

73. The fixed labour conditions binding the lessee to employ two men per acre are also oppressive, and have evidently been imposed without due knowledge of the conditions under which mining works are carried on. In the establishment of a mine there are two periods wherein the amount of labour that can be beneficially employed is very different. While engaged in opening and testing the mine, only a limited number of men can be employed; and to compel the lessee to employ the full number of men required to work the mine when opened out during this period, is an act of injustice to the lessee, and certainly not beneficial to the Country. We are of opinion that every application for a lease should state the number of men it is proposed to employ while opening and testing the mine, the time the opening is expected to occupy, and also the number of men to be employed when the mine is in full work. Oppressive fixed labour conditions.

74. Your Commissioners are also of opinion that the relaxation of the labour conditions on which a lease is held where steam or horse power is employed is not founded on any sound principle. The fact of a lessee erecting steam machinery to puddle, crush quartz, or pump water, or his using horses on his claim, ought not to excuse him from employing such an amount of labour as is required to open and work the mine efficiently; and more than this should not be required. Generally, we may state that, in our opinion, if the employment of such a number of men as can be advantageously engaged in opening the mine is enforced, the increase in the amount of labour employed afterwards will only be limited by the number that can be profitably engaged on the work. Erroneous view existing as to relaxation of labour conditions.

75. To ensure the performance of the conditions under which leases are held, we think that a return of the number of men employed on each lease should be made by the lessee quarterly, and those returns should be accompanied by a corresponding report from the Mining Surveyor of the district. Quarterly returns and reports.

76. By the Regulations of the 17th February, 1870, the term for which a lease can be granted was reduced from fifteen to five years; but we have failed to elicit any tangible reason for such an impolitic alteration, and would recommend a return to the old term of fifteen years, with a right of renewal. Enlarged term of leases.

77. The present maximum area of twenty-five acres for gold leases is, we consider, sufficient for ordinary mining, but the power to grant special leases of larger areas should be reserved, to meet special cases where the difficulties to be overcome are greater than usual. In leases for quartz-mining, a width of 200 yards should be allowed, for the reasons mentioned under the head of areas of quartz claims. Leasing areas.

78. The rent now imposed on gold leases has been generally condemned as too high. In the case of the individual gold-miner, the principle of offering him every inducement to develop the mineral wealth of the Colony, by placing only a nominal charge on the right to mine for gold, has been virtually affirmed; and the same policy has been followed in the case of minerals other than gold, where the yearly rental is fixed at five shillings per acre. Your Commissioners have failed to discover any valid reason why gold leases should be made an exception to this rule, and they would therefore recommend that the yearly rent for gold leases should not exceed ten shillings per acre. Rent.

79. We would suggest that the portion of the Regulations affecting the application for and granting of leases should be based on the following outline:—

Applicant to mark out the ground, and post notice upon it of his intention to apply for a lease of it within seven days.

Application for the lease, accompanied by deposit and survey fee, to be made to the Warden, who shall at once direct the Mining Surveyor to make a survey of the ground applied for and report on it. Fourteen days to be allowed for the lodging of objections to the proposed lease; and after that time has elapsed, the Warden to hear the applicant and objectors (if any) in open Court. The evidence taken, together with the report of the Mining Surveyor and Warden, to be then forwarded to the Mining Department, for the consideration and decision of the Minister.

[I dissent from that part of the Report which relates to what may be termed the labour conditions respecting auriferous leases. The majority of the Commission recommend the Victorian system of allowing the lessees to name the quantity of labour they would employ per acre,—the Minister for Mines acceding or not to the proposed terms. I do not think this works well, or gives satisfaction in Victoria. I would recommend that the Regulations should lay it down as a rule that a fixed amount of labour should be employed on a lease; but with this important proviso,—that the Minister for Mines or his Warden should have power, for a period of time at the commencement of operations on the ground, or indeed at the time during the currency of the lease, to give a certificate exempting the lessee from employing a certain portion of the specified labour. At first sight it may appear to be much the same thing whether the lessee names the amount of labour he requires to employ on the leased ground,—the Minister having the power to raise the quantity to that which he considers to be reasonable and fair,—or whether the amount of labour be fixed by law, the Minister having the power to reduce that quantity to that which is reasonable and fair. Practically the two systems are, however, very different. According to the recommendations I venture to make, the onus of proof that the nature of the work to be performed does not require so much labour as the law as a rule demands, lies on the lessee when he makes his application for exemption. By the Victorian system it is the Minister or his officer who has to discover reasons why the small amount of labour the lessee wants to employ should be increased. In the way I propose, the diminution of labour to be permitted is an exceptional case, and as such will be necessarily examined into carefully by the officer. By the Victorian system, though indeed the public can make objections, and thus show that the intending lessee is not acting *bonâ fide* in stating the amount of labour he intends to employ, yet, by oversight on the part of the public, or neglect on the part of the Warden, the lease is often granted upon terms which do not impose the putting on of sufficient labour; or, in other words, which allow the ground to be held for scheming and shepherding. I am strongly of opinion that fixed labour conditions for leases, without a proviso for the allowance of diminution of labour, is bad, and has done much to keep capital from our gold mines.

If however the law were such that the labour should as a rule be fixed, say two men to the acre, but that the Warden should grant certificates of exemption, upon proof being shown that such two men per acre would entail a waste of labour, then, I submit, a security would exist to the capitalist that no unnecessary hired men need be put on the leased ground,