mines there were worked to a very considerable depth; and, notwithstanding the fact that in consequence of the extreme poorness of the tin stuff six of the best mines at Redruth and Camborne yielded only 1,846 tons of clean tin ore from 83,452 tons of tin stuff, many of the mines had proved highly remunerative. In the face of that he thought in the case of the mines there were in this colony yielding enormous percentages of ore, it would be very unwise to give a larger area than he suggested. He would, therefore, move that the area with regard to silver and tin be reduced to twenty-five acres.

The MINISTER FOR WORKS said he was sorry he could not agree with the hon. member and accept his amendment. He did not think the hon. member was quite serious in wishing them to restrict the area of mineral lands to twenty-five acres when he took assays as a guide to the richness of mines; as for instance, the assays on the Comstock lode went as high as 25,000 dollars to the ton. The hon. gentleman's proposition was to restrict everything but copper, iron, and shale to twenty-five acres. If he wished to amend the clause at all, he ought to have made it more than twenty-five acres. The miner upon an ordinary quartz reef had an area allowed him of 1 rood and 33 perches or less than half-an-acre, and the lease upon goldfields was for twenty-five acres. But the miners whom the hon. member for Cook represented had actually an acre and a-half allowed to each of them, and yet he wanted to limit the lease to twenty-five acres the same as on the goldfields, whereas the gentlemen he represented had more than six times as much as the ordinary quartz-miner. If they were to go by proportion, the tin-mining lease should be more than six times the area of gold-mining leases, which would make it over 150 acres; what he (Mr. Macrossan) proposed was 160 acres. Of course he did not mean to say that 160 acres would be the area allowed for all descriptions of minerals; but 160 would be the maximum. There were a great many things to be taken into consideration in fixing the areas of mineral leases. With tin, for instance, when the Bill came into existence the leases on the Tinaroo Tin Field might be less than on Stanthorpe, because of the difference in the places; and because the length of time they were being worked and the conditions of the working were not the same. So that a very large discretionary power must be left with the Minister in the way of making regulations under the Bill. He would be quite willing to consider any suggestions which the hon. member might make in framing the regulations, but he could not accept his arbitrary amendment to the clause.

Mr. F. A. COOPER said that in New South Wales the Act limited the area for gold to twenty-five acres, and for all other minerals the maximum area was fixed at eighty acres. He considered the New South Wales Legislature had been wise in fixing eighty acres as the area for all mineral lots other than gold, and he would ask the hon. gentleman to consent to the limit being eighty acres.

Mr. McLEAN said he quite agreed with the hon. member for Cook that twenty-five acres were quite sufficient on a tinfield like the Herberton; but what would suit there might not be applicable to other places. He had no doubt the Minister for Lands would use certain discretion; but he thought twenty-five acres would be sufficient in the case of stream tin also. The hon. member for Stanthorpe, however, was a better authority upon that matter than he was; still, he thought twenty-five acres would be a good large claim on Stanthorpe. He thought eighty acres would be sufficient for other mineral lands. He thought, however, that in the consideration of the measure their object should be to give employment to men, and not to place the mines in the hands of large capitalists. To encourage practical miners working on their own behalf should be their object rather than to legislate for the purpose of large companies. For that reason he thought they should limit the areas of the leases so as to open up the way to practical miners. That should be the object they should have in view rather than to put the land into the hands of capitalists who would employ those men to work for them.

The MINISTER FOR WORKS said he quite agreed with what the hon. gentleman said with regard to the Herberton—that twenty-five acres would be sufficient there. He thought it too much himself; but Herberton was only one little spot in Queensland, and there were, he hoped, a great many more tinfields yet to be discovered. The same regulations could not apply to all. If the hon. member for Logan would look at the Bill he would find that stream tin was specially provided for in it. The hon. gentleman said they should keep in view the employment of the greatest number of miners they possibly could. That was exactly what the present Government had been doing, and what they had been very successful in doing upon the Herberton. So he thought they should get full credit for what they had done there, and what they had done in that respect ought to be a guarantee for what they would do elsewhere. At the same time he could not be expected to restrict in any way the operations of capitalists who wished to employ miners. For the reason he had given he wished to insert 160 acres in the clause, leaving it to the regulation to prescribe the acreage to each particular mineral, and also to each particular district. Some might be less than eighty acres, but he thought as much as 160 acres would be required in some places.

The PREMIER said the question was "that the words proposed to be inserted be so inserted," but if it were carried, and the Committee came to the conclusion to insert them, where were they going to put them? They had got as far as line 44, and then there were certain words to be inserted which would make nonsense of the whole thing. They could not go back upon what

they had done, and he thought the hon. membe for Cook should withdraw his amendment.

Mr. F. A. COOPER said he intended to withdraw his amendment after the remarks which had been made by the Minister for Works. He was very anxious to show that the area should be reduced from that stated in the Bill, because there was no doubt that if 320 acres were granted on the Herberton, in a very short time a few men would have the whole place in their hands, and, as the labour conditions were under the Land Act, might hold it without any men whatever. As the Minister for Works had stated that he would frame regulations to meet all cases, and had expressed himself as of opinion that twenty acres would be sufficient in the case of Herberton, it was all he wanted, and he begged to withdraw the amendment.

Mr. DE POIX-TYREL said that before the amendment was withdrawn he must say that he agreed with a great deal that had fallen from the hon. member for Cook. He thought the House should limit the power of a Minister to grant extremely large areas for mining purposes. They knew that larger areas were necessary for coal than for gold mining, and larger areas for copper than for tin. As there was a large area necessary for works in connection with copper, he thought forty acres should certainly be the maximum area for tin. As the hon. member had withdrawn his amendment he should not say very much upon the subject; but he thought the Minister for Works should have the power to grant a reward for prospecting, even exceeding the twenty-five acres referred to by the hon. member for Cook. Men spent a large amount of time in prospecting, and if they made a good discovery he thought they should be rewarded, and he should on another occasion bring forward a motion for the purpose of giving a money reward to men who made discoveries of minerals where they had not been found before. He made those remarks because he wished it to be understood that he was in favour of the area being limited, and that the Minister should not have the power to grant large areas of land, which might be lying idle for years. He believed in mineral lands being taken up by persons with the *bonâ fide* intention of working them.

Amendment, by leave, withdrawn.

Question—That after the word "exceeding" the word "160" be inserted.

Mr. KING said he would ask the Minister for Works to explain the principle on which areas would be allotted on different mineral lands, as he did not quite understand what he had said. For instance, he understood that copper was to be allowed a larger area than any other mineral. As a ton of copper was worth four times as much as a ton of lead, he did not see why a miner mining for copper should have a larger claim than a miner mining for lead. Besides that, the works in connection with the latter would occupy just as much ground as those for mining for copper. There should be some difference, of course, in the area, according to the character of the land; and in the case of mining for valuable metals one could understand that it would be unwise to allow the same amount of land for mining for gold as for silver. But if a man was to be allowed 160 acres of land for copper, he did not see why he should not be allowed 160 acres for any of the other baser metals.

Question put and passed; and clause, as amended, agreed to.

Mr. GRIFFITH proposed the insertion of the following new clause after the clause just passed:—

Every lease shall be granted for the working of some mineral or combination of minerals, to be specified therein, and no other, and shall contain the following reservation, covenants, conditions, and provisoes, that is to say—

1. A reservation of all gold found in the land comprised in the lease;
2. A covenant by the lessee to pay rent at the prescribed times;
3. A covenant on the part of the lessee to work the mine continuously and *bonâ fide* in accordance with the regulations;
4. A condition for the forfeiture of the lease on non-payment of rent for thirty days after it has accrued due, or on failure to perform the covenant for working the mine;
5. Such other conditions, not inconsistent with this Act, as may be prescribed.

The regulations in force for the time being, and which are applicable to the lease, shall be written or printed thereon, and shall be the regulations applicable thereto during its continuance, unless the Minister and the lessee shall by memorandum endorsed on the lease agree to the application thereto of any subsequent regulations.

