LAND AND SETTLEMENT.

THE systems adopted for a settlement of Crown lands differ in every Colony, and the conditions for acquiring land are of a more or less liberal nature according to the circumstances in which each province is placed. In Victoria, Queensland, and Tasmania, which are the offshoots of the mother Colony of New South Wales, the land systems bear a considerable resemblance, the differences being rather of degree than principle; various designations being given to what are practically the same forms of conditional occupation of Crown lands under the deferred payment system. In South Australia, Western Australia, and New Zealand, however, the influence of the mother Colony was not so directly felt, and new experiments in colonisation were made. South Australia, for instance, was originally settled upon the Wakefield system—famous alike for its originality and its failure. In the other two colonies, under pressure of a different order of conditions, the objects of colonisation were sought to be obtained by legislation of a novel character.

Diversity of land legislation.

The Wakefield system.

The following pages are devoted to a description, in as concise a form as the subject will allow, of the systems of land legislation in the Seven Colonies of Australasia, and summaries are given, from the latest available data, of the results obtained under the various methods, from a practical point of view.

LAND LEGISLATION IN NEW SOUTH WALES.

Various systems of land alienation in New South Wales.

The systems adopted for the settlement of an industrial population on the lands of New South Wales have varied according to the Colony's progress and development. In the earliest period land was alienated by grants, orders, and dedications, the power

of disposing of the Crown lands resting solely with the Governor. In August, 1831, the principle of sale by auction was introduced, the minimum for country lands being fixed at 5s. per acre, but raised to 12s. in 1839. In 1843 the minimum was raised to 20s. per acre, with liberty to select at the upset price country portions not bid for, or on which the deposits had been forfeited. This is the first appearance of the principle of selection in the land legislation of New South Wales, but it was limited to lands that had been surveyed for sale by auction. This system lasted until the introduction of new legislation by the Parliament of New South Wales, and the abrogation of the Orders in Council which had hitherto constituted the authority under which land was alienated.

Land Act of 1861.

The discovery of gold in 1851, and the consequent rush of population to Australia, greatly altered the conditions of colonisation, and as the interest in gold-digging declined, so did the desire for settlement on the land increase, and the question had to be dealt with in an entirely new spirit, to meet the wants of the class of immigrants now desirous of being placed upon the soil. The agitation that thus sprang up resulted in the passing of the Crown Lands Act of 1861, under the leadership of Sir John Robertson. This measure had for its object the establishment of an industrial population side by side with the pastoral tenants. With this view an entirely new principle was introduced —that of free selection in limited areas before survey, coupled with conditions of residence and improvement, and the land was sold at 20s. per acre for country lots, payable by annual instalments carrying interest.

Pastoral occupation.

The occupation of the waste lands of New South Wales for pastoral purposes was at first allowed under a system of yearly licenses. Any person could apply for such a license to occupy runs, the extent of which was limited only by the boundaries of the surrounding stations, the license fee being fixed at £10 per annum for a section of 25 square miles, or 16,000 acres in extent, £2 10s. being charged for every additional 5 square miles. This

system of yearly licenses was succeeded by one in which the squatter was given fixity of tenure, with a license fee calculated upon the stock-carrying capacity of the runs, instead of the extent of land occupied. The Occupation Act of 1861 inaugurated a new system, limiting the tenure of pastoral leases to five years in all but the first-class settled districts, and leaving the whole of the pastoral leases open to the operations of the free selectors. Such evils were found to result from this system that in 1884, and again in 1889, Parliament was led to adopt amendments which are now in force, and the provisions of which, as regards pastoral occupation, are described further on. The Acts mentioned, while maintaining the principle of selection before survey, aimed at giving fixity of tenure to the pastoral lessees, and obtaining a larger rental from the public lands, while at the same time a restriction was placed on the sale of lands unconditionally.

Occupation Act of 1861.

The Amending Acts of 1884 and 1889.

Free Selection before survey.

Under these measures the whole Colony is subdivided into three divisions, each subdivided into various land districts, one or more such districts forming local divisions, the administration of which is entrusted to a Local Land Board, composed of a chairman and not more than two assessors. The decisions of these Local Land Boards may be appealed against to the Land Court. The composition of the Land Court involved one of the principal innovations introduced in the land legislation of the Colony by the Act of 1889.

Territorial divisions.

This Court is composed of a President and two members appointed by the Executive, whose decisions in matters of administration have the force of judgments of the Supreme Court; but whenever questions of law become involved, a case may be submitted to the Supreme Court, either upon the written request of the parties interested, or by the Land Court acting of its own accord. The judgments given on this appeal are final and conclusive. Under the enactments at present in force, land may be acquired by the following methods:—1st. By conditional and additional conditional purchases with residence. 2nd. By

Land Court.

conditional purchase without residence. 3rd. By the preferent right of purchase attached to conditional leases. 4th. By improvements purchases in gold-fields. 5th. By auction sales. 6th. By special sales without competition.

The maximum area allowed to be conditionally purchased by a selector differs in the Eastern and Central Divisions of the Colony, and in the Western Division land can be occupied only in the form of a lease, or alienated by auction or special sale as further described.

Conditional purchases.

The conditions for the purchase and occupation of Crown lands are more restricted in the Eastern than in the Central and Western Divisions. Nevertheless, any person above the age of 16 years may, upon any part of the Crown lands not specially exempt, select an area of from 40 to 640 acres, together with a lease of contiguous land not exceeding thrice the area of the conditional purchase. The price demanded is £1 per acre, of which 2s. per acre must be deposited when making the application, and the balance paid, together with interest at the rate of 4 per cent., by instalments of 1s. per acre per annum. Payment of instalments commences at the end of the third year, after which the whole of the balance may be paid in one sum at the selector's option. The selector must reside on his selection for a period of five years, and within two years must erect a substantial fence around his selection, though in some cases other permanent improvements will be allowed in lieu of fencing. After the completion of the term of residence the selector may purchase additional areas, contiguous to the original purchase, or he may purchase his conditional leasehold if he should have one. With regard to additional purchases fencing is required, but residence is not enforced. Married women judicially separated may select in their own right, and minors taking up lands adjoining the selection of their parents may fulfil the condition of residence under the paternal roof.

Residence and improvements.

Conditional leaseholds.

Conditional leaseholds, in conjunction with a selection, may be held for fifteen years at a rental fixed by the Land Board. These

leaseholds must be fenced within two years, one fence, however, being allowed to enclose both the conditional purchase and the lease. Conditional leases may at any time be converted into purchases, and the term of residence on both need not exceed five years from the date of application.

Non-residential selections.

Land may be selected free from conditions as to residence, but the maximum area is limited to 320 acres, and no conditional lease is granted. The selection must be fenced in within twelve months after survey, and within five years additional improvements must be made to the value of £1 per acre. The price demanded is £2 per acre, and the deposits and instalments are double those in connection with an ordinary conditional purchase. No person under 21 can take advantage of this clause, and no non-residential selector is allowed to make any other conditional purchase whatever under the Act.

Special areas.

Special areas may be thrown open to selection under special conditions, the price not to be less than £1 10s. per acre, and the maximum area 320 acres. Non-resident selectors are charged double the rate paid by those who do reside.

Central Division.

In the Central Division land may be conditionally purchased under the same terms as to residence, fencing, improvements, price, and mode of payment as required in the Eastern Division; but the limit of an individual selection has been fixed at 2,560 acres, with a corresponding increase of the conditional lease to three times that area. The acreage which may be purchased without residence, as well as the conditions in regard thereto, are the same for the Central as for the Eastern Division. In special areas the maximum extent of a selection has been fixed at 640 acres in the Central Division.

Limit of area, and other conditions.

The Western Division embraces an area of 79,970,000 acres, watered entirely by the Darling River. This part of New South Wales is essentially devoted to pastoral pursuits. Conditional purchases, except on special areas, are not allowed in this division,

Homestead leases.

but permanent pastoral settlement is encouraged in the form of homestead leases. Homestead leases for fifteen years may be granted within the resumed areas or vacant land in the Western Division, in areas of not less than 2,560 acres nor more than 10,240 acres. A deposit of 1d. per acre must be paid with the application, and the lessee is required to reside upon his lease for six months out of each of the first five years of his lease. The whole area must be fenced within two years, except the Land Board allow other improvements to be erected instead. An extension of the lease for seven years may be granted, provided that the carrying capacity of the land has been improved, and the land benefited. At the end of the final term, the lease may be put up to auction or tender, without compensation for improvements to the outgoing tenant. A new incoming tenant will, however, have to pay the Government for existing improvements at a valuation. Holders of pastoral leases may not also hold a homestead lease, and no person may hold more than one such lease.

