

## LAND AND SETTLEMENT.

IN each of the seven colonies of Australasia a different system has been adopted to secure the settlement of an industrial population upon the Crown lands, the conditions upon which land may be acquired being of a more or less liberal nature according to the circumstances in which a colony has found itself placed. The legislation of Victoria, Queensland, and Tasmania, which at one time formed part of New South Wales, bears a strong resemblance to that of the mother colony, practically the same form of conditional occupation with deferred payments being in existence in all four provinces. In the other colonies, however, the influence of New South Wales was not so directly felt, and new experiments were made. South Australia, for instance, was originally settled upon the Wakefield system—alike remarkable for its originality and its failure. In Western Australia and New Zealand, under pressure of a different set of circumstances, settlement was effected by legislation of a novel character. An attempt is made here to give a description of the land laws of the colonies, although the radical changes which are constantly being made render the task of giving a serviceable account of the various systems a somewhat difficult one. During the past five years, numerous Acts affecting State lands have been placed in the statute book, and, at the date of the publication of this volume, several of the colonies contemplate amending legislation, so that it is impossible to say how long the information given in this chapter can be taken as representing the latest phases of land legislation in Australasia.

### LAND LEGISLATION OF NEW SOUTH WALES.

With the progress and development of the colony, the land laws of New South Wales have naturally undergone considerable alteration. In the earliest period alienation was effected by grants, orders, and dedications, the power of disposal resting solely with the Governor. In August, 1831, the principle of sale by auction was introduced, the minimum price for country lands being fixed at 5s. per acre. This was raised to 12s. in 1839, and to 20s. in 1843, liberty being given in the latter year to select at the upset price country portions for which

a bid was not forthcoming at auction, or upon which the deposit paid at the time of sale had been forfeited. This was the first appearance of the principle of selection in the laws of the colony, but it was limited to lands that had been surveyed for sale by auction.

The discovery of gold in 1851, and the consequent rush of population to Australia, greatly altered the conditions of colonisation. 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 desirous of being placed upon the soil. The agitation which thus sprang up resulted in the passing of the Crown Lands Act of 1861, under the leadership of Sir John Robertson. This measure was designed to secure the establishment of an agricultural population side by side with the pastoral tenants. With this object in view an entirely new principle was introduced—that of free selection in limited areas before survey, coupled with conditions of residence and improvement—and country lands were sold at 20s. per acre, payable by annual instalments carrying interest.

The occupation of waste lands for pastoral purposes was at first allowed under a system of yearly licenses. Any person could apply for such a license, the extent of the run which it was desired to occupy being limited only by the boundaries of the surrounding stations. The fee was fixed at £10 per annum for a section of 25 square miles, and £2 10s. for every additional 5 square miles. This system of yearly licenses was succeeded by one under which the squatter was given fixity of tenure, the fee payable being calculated upon the stock-carrying capacity instead of upon the area of the run. Still another system was inaugurated by the Occupation Act of 1861, the tenure being limited to five years in all but first-class settled districts, and the whole of the pastoral leases left open to the operations of the free selectors. Such evils, however, were found to result from this system that in 1884, in 1889, and again in 1895, Parliament was led to adopt amendments which are now in force, and which, while maintaining the principle of selection before survey, aim at giving fixity of tenure to the pastoral lessee and obtaining a larger rental from the public lands, while at the same time securing land to *bona-fide* settlers on terms and conditions within the reach of all.

For the purposes of lands administration, the colony is split up into three divisions, each of which is subdivided into land districts. One or more of these land districts form a local division, 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 Appeal Court. This Court is composed of a President and two members appointed by the Executive, and its 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,

upon either the written request of the parties interested, or by the Land Appeal Court acting of its own accord. The judgment given on this appeal is final.

Under the Acts at present in force, land may be acquired by the following methods :—(1) By conditional and additional conditional purchase with residence ; (2) by conditional purchase without residence ; (3) by the preferent right of purchase attached to conditional leases ; (4) by improvements purchases in gold-fields ; (5) by auction sales ; (6) by special sales without competition ; and (7) by homestead selection.

The maximum area which may be conditionally purchased differs in the eastern and central divisions. In the western division land can be occupied only under lease, or alienated by auction or special sale or homestead selection.