Mr. KING said that if the Minister for Works intended to accept the proposed new clause he had an amendment to offer, which was the omission of the words "and no other" in the second line. It would be unwise to make the law that in the event of a leaseholder finding a change in the mineral he was working he should be prevented from working a mineral which he might have worked if he had taken up the ground for that particular purpose. He would state what had occurred on the Herbert lately. It was well known that in Cornwall the same lodes carried tin and copper at different levels. Sometimes a lode that showed copper on the surface had tin below, and sometimes copper came in at a great depth. At the Herbert a similar condition prevailed. He had seen it stated lately that in a claim on the Western a man had taken up land for a copper lode, and that on sinking six feet he came upon tin. Why should the lessee in that case be liable to the forfeiture of his lease because he found a mineral other than that for which he intended to mine? Sometimes the lode carried one metal at a higher and another at a lower level. Copper was frequently found in conjunction with lead; but as the rent charged in each case was 10s. per acre, he failed to see why the accident of striking a different metal should expose the miner to the penalty of forfeiture of lease, or increased rent. The case appeared even more absurd when regarded in conjunction with clause 8, the 2nd subsection of which provided that all minerals other than gold found upon Crown lands held under a license should be the absolute property of the holder of such license. Why should the lessee be placed in a worse position than the licensee? The lessee paid the same rent, and therefore it could make no possible difference to the Crown. He moved that the words "and no other" be struck out.

The MINISTER FOR WORKS said he was quite willing to accept the amendment, but the hon. member would see that the subject was fully dealt with in clause 25.

Question put and passed.

Mr. KING said he wished to further amend the clause by adding to the 1st subsection the words "otherwise than in association or combination with the mineral specified in the lease." That would have the effect of restoring the subsection to the form in which it appeared in the original draft. The Minister for Works said that a special provision with regard to gold found in combination with other minerals was enacted in New South Wales and worked well there. He was not acquainted with the New South Wales Mining Act, but he had searched the records of the New South Wales Mining Department and could find no trace whatever of any royalty or revenue having been

received by the Mining Department in respect of gold found on land held under mineral lease. It might, therefore, be concluded that if such an enactment existed either the law was inoperative or the ores in New South Wales were not auriferous. In this colony, on the other hand, there was hardly a single mine worked for any of the base metals—except, perhaps, Peak Downs and the tin-mines—which did not yield some small quantity of gold too small to pay the expense of extracting. In the Wide Bay and Burnett districts the antimony, galena, and copper mines showed traces of gold; and even in the Mount Perry copper there existed a percentage of gold. It was impossible in the cases mentioned to take the other mineral without taking the gold in combination with it; but the latter metal was not found in sufficient quantity to pay for extraction. The same state of things prevailed throughout the greater part of the Northern districts. In one claim on the Cloncurry the gold lay alongside a rich copper lode, and there was actually gold on the outside of the copper ore. If it was the impression amongst hon. members that rich gold might be found on lands taken up for other minerals it would be better to provide for a royalty payable on all gold extracted. Scarcely a mine could be worked without special permission of the Minister if the Bill were passed in its present shape; and it was certainly not desirable that in every instance the applicant should have to ask special permission in connection with his lease. Extraordinary cases sometimes arose, and then the Minister should have power to provide extraordinary conditions; but, if this Bill passed, every intending lessee in the Wide Bay and Burnett districts would have to ask the Minister to grant special permission and to fix the rent as high as he thought proper. If a charge was to be made it would be advisable to specify the amount of the charge, and also to state that it would not be payable except when the gold was separate and could be worked separately from the other minerals. It would be impossible to load the Mount Perry miners, for instance, with an extra charge because a certain amount of gold was found mixed with the copper. In nearly all copper ores a small percentage of gold or silver was found, which, if not sufficient to pay for extraction, actually diminished the value of the copper, because copper was best for telegraphic purposes when absolutely pure.

The MINISTER FOR WORKS said the hon. member was reopening a subject which had been threshed out three hours ago. If the hon. member desired such an amendment he should have supported the hon. member for North Brisbane when the clause was first proposed. The hon. member's argument was that because there was a trace of gold in a great many copper or antimony lodes therefore no legislation should be passed for cases where a very large percentage of gold was found. That principle was wrong. If a lease were granted for a copper or silver lode which contained a large percentage of gold, the State had a perfect right to a royalty on that gold. The amount to be fixed—whether 1 or 2, or 5 or 10 per cent.—was another matter. Leases granted under this Bill would be granted on conditions less onerous than the conditions attaching to gold-mining leases, and it would not be just to give the lessees the privilege of taking up, probably, more gold than the average gold lessee would be able to obtain from the land under lease to him. He thought the hon. gentleman ought seriously to consider what would be the effect of that in the Wide Bay district. Why should they prevent themselves receiving for the State what was justly due in one case when they got it in another? It would be unfair to allow lessees to extract gold on easier terms than were asked under the average gold-mining lease. He had previously mentioned the Comstock silver lode, where one-third the value of the lode was gold. Why should they allow a lessee to get gold in such a case on easier terms than under a gold-mining lease?

Mr. KING said that the reason why he had proposed the amendment was that there were a great many points in the amendment of the hon. member for North Brisbane, and he wished to have a discussion on one point at a time. He thought the Minister for Works had been speaking on supposition instead of him (Mr. King) doing so. He had numbers of assays of ores from the Wide Bay district, and all of them showing traces of gold from a dwt. to 2 ozs. per ton, but none of them sufficiently good to be payable. The Minister had spoken of some case in which in a valuable lode a large quantity of gold was found in combination with other minerals. Now, not a single case of that kind had occurred in Queensland. The Minister appeared to be speaking under the supposition that another Comstock was to be found in Queensland; but there had never been but one Comstock in the world, and it was quite possible there might not be another; therefore he thought they had better make up their minds that their mineral lodes were such as they had found them to be. They had an idea what the probable value of them would be, and he thought it was not necessary to anticipate another by imposing extravagant burdens on the miners. He could see no reason whatever why, in a country like this, where lodes were often found associated with other minerals, they should make any extra charge for the gold unless it was found in such quantities as to pay for separation from the lode in which it was found. He did not think they should put it in the power of the Minister to impose a heavy royalty in cases where gold was discovered in combination with another mineral. He knew of minerals being sent from Ravenswood to Swansea. If a heavy royalty were put on silver ores, and the Minister was called upon to say whether the lessees should work the gold, the lessees would say they had taken out a lease for silver, but they had found a quantity of gold in the lode. Supposing, then, that the Minister said he would take 10 per cent., of course the people would say, "We will give it up; we will ship all the ore to Swansea." It would be much better to lay down a principle that where the lessee was not able to obtain gold in separate paying quantities he should pay nothing, and further that where gold could be obtained there should be a certain specified royalty under the Bill which a man finding gold in combination with other minerals would have to pay.

The MINISTER FOR WORKS said the hon. gentleman had suggested the very thing he (Mr. Macrossan) wanted. It was a royalty that was wanted, and the hon. gentleman admitted that. As to taking the gold out of the lode, they did not take it out in Australia; it was sent to Great Britain and taken out there. The fact of gold being there increased the value of the mineral. He was not going to allow a lessee to take out gold under less onerous conditions than a gold-miner was allowed.

Mr. KING said the Minister must have misunderstood him. What he said was that where it would pay to extract gold there should be a fixed royalty. Under the proposed law every lease would have to be referred to the Minister.

The MINISTER FOR WORKS said that, of course, lessees themselves would not be allowed to judge whether the gold could be extracted or not. That must be done by a third person—perhaps the Government geologist or assayer.

Mr. NORTON thought they had better leave the Bill as it was. He quite agreed with the hon. member that where there was only a small amount of gold it would be rather hard to take it from the lessee. Although they had no Comstock mine, they had mines in which there was a great deal of gold mixed with other minerals, and such cases were difficult to deal with. He knew of several reefs which contained a great deal of gold and a good deal of silver, and the miner who came across any one of them would probably take it up as a silver mine. In the Who'd-have-Thought-it mine, one of the best in the Port Curtis district, there were silver and gold associated. There were a number of reefs in that district in which those minerals were associated, and he thought if the hon. member's proposal was carried out the miners would take up silver-mines instead of gold-mines.

Mr. KING said he thought the hon. member had a very vague idea as to what constituted a silver-mine; and it was mere quibbling to raise the objection that where there was a small trace of silver in auriferous reefs miners would take them up as silver-mines. That would be an evasion of the Act, and would not be allowed by any Minister.