Pastoral leases.

Under the Act of 1884 pastoral leases were surrendered to the Crown, and divided into two equal parts. One of these parts was returned to the lessee under an indefeasible lease for a fixed term of years, while the other half, called the resumed area, might be held under an annual occupation license, but was always open to selection—by conditional purchase in the Eastern and Central Divisions, and by homestead leases in the Western Division. Under the Act of 1889, the tenure of pastoral leases in the Western Division was fixed at twenty-one years, with a fresh assessment every seven years, and the right of extension at the end of seven years if the land has been improved in a satisfactory manner. In the Central Division, a pastoral lease extends to ten years, and in the Eastern Division to five years only. All improvements revert to the Crown at the end of the lease, without compensation. Pastoral lessees, in applying for an occupation license for the resumed area, must make a deposit at the rate of £2 per section of 640 acres.

Miscellaneous leases.

In addition to the pastoral and homestead leases, special leases on favourable terms are granted of scrub lands, snow lands—that is, lands covered with snow during a part of the year,—inferior lands, and portions of land required for the protection of artesian wells. There are also annual leases for pastoral purposes, and residential leases on gold and mineral fields.

Auction sales

Auction sales to the extent of not more than 200,000 acres in any one year, are permitted, the upset price to be fixed by the Minister—town lands not to be less than £8 per acre, while the minimum for suburban lots is fixed at £2 10s., and for country lands at £1. Special terms can be made for the purchase of land on gold-fields, and for reclaimed lands,—and special leases are allowed in certain cases.

LAND LEGISLATION OF VICTORIA.

Early land legislation in Victoria.

During the earlier period of the colonisation of Victoria, then known as the District of Port Phillip, in the Colony of New South Wales, the alienation of Crown lands was regulated by the Orders in Council already referred to. In the year 1840, however, the upset price of country lands, which in the whole possession was limited to 12s. per acre, was increased to 20s. in the District of Port Phillip alone. The regime of Orders in Council continued until 1860, when the system of free selection of surveyed country lands was inaugurated, the uniform upset price being fixed at £1 per acre. No conditions were required to be fulfilled by the selector other than either a cash payment for the whole of his purchase, or for one half only, the remaining area being occupied under a yearly rental of 1s. per acre, with right of purchase at the original rate per acre.

Free selection.

Act of 1862.

In 1862 a new Act was passed. Large agricultural areas were proclaimed, within which land could be selected at the uniform price of £1 per acre. Modifications were also introduced in the mode of payment, the maximum area allowed to be selected by one person being limited to 640 acres, with conditions as regards improvements or cultivation.

Act of 1865.

This Act was amended in 1865, when the principle was

introduced of disposing of Crown lands within agricultural areas by means of leases, with right of purchase after the fulfilment of certain conditions as to residence and improvements. A new clause was added to meet the demand arising from the occupation of land adjacent to gold-fields. These Acts were, however, superseded by the Land Act of 1869 and the Pastoral Act of the same year. Hitherto the free selection system had, in Victoria, been limited to certain lands proclaimed within agricultural areas, and to allotments previously surveyed, thus avoiding the conflict which was then beginning to take place in New South Wales between the selector and the pastoralist. Under pressure of a sudden increase in the demand for land, arising from the enormous immigration into Victoria which had followed the discovery of gold, and the necessity for the people of finding other means of employment and other and more permanent sources of income, the Victorian Legislature adopted the system in vogue in the neighbouring colony with modifications to suit the local conditions. The Act of 1869 was amended in 1878, both these Acts expiring by effluxion of time in 1884, when a new Land Act was passed, the main tendency of which was to restrict the further alienation of the public estate by limiting the extent which might be sold by auction, and substituting for the existing method of selecting agricultural land a system of leasing such lands in certain defined areas, at the same time conserving to the lessee the privilege of acquiring from his leasehold the fee simple of 320 acres under the system of deferred payments.

Act of 1884.

The Mallee Scrub.

A portion of the Crown Domain, known as the "Mallee Scrub," comprising some 11½ million acres, wholly or partly covered with various species of stunted trees, was separately dealt with under a statute entitled the "Mallee Pastoral Leases Act of 1883." The land legislation of 1884, and the special enactment just referred to, have again been modified recently by the "Land Act of 1890," the following being the conditions under which agricultural lands may now be acquired, and the pastoral and Mallee scrub lands be leased in the Colony of Victoria.

The whole of the unalienated lands belonging to the Crown are divided into the following classes :—Pastoral Lands, Agricultural and Grazing Lands, Auriferous Lands, Lands which may be sold by auction, Swamp Lands, State Forests, Timber and Water Reserves.

Classification of lands.

Pastoral lands cannot be alienated in fee, but can only be obtained by lease, such lease to expire not later than December 29, 1898, no lessee to hold more than one allotment. The lease is granted to the first applicant, but should more than one person apply on the same day, the lease is put up to auction. If no bid is offered the lease may be sub-divided, and so put up to sale. The rent is computed at the rate of 1s. per head of sheep, and 5s. per head of cattle, the number of such sheep and cattle being determined by the grazing capabilities of the land upon a basis of not more than 10 acres to a sheep, and the equivalent number of acres per head of cattle.

Pastoral leases.

A pastoral lessee must pay half the rent in advance every six months; he cannot assign, sub-divide, or sub-let the lease; he must destroy all vermin and noxious growths, keep in good condition and repair all fences, tanks, dams, and other improvements, and must not destroy or ring timber, except for fencing purposes. The incoming tenant pays the outgoing one for all permanent improvements he has effected. Upon complying with all the conditions, the lessee may select 320 acres in one block for a homestead at £1 per acre.

Conditions of a pastoral lease.

Agricultural and grazing lands are to be leased in "grazing areas," not to exceed 1,000 acres for any term of not more than fourteen years, at the end of the term the land to revert to the Crown, improvements to be allowed for at a valuation. The lessee may select out of his leased land an "agricultural allotment," not exceeding 320 acres in extent, or should he have selected under previous Acts he may increase his grazing area to 1,000 acres, and his agricultural allotment to 320 acres. The rent is

Agricultural allotments and grazing areas.

Rent and conditions.

fixed at from 2d. to 4d. per acre for agricultural areas, on an assessment by the Local Board, with the addition of 5 per cent. on the assessed capital value of any permanent improvements that may be on the land. The area of an agricultural allotment is excised from the grazing lease, and a license to occupy such allotment is granted to the selector. The holder of a grazing lease is subject to the same conditions as the pastoral lessee, but has to enclose his land with a substantial fence within three years.

Conditions of license.

The license is issued for an agricultural allotment for a period of six years, at a yearly rental of 1s. per acre per annum, payable half-yearly in advance, and is not tranferable. The licensee must destroy all vermin, and within six years must enclose his land, and effect improvements to the value of £1 per acre. He is also required to reside for five years. When these conditions are complied with, he may receive a Crown grant upon payment of 14s. per acre, or he can obtain a lease for fourteen years at 1s. per acre per annum, and at the end of the term he will receive his Crown grant.

Non-residential licenses.

Non-residential licenses are granted upon payment of double the ordinary license fee and other charges, but the area to be granted under non-residential licenses must not exceed 50,000 acres for the whole colony during any one year. For the purpose of enabling selectors to establish and cultivate hop-gardens, vineyards, or orchards, they may obtain a grant of part of their allotments not exceeding 20 acres, when so planted, upon payment of the difference between the amount of rent actually paid and the amount of purchase money.

Vineyard and orchards.

Auriferous lands.

Licenses to reside on or cultivate lands comprised within an auriferous area may be granted for a period not exceeding one year, the area not to exceed 20 acres. Land classified as auriferous cannot be alienated, but grazing licenses for such lands may be issued for a period of five years, subject to the right of any person to enter upon the land for the purpose of mining.

Auction sales.

Lands comprised within certain areas notified in a schedule attached to the Act and lands within proclaimed towns or townships or within any city, town, or borough, proclaimed before the passing of the Lands Act of 1884, may be sold at auction, the upset price for country lands being £1 per acre, the maximum area not exceeding 1,000 acres, payment being at the rate of 25 per cent. cash, and the balance in twelve equal instalments at the end of every succeeding quarter.