#### EASTERN DIVISION.

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 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 application is made, and the balance, together with interest at the rate of 4 per cent., paid by instalments of 1s. per acre per annum. Payment of instalments commences at the end of the third year, but after the selector has completed his period of enforced residence he may pay up the balance in one sum at any time. The selector must reside on his selection for a period of ten years, and within three years erect a substantial fence around the land ; in some cases, however, other permanent improvements are allowed in lieu of fencing. After the completion of the term of residence he may purchase additional areas contiguous to his original purchase, or his conditional leasehold if he should have one ; but he must extend his period of residence, and fence in his additional purchases. 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.

Conditional leaseholds, in conjunction with selections, may be held for twenty-eight years. The rental is fixed by the Land Board. A leasehold must be fenced in within three years ; one fence, however, may enclose both the conditional purchase and the lease. A lease may at any time be converted into a purchase. The term of residence on the conditional purchase and leasehold must aggregate ten years from the date of application.

When land is conditionally purchased without residence, 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 deposit and instalments payable are twice as high as those required in the case of an ordinary conditional purchase. No person under 21 years of age may select land on non-residential conditions; and anyone who takes advantage of the provisions permitting the acquirement of a conditional purchase without residence is not allowed to make any other conditional purchase.

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

#### CENTRAL DIVISION.

In the central division land may be conditionally purchased on the same terms as to residence, fencing, improvements, price, and mode of payment as in the eastern division; but an individual selection is limited to 1,280 acres, and the contingent conditional lease is also limited to 1,280 acres. The area which may be purchased without residence, and the conditions in regard thereto, are the same as in the eastern division. Within special areas the maximum extent of a selection has been fixed at 640 acres.

#### WESTERN DIVISION.

The western division embraces an area of 79,970,000 acres, watered entirely by the Darling River. This part of the colony is essentially devoted to pastoral pursuits. Conditional purchases, except on special areas, are not allowed, but permanent pastoral settlement is encouraged under homestead lease, which may be obtained for a term of twenty-eight years within resumed areas or upon vacant lands. The minimum acreage obtainable is 2,560, and the maximum, 10,240. A deposit of 1d. per acre must be lodged with the application. The lessee is required to reside upon the land for six months during each of the first five years. The whole area must be fenced in within two years, unless the Land Board allow other improvements to be erected instead. Tenant-right in improvements is secured to the outgoing lessee, who may, during the last year of the term, convert into a homestead selection 640 acres on which his dwelling-house is erected.

#### HOMESTEAD SELECTION.

Among the special features of the Act of 1895 was the introduction of the principle of classification and measurement of lands prior to selection. Under this system suitable land is set apart and rendered available for the purposes of the selector. The setting apart of areas for homestead selection is another prominent feature of the 1895 Act.

The tenure of such a selection is freehold, subject to perpetual residence and perpetual rent, and the construction of a dwelling-house at a cost of not less than £20. Six months' rent and part of the survey fee must be lodged when application is made. Until the grant issues, the rent is fixed at  $1\frac{1}{4}$  per cent. on the capital value of the land; afterwards, it is raised to  $2\frac{1}{2}$  per cent., and the selection is subject to re-appraisal every ten years. Tenant-right in improvements is secured, and the holding is so protected that it cannot by any legal procedure, or under any circumstances, be wrested from the selector.

#### SETTLEMENT LEASES.

Another departure under the Act referred to is that of settlement leases for agricultural and grazing purposes. Under this form of tenancy, lands gazetted in any division as available for settlement lease are obtainable on application, accompanied by a deposit consisting of six months' rent and survey fee. Of agricultural land the maximum area which may thus be taken up is 1,280 acres, and of grazing land, 10,240 acres. The lease is issued for a period of twenty-eight years, and the conditions which attach to it are that the lessee shall reside on the land throughout the term, and fence it in during the first five years. Tenant-right in improvements is secured to the outgoing lessee.

#### SCRUB AND INFERIOR LANDS.

The principle of improvement leases secures in any division the utilisation of scrub or inferior lands that would otherwise remain unoccupied. The term for which such a lease is issued is twenty-eight years, and the rent is determined according to the circumstances of each case, the object being to secure the profitable occupation of otherwise valueless lands. The maximum area obtainable is 20,480 acres. The outgoing lessee has tenant-right in improvements, and may, during the last year of the term of his lease, convert into a homestead selection 640 acres on which his dwelling-house is erected.