The PREMIER said there did not seem to be much difference between the hon. member for Maryborough and the Minister for Works. Both agreed that where gold was found in combination with other minerals, and it could be worked by the lessee of the ground, then a royalty should be paid. What they had to consider was whether the amendment of the hon. member for Maryborough met the case. He thought that an amendment to meet the case could be inserted in clause 24.

Mr. KING said that he originally intended his amendment to go in clause 24; but he thought the amendment of the hon. member for North Brisbane would put out that clause, as both dealt with the same subject. He had already suggested that if the royalty was made too high the ore would be sent home, and, as they all knew, it was paid for very much below its value. The probability would be that the man who sent the ore home would not get the value of the gold, the whole of which would go into the pockets of the smelters. He thought the Committee should try to encourage the establishment of smelting works in the colony. If clause 24 was to be considered after the passing of the new clause under consideration he would be willing to postpone the consideration of the subject until they came to the 24th clause. He begged to withdraw his amendment.

Amendment, by leave, withdrawn.

Clause, as amended, agreed to.

On clause 17—

"If the Minister is satisfied that greater facilities for the working of two or more contiguous leases would be ensured by the union of such leases, he may authorise such union subject to the following conditions, that is to say—

1. The application shall be made for union by at least a majority of the lessees of each lease;
2. The leases shall be surrendered, and a new lease embracing the aggregate area of the surrendered leases issued, notwithstanding anything to the contrary contained in this Act;
3. The conditions as to working contained in the several surrendered leases shall be embodied and contained in the aggregate in the united lease;
4. The general provisions and conditions, and the power of resumption and re-entry on the part of the Government for non-payment of rent and non-fulfilment of conditions, shall be the same as those prescribed for the individual leases; and

In addition to all the prescribed fees the sum of ten pounds shall be paid by way of fine."

Mr. F. A. COOPER said he intended to move the omission of the clause altogether. It had been thought by the Committee that holdings would become too large under such provisions, and he thought that that was in itself amply sufficient to cause its rejection. It would tend to monopoly, and he was decidedly against the granting of leases altogether. So, to be consistent, he would move the omission of the clause.

Mr. GRIFFITH said there were one or two matters which occurred to him in connection with the wording of the clause. The first paragraph of it introduced a new principle, or, at least, what seemed to be a new principle—namely, that a majority of the number of the lessees should be able to dictate to the minority. Ought it not to be done by agreement of all the lessees?

The MINISTER FOR WORKS: This is amalgamation by agreement.

Mr. GRIFFITH would ask the Committee to suppose the case of two leases which were held, each of them by twenty persons, and eleven shareholders in each wished to unite, but the others did not; why should those eleven be allowed to swamp the others who did not wish to unite, and who, perhaps, had a larger interest in the concerns? He thought the rule adopted by the Committee in the matter ought to be that which ruled in regard to any other class of property, none of which could be taken from the owner without his consent.

The MINISTER FOR WORKS said it was certainly a new principle as applied to leases, but it was not new on the goldfields, and it was not new in the working of their Constitution, where the majority ruled always. There was a difficulty in the case, but it was not the difficulty pointed out by the hon. gentleman, and it was one which he had not perhaps encountered in the same way that most miners had. In all cases where such a step as amalgamation was desired there was always one cantankerous devil who would go against the rest, and it was just that man who at present could defeat the majority who were against him. He was willing to increase the proportion to three-quarters of the lessees.

Mr. GRIFFITH: That would be better.

The MINISTER FOR WORKS: Three-fourths of persons and interests.

Mr. GRIFFITH: That is more reasonable.

The PREMIER suggested that the wording should be "the majority of the lessees, holding at least three-fourths in number and value."

Question—That the words "a majority" be omitted, with a view to insert the words "three-fourths"—put.

Mr. HAMILTON pointed out that that would not meet the difficulty, as the minority of the shareholders in a claim might hold three-fourths in value of the shares. It was not necessary that the majority of the shareholders should own three-fourths of the value of the mine. He suggested, therefore, that the wording should be "a majority of three-fourths in value." He approved most certainly of the amendment of the Minister for Works, that a large majority such as three-fourths should be necessary to cause amalgamation to be allowed. If a bare majority were allowed to prevail, as was at first proposed, it would lead to very serious results sometimes. At Herberton, when he visited it a little time since, he saw that many of the claims had the name of one person upon them—a Sydney speculator, who in many instances had a bare majority of the interest in some valuable leases. According to the clause as it stood, if such a man

held seven-twelfths of a lease he could possess himself of a portion of the other five-twelfths under its provisions. By another lease adjoining he could then apply for amalgamation, and being sole owner or major owner of the other lease the application would be granted, and then the smaller shareholder would be compelled to accept shares in the amalgamated lease in lieu of his more valuable one. He suggested the alteration in the wording of the clause, a precedent having been set in the gold-mining regulations passed by the House in reference to amalgamation, many years since.

The MINISTER FOR WORKS proposed that the wording should be "a majority of the lessees, holding at least three-fourths of the interests of each lease in number and value."

Mr. HAMILTON said that he objected to the amendment, as he did not see why it should be necessarily limited to three-fourths in number as well as value.

The PREMIER: You have given very strong reason for it.

Mr. HAMILTON: And though one man held three-fourths he would have no voice in the matter, because the clause would enact that amalgamations must be made by three-fourths in number as well as the holders of three-fourths in value.

Mr. DE POIX-TYREL said the object was to make the clause read so that the holders of three-fourths in value should not overrule three-fourths in number.

Mr. BAYNES said the hon. member (Mr. Hamilton) proposed to legislate entirely for property and not for individuals; that was, if one man should happen to hold leases of the greater value he would have the sole power. He knew of such a case in the district the hon. member represented. He hoped the Committee would not pass what the hon. member appeared to wish, though he used his best arguments against it.

Mr. HAMILTON said the words "three-fourths in value" ought to be inserted after the word "of" in the 1st subsection, because if a shareholder held nine-tenths of a claim that should certainly be sufficient to entitle him to amalgamate the lease. If this were not done he would be unable to apply for amalgamation, whereas if a dozen shareholders held three-fourths and applied for amalgamation they could get it.

Question — That the words proposed to be inserted be so inserted—put and passed.

The MINISTER FOR WORKS moved the insertion of the words "holding at least three-fourths of the interest" after the word "lessees," in subsection 1.

Question put and passed.

Mr. HAMILTON moved the insertion of the words "provided such lease does not exceed 160 acres in extent," after the word "Act" in subsection 2. As it stood, that subsection pointed out a way to defeat the provisions of the preceding clause, under which no lease was to exceed 160 acres. According to subsection 2, the extent that could be held by amalgamation was practically unlimited; and as they had in a previous clause decided that it was desirable to restrict the discretion of the commissioner, if they were now to pass a clause rendering it unlimited they would be only stultifying themselves.

The MINISTER FOR WORKS pointed out that the operation of the clause would be limited by the discretion of the Minister. If the Minister was satisfied that greater facilities could be given for the working of an amalgamated lease, why should the holder be prevented from amalgamating? There was a time not so long ago in the history of gold-mining when no claim was larger than four men's ground, then the area was extended to six men's ground, and now 100 men could amalgamate. And why should not leaseholders do the same? So long as the labour conditions were fulfilled he could see no objection to lessees being allowed to amalgamate even to a larger extent than 160 acres. The hon. member for Cook, as well as the hon. member for Gympie, seemed to have some opinions about leasing which were popular with a great many miners who did not think seriously on the subject. The fact of the matter was that, although the Goldfields Act allowed leases twenty-five acres in extent, there were not a dozen twenty-five acre leases in the colony under that Act. Men would not take up big leases under the labour conditions, but preferred small leases—unless a big lease would pay for the working; so that really there was no danger of the lease being too big so long as the labour conditions were fulfilled.