Swamp lands.

The Act contains also provisions for the alienation of certain lands designated as "swamp lands," subject to conditions as to their drainage.

Forests and reserves.

Land situated within the State forests, and timber and water reserves, cannot be alienated, and the administration of the Forests Domain of the Crown is placed in the hands of local Forest Boards empowered to recover fees for licenses to cut or remove timber.

Special leases.

Leases for special purposes may also be obtained under the provisions of this Act, which also provides for the administration of common lands, and miscellaneous matters incidental to land.

Mallee Pastoral Act.

Lands situated in the north-western district of Victoria, over which the mallee scrub extends, were before the year 1883 leased under the general provisions for the occupation of pastoral lands, but they were subsequently made the subject of a special enactment designated as the "Mallee Pastoral Act of 1883," amended in 1885 and partly recast under the present Land Act of 1890. Under this special legislation the mallee country is divided into two parts, the mallee border extending along the southern margin of the mallee country, and the mallee blocks situated to the north of the border extending to the banks of the Murray River. In the mallee border the land is parcelled out in divisions of various areas designated as "mallee allotments," the maximum area of which must not exceed 20,000 acres. These allotments may

Mallee allotments.

be leased for terms, which shall expire not later than the 1st December, 1903, the annual rent being from 10s. to 40s. per square mile.

Mallee blocks.

The "mallee blocks" are also of various areas, one portion of which can be held under a license to occupy for a period of five years, the other being leased for terms not to exceed twenty years from the passing of the Act on 1st December, 1883, at the rate of 2d. per head of sheep and 1s. per head of cattle for the first five years, double these amounts for the second period of five years, and 50 per cent. over the last figures for the remainder of the term. The annual rent is computed at the rate of 2d. per head of sheep, and 1s. per head of cattle depasturing thereon, but in no case must the yearly rent be less than 2s. 6d. for each square mile, or part of a square mile, of land.

Conditions of mallee leases.

The occupier or lessee of any part of a mallee block, or a mallee allotment, undertakes to pay the annual rent reserved in moieties; not to assign, subdivide, or cultivate any part of the same without the consent of the Board of Lands and Works; to destroy the vermin upon his block, and to fulfil certain other conditions; the Government retaining the right of resuming the land after giving due notice, compensation for improvements effected being given on assessment.

Vermin districts.

The Land Act also deals with districts described as "vermin districts," proclaimed as such by the Governor, the administration of which, for the special purpose of destroying vermin, is vested in local committees appointed by owners, lessees, and occupiers of the lands situated within such districts. For the purpose of erecting vermin-proof wire-fencing in certain districts a fencing rate may also be levied, the Minister also having power to deduct 5 per cent. of the amount levied in vermin districts for the purpose of paying for the erection of a vermin-proof fence between the mallee country and the mallee border.

LAND LEGISLATION OF QUEENSLAND.

Land system of Queensland.

The land legislation of New South Wales in force on the date when the Moreton Bay District was formed into the Colony of Queensland, gave place soon after that event to a new system of settlement, better adapted to the requirements of the newly constituted Colony. Following, to a certain extent, upon the lines adopted by their neighbours, the legislators introduced in their regulations the principle of free selection before survey, and that of sales under the deferred payment system. Having a vast territory to dispose of, which did not, however, offer the same attractions as the southern provinces did, not being endowed with so temperate a climate, the Queensland Legislature considered it necessary to exercise great liberality in offering its land in lots of a greater area, and at a smaller price per acre, than were required from settlers in the other Colonies. Most liberal were also the provisions enacted to facilitate the exploration and occupation for pastoral purposes of the huge and almost unknown territory which they possessed, and the Pastoral Act of 1869 led to the occupation by an energetic race of pioneers of nearly the whole of the waste lands of the province. The rapid development of its resources, and the consequent increase of population, necessitated, later on, a revision of the conditions under which land may be either alienated or occupied, but although the tendency has been to curtail the privileges of the pastoralists, the alienation of the public estate by selection—conditional and unconditional—has been placed under enactments of a still more liberal character than existed in the earlier days. Under pressure of the new social movement, Queensland has followed in the wake of New Zealand and South Australia and granted to the working classes great facilities for acquiring possession of the soil. The regulations at present in force are based upon the legislation enacted under the Crown Lands Act of 1884, and its subsequent amendments in 1886, 1889, and 1891.

Methods of acquiring land.

Land may be acquired in the following manner:—By conditional selection: agricultural farms up to 160 acres, price 2s. 6d. per acre, payable in five years at the rate of 6d. per acre per annum, personal residence; agricultural farms up to 1,280 acres, at from 15s. per acre, payable in five years, or a fifty years' lease at from 3d. upwards per acre per annum, residence, personal or by agent; by unconditional selection, at from 20s. per acre, payable in twenty annual instalments; by grazing farm selection, up to 20,000 acres, thirty years' lease at from ¾d. upwards per acre per annum; by purchase at auction, agricultural land, upset price from 20s. per acre; grazing land, upset price from 10s. per acre, payments spread over three years, without interest in the case of agricultural land, and with 5 per cent. added in the case of grazing land, when instalments are paid later than six months from date of sale.

Land Divisions.

The Colony is, as far as is necessary, divided into Land Agents' Districts, in each of which there is a Public Lands Office and Government Land Agent, with whom applications for farms must be lodged. Applications for farms must be made in the prescribed form, and be signed by the applicant, but may be lodged in the Land Office by his duly authorised attorney. There is connected with the Survey Department, in Brisbane, an office for the exhibition and sale of maps, and there full information respecting lands available for selection throughout the Colony can be obtained on personal application. Plans can also be obtained at the District Offices.

The conditions under which country lands may be acquired for settlement by persons of either sex over eighteen years of age—married women excepted—are substantially as follows:—Surveyed areas of land are made available for selection as grazing farms over a great extent of Queensland territory within accessible distance of the seaboard. In these areas intending settlers can obtain grazing farms of areas up to 20,000 acres on lease for a term of thirty years at an annual rent varying according

to the quality of the land, three farthings an acre being the minimum. This rent is subject to reassessment by the Land Board after the first ten years, and subsequently at intervals of five years, but the rent cannot be increased at any reassessment to more than 50 per cent. above that for the period immediately preceding. The applicant first obtains a license to occupy, which is personal to the applicant and is not transferable, but may be exchanged for a lease for the balance of the term of thirty years as soon as the farm is enclosed with a substantial fence, which must be done within three years. This lease may be transferred or mortgaged, or the farm may be subdivided, or, with the consent of the Land Board, be sub-let. The land must be continuously occupied by the lessee or his agent for the whole term of the lease, and cannot be made freehold. The cost of survey, ranging from something like £30 for a farm of 2,560 acres to about £65 for a farm of 20,000—subject to increase or decrease according to locality—must be paid with a year's rent when the farm is applied for.

Agricultural areas.

The more accessible lands near lines of railway, centres of population, and navigable waters, are set apart for agricultural farm selection in areas up to 1,280 acres. In the case of these farms the period of license is five years, during which the selector must fence in the land, or expend an equivalent sum in other substantial improvements. As in the case of grazing farms, as soon as the improvement condition has been complied with a lease is issued; but in this case for a longer term—namely, fifty years from the date of the license, and with a right of purchase. The annual rent may range from three pence per acre upwards (seldom exceeding one shilling) according to the quality and situation of the land, its natural supply of water, &c., and is subject to periodical reassessment, as in the case of grazing farms. The selector must occupy the land continuously, either in person or by agent, for the whole term of the lease. The cost of survey, ranging from about £10 to £12 for a farm of 160 acres to from £20 to £40 for a farm of 1,280 acres, must be borne by the selector.

Terms for obtaining freeholds.

When an agricultural farm not exceeding 160 acres in area is occupied by the selector in person, the freehold can be secured on extremely liberal terms as regards money payments, five annual payments of six pence per acre being all the purchase money required, and the cost of survey also being payable in like instalments. The conditions attached to the granting of these liberal terms are the expenditure in improvements of a sum equal to ten shillings per acre, and the immediate continuous and *bona-fide* personal residence on the land of the selector for five years. With regard to agricultural farms exceeding 160 acres in area, where the condition of occupation has been performed for five years by the continuous and *bona-fide* personal residence of one lessee, or for ten years by successive lessees, the freehold may be secured on payment of the prescribed purchasing price. If the purchase is made within twelve years from the commencement of the term of the lease, the price will be that mentioned in the proclamation declaring the land available for selection (not to be less than fifteen shillings per acre); if after that period, the price will be increased in proportion to the increase of rent upon re-assessment. The rent reserved under the lease usually amounts to about two-and-a-half per cent. on the purchasing price, and all rent paid during the period of personal residence is counted as part of the purchase money.

