

Duplicate

Despatch No. 47 Enclosing the Report of the Commission appointed to enquire into the management of the Gold Fields of Victoria

Toorac – near Melbourne 2nd April 1855

The Right Honorable Sir George Grey Bart, K.C.B.

Sir,

I have the honor to transmit the Report of the Commission which I appointed to enquire into the Laws and regulations affecting the Mining population of this Colony.

With the circumstances which led to this enquiry my Despatch No. 151 of the 19th November 1854 will have made you acquainted. I there stated that the mode of raising Revenue by means of the Licence fee, and the personal inconvenience to which the individual miner was subjected, had created a very general feeling of dissatisfaction amongst the mining community; that the want of representation for their interests in the Legislative Council was also rarely felt, and that there were other minor grievances, which it is unnecessary for me to bring to your notice on the present occasion.

Reflection convinced me that a radical change must be effected in the whole system.

The more I studied the question, and the more I discussed the details with such persons as I hoped to find familiar with its bearings, the greater was the certainty which I acquired, that any attempt at Legislation by the direct interpositions of Government would be unsatisfactory and incomplete, and that only through the agency of gentlemen, willing and able to devote their whole mind to the matter, could I arrive at a correct conclusion.

Thus step by step did the advisability of delegating the functions of Government, to a Commission force itself upon me, until finally it only remained to select gentlemen willing to undertake the duty.

To the Legislative Council I directed my attention for the composition of this Commission – I was aware that unless I obtained the services of persons alike conspicuous for their talent, as for their advocacy of what are termed popular rights, I could not hope to satisfy the mining community, or determine questions in which their interests were principally involved; and in laying before you the result of their labours, I feel every confidence that you will concur with me, in thinking that the trust which was confided to them has not been misapplied.

The grievances on which the commission first treat is the Licence fee.

As you are aware since the discovery of gold a licence fee, or royalty, has been imposed upon every person located upon the Gold Fields, engaged in Gold digging; the law which I found in force, on my arrival in the Colony empowered the Lieutenant Governor to issue licences to miners on the following terms, viz:– for one month 20 shillings, for three months £.2, for six months £.4, for twelve months £.8

It seemed but reasonable that persons possessing the privilege of encamping on Crown Lands, cutting wood, and consuming water, free of charge, and thereby holding advantages which circumstances denied/derived to the inhabitants of Towns, should contribute an additional sum to the Revenue, and in principle, the tax was fair and equitable, and such, I may say is the view taken by a large portion of the mining population at the present moment; but that which was applicable in the early days of gold digging, and is theatrically just, can no

longer be maintained: at that time the diggers were comparatively few in number, and their persons being generally known to the Commissioner it was easily discovered who had, and who had not, taken out their license, the transgressor was punished, but the others were not annoyed.

Now there are reported to be 100.000 souls on the Gold Fields the Commissioner is acquainted with but few faces; Police accompany him in his search for those who desire to evade the fee, the well conducted digger is worried by constant demands for his licence, and the authorities and Police on one side, and the diggers on the other, are placed in a state of constant antagonism; to attempt to amend such a system would be futile, but I entertain a conviction that although as I said before – the principle was right, the mode of working it was entirely wrong: as such a duty the Police should never have been employed assessors been appointed to particular districts, compelled to reside in them, and paid a per centage on the collections they would have known every individual; those who had paid the fee would have declared the names of those who had not, and, provided the fee was moderate, not a minimum would have been heard. Instead of this, the Gold Fields have been the resort of young officers possessing no particular qualification for a very delicate duty; they have often angered the miner – who perhaps was as high born as themselves – by an imperious manners and tone, and the Government themselves have provoked and invited, severe criticism by the costly and unsuitable establishment which, they allowed to be maintained on the Gold Fields.

I do not wish it to be understood by the above observations, that I think lightly of the exertions made by many of the Gold Commissions, or our unmindful of the services they have rendered to the Government of this Colony. I am pleased to find that the Board of Enquiry bring forward no charge against them, but I point to the system as unsuitable to the habit of the miners.

Seeing then that a reversion to the simple plan of collecting the Licence fee, which I have described, is not practicable, and knowing that the state of the Revenue at the present moment required the contribution of the Commission that an Export duty of two shillings and sixpence per ounce, should be levied upon all gold produced in the Colony.