Mr. HAMILTON said the Minister for Works stated that the extent of amalgamation should be left to the discretion of the Minister, but that was what he (Mr. Hamilton) objected to, because they had affirmed the principle in the preceding clause that it should not be left to the commissioner to decide. They had already decided that the limit should be 160 acres, and he therefore proposed to carry out the principle affirmed in clause 16. Regarding the discretionary power of the commissioner, he recollected when the Goldfields Act was passed in 1874 a certain gentleman was very prominent in limiting the discretionary power of the commissioner to twenty-five acres, and the opinion of that gentleman should have very great weight with the Minister for Works, because it was Mr. Macrossan. He (Mr. Hamilton) saw very great objections to practically allowing an unlimited extent of country to be taken up under one lease, as the clause allowed. He would give an instance. Suppose on a goldfield there was a ten-acre block held by ten men, the labour conditions being one to the acre. If gold was discovered on that block it would be to the interest of the holder of the block to put on 100 men to work the ground. According to the clause—and the parallel held good with regard to copper, silver, or any other mineral—he could then take up nine ten-acre blocks contiguous to the ten-acre block and amalgamate them. He would be able to employ the 100 men to work the reef in the ten-acre block, and at the same time monopolise the remainder, which under other conditions would be prospected and very likely worked by ten times the number of men. He had noticed that on many goldfields, and he knew that unlimited amalgamation was seriously objected to upon the grounds he had stated.

Mr. BAYNES said he had no doubt that what the hon. Minister for Works said about areas and amalgamations was all right. He respected the hon. gentleman's opinion very much, knowing the knowledge of mining he possessed, but they had in the present case a principle to consider. They had no right to forego their legislative privileges for the benefit of any Minister of the day. They knew what their present Minister was, but the best amongst them could not foresee what Minister for Works they might have next, and they might have the hon. member for Carnarvon bringing his weight to bear upon a future poor Minister for Works to get a mineral area that he or his constituents might consider correct. Seriously speaking, putting into the hands of Ministers what they should jealously preserve for their own legislation was opening the way to corrupt practices. They should determine among themselves what the area should be, and

what the power of amalgamation should be, and not leave it in the hands of the Minister for Works of the day. It had been laid down as a principle by that Assembly that nothing more than could possibly be avoided should be left to the Governor in Council. That had been laid down as a principle during the present session by both sides of the House. He should observe that principle upon every occasion, and he was certain that if the present Minister for Works sat on the left of the Speaker he would do the same. Suppose, for instance, the Minister for Lands had the power of determining the area in certain localities, and the price of the land—which he was sorry to say to some extent that Minister now had; and whenever he used that privilege it brought down a strong feeling against his Government. That had been particularly so in the case of the Peak Downs lands, which he did not hesitate to say were sacrificed for less than their value. As the Minister for Lands was not in his place, he would not continue his remarks upon the Land question; but he wished to show the Minister for Works that they should not leave those leases to the Minister of the day. He believed the hon. Minister for Works was the most able member they had to legislate upon mining matters; but, as he had observed, they had to consider that he would some day be succeeded, and to think who would be his successor.

The MINISTER FOR WORKS: Perhaps you.

Mr. BAYNES said he hoped not. He had given the hon. gentleman no reason to suppose it would be so. He was not hungry for office, and he did not envy the hon. gentleman in the least; and, further, he could tell the Committee that if he were Minister for Works they would not get as much done for their money as they now had. He was very sorry the hon. member for Cook thought proper to withdraw his amendments. It showed a weakness on his part, and had he (Mr. Baynes) thought he would do so he would have considered the matter, and have moved some amendments himself; and he might do so yet. He thought they should define the area, and they should be able to know the difference between an iron-mine and a tin-mine. The hon. gentleman said he would make 160 acres the maximum area. That was not enough for an iron-mine, and a great deal too large for a tin-mine. The hon. gentleman said that in certain localities he would do this and he would do that. He (Mr. Baynes) objected to that sort of thing, and considered it opened the way to corrupt practices.

The MINISTER FOR WORKS said he did not see anything very objectionable in the amendment of the hon. member for Gympie, nor did he see there was very much to be gained by it. He did not wish to prolong the discussion, as he wanted to get on with the Bill; but he would remind the hon. member of what he must already know, that if any man wished to take up more ground than the area allotted by law he could always do it. If he took up a lease of twenty-five acres under the Goldfields Act, there was nothing to prevent him taking up another lease of twenty-five acres alongside of it. The limit was only to decide the extent of the lease, not the number of leases. The hon. gentleman himself knew of a person in Gympie who was the owner of seventy or eighty acres. He would leave the matter to the Committee.

Mr. HAMILTON said where amalgamation of leases was not allowed a certain number of men had to be employed on each lease, whereas, if amalgamation was allowed, the men were required to work in but one claim—the original lease—and they would hold the other ground unworked.

Mr. McLEAN said that the hon. member for Gympie seemed to misunderstand the object of the clause, which was that where there were four or five claims adjoining, and the lessees of the claims were desirous of amalgamating for the purpose of the more efficient working of the mine, they would be able to do so. The case put by the hon. member was that of one man holding a lease and finding gold, and then taking up leases adjoining his original lease. As he had said, the object of the clause was to render possible the amalgamation of two or three adjoining leases, in order that the mines might be worked with less expense and in a more efficient manner. If the hon. member's amendment was carried he might as well negative the clause altogether.

Mr. HAMILTON said the purport of the clause was one thing, and the advantage which might be taken of it was another. The hon. member for Logan had not answered his objections to the clause. He knew what he had said had occurred in many instances. His objection was that a man taking up a ten-acre block, and finding a rich reef in his claim, on which it paid him to employ ten times the number of men necessary to comply with the labour conditions for holding that claim, might use those men to take up ten adjoining claims, and amalgamate them, and use the whole of the men to monopolise the ground. He had seen many instances of that kind of thing, and he thought it very unfair that it should be done. If such amalgamation was not allowed, persons, encouraged by the success of such a man as he had mentioned, could take up the adjoining country, and perhaps discover a continuation of the reef.

Question—That the words proposed to be added be so added—put and negatived.

Question—That clause 17 stand part of the Bill.

Mr. GRIFFITH drew attention to the fact that some difficulty might arise in cases where the terms on adjoining leases were different, and moved the addition of the following paragraphs to the section:—

5. When the unexpired terms of the surrendered leases are not the same, the new lease shall be for the residue of that one of such terms which will first terminate.

6. When the conditions or provisions of the surrendered leases are not identical, the conditions and provisions of the new lease shall be such of the conditions and provisions of the surrendered leases, or of any of them, as the Minister may determine.

Clause 17, as amended, put and passed.

On clause 18—"Transfer of mineral lease"—

Mr. GRIFFITH asked why the Minister should be allowed to veto a transfer.

The MINISTER FOR WORKS said there were many reasons why the Minister should have that power. Cases had come under his own notice that looked very much like swindling, and the clause was intended for those cases. It was right that the Minister should have the power, although it might not be exercised once in ten thousand times. The Minister had the same power now under the Goldfields Regulations.

Mr. BAYNES moved the omission of the words "but no transfer shall be effectual unless it is approved by the Minister." The clause would then read:—

"A lease or an application for the same, or any interest therein, may be transferred on payment of the prescribed fee, which shall be any sum not exceeding £1, in addition to the fee payable to the Treasurer under the provisions of the Stamp Duties Act of 1866.

Amendment put and negatived; and clause, as printed, put and passed.

Clause 19—"Unauthorised miners may be ejected"—put and passed.

Clause 20—"Proceeding and penalty for mining and removing minerals without authority from claims"—passed with a verbal amendment.

Clauses 21 and 22—"Stealing minerals from claims larceny"; and "Rights of adjoining proprietors over boundary reef," &c.; passed as printed.

On clause 23—

"1. Nothing contained in this Act shall render it obligatory to grant a lease to any person, notwithstanding that he has complied with the prescribed regulations.

"2. If the application of any person is refused, he shall be informed of the reasons for such refusal.

"3. A lease may be granted, notwithstanding that the person applying for the same has not in all respects complied with the regulations"—

Mr. GRIFFITH said the clause made the Minister a despot. For instance, he (Mr. Griffith) might apply for a lease, having complied with all conditions, and another man might apply for the same lease having complied with not one of the conditions; yet the Minister had power to grant the lease to the man who had not complied with the law, and refuse it to him. That was what the clause expressly provided. It was desirable that the Minister should not be obliged to grant a lease to every man; but it was decidedly not desirable that he should have the power of refusal to a man who had complied with the law and of granting it to a man who had not done so. Under the present law the right of priority was affirmed, and if that were inserted in this clause he would have no objection to it. The first applicant had certainly the best right. The clause as it stood left the matter in the uncontrolled discretion of the Minister, which he thought was objectionable. He hoped the Minister for Works would see no objection to the insertion of the clause in the present Act giving the right of priority to the first applicant. If that provision were inserted it would so qualify the meaning of the clause that no injustice would be likely to be done.