Village Settlement.

With regard to village settlement special provision is made by law for the settlement of little communities, so that settlers may live together in townships for mutual convenience on allotments not exceeding one acre in extent, and with farms of eighty acres in close proximity to their residences. The freehold of these farms may be secured generally on the same terms as above stated in regard to agricultural farms not exceeding 160 acres in area, with the additional privileges that residence on an allotment in the township is held equivalent to residence on the farm, and one-fifth of the required improvements may be made on the allotment.

Associated agricultural farms.

Two or more selectors of agricultural farms not exceeding 80 acres each may associate for mutual assistance under license from the Land Board. A selector may perform conditions of residence for himself and any other member of the association, providing that at least one selector is in actual occupation for every 160 acres; and if more than 10s. per acre is spent on permanent improvements on any one farm, the surplus may be credited to any other farm or farms in the group. In other respects the conditions are the same as in the case of agricultural farms of 160 acres.

Unconditional selection.

Areas of land are also available for unconditional selection at prices ranging from £1 per acre upwards, payable in twenty annual instalments. As the term implies, no other conditions than the payment of the purchase money are attached to this mode of selection—the disqualifications imposed in the case of agricultural farms being also removed, with the exception of the restriction upon the area allowed to be selected. The cost of survey, on the same scale as for agricultural farms, must be deposited with the first instalment of purchase money at the time of application.

Land Order System.

To approved persons of European extraction, paying their own passages or those of members of their families in full to Queensland from Europe, the United States of America, or any British possession other than the Australasian Colonies, land orders are issued of the value of £20 sterling for each person of 12 years and upwards, and of £10 for each child between 1 and 12 years of age. These land orders are available for ten years from the date of issue, to their full nominal value, for use by the head of the family in payment of the rent of any agricultural or grazing farm, *but not an unconditional selection*, held by him, or they may be used by the members of the family severally—wife and children under 18 years of age, of course excepted—in payment of the rent of farms held by them respectively. Land orders are not transferable, and can only be used by residents in the Colony. They are therefore of no use to anyone who does not settle on the land

and fulfil the conditions as above described. A single land order of the value of £20 will, of course, suffice for the payment of the whole purchase money of a farm of 160 acres under the personal residence conditions above described, and only the survey and deed fees will need to be paid in cash.

LAND LEGISLATION OF SOUTH AUSTRALIA.

Land question theories.

The foundation of the Colony of South Australia was in itself the outcome of an attempt to put into actual practice one of those remarkable theories of colonisation, based upon an apparently unanswerable logic of reasoning, which the logic of hard practical facts is often apt to reverse. The policy of settlement upon which a wealthy Colony was to be created in a few years on the edge of a supposed desert continent was based upon principles enunciated by its author, Edward Gibbon Wakefield, in a pamphlet published in England about the year 1836, in which he advocated a scheme of centralised colonisation, the main idea of which was the sale of the lands in the new possession at a very high price for cash, the amounts thus realised being immediately devoted to the introduction of immigrants, whom the land-owners would immediately employ to reclaim the virgin forest, thus creating wealth and abundance where desolation had previously existed. But although Wakefield had fairly calculated upon the results of the action of man, the action of nature itself had been left out of consideration, and the scheme quickly proved an empty failure and a distressful speculation for the many whom its apparent logic had deluded into investing their means in the lands of the new Colony. Had not the discovery of great mineral resources occurred at an opportune time, the exodus into the eastern Colonies of the immigrants imported or attracted to South Australia would have emptied the country of its population and considerably retarded the progress of a territory not inferior in natural resources to other portions of the Australian continent.

The Wakefield system.

Measures were very soon introduced to modify the Wakefield system, but it was only in 1872 that an Act was passed more in conformity with the legislation of neighbouring Colonies, and giving to the poorer classes of the population a chance to settle upon the lands of the Crown under fair conditions.

Land legislation of 1872.

The Land Act of 1872, adapted as it was to the needs of the time, gave way to other measures, and the regulations now in force are those of the Crown Lands Act of 1888, administered in conjunction with the Crown Lands Amendment Acts of 1889 and 1890. The Crown Lands Act of 1888 is referred to as the Principal Act. Part I of this Act refers to the power of the Governor to alienate Crown lands, exchange land for public purposes, lease lands to aboriginal natives or their descendants; to dedicate and reserve lands for public purposes, cancel and resume dedications and reserves, constitute divisions of the Colony into hundreds and counties, alter the boundaries of existing divisions, and set aside sites for towns or villages, &c. By clause 9 the grant in fee simple of any land shall not be construed to convey or include any property in any metal, ore or mineral, coal or mineral oils in or upon the land, the same being reserved by the Crown; the Commissioners being allowed to authorise persons at any time to search, mine for, or remove any of the metals and other things reserved.

Land Acts of 1888-90.

Metals and minerals reserved.

Part II deals with leases with the right of purchase and perpetual leases. No lands are to be leased unless previously surveyed; the Land Boards are entrusted with the duty of classifying lands, fixing the area of blocks, and the price and annual rent at at which each block may be taken up on lease with right of purchase, and the annual rent at which such block may be taken up on perpetual lease. Applications for such lands may be made in writing to the Commissioner, giving name and address of applicant, forwarding at the same time 20 per cent. of the first year's rent for the block applied for. The applications are referred to the

The leasing of lands.

Applications for lease.

Land Board, who determine upon their acceptance, and may subdivide or alter the boundaries of the block applied for, or reject the application, and generally decide upon all matters, including price or annual rent, connected with such application. Lessees must execute their leases and pay the balance of the first year's assessment and prescribed fees within twenty-eight days after the acceptance of application has been notified and the lease has issued, otherwise forfeiting amounts paid and all rights to lease of the land.

Leases with right of purchase.

Leases with the right of purchase are granted for a term of twenty-one years, with the right of renewal for a further term of twenty-one years, the right of purchase exercisable at any time after the first six years of the term at a price fixed by the Boards, which must not be less than 3s. an acre.

Perpetual leases.

The rent charged for any perpetual leases for the first fourteen years is fixed by the Boards and notified in the *Government Gazette*, and the rent for every subsequent fourteen years is fixed by the Board after revaluation. Rents are payable annually in advance, and every lease contains a reservation to the Crown of all metals, ores, and minerals, gems, coal, timber, and mineral oils, in or upon the leased lands. All lessees under this part of the Act undertake to fulfil the following conditions :—1. To pay rent annually. 2. To pay all taxes and other impositions which may be payable in respect of the leased lands during the lease. 3. To fence the land within the first five years of the term, and keep the fences in repair. 4. To forthwith commence and continue to destroy, and keep the land from, vermin. 5. To keep and maintain all improvements the property of the Crown on the leased land in good order and repair. 6. To insure and keep insured in full all buildings the property of the Crown upon the leased land in the joint names of the Commissioner and lessee. 7. To permit access to the land to every person holding a mining license or mineral lease under Part V of the Act.

Conditions of leasing.

Part III of the Act refers to the sale of lands for cash. Provision is made for the sale of special blocks of land by auction; all Crown Lands within Hundreds which shall have been offered for lease and not taken up may be offered for sale at auction for cash within two years of the date on which they were first offered for lease. Some lands may be sold by auction for cash, and shall not be sold upon credit or by private contract, the Commissioners fixing the upset price of both town and country lots offered to auction, provided always that no country lands shall be sold at less than 5s. per acre.

Cash sales of land.

Part IV refers to pastoral leases, and enacts that all Crown lands not included in any Hundred may be leased for pastoral purposes. Pastoral lands are divided into three classes as follows:—Class 1 includes pastoral lands held under a new lease issued under certain previous Acts, or which having been held under such new lease were held under other leases expiring in the year 1888, or on the 1st January, 1887, and granted in lieu of such new lease. Class 2 includes all pastoral lands which were held by any pastoral lessee on the 14th November, 1884, for any other term of years. Class 3 includes all other pastoral lands.

Pastoral leases.