I am quite aware of the serious objections which exist against taxes on labour; I know the danger of giving encouragement to smuggling, but at the present moment I have no alternative open to me: I have already described to you the bankrupt state in which I found this Colony, and by the next mail I hope to be able to transmit the Estimates for the current year which I trust will shew a very considerable reduction on the expenditure of 1854. To meet the exigency of the case, the duty on spirits, tea, coffee, and cigars (18 Vict. No.9) has been augmented, and yet I fear that the estimated Revenue for this year will not meet the expenditure; hence I am in no position to attempt further financial changes.

But I deem it right to acquaint you that in my opinion an export duty cannot long be maintained, the acquittal of all the Prisoners charged with High Treason on which I propose to write a separate Despatch – shew that whenever the diggers proclaim a grievance and unite in opposing the law, an equitable decision is hardly to be expected, or in other words the common law of the land cannot be upheld, and therefore in this novel and unfortunate state of things, it behoves me to frame the legislation so as to prevent the possibility of any topic being raised, on which the body of the miners could reasonably unite and devise some other mode of raising a corresponding revenue; for assuredly nothing can be more pernicious to society than to see justice mocked, and solemn obligations disregarded.

To establish the right of the Crown to the soil, the Commission propose that the miners should take out a registration ticket, for which he should pay £1. Per annum, and without which he should not be allowed to hold a 'claim', or retain gold, or exercise his franchise;

they do not however advise a search being made for miners who do not possess it.

Adding together the sources from which a revenue is to be raised on the Gold fields, they estimate that, the duty on Gold will produce £220.000 The Miners right 40.000 The Storekeeper Licence 30.000 Other sources 60.000 Total £350.000 and recommend that the Gold should be conveyed to Melbourne and Geelong free of charge.

The Commission looks forward to the extraction of Gold from Quartz being carried out by means of Companies. The report says 'the extent of quartz veins around Sandhurst, comprehended in a space of about 13 miles by 6, has been estimated at 60 miles in length. The mass of rocks is estimated to contain two to three ounces per ton in some instances as high as 75 ounces per ton'.

They suggest that leases should be granted, 220 yards being the maximum extent in length, and that the rent should be from £100 to £250 per annum as the maximum for a period of five years.

They further state, that a minimum of not less than 3 ounces to the ton 'and an average, stated to be as high as 7 ounces to the ton, in the locality of Ballaarat, – where the quartz is abundant – would seem to place the Colony on the threshold of untold riches.'

The Departmental changes which the Commission recommend are extensive but in my opinion wisely conceived – Instead of the costly Gold Commission which now exists, they suggest that each gold district should be under the entire control of one head, to be called the 'warden', and who is to correspond directly with the Colonial Secretary.

They are of opinion that the Police should be distributed in different parts of the various Gold Fields, instead of being concentrated in one place, and they also recommend that honorary Magistrates should be chosen from amongst the diggers to assist the stipendiary Magistrate on special occasions.

That the Civil Commissariat should be abolished, and that wherever practicable resort should be had to assessors for determining local disputes, or setting disputed claims.

Pending the arrival of the New Constitution – the Commission recommends that the Electoral districts should be altered and that an Electoral districts should be altered and that an Electoral roll be at once made out of all persons possessing the franchise 'by right of sold lands' and that arrangements be made according to the law as it now stands, to admit eight additional elective, and four additional nominee, members to the Legislative Council: by this scheme the miners interests under the present Constitution, would be represented. I need hardly say that this subject had at an early period, engaged my serious attention, and as the Report says, I had offered one nominee seat to the miners; but owing to differences amongst themselves no advantage had been taken of the offer – After the termination of the present session I shall adopt measures to carry their counsel into effect.

With regard to the complaint which is advanced of want of land, I have the honor to submit letter from the Surveyor General which I called for in reply to this portion of their report.

At page 50 of their report the Commission refer with alarm, to the continued arrival of Chinese; they describe them as thieves and gamblers and consider that 'their presence in such large masses must certainly tend to demoralise Colonial Society, by the low scale of domestic comfort, by an incurable habit of gaming and other vicious tendencies, and by the examples of degrading and absurd superstition' – They also state that they return to China with their earnings having spent but little, and often leave many of their countrymen behind dependent upon public charity.

The description is in my opinion understated – I may add that they do not bring any women with them, and are highly immoral in their conduct. In number they amount to ten thousand.