#### PASTORAL AND OTHER 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; 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 lease in the western division. Under the Act of 1895, the tenure of pastoral leases in the western division was fixed at twenty-eight years. In the central division a pastoral lease extends to ten years, but in certain cases an extension up to five years has been

secured. Tenant-right in improvements made with the consent of the Crown is secured to the outgoing lessee. If in the western division he may, during the last year of his lease, convert into a homestead selection 640 acres on which his dwelling-house is erected. When application is made for an occupation license for the expired leasehold area, a license-fee, equal in amount to the sum formerly payable as rent, must be lodged as a deposit.

In addition to 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. Annual leases for pastoral purposes, and residential leases on gold and mineral fields, are also granted. Auction sales to the extent of not more than 200,000 acres in any one year are permitted. The upset price is fixed by the Minister for Lands. For town lands it must not be less than £8 per acre; for suburban lands, £2 10s.; and for country lands, £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.

#### LABOUR SETTLEMENTS.

In the middle of 1893 an Act was passed to establish and regulate labour settlements on Crown Lands, following the example set by New Zealand, and imitated by several other colonies. Under this Act the Minister may set apart certain areas for the purpose of establishing labour settlements. A settlement is placed under the control of a Board, which enrolls such persons as it may think fit to become members of the settlement; makes regulations concerning the work to be done; apportions the work among the members; and equitably distributes wages, profits, and emoluments after providing for the cost of the maintenance of the members. Any trade or industry may be established by the Board, and the profits apportioned among the enrolled members. A Board is constituted as a corporate body, with perpetual succession and a common seal; and the land is leased to the Board as such, in trust for the members of the settlement, for a period of twenty-eight years, with right of renewal for a like term.

When a Board has enrolled such a number of persons as the Minister for Lands may approve, it may apply for monetary assistance on behalf of the members of the settlement; and the Minister has power to grant an amount not exceeding £25 for each enrolled member who is the head of a family dependent upon him; £20 for each married person without a family; and £15 for each unmarried person. On the expiration of four years from the commencement of the lease, and at the end of each year following, 8 per cent. of the total sum paid to the Board becomes a charge on its revenues, until the total amount advanced, with interest at the rate of 4 per cent. per annum, has been repaid.

## LAND LEGISLATION OF VICTORIA.

During the earlier period of the colonisation of Victoria, then known as the District of Port Phillip, in New South Wales, the alienation of Crown lands was regulated by the Orders in Council of the mother colony, to which reference has already been made. In the year 1840, however, the upset price of country lands, which in New South Wales was limited to 12s. per acre, was specially raised to 20s. in the District of Port Phillip. The Orders in Council continued in force 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 condition was required to be fulfilled by the selector other than that of making a cash payment for the whole of his purchase—or for one-half only, the other half being occupied at a yearly rental of 1s. per acre, with right of purchase at the original price. In 1862 a new Act was passed. Large agricultural areas were proclaimed, within which land could be selected at a uniform price of £1 per acre. Modifications were introduced in the mode of payment; the maximum area which could be selected by one person was limited to 640 acres; and it was stipulated that certain improvements should be effected or part of the land placed in cultivation. This Act was amended in 1865, when the principle was introduced of leasing Crown lands within agricultural areas, with right of purchase after the fulfilment of certain conditions as to residence and improvements; and a new provision was added to meet the demand for land adjacent to gold-fields.

The legislation in force was, however, superseded by the Land Act of 1869 and the Pastoral Act of the same year. Until that time the free selection system in the colony had 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 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, which was amended in 1878, expired 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 area which might be sold by auction, and substituting for the existing method of selecting agricultural land a system of leasing in certain defined areas, and 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. A portion of the public 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 by the Mallee Pastoral Leases Act of 1883. The land legislation of 1884 and the special enactment just referred to were again modified by the Acts of 1890, 1891, 1893, and 1896.

Unalienated Crown lands 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 ; and timber and water reserves.

#### PASTORAL LANDS.

Pastoral lands cannot be alienated in fee ; they are only obtainable on lease, expiring not later than December 29, 1898. No lessee may hold more than one allotment. The lease is granted to the first applicant, but should more than one person make application on the same day, it is put up to auction. If no bid is offered the lease may be subdivided, and so put up to sale. The Land Act of 1891 provides for the division of certain Crown lands into pastoral allotments, varying in size from 7,500 to 40,000 acres. The rent is computed at the rate of 1s. per head of sheep and 5s. per head of cattle, the number of sheep and cattle being determined by the grazing capabilities of the land. A pastoral lessee must pay rent in advance every six months ; he cannot assign, subdivide, or sub-let the lease without the consent of the Board of Lands and Works ; he must destroy all vermin and noxious growths, and keep in good condition and repair all fences, tanks, dams, and other improvements ; and he must not destroy growing timber, except for fencing purposes. The incoming tenant pays the outgoing lessee for all permanent improvements which the latter has effected. Upon compliance with all the conditions, the lessee may select 320 acres in one block for a home-stead, at £1 per acre, unless the terms of his lease debar him from selecting upon the land.