When any pastoral lease in class 1 shall have expired, the land may be offered for lease at auction in such sized blocks as the Commissioner may determine, every such lease being for a term not exceeding twenty-one years, the annual upset rent payable in advance being fixed by valuation. The lessee shall also pay a deposit of 10 per cent. upon the value of the improvements on the lease, interest at 5 per cent. being allowed for such deposit, which shall be returned at the expiration of the lease, provided the improvements have not been allowed to fall into disrepair, in which case the deposit would be forfeitable wholly or in part. On the expiration of any pastoral lease, or the resumption of any lands included in any pastoral lease granted under the Act, the pastoral lessee shall be paid the value of all substantial water

Renewal of leases.

improvements on the land leased or resumed, and in cases of resumption he shall also be compensated for the loss or the depreciation in the value of his lease. Pastoral lands in class 3 may be offered for lease at auction on the following terms :—The lease to extend over a term of thirty-five years at an annual upset rent of 2s. 6d. per square mile for the first fourteen years of the currency, afterwards during each successive term of seven years, the annual rent shall be fixed by valuation. Under the Crown Lands Amendment Act of 1890 these terms have been altered to forty-two instead of thirty-five years, the revaluation being made every fourteen years instead of seven as above. The lessee to covenant to stock the land before the end of the third year of the term with sheep in the proportion of at least five head, or with cattle in the proportion of at least one head for every square mile leased, and to keep the same so stocked, and before the end of the seventh year to increase the stocking to at least twenty sheep or four head of cattle for the remainder of the term.

Conditions of pastoral leases.

Improvements.

The expenditure of money for the purpose of improving the carrying capacity of the land exempts the lessee from fulfilling the condition with reference to stocking, the expenditure of 30s. before the end of the third year of the term, and that of £3 per square mile before the end of the seventh year wholly discharges the lessees from the covenant in reference to stock. This part of the Act also provides that leases may be granted to *bona-fide* discoverers of pastoral country at the rent of 2s. 6d. per square mile per annum.

Mining leases and licenses.

Part V deals with leases and licenses to be issued for mining purposes, such leases to be for a term of 99 years, at an annual rent of 1s. per acre, and a further sum of 6d. in the £ on the net profits; a sum of at least £6 per acre of the area of the lease is to be expended in every two years, with the option of constantly employing one man for every 20 acres of the lease during nine months of the year. Specific mineral licenses may be granted by the Commissioners on payment of a fee of 20s. for permission to

Specific mineral licenses.

search for metals and minerals, except gold, upon any specific mineral lands not exceeding 80 acres in extent, subject to the condition of employing at least one man. General mineral licenses for the term of one year are also issued, to search for any metals or minerals, except gold, upon any mineral lands. The leasing of auriferous lands is regulated by the Gold-mining Act of 1885.

General mineral leases.

Part VI refers to leases and licenses for miscellaneous purposes, including leases to discoverers of coal, guano, petroleum, or other substance not being a metal or metalliferous ores; sites for factories and other industrial undertakings, are also regulated under this part of the Act.

Miscellaneous leases.

In Part VII a new feature has been introduced into the land legislation of the Colony, in response to the claims of the working classes. Under this part it is enacted that certain lands of the province may be surveyed in blocks not exceeding 20 acres in area, and may be leased under the conditions affecting leases granted under Part II of this Act, either with the right of purchase or of perpetual lease; no one except a person who gains his livelihood by his own labour, and who has attained the age of 18 years being entitled to any such lease. The rent is payable annually in advance, and the lessee is bound to reside on such land for at least nine months in every year, but personal residence by the wife or any member of the family of every such lessee will be held as a fulfilment of tho residence condition. Under the amended Act of 1890, working men's leases situated within a radius of 10 miles from the Post Office, Adelaide, cannot be taken up with the right of purchase, and the purchase of any such leases taken up under the provisions of the Principal Act cannot be completed.

Workingmen's blocks.

Under the Crown Lands Act Amendment Act of 1889, certain modifications were introduced in the procedure regulating the surrender of existing agreements and leases in exchange for leases under Part II of the Principal Act, and certain regulations were

Land Act of 1889.

enacted to deal with the rabbit pest, and provide for the erection of rabbit-proof fences, granting to District Councils the power to raise loans for this purpose. Provisions were also made for extensive alterations in the disposal of forest lands, and for various other matters relating to the alienation and lease of lands. Section 15 of the Principal Act was amended, so as to provide, among other matters, that no lessee shall hold under lease with a right of purchase at any one time more than 1,000 acres.

THE NORTHERN TERRITORY.

Northern Territory.

The Northern Territory of South Australia includes the whole of the lands situated to the north of the 26th degree of south latitude, bounded by Queensland on the east, Western Australia on the west, and the Ocean on the north. This portion of the Continent is under the administration of a Resident, appointed by the Government of South Australia, and the alienation and occupation of lands within the Territory are conducted under regulations enacted by the South Australian Legislature, in accordance with "The Northern Territory Crown Lands Consolidation Act of 1882."

Alienation.

It is provided that lands may be purchased for cash, without conditions, in blocks not exceeding 1,280 acres, for 12s. 6d. per acre; they may also be bought under the deferred payment system, to the same maximum area, and at the same price, payable in ten years, together with an annual rent of 6d. per acre.

Pastoral occupation.

Leases for pastoral occupation may be issued for a term not exceeding twenty-five years, for blocks up to 400 square miles, the annual rental for the first seven years being 6d. per square mile; while 2s. 6d. per square mile is charged during the balance of the term.

Tropical productions.

In order to encourage the cultivation of tropical produce, such as rice, sugar, coffee, tea, indigo, cotton, tobacco, &c., special

provisions have been enacted. Blocks of from 320 acres to 1,280 acres may be let for such purposes at the rate of 6d. per acre per annum. If, at the expiration of five years, the lessee can prove that he had cultivated one-fifth of his area by the end of the second year of his term, and one-half by the end of the fifth year, he is relieved from all further payment of rent, and the amount already so paid is credited to him towards the purchase of the land in fee.

LAND LEGISLATION OF WESTERN AUSTRALIA.

Early land legislation in Western Australia.

The first regulations referring to land settlement in Western Australia were issued by the Colonial Office in 1829, at the time that Captain James Stirling was appointed Civil Superintendent of the Swan River settlement. The first special grants were made in favour of Captain James Stirling for an area of 100,000 acres near Geographe Bay, and Mr. Thomas Peel for 250,000 acres, on the southern bank of the Swan River and across the Channing to Cockburn Bay, the latter under covenant to introduce at his own cost 400 immigrants into the Colony by a certain date. Regulations were issued to the effect that persons proceeding to the settlement at their own cost, in parties in which the numbers were in the proportion of five females to every six male settlers, were to receive grants in proportion to the capital introduced, at the rate of 40 acres for every £3. Capitalists were also granted land at the rate of 200 acres for every labouring settler introduced at their expense, subject to the cancellation of the grant if the land was not brought under cultivation or reclaimed within twenty-one years. The regulations were amended by others of a similar nature issued on the 20th of July, 1830. In 1832, however, the mode of disposing of the Crown lands by sale came into force, the regulations issued in that year assimilated the system of settlement to that in force in the colonies of New South Wales and Van Diemen's Land. Other alterations were made

System of selling lands.

from time to time, until in 1873, an entirely new system was introduced, which has served as the basis of the regulations at present in force, which were promulgated on the 2nd March, 1887.

Land regulations of 1886.

The new land regulations, which were passed by the Legislative Council in 1886, came into force on the 2nd of March, 1887. For the purposes of the regulations the Colony is divided into six divisions :—The South-west Division, the Gascoyne Division, the North-west Division, the Kimberley Division, the Eucla Division, and the Eastern Division. All town and suburban lands in these divisions may be sold by public auction, at an upset price to be determined by the Governor-in-Council. Any person may apply to the Commissioner to put up for sale by auction any town or suburban lands already surveyed, on depositing 10 per cent. of the upset price, which is returned if he does not become the purchaser; should the purchaser not be the applicant, he must pay 10 per cent. on the fall of the hammer, and complete his purchase within thirty days.

Modes of conditional purchase.

There are four modes of obtaining land by conditional purchase in the South-west Division :—(1) By deferred payment, with residence within agricultural areas; (2) by deferred payment, with residence outside agricultural areas; (3) by deferred payment, without residence; (4) by direct payment without residence.

Agricultural areas.