It is of the greatest importance to the present and future welfare of their community, that some restrictions should be interposed to the scourge of Chinese immigration with which the colony is threatened. I quote the recommendation of the Commission 'The question of the absolute exclusion from this Colony of this, or any other branch, of the great human family is one that the Commission have no desire to entertain; nor do they think it can even be necessary to adopt such extreme proceedings. But that some steps is here necessary if not to prohibit, at least to check and diminish, this influx seemed quite evident? – and I hope you will see fit to cause a circular to be sent to the Consuls at the different parts of China, Singapore, Hong Kong or other British ports notifying that it shall be imperative upon matters of vessels conveying Chinese to this Colony, to equalize the sexes, failing in which they will on arrival here suffer a fine of Ten Pounds for each single male cabin passenger, and two pounds a head for the remaining single men. Without your interposition in this matter, our youth on the Gold Fields will be trained up in vice, profligacy, and the moral growth of the Colony blighted.'

The concluding paragraph of their report – No. 178 page 54 – merits your perusal – the Commission do me but justice in alluding to my desire to administer this Government, by, and through the representatives of the people. I commenced my administration on this principle and I have unswervingly held to it.

If there is not a mutual confidence between the Government, and the representatives, prosperity and content can not ensue.

By the aid of the Representative members this Colony has been rescued from Bankruptcy and many questions have been disposed of on which a Government might suffer shipwreck.

I have only to enumerate some of the subjects to shew the difficulties which closed on the colony during the first three months of my administration

1st. I found a revenue nearly two million sterling deficient to meet the expenditure estimated by the Government.

2. I found the Colony undergoing a severe commercial crisis.

3. I found the important questions of the waste lands of the Crown unsettled.

4. I found the Colony united in determination not to sanction the admission of men who had been convicts and resolved to proceed to any length in measures of resistance.

5. I found certainly a truce on the Gold Fields but discontent under the surface.

6. And shortly after my arrival large public meetings were held, pressing hard upon the Government to make provision for them.

By the aid of the Legislative Council rapid progress has been made in setting most of these difficulties, and I cannot be otherwise than gratified at finding the course of policy has met the approval of the members of the Commission.

Concerning generally in the views entertained by the Commission I feel bound to comment on that part of their report which leads to the 'Ballarat outbreak'.

A person unacquainted with the circumstances relating to it on reading the report for the first time, would infer that that Government over which I preside, had been aware of the state of feeling on the Gold Fields, and had taken no measure to institute an enquiry, or appease the invitation.

But if you will do me the honour to peruse my letter given on the 55th page, you will see that it is dated Nov 16th you will find that the state of the gold Fields is there freely treated upon and that I was then occupying myself in composing a Board, for the express purpose of dealing with this complicated subject.

It is true that the Commission was not finally promulgated until December 7th – a change in the Colonial Secretary took place in the interim, matters of moment were being discussed in the Legislative Council – and the members of the embodied committee being with one exception – all members of the Legislative Council – were unwilling to absent themselves from their posts in the Legislature, or direct their attention to the management of the Gold Fields.

But everyone knew that the Commission would be nominated and the merits of the reported numbers were canvassed both by the mining community and public press, and approval generally expressed

Seeing then that due publicity had been given to my intentions you may probably ask why did this outbreak occur?

There can be no doubt that the remote cause was the weakness which the Executive Government had previously shewn on the subject of the licence fee their vacillation had abstracted all feeling of confidence in the seriousness of the Government; whilst the public and private conduct of the Stipendiary Magistrate at Ballarat, and the acquittal of the supposed murders of James Scobie had produced a general irritation which the immediate dismissal of that Magistrate did not allay – the diggers had also been successful in burning the Eureka Hotel, in defiance of military and Police, and they thought themselves irresistible.

Designing orators and anarchists were enabled to play upon the feelings of the miners and work them to the pitch they had long desired and the cry of 'Abolish the Licence fee' united an amount of sympathy and gave them a command of physical force, which they could not otherwise have procured – No doubt the masses confined themselves to this one point – not so the leaders – nothing short of the overthrow of the Government would have satisfied them – and a march on Melbourne would have been the result of victory.

I have touched upon the points of most importance in the Report – it contains a vast amount of information which I could have obtained in no other way, and I willingly record my thanks to the members for the time they have devoted to the Public Service.

As far as possible I intend I intend to carry out the suggestions they have made, but I should be deluding myself were I to suppose that in the peculiar state of this Colony and the large amount of foreign element which is to be found in our population, order and tranquillity will be permanently attained by the changes in contemplation.

I have the Honor to be Sir Your most obedient Humble Servant

Chas. Hotham