The MINISTER FOR WORKS said the object of the clause was not to work any such injustice as that supposed by the hon. member for North Brisbane, nor would it work unjustly. The clause was intended simply to justify the Minister in refusing a lease on public grounds. As it stood at present in the Bill it was nearly word for word a transcript of a clause in the Victorian Mining Statute of 1865, which was still in force, and was found to work well. The clause had been inserted in the present Bill for the protection of public interests, and the provision in it which said that the Minister should give his reasons for refusing a lease was one that protected the public against any undue power that the Minister might exercise. The Minister must give good reason before he could refuse to grant any person a lease who had complied with all the conditions. In framing this Bill he had thought it much better to go upon the lines of experience of the other mining colonies instead of striking out upon a new system of their own. The present system did not defend public interest sufficiently. It simply gave a priority of right, which was still given in the case where two applications for a gold-mining lease came in. The person putting in the first application for a lease got it, but the Minister had no power of refusal, which in certain cases was very necessary.

Mr. HAMILTON said he thought the provisions of this clause were very necessary, because if the Minister were compelled to grant a lease simply because it had been applied for the mining interest might be seriously affected. If, for instance, a silverfield were discovered of great richness and small extent, one or two capitalists under the present Act could monopolise the whole field in one or two 160-acre blocks, and the Minister would have no power to prevent it; but under the Act before them the Minister had the power to regulate the extent of the lease by the character of the field. Hitherto the warden had practically the discretionary power, as his recommendation regarding the refusal in granting the lease was acted on by the Minister. He certainly thought that such a discretionary power should be left in the hands of the Minister. The extent of the lease would depend very much upon the size of the field and the nature of the deposits. For instance, ten-acre lots were considered sufficient on Gympie, but on the Towers more than double that extent of land was recognised as a proper amount of ground to be allowed.

Mr. GRIFFITH said that his only object was that applications should take priority in accordance with the time at which they were put in.

The MINISTER FOR WORKS said he had no objection to accept an amendment for that purpose.

Mr. GRIFFITH moved that the following words be inserted at the beginning of the clause:—

Applications for leases by persons who have complied with the regulations shall take priority according to the time of their receipt by the officer appointed to receive them.

Amendment agreed to; and clause, as amended, passed.

Mr. GRIFFITH proposed the following new clause, to follow clause 33. He had prepared the clause after consultation with the Minister for Works, and thought it would meet the objections which were expressed during the debate on clause 15:—

Where gold is found associated or combined with any other mineral or metal, in land held under a lease, and the nature of the mining operations is such as to lead to the extraction of such gold, the lessee shall pay to the Colonial Treasurer such royalty, not exceeding one-twentieth of the value of the gold extracted, as in each case may be fixed by the Minister.

If the clause was adopted the regulations could prescribe that the lessee should send periodical returns to the commissioner or the Minister by which the amount of royalty could be estimated.

The PREMIER said hon. members had frequently objected that the Bill gave far too much power to the Minister; but the proposed clause gave far more. It was left to the Minister to say whether the lessee should pay into the Treasury 5 per cent. or more or less, as he chose. In the whole course of legislation such a thing was unknown. Let them fix a maximum or a fixed sum. It would be better to say a fixed sum—he did not care whether it was 5 per cent., or how much—but it should not be left to the discretion of the Minister.

Mr. HAMILTON said he did not see why they should hamper the conditions under which mineral leases were worked by imposing any royalty at all. The hon. member (Mr. King) had stated that there had not been an instance in the working of mines in the colony where gold had been found in payable quantities associated with other minerals. Why should the Committee be so particular in endeavouring to extract a few extra shillings from miners? Their main object was to provide that if a silver or copper lease was taken up it should be worked in a *bonâ fide* manner. Royalty was only another word for duty, and a duty on minerals had always been unpopular. He

thought that if in any instance a silver or copper miner happened to get a portion of gold associated with the mineral he was working he should be allowed to receive the benefit of it.

Mr. KING said that when a man took up a mineral selection he did not take it up for working gold, which was reserved under the clauses already passed. But it was to the interest of the lessee, in case of finding gold in combination with other minerals, to be allowed to work it on fair terms on the payment of a small royalty. The amount of royalty proposed—5 per cent.—was an excessive one, and he intended to move as an amendment that the maximum should be fixed at 1 per cent. A royalty of 5 per cent. would bring in a very much larger return than was yielded by the goldfields under the present system. Gold in combination with other metals was not to be extracted so cheaply or so easily as when simply crushed out of quartz, but it would require very expensive appliances to extract the gold found in copper or other metals. The fact that most of their mines had a small percentage of gold in them might in time lead to a very large industry in the shape of works for the treatment of those metals, but the imposition of so heavy a royalty as was proposed would effectually prevent the establishment of such an industry because the operations could not be conducted in a payable manner. From the last report of the department he found that the total value of the gold obtained in the colony last year was £948,342. The total amount received for miners' rights was £4,980, and for rent of leases £1,114. With a 5 per cent. royalty on that amount the return to the State would have been a little over £47,000, or nearly eight times as much as was received at present from the working of those gold-mines. Again, he found that the average earnings of the quartz-miner during 1881 had been £252, for which the miner had to pay only 10s.—4 per cent.—for a miner's right. Under those circumstances he did not think the Minister could object to fix the rate of royalty at £1 per cent. He moved the omission of the words, "any royalty not exceeding one-twentieth part," with a view of inserting the words, "a royalty of 1 per cent."

Mr. GRIFFITH said he entirely agreed with the amendment. He had proposed one-twentieth, believing that to be the smallest sum the Minister for Works would have accepted.

Question put and passed.

Mr. GRIFFITH moved the omission of the words, "as in each case may be fixed by the Minister."

Question put and passed; and clause, as amended, agreed to.

Clause 24—"Gold not to be mined for without permission"—put and negatived.

Mr. GRIFFITH said he had a clause to propose dealing with the case of free gold found on land under lease. In framing the clause he had endeavoured to regard the matter from the point of view of the Government, and to alter the Bill as little as was necessary. The Committee had dealt with the case of gold found in association with other minerals, and it now became necessary for them to consider the possibility of gold being found free upon large areas under lease. For instance there might be a selection of 160 acres where a copper lode was known to exist, and in another part of the land altogether gold might be discovered. It was not intended that the lessee should have the gold found under such circumstances, and some scheme must be devised by which others might be enabled to work the gold so discovered. He proposed that the land should be thrown open under the present Goldfields Act, priority being given to the holder of the lease. He had also drafted a clause relating to the holders of mining licenses, but the latter he had put in merely as a suggestion, and he did not intend to propose it. The proposed new clause would read as followed :—

When gold is found in any land held under a lease otherwise than in association or combination with the mineral specified therein, the land may, for the purpose of mining for gold, be dealt with, notwithstanding the lease, under the provisions of the Goldfields Act of 1874. Provided that—

1. Any person mining thereon for gold shall not interfere with the working of the lessee;
2. The lessee or any of the lessees may, if he or they be the holder or holders of a miner's right or rights under that Act, take up a claim or claims under that Act in the land comprised in the lease;
3. The lessee shall be entitled in priority to any other person to apply for and obtain a gold-mining lease under the last-mentioned Act of so much of the land as may under that Act be comprised in a gold-mining lease: And such gold-mining lease shall be subject in all respects to the same conditions as other leases granted under that Act.

If the lessee mines for gold found otherwise than in such association or combination, not being authorised to do so by a miner's right or gold-mining lease, the lease shall be liable to forfeiture.

Question put and passed.

On clause 25—

"1. If the holder of a mining license or lease desires to mine for any metal or mineral other than that for which the said license or lease was granted, he shall apply to the Minister for permission to do so, and the Minister shall alter or vary the conditions of the lease in accordance with this Act and the Regulations.

"2. If the holder mines for any other such mineral or metal before he obtains such permission, the said mining license or lease shall be liable to forfeiture"—

Mr. GRIFFITH called attention to the fact that he had given notice of a new clause to take the place of the one in the Bill; but he was not, on consideration, satisfied with either the original or his amendment. In consultation with the Minister for Works he had agreed upon another which they thought would meet the difficulty and be in accordance with the changes which had been made in the Bill that afternoon.