#### AGRICULTURAL AND GRAZING LANDS.

Agricultural and grazing lands are leased in "grazing areas," not exceeding 1,000 acres in extent, for a term of not more than fourteen years. On the expiry of the lease the land reverts to the Crown, and allowance is made for improvements. In certain cases the Land Act of 1891 permits more than one grazing area to be held by the same person provided the total area does not exceed 1,000 acres. 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 fixed at 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 the allotment is granted to the selector. The holder of a grazing lease is subject to the same conditions as the pastoral lessee, but he has to enclose his land with a substantial fence within three years. The license for an agricultural allotment is issued for a period of six years, at a rental of 1s. per acre per annum, payable half-yearly in advance, and is not transferable. The licensee must destroy all vermin, and within six years enclose his land, and effect improvements to the value of £1 per acre. He is also required to reside on the land for five years. When these conditions have been 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 that term his Crown grant. Non-residential licenses are granted upon payment of twice the ordinary license fee and other charges, but the area granted under such licenses must not exceed 50,000 acres in the whole colony during any one year. For the purpose of establishing and cultivating hop-gardens, vineyards, or orchards, selectors may obtain a grant of part of their allotments, not exceeding 20 acres, when so planted, upon defraying the difference between the amount of rent actually paid and the amount of purchase money.

#### LANDS WITHIN AURIFEROUS AREAS.

Licenses to reside on or cultivate lands comprised within an auriferous area may be granted for a period not exceeding one year. The area covered by a license cannot exceed 20 acres. Lands classified as auriferous cannot be alienated; but they may be obtained under grazing license for a period of five years, renewable for a similar term, subject to the right of any person to enter upon the land for the purpose of mining. The Land Act of 1891 provides that auriferous lands which are considered to be no longer profitable to work for gold within 50 feet of the surface, may be occupied in allotments, not exceeding 5 acres in extent, for a period of not more than seven years, and may be worked to the above-mentioned depth. The minimum rent payable is 1s. per acre; and while gold-seeking may be prosecuted under the above-mentioned conditions, the surface of the land must be used for the purpose of erecting a residence thereon; for forming a vineyard, orchard, or garden; or for any like purpose. On the expiration of the seven years' lease, the lessee may obtain a grant of the allotment upon payment of an amount fixed by the Local Board; this must not be less than £1 per acre, but allowance is made for the amount paid in license fees up to the date of purchase.

#### AUCTION LANDS.

Lands comprised within certain areas notified in a schedule attached to the Act of 1891, 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 granted is 1,000 acres. Of the price, 25 per cent. must be paid in cash, and the balance in twelve equal quarterly instalments.

#### SWAMP LANDS.

The Act of 1891 also contains provisions for the alienation of certain lands designated as "swamp lands," subject to conditions as to their drainage. Likewise, it is provided that Crown lands alienated from the date of the passing of the Act shall be sold, or otherwise alienated, leased, or licensed, only as regards the surface and down to such a depth as may be stated by Order in Council; the sinking of wells is, however, authorised, but the rights to minerals do not go with the land, remaining the property of the Crown.

#### LANDS ENHANCED IN VALUE.

Where Crown lands are enhanced in value by the proximity of a railway, or of waterworks for irrigation purposes, etc., the Governor is empowered to increase the minimum sum per acre for which such lands may be sold, as well as the minimum amount of rent or license fee, by not less than one-eighth nor more than double the sum. But where lands have been sold, leased, or licensed at an enhanced price, and the works by reason of which such additional sums have been demanded have not been constructed within ten years from the date of the Order in Council fixing the enhanced price, all additional sums paid must be returned.

#### FOREST LANDS.

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, which are empowered to recover fees for licenses to cut or remove timber.

