

the mere ordinary clerical assistance, the materials for which could, we doubt not, easily be obtained from the existing clerical staff.

19. In making these proposals, as in other recommendations which we have the honor to submit, we have had regard to the maintenance of the principle of rigid economy, so far as is consistent with due consideration to the interests of the community. But we take this opportunity of urging the absolute necessity, in appointing gentlemen to such positions as that of Secretary for Mines, or the officer next to him, of selecting only men who possess a thorough practical knowledge of the duties they are expected to discharge. None but gentlemen practically acquainted with mining matters, and of a high degree of administrative ability, could fill either of these offices with benefit to the public or with credit to themselves; and we respectfully but firmly venture to deprecate, in the interest of the Colony generally, and of the mining community especially, the application in these appointments of that ruling principle of official patronage which regards rather the amount of parliamentary support such and such an appointment will secure, than the merits of candidates or their qualifications for the office.

Absolute necessity for selection of thoroughly qualified officers.

THE FRAMING OF REGULATIONS.

20. In order to the satisfactory working of any scheme of Gold Fields Management, it is clear that the Regulations under a Mining Statute must be framed by some person, or body of persons, having not only a thorough knowledge of the subject, but also being influenced by no considerations other than a desire to promote the welfare of the entire Mining Interest.

Persons who should frame Regulations.

21. Upon no part of the whole subject of our inquiry more than upon this question,—to whom the duty of framing the Regulations should be deputed,—is there a greater difference of opinion amongst the witnesses who have been personally examined before your Commissioners. The same variety of opinion is apparent in the written communications which have been sent to us. And our opinions have not been arrived at without the most searching inquiry, not until after the most matured deliberation. We regret that the recommendation upon this head which we have the honor to submit to your Excellency does not represent the unanimous opinion of your Commissioners; but upon some branches of this head of inquiry we are unanimously agreed. Various plans have been under consideration during the investigation; and perhaps all the alternatives may be thus classified:—

Great diversity of opinion.

- (1.) Should this duty be deputed to the Executive Government, as under the system at present existing?
- (2.) Or to local Elective Boards?
- (3.) Or to one central Board, elected or nominee, or partly elected and partly nominee?
- (4.) Or, lastly, in the event of the establishment of a separate Department of Mines, to that Department?

Your Commissioners proceed to state shortly the reasons for and against these various plans, taking them in order.

22. (1.) We have been unable to find any satisfactory reason for continuing the existing system. The tendency of the evidence has upon this point been singularly in accord; and almost unanimously the witnesses, as well officials as non-officials, have condemned as a whole the Regulations which have been passed under the present Act. That condemnation was extended, though perhaps hardly as strongly, to the Regulations framed under previous Acts. And we may remark, in passing, that the fact of the condemnation of later Regulations being stronger than that expressed with regard to Regulations of an earlier date illustrates forcibly the position that the tendency of our Gold Fields legislation has been retrogressive rather than progressive. And it is of course only fair to the framers of the existing Regulations to point out that in great measure the existing Statute is responsible for many of the shortcomings of the Regulations. Without going into detail upon the objections to the existing code of Regulations, your Commissioners would, in order not to incur the charge of merely generalizing upon so important a matter as that now under discussion, desire to point out a few of the salient defects in that code. It may be sufficient, then, to say that by the existing Regulations water privileges are most mischievously curtailed—river and creek workings under miners' rights are, by the smallness of the areas allowed, almost prohibited—no provision is made for sluicing in claims held under miners' rights, and, by the Regulations of February, 1870, this important description of mining is practically proscribed, by excluding from lease all tracts, however poor, of shallow alluvial ground—but little inducement to prospecting is held out—leases are limited to the absurdly small term of five years—and the conditions generally under which leases are to be granted are so restrictive as virtually to be prohibitive, to those leases, at all events, who intend to abide by the conditions. As matter of smaller detail, but still of great practical importance, your Commissioners would, in no spirit of hypercriticism, call attention to the fact that by the inaccurate wording of some of the Regulations, not only is a fruitful cause of litigation created, but it would seem that the intention of the framers themselves have not been expressed. For instance—with reference to clause 8 of the Regulations of February, 1870—we have it in evidence, outside the wording of the clause, that the intention of the framers of this clause was to allow leases of any quartz reefs, whether old or abandoned or not old or abandoned, and that those actually charged with the administration of the Regulations—the Commissioners in charge—give this reading to that clause; and yet by the wording of the clause itself the allowing of leases of

Existing system must not be continued.

Objections.