Clause put and negatived.

Mr. GRIFFITH proposed a new clause as follows:—

If any lessee desires to mine for any mineral other than that specified in the lease, he shall apply to the Minister for permission to do so, and the Minister may grant such permission, and may alter or vary the conditions of the lease, so as to make them applicable to mining for such other mineral in accordance with this Act and the Regulations.

If a lessee mines for any such other mineral without obtaining such permission, he shall be liable to forfeiture.

Mr. KING moved that the last two lines, imposing forfeiture on the lessee who omitted to obtain the permission of the Minister, be struck out. In his opinion it would be quite sufficient to impose a penalty in the case. Under the 8th clause they had given the licensee all the minerals except gold in his block, and he did not see why the lessee should be worse treated than the licensee. He did not see why the two claims should be differently treated, or that the one should be treated worse than the other.

The MINISTER FOR WORKS said that there might appear to be a difficulty at first sight in enforcing the conditions contained in the sentence if the penalty were omitted, but he thought he could, by regulations, impose a lesser penalty for the breach of the Act. He did not wish to prolong the discussion on the point. The hon. member for Maryborough thought the penalty of forfeiture was too great. That was, of course, a matter of opinion; but he thought

he could provide by regulation for instances of non-performance of the conditions, as was done in the Goldfields Regulations.

Mr. GRIFFITH said the penalty was perhaps too great, but his object was to have it in the Bill, because he did not think it could be done by regulation.

The MINISTER FOR WORKS said the 4th subsection of clause 39 provided for enforcing penalties.

Question—That the words proposed to be omitted stand part of the question—put and negatived.

Mr. GRIFFITH moved the insertion of the following in lieu of the paragraph omitted :—

If the lessee mines for any such mineral without obtaining such permission he shall be liable to a penalty not exceeding £5 for every day on which he so offends.

Question put and passed.

Clause, as amended, put and passed.

Mr. F. A. COOPER proposed the following new clause to follow the last new clause passed:—

Any holder or holders of a mining license, business license, or mineral lease, employing any Asiatic or African alien upon his or their claim, business area, residence area, or on any leasehold situated within any mining district proclaimed under this Act, shall be liable on summary conviction to forfeit his holding, and shall pay a penalty of one pound sterling for each such person for every day during which he or they shall employ such person.

Though some sections of the Bill had reference to the granting of leases and licenses to Asiatic and African aliens, there was nothing preventing their employment on leaseholds. Up to the present there had been no difficulty in excluding them from Herberton, owing to the wise precaution taken by the Minister for Works at the time of the discovery of the tinfields there. There was no law or regulation to prohibit those aliens working there—nothing beyond the instruction sent to the commissioner to the effect that no mining licenses were to be issued to Asiatic or African aliens, backed up by the very strong opinion expressed against their locating themselves on the field by the Miners' Association and the people generally. As the matter stood at present, any man might obtain a license or a lease, and he could then employ aliens as he thought fit. They had already seen the ill effects of such a thing on the Palmer, where Chinamen had the opportunity of going on the field notwithstanding the poll-tax of £10 imposed and the difficulties placed in the way of their locating themselves there, together with an Act being passed to keep them off all new goldfields which were defined as goldfields proclaimed not more than three years. Despite all that they crowded on the Palmer, and, in fact, all the goldfields had been affected by the introduction of the Chinese. It was in view of the Bill shortly becoming law, and of the fact that it was not unlikely that lessees would think it worth while to employ Asiatic or African aliens, that he moved the amendment; and he thought he could cheerfully look forward to its being well supported by the Committee.

The MINISTER FOR WORKS said he was afraid he could not accept the clause as proposed by the hon. member. It seemed to him to be a new principle entirely. Why, the hon. gentleman would not let Chinamen live at all! He did not think the hon. member for Cook desired that the Bill should pass. He was strongly inclined to think that if the clause was passed by the Committee the Governor would not give his assent to it, and the consequence would be that they should have to wait another year with matters as they were at present. The hon. gentleman's intention could be met in another way. The person who had a leasehold would be compelled to employ so many miners on it. The Chinese were not allowed to receive mining licenses, and if he wanted to prevent them working on leaseholds all that was to be done was to make every person employed on a leasehold the holder of a miner's license. Every miner, whether working for himself or for wages, must have a miner's right; therefore no Chinese could be employed, and the object of the hon. gentleman was completely met without putting a clause of the character proposed in the Bill, which might endanger its acceptance. He hoped the hon. member would not press the clause, as it might be met in the way he had suggested quite as effectively. That clause would also prevent Chinese being employed as cooks, &c., on mineral fields.

Mr. HAMILTON said he was sorry the hon. Minister for Works could not support the clause. Anyone who had visited the Palmer Gold Fields must approve of the clause, which was merely an extension of a provision which already appeared in the Goldfields Act regulating the introduction of black labour. If the present Opposition when in power had shown as much solicitude for the interests of the white man as they at present expressed in words they would, when amending the Goldfields Act of 1874, have introduced a similar clause to that which appeared in the present regulations, and the Palmer Gold Field would have presented a very different scene from that which it now did. Instead of the myriads of Chinamen who covered the golden gullies of the Palmer and left like a swarm of locusts after rendering everything desolate, they would have had thousands of white men on those gullies, which were deserted, earning a comfortable living and probably raising sufficient money to develop the resources of the field by prospecting. The Minister for Works said that the difficulty could be met by making every person working on a leasehold get a miner's right; but that was not fair. A leaseholder was required to comply with certain conditions. If the lease was twenty-five acres, and twenty men were required to work it, it would be very unfair that any extra workmen employed in addition to those required to fulfil the labour conditions should have to pay 10s. for the privilege of working for wages for him, and it would be very unfair also that the lessee should have to pay it when he had complied with the regulations. Then, again, the Minister for Works stated that he was afraid the Bill with that clause in it would not receive the Royal assent. He believed it would, for the reason that in the coolie regulations which had been sent to the Indian Government for their approval there was a similar penal clause inflicting a penalty of 10s. on any man who employed a coolie contrary to law; and they knew very well it was contemplated that those regulations should be incorporated in the Act. Although he approved of the clause, he proposed the following alterations in it:—In line 5 the word "summary" should be struck out, and also the words "forfeit his holding, and shall." It would then read—

Any holder or holders of a mining license, business license, or mineral lease, employing any Asiatic or African alien upon his or their claim, business area, residence area, or on any leasehold situated within any mining district proclaimed under this Act, shall be liable on conviction to pay a penalty of one pound sterling for each such person, for every day during which he or they shall employ such person.

His reason for moving those amendments was that he thought it desirable to do nothing that would interfere with security of tenure. Anything that did so lessened the value of the claims, and the clause as it stood would have

that effect. The shareholders in a claim were responsible for the action of the manager, who was very frequently a partner; he had known of more than one instance where the manager had, by acting in collusion with outside people, caused the loss of the mine to the shareholders. Now, according to the clause, if it remained as it was, without the abolition of the words he proposed, that sort of thing might occur. The manager of a claim might propose to engage some Chinamen to work on it. He could then tell his accomplices to apply for the forfeiture of that claim, because he had been guilty of an offence which rendered the claim liable to forfeiture. The claim would then be forfeited, and perhaps the manager would go halves with the informer in the profits which would accrue by the forfeiture of the claim. He therefore proposed the omission of the words he had suggested.

Mr. F. A. COOPER said that the Minister for Works was labouring under some misapprehension when he stated that he thought there was a new principle involved in the clause. The principle was already to be found in the Railway Companies Preliminary Act, as under the section of that Act Chinese were only to be employed upon railways within a distance of 200 miles from the Gulf of Carpentaria. Therefore he submitted there was no new principle involved in the clause. He did not think with the hon. member that the Bill would not receive the Royal assent if the clause was agreed to. They had already had the Royal assent to a poll-tax upon Chinese, so that objection would have little weight in leading members to oppose the amendment. The hon. member for Gympie thought the penalty was too severe, and did not believe in the forfeiture of the claim. He (Mr. Cooper) had no objection to that amendment so long as the penalty of £1 per day remained. The clause was almost the same as the one contained in the Railway Companies Preliminary Act, and that had been passed and received the Royal assent. He did not think any objection would be taken to the Bill should the new clause be adopted.