Agricultural areas of not less than 2,000 acres may be set apart by the Governor-in-Council. The maximum area to be held by any one person is 1,000 acres, and the minimum 100 acres. The price is fixed by the Governor-in-Council at 10s. an acre, payable in twenty yearly instalments of 6d. an acre, or sooner if the occupier choose. Upon the approval of any application, a license is granted for five years. Within six months the licensee must reside on some portion of the land, and he must fence in the land with a good substantial fence during the term of his license. If these conditions are fulfilled, a lease is granted to him for fifteen years. After the lease has expired, provided the fence is in good

order and that improvements have been made equal to the full purchase money, and that the full purchase money has been paid, a Crown grant will be given.

Deferred payment system.

Land may be purchased outside agricultural areas on deferred payment with residence, by free selection, otherwise subject to all the conditions required within agricultural areas, as already stated.

Non-residental purchases.

Under the third mode of purchase, the applicant is subject to all the conditions imposed under No. 1, except residence, but he has to pay double the price—or, £1 per acre,—in twenty yearly instalments of 1s. per acre.

Direct payment system.

By the fourth mode, land to the extent of 1,000 acres, and not less than 100, within an agricultural area, may be applied for at a price (at present 10s. per acre) fixed by the Governor-in-Council. Within three years the land must be fenced, and within five years 5s. per acre must be spent on improvements.

Gardens and orchards.

For garden purposes, small areas of not less than 5 acres nor more than 20 acres (except in special cases), at 20s. per acre, may be purchased on the condition that within three years the land shall be fenced, and one-tenth planted with vines or fruit-trees, or vegetables.

Special areas.

In the Kimberley, North-west, Gascoyne, Eastern, and Eucla Divisions, special areas for purchase may be set apart of not less than 5,000 acres. The total quantity to be held by any one person in a division may not exceed 5,000 acres, nor be less than 100 acres. The price is at present 10s. an acre, payable in ten years, or sooner. Upon approval, a lease will issue for ten years. Within two years the land must be fenced. At the expiration of the lease, the fence being in good order, improvement in addition to the fencing equal to the purchase money having been made, and the purchase money having been paid, a grant from the Crown will be issued.

Pastoral leases.

Pastoral lands are granted on lease, which gives no right to the soil or to the timber, and the lands may be reserved, sold, or otherwise disposed of by the Crown during the lease. The following are the terms of pastoral leases in the several divisions, all leases expire on the 31st December, 1907. The rental named is for every 1,000 acres. South-west.—In blocks of not less than 3,000 acres, at 20s. Gascoyne and Eucla.—In blocks of not less than 20,000 acres; for each of the first seven years, 10s.; for each of the second seven years, 12s. 6d.; for each of the third seven years, 15s. North-west.—In blocks of not less than 20,000 acres. For the first seven years, 10s.; for second seven years, 15s.; for the third seven years, 20s. Eastern.—In blocks of not less than 20,000 acres. For the first seven years, 2s. 6d.; for the second seven years, 5s.; for the third seven years, 7s. 6d. Kimberley.—In blocks of not less than 50,000 acres with frontage, and 20,000 without frontage; for the first seven years, 10s.; for the second seven years, 15s.; for the third seven years, 20s. Any lessee in the Kimberley and Eucla Divisions may have a reduction of one-half the rental due under the Regulations, computed from the 1st day of January, 1887, for the first fourteen years of his lease, if, in the Kimberley Division, within five years of the date of these Regulations, he have in his possession within the Division ten head of sheep, or one head of large stock for every thousand acres leased, or in lieu of stock in the Eucla Division if he have expended £8 per 1,000 acres, in tanks, wells, dams, or boring for water. A penalty of double rental for the remaining portion of the lease is imposed, except in the South-western Division, if the lessee has not within seven years complied with the stocking or improvement clause.

Rent reduced by stocking.

Land with poison plants.

Any person desirous of obtaining a lease of poisoned land may apply to the Commissioner, defining the boundaries and paying one year's rent at the rate of £1 per 1,000 acres, on the condition that the land is fenced in within three years; and if the poison plant is completely eradicated before the lease expires, the lessee will be entitled to a Crown grant.

Mining leases, not exceeding 200 acres, nor less than 20 acres, are granted for seven years, at a rental of 5s. per acre per annum, but must be worked within one year. If the holder has erected, or gives security for the erection of suitable machinery to work the mine, he may obtain a Crown grant of not less than 20 acres, at the rate of £3 per acre.

Mineral lands.

LAND LEGISLATION OF TASMANIA.

Early land regulations.

In the earlier period of the occupation of Tasmania, from 1804 to 1825, the island being administered as a part of New South Wales, its settlement was subject to the regulations affecting the disposal of the Crown domain in that Colony. After its constitution under a separate administration, the regulations issued from the Colonial Office for the settlement of the Crown lands in the mother Colony were made to apply also to Tasmania. New measures were introduced after self-government had been granted to the province, but they became so complicated and cumbersome that the necessity was felt of passing in 1890 an Act consolidating into one comprehensive and general measure the twelve Acts previously in force.

Land Act of 1890.

The business of the Lands and Survey Departments is now transacted by virtue of the Crown Lands Act of 1890, under which, for the convenience of survey operations, the island is divided into thirteen survey districts. Lands of the Crown are divided into two classes, town lands and rural lands. Lands which are known to contain auriferous or other minerals, and such lands as may be necessary for the preservation and growth of timbers, are dealt with under separate sections, and the Governor-in-Council is empowered to reserve such lands as he may think fit for a variety of public purposes.

Free selection.

In the rural division any person of the age of eighteen may select under this Act by private contract at the price and upon the terms set forth hereunder :—

One lot of rural lands not exceeding 320 acres nor less than 15 acres.

	£	s.	d.
100 acres at 20s.	100	0	0
Add $\frac{1}{3}$ for credit	33	6	8
	133	6	8

Payable as follows :—

	£	s.	d.			
Cash at time of purchase	3	6	8			
First year	5	0	0			
Second year	5	0	0			
Third year	10	0	0			
And for every one of the eleven successive years to the fourteenth year inclusive at the rate of £10 per annum	110	0	0			
				133	6	8

And so in proportion for any greater or smaller area than 100 acres, but credit will not be given for any sum less than £15. Additional selections may be taken up provided the total area held by one selector does not exceed 220 acres. Selection by agents is not allowed.

Conditions of the credit system.

The conditions in connection with the credit system are as follow :—The purchaser is to commence improvements at the expiration of one year from the date of contract, and during eight consecutive years shall expend not less than 2s. 6d. per acre per annum, under penalty of forfeiture. Any surplus over 2s. 6d. per acre spent in any year may be set against a deficiency in another year, so that £1 per acre is spent in the eight years. In the event of the full amount of improvements having been made before the expiration of the eight years, the purchaser may pay off any balance due, discount being allowed. Payment of instalments may in certain cases be postponed, but interest must be paid at the rate of 5 per cent. per annum. The time for making the improvements may be extended for two years in certain cases.

Default of payment.

Should instalments not be paid within sixty days after becoming

due the land may be put up to auction, the defaulter having the privilege of redeeming his land up to the time of sale by payment of the amount due with interest and costs. If land sold at auction by reason of default realises over the upset price, the excess is handed to the defaulter. Land purchased on credit is not alienable until paid for, but transfers are allowed. For five years after alienation land is liable to be resumed for mining purposes, compensation being paid to the occupier. All grant-deeds contain a reservation by the Crown of the right to mine for minerals.

Auction sales.

Rural lands not alienated and not exempt from sale may be sold by auction. Town lands are sold only by this means. £1 per acre is the lowest upset price, and agricultural lots must not exceed 320 acres. Lands unsold by auction may be disposed of by private contract, within one year from the time of being offered at auction. No lands may be sold by private contract within 5 miles of Hobart or Launceston.

Private contracts.

Mining areas.

Mining areas may be proclaimed, within which land may be selected or sold by auction, in lots varying with the situation, from 1 to 10 acres if within a mile from a town, up to 100 acres if at a greater distance. In these cases residence for five years is required, in default the land to be forfeited to the Crown.

Right to search for minerals.

Land selected or bought within a mining area is open to any person to search for gold or other mineral, after notice has been given to the owner or occupier, to whom compensation may be made for damage done. Persons occupying land in a mining town, under a business license, having made improvements to the value of £50, may purchase one quarter of an acre for £10.

Grazing leases.