#### MALLEE SCRUB.

Lands situated in the north-western district of the colony, over which the mallee scrub extends, are the subject of a special enactment designated the "Mallee Pastoral Act of 1883," which was amended in 1885 and partly recast under the present Land Act of 1890, and further amended in February, 1896. Under this special legislation the mallee country is divided into two parts, viz., the mallee border, extending along the southern margin of the mallee country; and the mallee blocks, situated to the north of the border, and extending to the banks of the Murray River. In the mallee border the land is parcelled out in "mallee allotments," the maximum area of which is 20,000 acres. These allotments may be leased for terms expiring not later than the 1st December, 1903.

The Act of 1896 prescribes that in respect of the lease of a mallee allotment no assignment by operation of law shall take effect without the consent of the Board, and that the lessee without such consent shall not execute any mortgage or lien thereon. The lessee is required, within six months from the granting of the lease, to take up his residence on the land or within five miles thereof, and to remain there for at least six months in the first year, and nine months during each of the next four years; or in lieu thereof to cultivate at least a quarter of the allotment within two years, and at least one-half before the end of the fourth year. In the event of the insolvency or death of the lessee, residence is not obligatory on the assignee, executor, or administrator. Without the consent of the Board, the lessee cannot clear or cultivate any part of his allotment, and not more than five crops in succession may be raised, after which for one year the land must be allowed to lie fallow. The rent is now fixed at 3d. per acre per annum.

It is provided that the lessee may, within five years of the passing of the Act, select out of his mallee allotment an agricultural allotment not exceeding 640 acres, either under license or perpetual lease. When this is done the remainder of the mallee allotment may be resumed, compensation being awarded for improvements only. If the lessee has actually resided on the land and destroyed the vermin thereon, the period of six years for which the agricultural allotment license is issued may be so shortened as not to exceed the length of such residence, conditionally on the payment of the license fees.

The "mallee blocks" are of various areas, one portion of which can be held for five years under an occupation license, and the other under lease for a period expiring not later than the 1st December, 1903. These leases are granted under the Mallee Pastoral Act, which was passed on the 1st December, 1883, at which time they could be obtained for a period of twenty years. The rent then laid down was, for the first five years, at the rate of 2d. per head of sheep and 1s. per head of cattle depastured on the land, double these amounts for the second five years, and 50 per cent. over the latter figures for the remainder of the term; but in no case might the yearly rent be less than 2s. 6d. for each square mile or part of a square mile of land. The lessee of a mallee block, as of a mallee allotment, cannot assign, subdivide, or cultivate any part without the consent of the Board of Land and Works; he must destroy the vermin upon the land, and fulfil certain other conditions. The Government retain the right of resuming the land after giving due notice, compensation for improvements effected being given on assessment.

An agricultural allotment license or perpetual lease of forfeited, resumed, or expired mallee blocks may be granted to any person who is not the licensee, lessee, or owner of an agricultural allotment in the mallee country or mallee border; the area, however, is not to exceed 640 acres. In the case of a perpetual lease, the payment of the yearly

rent must be made in advance. The lessee must at once commence to destroy any vermin which may be on the land, and within two years have made a complete clearance of such pests, and during the remainder of his lease he must see that the land is kept free from them. He is also required to fence in the land within six years from the issue of the lease. The power of resumption, subject to compensation and the right to remove improvements, is reserved under certain conditions. The rent is not to exceed 2d. per acre per annum to the 31st December, 1903, and thereafter to be as the Board may determine; and the lease may be transferred, provided there are no arrears of rent.

No person can select or become the licensee, lessee, or perpetual lessee of more than 640 acres as an agricultural allotment or allotments in the mallee country and mallee border, and such allotment or allotments must be situated at a distance of at least 3 miles from the Murray River. The licensee of an agricultural allotment may give a license lien on all improvements on the land, but such must be registered in the Crown Lands Office, and a memorandum of the same be indorsed by the Registrar of Titles on the grant or lease as an encumbrance thereon. In the event of the forfeiture of the license, the holder of a license lien has neither legal nor equitable claim against the Crown.

#### VERMIN DISTRICTS.

Under the Land Act of 1890 districts which are proclaimed as vermin infested are, for the purpose of securing the extinction of these animal pests, administered by local committees appointed by the owners, lessees, and occupiers of the lands. In order to secure the erection of vermin-proof wire-fencing a fencing rate may be levied, and the Minister has power to deduct 5 per cent. of the amount levied in vermin districts for the purpose of erecting a vermin-proof fence between the mallee country and the mallee border.