Mr. BROOKES said he did not see the logic in the remarks of the hon. Minister for Works, because the principle was not at all new, and was already contained in the Bill, as no Asiatic or African alien could get a mineral lease. From what he had seen of the action of the Government he came to the conclusion that it was only intended to keep Asiatic and African aliens from the higher sorts of employment, and that into the lower class of labour they might come as they wanted. That was the objection to coolie labour altogether, that it was proposed to allow them to occupy all the lower grades of labour. They objected to that *in toto*. The hon. Minister for Works went on to say that if the clause proposed by the hon. member for Cook was passed it would prevent Chinese from being employed as cooks. He (Mr. Brookes) said they wanted to get rid of Chinese cooks and Chinese nurses too; that was what the public wanted. He could not see how the Governor in Council could object to the Bill were the clause inserted, as he had consented to precisely the same principle under two or three other forms.

Mr. ISAMBERT thought the new clause, as amended by the hon. member for Gympie, was a very sound one. In practice it had been already carried out at times. Unfortunately, through no definite law existing upon the matter, the miners had to take the law into their own hands, and in consequence many acts of violence were committed. If the clause was passed there would be no further necessity for the miners to take the law into their own hands, and for the sake of law and order the clause ought to be passed.

Mr. DE POIX-TYREL said he agreed with the greater portion of the amendment, but he thought the hon. member who proposed it had gone a little too far. The only benefit he could see derived by men on the goldfields was from the labours of Chinese gardeners. They were very necessary, as he knew that Europeans on goldfields would not go into gardening; they went in to discover gold, and the result was that they died off from scurvy and other diseases resulting from living upon animal food alone. For that reason the Chinese gardener was very necessary on goldfields, and he thought the clause should not exclude him.

An HONOURABLE MEMBER: It does not affect the gardener.

Mr. DE POIX-TYREL said he considered it did. The gardener was the holder of a lease or mining license, and a person employed him when he bought vegetables from him. He thought the difficulty might be met by substituting the words, after the word "employing" on the 2nd line of the clause, "any person other than the holder of a mining license, or who is qualified to hold a mining license on his lease or license for mining purposes." He should certainly vote for the clause, whether altered or not as he proposed.

Mr. F. A. COOPER said he thought the hon. member was labouring under a misapprehension, because the proposed new clause did not in any wise affect the market gardener. He did not think the hon. member could possibly point out, in any part of the colony, any instance of where Chinamen had been employed as gardeners by miners. In every case the Chinamen had areas of their own, in their own right, which they could apply for under the regulations. The clause had for its object the prevention of holders of mining licenses, or the holders of a resident area, employing those people at all. It did not in any way interfere with the growing of vegetable produce.

Mr. HAMILTON said the clause would not affect Chinese gardeners, except in the improbable event of any persons employing them. He should, however, very much like to see the clause affect them directly, for it was a well-known fact that Chinese vegetables were not healthy. The health officer in Victoria had warned the people there that diseases were generated by the use of these vegetables, and one of the principal vendors of vegetables in Brisbane had told him (Mr. Hamilton) that although he could buy their vegetables cheaper than any others, still on commercial principles he refused to do so, because, on account of the way they were forced in their growth, the stench after being kept a day or so in the shop was execrable.

Mr. KINGSFORD said it appeared to him that there were many difficulties that surrounded the question, but it would be far better, and would save a lot of time, if an Act was passed prohibiting any other but purely white people coming here. As a matter of policy it would be preferable to do that. Coloured races were allowed to come here in considerable numbers, and then the place was made so hot for them that they dropped down almost to starvation point. It would be far better not to let them come here, and leave to the Government the right of saying whether a man was black white, or copper coloured. Then there would be some chance of coming to a conclusion on the matter, and their characters would be saved. It was anything but creditable that they should invite coloured races to come here and then treat them like dogs.

Mr. BROOKES said he could confirm what the hon. member for Gympie had said about

Chinamen's vegetables. Anyone who had lived near a Chinaman's garden and seen their mode of cultivation would not wonder at the vegetables being unhealthy.

Mr. DE POIX-TYREL said he was not going to say anything about Chinese vegetables. He would like, however, to ask the hon. member for Cook a question. What was to become of the existing contracts with Asiatic aliens? He knew of several claims held by men with miners rights who had entered into agreements with Asiatics to work their claims by royalty. When, at the end of the year, those men applied for a renewal of their rights, what would become of the people who were working the claims? He knew of many miners who had taken up the ordinary claim three chains square, who had let them to Asiatics for twelve months at a royalty of £12 a ton. Under the Bill those men would not be able to carry out their agreement.

Mr. F. A. COOPER said if the holdings were as small as the hon. member said, they would be worked out before the Act came into force. The Act would not come into operation until next January.

Mr. GRIMES said he should vote for the hon. member's amendment if it went to a division.

The MINISTER FOR WORKS said he should support his own Bill as it stood. It provided already for keeping Chinamen off tinfields, which was virtually the object of the hon. member's amendment. His provision did not mar the provision of the Bill as this one would. He was satisfied that the fact of Chinamen not having mining licenses would prevent them from going on a tinfield. There was not a single Chinaman in the whole colony who was on any one of the tinfields. Everyone knew that if Chinamen went through a certain process they could compel the issue of licenses to them; but the Bill which was now going through would prevent any danger of that sort. The fact was that every miner had a miner's right, and the number of miners' rights issued would show that what he said was true. There was no hardship in asking a miner to have a miner's license; and as Chinamen would be unable to get them, what was the use of disfiguring the Bill in the way proposed?

Mr. HAMILTON said the fact of Chinamen not being able to hold miners' licenses would not prevent them from working on the tinfields. The holder of a large tin claim which required twenty men to be employed to fulfil the labour conditions might find it to his interest to engage 200 Chinamen, whom he might import direct from China if he chose. It was perfectly immaterial to the Chinamen whether they had licenses or not, so long as they could enter into contracts to work the ground.

The MINISTER FOR WORKS said such a state of things could not occur so long as public opinion on the Herbert remained as it was now, and it was decidedly adverse to the employment of Chinamen. If a large leaseholder were to employ 200 or 300 Chinamen, the 20 white men would soon leave off working.

Mr. HAMILTON said that the Herbert was not the only mineral field in the North, and, as to public opinion, it certainly would not, a year or two ago, have prevented Chinamen from going on tinfields. Public opinion did not keep them off the Stanthorpe field.

Mr. DE POIX-TYREL said the Minister for Works was not, perhaps, aware that at Stanthorpe miners' rights were issued as freely to Chinamen as to white men, if they applied to the commissioner. Within the last few years an instance occurred in his district of the employment of a large number of Chinamen on a tin-mine. A company employing 120 Europeans and 10 Chinamen resolved to let their mine, and advertised for tenders. The lowest tenderers, by from £7 to £10 a ton, were Chinamen. The manager consulted him on the subject, and he advised him not to let the mine to Chinamen. His advice was taken, and the mine was let to Europeans at a loss to the company of from £7 to £10 a ton. Three months afterwards it was found that those very Europeans had put over 200 Chinamen on the mine. That was a sample of what had occurred, and what might occur again, and for the good of mining generally he should support the motion.

Mr. BROOKES said that when the Minister for Works talked about public opinion he touched on a very dangerous subject. A question of that sort ought to be settled, not by public opinion but by Parliament. The proposal, instead of marring the Bill, seemed in harmony with it.

Mr. ISAMBERT said that if it was not safe to entrust a Minister of the Crown more than was necessary with the administration of any Act it was equally inadvisable to trust to public opinion.