Grazing leases of unoccupied country may be offered by auction, but such runs are liable at any time to be sold or licensed, or occupied for other than pastoral purposes. The rent is fixed by the Commissioner, and the run is put up to auction, the highest bidder receiving a lease for fourteen years. The lessee may

cultivate such portion of the land as is necessary for the use of his family and establishment, but not for sale or barter. Should any portion of the run be sold or otherwise disposed of a corresponding reduction may be made in the rent, which is paid half-yearly in advance. A lease is determinable should the rent not be paid within one month of becoming due. In the event of the land being wanted for sale or any public purpose six months' notice must be given to the lessee, and he is to be compensated for permanent improvements. Leases of not more than fourteen years may be granted for various public purposes, such as the erection of wharfs, docks, &c. Portions of a Crown reserve may also be leased for thirty years for manufacturing purposes.

LAND LEGISLATION OF NEW ZEALAND.

Land obtained from the natives

The first establishments in New Zealand were formed upon land obtained from the various native tribes, and the task of distinguishing between the few *bona fide* and the numerous bogus claims to the possession of land thus acquired was the first difficulty which confronted Captain Hobson when, in 1840, he assumed the government of New Zealand. Trading in land with the natives had, from 1815 to 1840, attained to such proportions that the claims to be adjudicated upon covered 45,000,000 acres, the New Zealand Company, of which Mr. Edward Gibbon Wakefield, of South Australian fame, was the managing director, claiming an estate of no less than 20,000,000 acres in area. In the year 1840, the Legislature of New South Wales passed a Bill empowering the Governor of that Colony to appoint a Commissioner to examine and report upon all claims to grants of land in New Zealand, all titles, except those allowed by Her Majesty, being declared null and void. This Bill, before receiving the Royal assent, was superseded by an Act of the Local Council, passed in 1841, under which the remaining claims were settled, and new regulations were adopted for the future disposal of the Crown lands. When, later on, the Colony became divided into

independent provinces, each district had its own regulations, until, in 1858, an Act was passed by the General Assembly to regulate this question, embodying in one comprehensive measure the regulations under which land could be alienated or demised in the various provinces of the Colony. The Act of 1858 was repealed by that of 1876 and its amendments, the latter having since been repealed to give way to legislation of a more liberal nature.

Land legislation in New Zealand.

The land laws of New Zealand, based upon the Act of 1885, with amendments made in 1887 and 1888, are more liberal than those of any of the Colonies, except South Australia and Queensland, which have borrowed from New Zealand the system of perpetual leases and workingmen's blocks—adapting to local conditions the principles of the New Zealand Village Settlement System.

Land districts.

The Colony is now divided into ten land districts, and Crown lands are thus classified:—(*a*) Town and village lands in sites reserved for urban settlement; (*b*) suburban lands; (*c*) rural lands divided into first and second class, according to the nature of the country. Town and village land can only be obtained at auction; suburban lands, either at auction or by selection in the same manner as rural lands. Any person of 17 years or over may select suburban or rural lands under one of the three following systems, at his option:—For cash, for deferred payments, or under perpetual lease. Land may be selected either in surveyed or unsurveyed areas. Surveyed lands, after forty-five days' notification, are open for application, and any unselected areas remain open for selection. In the event of more than one application for the same area, the matter is decided by lot. Unsurveyed lands are open to selection after notification, and, should there be more than one application for the same land, it goes to the first applicant.

Modes of settlement.

Cash system.

Under the cash system, no person can take up more than 640 acres of first class, or 2,000 acres of second class rural land in any one district. Land not notified under the Act of 1887 may be sold

either on application or by auction, without restriction as to area. If sold by auction, it must have been previously surveyed into sections.

Deferred payments.

The size of allotments under the deferred payment system must not exceed 20 acres in suburban, or 640 acres in rural agricultural land; the price for the former being not less than £4 10s. per acre, and for the latter not less than 18s. 9d. for first-class, or 7s. 6d. for second-class land. Payments are to be made half-yearly in equal instalments, five years being allowed in suburban and fourteen years in rural lands. A license to occupy is issued immediately after selection, the chief conditions imposed being residence for four years on suburban and six years on rural land, unless certain improvements are effected, and the balance of purchase money paid previously. Residence may be dispensed with altogether in the case of bush or swamp lands, provided certain improvements are made.

Improvements.

In regard to suburban land, the selector must cultivate not less than one tenth the first year; one-fifth the second year, and within four years must have three-fourths cultivated, the whole fenced, and have substantial improvements made to the value of £10 per acre. In the case of first class rural land one-twentieth must be cultivated the first year, one-tenth the second year, and one-fifth within four years. Besides this, in six years improvements must have been effected to the value of £1 per acre. If the land is in the second class, substantial improvements, equal to one-tenth the value of the land, must be made within one year; another 10 per cent. within the next year, and a third 10 per cent. before the end of the sixth year. After these conditions are complied with the selector can have the value of the unpaid instalments capitalised, and pay interest thereon at the rate of 5 per cent., instead of the half-yearly instalments. He is at liberty, henceforth, to pay off any portion of such capitalised value, upon which the interest will be proportionately reduced. Any time after effecting improvements, and within eighteen years of the date of the license,

Capitalisation of balances.

if the payments are completed the selector shall be entitled to his Crown grant. He is also at liberty to exchange his license for a perpetual lease, in which case all past payments go to credit of rent.

Perpetual lease system.

Under the perpetual lease system a deposit of £1 10s. must accompany the application, which sum will be forfeited if the lease is not duly executed. The annual rent is calculated at 5 per cent. on the capital value of the land. The improvements are secured to the holder of a perpetual lease, upon an indefeasible title, with perpetual rights of renewal, giving in fact the security of a freehold without sinking capital in the purchase. The maximum area of a perpetual lease is 640 acres of first class, and 2,000 acres of second class land. Each lease is for thirty years, but renewable for another term of twenty-one years; should the holder refuse to renew the lease it is put up to auction, and the incoming tenant has to pay the lessee the full value of improvements. These leases cannot be transferred, sub-let, mortgaged, or assigned until a statutory declaration of the fulfilment of certain conditions has been made; but surrenders are permitted with the sanction of the Land Board. The conditions of residence and improvement are similar to those under the deferred payment system. Holders of perpetual leases, after they have fulfilled the conditions, may obtain a freehold at a price represented by the capital value on which the rent of 5 per cent. has been calculated.

Homestead System.

A settler under the Homestead System makes no payment for the land beyond the fees for survey, but has to reside for five years, erect a dwelling, and cultivate one-third of the area if open land, and one-fifth if bush land. If of the age of 18 years or over he may select from 50 to 75 acres; if under 18, from 20 to 30 acres; but no family or household may have more than 200 acres of first-class, or 300 acres of second-class land. A Crown grant is issued on fulfilment of the conditions. The Amended Act of 1887 contains provision for other classes of settlement in special areas, and among others there is a scheme for attracting to New Zealand the crofters of the north of Scotland.

Village Settlement System.

The Village Settlement System introduced a new feature into Australasian land legislation, the object being to afford facilities for acquiring land to persons of limited means. The tenure was a perpetual lease, the first term being for thirty years, with renewals of twenty-one years on a valuation, but with no right of purchase. The only charge for the lease was 10s. for registration. Allotments could not exceed 50 acres, and married applicants had the preference over single ones. Advances were made to the settlers of £20 towards the erection of a dwelling, 25s. per acre for underscrubbing and bush-felling, and 25s. per acre for burning, grassing, fencing, and other improvements. These advances were made to the extent of 20 acres only, so that the maximum advance was £70. Where there was no bush nor clearing the advance was limited to £20 for the house, which had to be erected within six months of the date of selection. Interest on the advance was charged at the rate of 5 per cent. per annum, payable half-yearly, and no provision was made for repaying the principal. The selector had to live on the land, to cultivate one acre within two years, and within four years half the remainder of his section. This exceedingly liberal measure was only a short time in operation, having been suspended by the Atkinson Government, in consequence of the abuses that had crept in. A resumption of the Village Settlements, under an amended system is, however, probable.

Pastoral leases.

Leases or licenses of pastoral lands may be obtained for a period of twenty-one years; land sufficient to keep all the year round 20,000 sheep, or 5,000 head of cattle, may be offered in one lot.

Grazing runs.