Mr. BLACK said the Herberton Miners' Association seemed to be at the bottom of the amendment; and certainly if miners had a decided objection to the employment of Chinamen they had a perfect right to be listened to. But the hon. member (Mr. Cooper) should be consistent and go further. The amendment only referred to leaseholds; it should be made to include freeholds as well. If a person lived on a freehold in a mining township he could employ as many Chinamen as he liked. It should be made to apply to all mining operations impartially. He was sometimes at a loss to know what was to become of the Chinese who were in the colony. It had been suggested that they should be set to work on the plantations; but he could assure hon. members that planters were quite as adverse to the employment of Chinese as miners were. If by legislation those harmless Chinamen were driven to the coast, the planters would be compelled in their present state of extreme need to employ a description of labour which they did not want, and which was extremely distasteful to them. If hon. members were determined that the Chinese should not be employed on these mines, let them be consistent and exclude them from the whole of the mines of the colony. Why should hon. members, to pander to Herberton because an election might be coming on, strive to keep them off that particular field? Why should they not exclude them from every mineral district, as they could do by inserting the word "freehold" in addition to leasehold?

Mr. HAMILTON said the hon. member for Mackay argued that the provision was intended to apply to Herberton; but he would point out that it applied equally to the whole of the mineral fields of the colony. The hon. member also asked why the Committee did not seek to exclude the Chinese from the whole of the mines of the colony? The answer to that was that the Committee could only deal with those mines with respect to which they were now legislating. If the Goldfields Act were now under consideration he and other hon. members he knew of would be only too glad to impose the same restriction upon all goldfields. With regard to the insertion of the word "freehold" he had no objection, but he feared that many who were now in favour of the clause might thereby be led to object to it. He would therefore suggest to the hon. member for Cook to leave his amendment as it stood.

The PREMIER said the Committee would admit that the Minister for Works had framed

the Bill so that the advantages of it would not be extended to African and Asiatic aliens. He had, as a prudent Minister who wished to see his Bill made law, framed it in a way which, perhaps, would not meet with the assent of some hon. members. He went so far, however, as to make it practically sure that in future aliens would be excluded from the mineral fields. As a matter of fact there were none on Mount Perry, or, he believed, on the copperfields near Clermont. The Bill also provided that no license would be given to an alien, and that he could not take a lease. The alien would be, in fact, under greater disabilities than he was now. The proposed amendment would have no practical effect, and if carried would endanger perhaps the best Bill that had been introduced. Not half-a-dozen Chinamen would be affected by it, but it would be a blot on the Bill. Surely the miners of Herberton were not afraid of half-a-dozen Chinamen! The effect of public opinion there had been that no holder of a mining lease dare employ Chinamen at the present time; and the best proof of that was that they were not there. But supposing there were Chinamen there, the only effect of such a clause would be to force them down on the coast; and if hon. members were to be logical they must insist that no means of living should be given to them there. Surely the time had not come when they could state to a Chinaman already in the colony that he should not be allowed to make a living in any way he chose. No demand had been made by the miners for a total exclusion, though as a matter of principle they objected to their employment. It would be a great pity if the hon. member, for a matter of mere sentiment, should endanger the passage of the Bill. The hon. member had, no doubt, other means of fascinating the people and making himself popular in his district without pressing an amendment which might injure the Bill but could not have any practical effect.

Mr. HAMILTON said the Ministry appeared not to object to the amendment on the ground that it was inadvisable to prevent the Chinese from coming on the mineral fields, but that it was not necessary, because the Chinese would not come in any event. In that case why object to the passing of the clause, as it could not do any harm? Another objection urged by the Premier was that the introduction of the amendment would endanger the passage of the Bill. With regard to that, he would point out that in the Coolie Regulations submitted to the Indian Government there was a similar provision, making it penal for any person other than a sugar-grower to engage coolies. If the Royal assent were obtained to that, he failed to see how it could be withheld in consequence of the amendment of the hon. member for Cook.

Mr. F. A. COOPER said the Premier had suggested a difficulty as to what should be done with the Asiatics who were already here. There was a very easy solution of that difficulty. The planters had recently made a great outcry about the want of coolies: let them utilise those Chinamen on the coast lands. It appeared as though the people in the North had not yet enough of them, as they were bringing others into Cairns and paying the poll-tax upon them. If the planters could not get enough Polynesians, let them pay an extra shilling or two a week and absorb the Chinamen. There would then be no further outcry for labour.

Mr. BROOKES said the remarks of the Premier were another proof that those who attempted to mix a coloured population with a white population always landed themselves in an illogical position. It was not for the Committee to say how those Chinamen were to be employed. The Bill itself was inconsistent with the liberty which the Premier was now asking for the Chinamen. The hon. member for Mackay said the planters did not want that labour. Everybody knew that the reason why Chinamen were distasteful to the planters was that they were not docile and reliable, that they would not put up with ill-usage, and that they sometimes ran away. Every argument put forward showed the weakness of their case.

Amendments agreed to.

Question—That the clause, as amended, stand part of the Bill—put.

The Committee divided:—

AYES, 14.

Messrs McLean, Dickson, Buckland, Brookes, Francis, Macfarlane, Price, Beattie, Grimes, Bailey, De Poix-Tyrel, Isambert, F. A. Cooper, and Hamilton.

NOES, 14.

Messrs. Archer, Macrossan, McIlwraith, Pope Cooper, O'Sullivan, Stevens, Black, H. W. Palmer, Foote, Low, Kingsford, H. Palmer, Lalor, and Allan.

The CHAIRMAN said: The numbers being equal, I give my voice with the "Noes."

Question resolved in the negative.

Mr. F. A. COOPER proposed the following new clause to follow clause 25:—

Any holder of a mining license, business license, or mineral lease resident on any proclaimed mining district in the colony of Queensland shall, within the said proclaimed mining district, enjoy the same rights and privileges as to the leasing of lands within such mining district for other than mining purposes, and upon the same terms and conditions as those granted to holders of miners' rights, business licenses, or gold-mining leases under the Goldfields Homestead Act of 1870 and Goldfields Homestead Act Amendment Act of 1880.

By that clause he said he was simply asking the Committee to extend to the holders of licenses in tin-mining districts the same privileges as were at present enjoyed by holders of miners rights on goldfields; that was, the right to lease land upon terms provided under the Goldfields Homestead Act. Under that Act any area could be applied for not exceeding forty acres on payment of 1s. per acre. The money thus received was devoted to the construction of roads and the carrying out of other public works in the goldfields district. He did not anticipate that there would be any objection to the amendment. If it were passed it would assist the divisional boards considerably, because the money received would be devoted to the making of roads. In most of the tin-mining districts there were large areas of land admirably adapted for homesteads, and the clause he proposed would be the means of settling people on that land. He thought it would be far better, more especially at Herberton, that those magnificent lands watered by Nyger and Flaggy Creeks should be thrown open to selection as residence areas rather than they should be swallowed up by conditional purchasers. He therefore asked the Committee to grant the privilege to the tin-miners.

The PREMIER said that when the Goldfields Regulation Act of 1870 was passed the miners in the colony had nothing like the privileges they now enjoyed of acquiring land. They had now ten times the facilities at a quarter part of the price for mines of all minerals. Under the present Act there had simply to be a homestead proclaimed and a man could select his 160 acres; and by paying his five annual instalments he could get his land under fee-simple. So under the Act of 1870 he was privileged to select up to forty acres and pay a shilling per acre as long as he occupied it, though what good that would be to the miner he (the Premier) did not know. Under the Act of 1876 every facility was given that could be required to enable the miner to

settle on the land, and the price was cheaper than under the Act of 1870. In addition to that they could not muddle the whole Mineral Lands Bill by making it apply to goldfields. A great deal of absurdity would follow. If the hon. gentleman really wanted to do anything of that sort the proper way would be to introduce a Bill; and the Government, he was sure, would have no objection to such legislation. As it was, it would simply be an excrescence on the Bill and make nonsense of it, and he hoped the hon. member would not disfigure it by the introduction of such an alien subject.

Clause put and negatived.

On the motion of the MINISTER FOR WORKS, the CHAIRMAN reported progress, and obtained leave to sit again next day.

MESSAGE FROM THE COUNCIL.

The SPEAKER announced that he had received a message from the Legislative Council, stating that they had agreed to the Savings Bank Act Amendment Bill, with an amendment in the schedule.

On the motion of the PREMIER, the message was ordered to be taken into consideration to-morrow.

ORDER OF BUSINESS.

Mr. DICKSON asked what would be the order of the business for the next day. He understood that the Financial Statement was to be delivered.

The PREMIER said that the Financial Statement would be delivered, and would be followed by the Mineral Lands Bill, and after that by the Tramways Bill.

On the motion of the PREMIER, the House adjourned at fourteen minutes to 11 o'clock.