Small grazing runs are also obtainable with an absolute lease for twenty-one years, but with no right of purchase. Full valuation for improvements is given at the end of the lease. The lessee possesses the right of cultivation, and may take up a selection of not more than 150 acres around the homestead. Runs, not exceeding 20,000 acres, may be let by auction for grazing purposes for twenty-one years, with a right of renewal for a similar

term. If the lessee declines to renew, he is paid by the incoming tenant the value of his improvements. The upset rent may vary from 1½d. per acre upwards. Residence on the run for six years is compulsory, and during that period improvements must be effected to the value of four years' rental.

AUSTRALASIAN SETTLEMENT.

Settlement of the Public Estate.

From the particulars given in the foregoing pages it will have been made abundantly clear that the main object of the land legislation, however variously expressed, has been to secure the settlement of the public estate by an industrious class, who, confining their efforts to areas of moderate extent, would thoroughly develop the resources of the land. But where the character of the country does not favour agricultural occupation or mixed farming, the laws contemplate that the State lands should be leased in blocks of considerable size for pastoral occupation, and it was hoped that, by this form of settlement, vast tracts, which when first opened up seemed ill-adapted even for the sustenance of live stock, might be ultimately made available for industrial settlement. To how small an extent the express determination of the legislators to settle an industrious peasantry on the soil was accomplished will presently be illustrated from the records of several of the provinces, but in regard to pastoral settlement the purpose was fully achieved—large areas, pronounced by even experienced explorers to be an uninhabitable wild have since been occupied by thriving flocks, and every year sees the great Australian desert of the early explorers receding step by step. The following statement shows the area of land alienated by each province, the area leased, and the area neither alienated nor leased. The term "alienated" is used to denote that the figures include lands granted without purchase, the area so disposed of has not been inconsiderable in several provinces :—

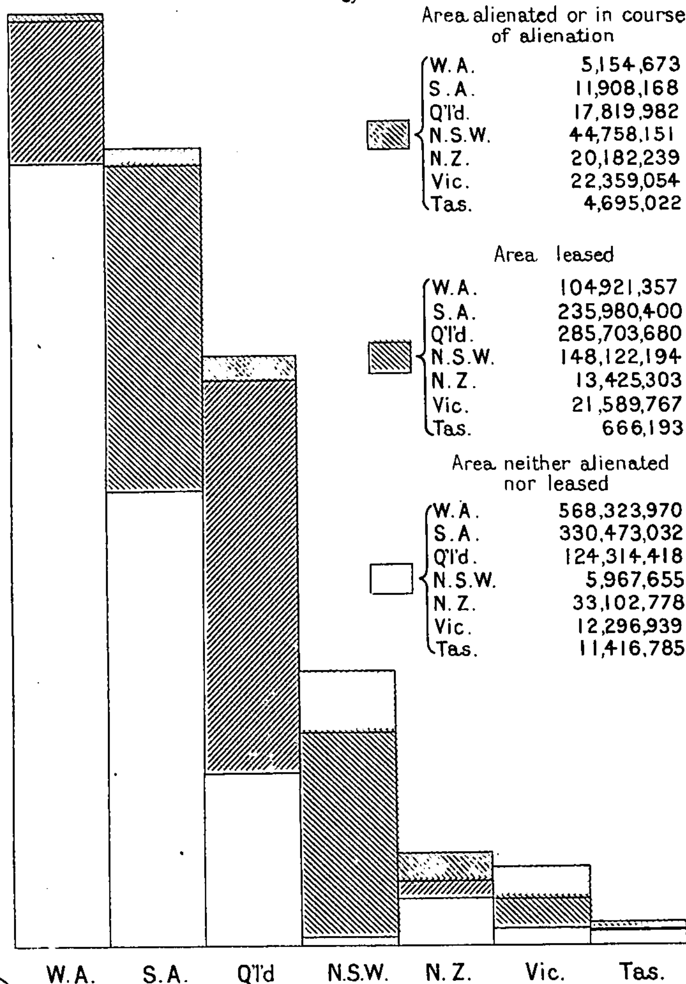
Areas alienated or leased.

Alienation and Leasing of Public Estate in each Colony at the close of 1890.

Colony.	Area.	Area Alienated.	Area Leased.	Area neither Alienated nor Leased.	Proportion of Area of Colony.		
					Alienated.	Leased.	Neither Alienated nor Leased.
	Acres.	Acres.	Acres.	Acres.	Per cent.	Per cent.	Per cent.
New South Wales	198,848,000	44,758,151	148,122,194	5,967,655	22·5	74·5	3·0
Victoria	56,245,760	22,359,054	21,589,767	12,296,939	39·8	38·4	21·8
Queensland	427,838,080	17,819,982	285,703,680	124,314,418	4·2	66·8	29·0
South Australia	578,361,600	11,908,168	235,980,400	330,473,032	2·1	40·8	57·1
Western Australia	678,400,000	5,154,673	104,921,357	568,323,970	0·8	15·5	83·7
Tasmania	16,778,000	4,695,022	666,193	11,416,785	28 0	4·0	68 0
New Zealand	66,710,320	20,182,239	13,425,303	33,102,778	30·3	20·1	49·6
Australasia...	2,023,181,760	126,877,289	810,408,894	1,085,895,577	6·3	40·0	53·7

ALIENATION OF LANDS

AT CLOSE OF 1890



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No. of Lithograph D. 92·13

Proportion of area under occupation.

The figures in the foregoing table disclose many grounds for congratulation; but of 2,023 million acres which comprise the area of Australasia, 937 millions or 46·3 per cent. is under occupation for productive purposes, and there is every probability that this area will be greatly added to in the near future. New South Wales shows the least area unused, for out of nearly 200 million acres only six millions remain unoccupied, and some of this comparatively small area is represented by land which the State has reserved from occupation. The Colony of Tasmania, whose territory is less than one-twelfth part of the area of New South Wales, has nearly twice as much land unoccupied as there is in the larger Colony, the western part of the island being so rugged as to forbid settlement. New Zealand, favoured also with a beneficient climate, has about half its area unutilised, a circumstance entirely due to the mountainous character of its territory. Settlement in Western Australia is only in its initial stage; much of its area is practically unknown, and much of what is known is thought to be little worth settlement. Much the same thing was confidently predicted of western New South Wales and South Australia, though as subsequent events proved the forebodings were untrue. In the territory under the control of the South Australian Government only 43 per cent. is in occupation, but if the Northern territory be excluded the proportion of South Australian property under occupation would be found to be considerably greater. The practice of sales by auction without conditions of settlement was a necessary part of the system of land legislation which prevailed in most of the Colonies; but this ready means of raising revenue offered the temptation to the Governments, where land was freely saleable, to obtain revenue in an easy fashion. The result of the system was not long in making itself felt, for pastoralists and others desirous of accumulating large estates were able to take advantage of those sales, and of the ready manner in which transfers of land conditionally purchased could be made, to acquire large holdings, and so the obvious intentions of the Lands Acts were defeated. Notwithstanding failures in this respect, the Acts

Evils of the auction system.

have otherwise been successful, as will appear from the following table as well as elsewhere in this volume.

Settlement in New South Wales and New Zealand.

It is unfortunate that detailed information regarding settlement can only be given for two of the Colonies, New South Wales and New Zealand; this will be found in the following table:—

Holdings, New South Wales and New Zealand, 1890.

Holdings.	New South Wales.		New Zealand.	
	Number of Holdings.	Area of Holdings.	Number of Holdings.	Area of Holdings.
		Acres.		Acres.
1 to 50 acres	16,390	315,345	20,015	307,183
51 to 300 acres	18,448	2,694,311	....	....
51 to 320 acres	....	....	16,380	2,477,333
301 to 1,000 acres	10,084	5,522,986	....	....
321 to 1,000 acres	....	....	5,123	2,776,207
1,001 to 10,000 acres	4,382	11,780,408	1,922	5,193,984
10,001 acres and upwards	656	20,843,827	337	8,642,822
Totals	49,960	41,156,877	43,777	19,397,529

Proportion of owned and leased land.

Out of the 41,156,877 acres set down to New South Wales in the foregoing, 36,445,122 acres are in the actual occupation of the owners, and 4,711,755 acres are held under rent. In New Zealand the proportion of rented land is much greater, the area occupied by the owners is 12,410,242 acres, while the proportion rented is 6,987,287, or 36 per cent. The most remarkable feature of the table is that in New South Wales more than half the alienated land is owned by 656 persons, while in New Zealand 337 own nearly 45 per cent.