#### WATTLE CULTIVATION.

During 1890 legislation was enacted having for its object the granting of leases of any unoccupied Crown lands for the cultivation of wattle-trees, for any term not exceeding twenty-one years, and at a rent of 2d. per acre per annum for the first seven years, 4d. per acre for the second seven years, and 6d. per acre for the remainder of the term. A lease is not granted for more than 1,000 acres; and the rent is payable half-yearly in advance. The lessee covenants not to assign, sublet, or divide the lease without the consent of the Board of Land and Works; to keep all improvements in repair during each of the first six years following the year after the granting of the lease; to sow or plant wattle-trees or any other approved tannin-producing trees or plants on at least one-fifth of the land leased, and within six years to occupy the whole area in a similar manner. He must within two years enclose a third, and within

three years two-thirds, and within four years the whole of the land leased ; and he is required to keep the fence in good repair, and to destroy all vermin which may be upon the land. The lessee may select out of his lease not more than 320 acres, and he may acquire the freehold in the same in like manner and subject to the same conditions as those governing agricultural allotments.

#### VILLAGE SETTLEMENTS.

Under the Settlement on Lands Act of 1893 there may be set apart and appropriated for the purposes of village communities any land not alienated from the Crown, and not being auriferous or permanently reserved for any purpose. Such lands are surveyed into allotments of from 1 to 20 acres each, according to the quality of the soil and the situation. Subject to certain restrictions, any person of the age of 18 years may obtain a permit to occupy a village community allotment for a period not exceeding three years. The rent is merely nominal, but conditions are laid down with the object of ensuring *bona-fide* occupancy. On the expiration of the permit a lease may be obtained, provided the conditions of the permissive occupancy have been fulfilled. The lease is granted for a period of twenty years. The lessee must pay in advance, every half-year, rent equal to one-fortieth of what is regarded as the price of the allotment, which is to be not less than £1 per acre. Within two years from the date of the lease he must have brought into cultivation not less than one-tenth, and within four years, one-fifth of the land ; and within six years, have effected substantial improvements of a permanent character to the value of £1 for every acre leased. He must also keep all improvements in good repair ; and he cannot assign, transfer, or sublet the land, or borrow money on the security of his lease without the consent of the Board of Land and Works. He must reside personally on the land, and use it for agriculture, gardening, grazing, or other like purpose.

#### HOMESTEAD ASSOCIATIONS.

Areas of similar lands to the foregoing may also be set apart and appropriated for occupation by members of associations or societies, but no proclamation can remain in force for a longer period than three years in the case of a society, nor for more than six months in the case of an association, after the survey and subdivision of the block ; and land in any block not occupied or leased at the expiration of these periods becomes unoccupied Crown land again. No block of land set apart for the purposes of associations or societies can exceed in area 2,000 acres. A block is subdivided into lots of not more than 50 acres each, and the number of persons to be located in each block must not be less than one for every 50 acres of its total area. A permissive occupancy of a section may be granted to any member of an association or a society for a period

of three years. The rent is a nominal one, and after proof of fulfilment of conditions a lease may be obtained by the member, provided he is of the age of 18 years. The lessee covenants to pay the annual rent and the cost of survey; to repay all moneys advanced by the Board; to bring into cultivation within two years not less than one-tenth, and within four years not less than one-fifth of the land; and within six years to effect substantial improvements of a permanent character to the value of £1 for every acre leased. He must also keep the improvements in good repair; and he cannot assign, transfer, or sublet the land, or borrow money upon it without the consent of the Board of Land and Works. He must personally reside on his section or its appurtenant township allotment, and use the land for agriculture, gardening, grazing, dairying, or other like purpose. Adjoining to or within every block of land appropriated in this manner, an area of not more than 100 acres may be set apart for the purposes of a township, and the Board of Land and Works may subdivide it into allotments not exceeding one acre, in order to provide a township allotment for each homestead selection. Power is reserved to alienate the fee-simple of those allotments not required for the purpose; and every settler may, within one year from the commencement of his permit or lease, obtain a lease of such an allotment, with the right to a Crown grant in fee on making the payment prescribed.

#### LABOUR COLONIES.

Areas of similar land, not exceeding 1,500 acres in extent, may also be set apart for the purpose of labour colonies, to be vested in five trustees, appointed by the Governor. For the purpose of aiding the trustees, provision is made whereby persons subscribing to the funds of such a colony may annually elect a committee of management, consisting of four members. The joint body (trustees and committee) is empowered, on a day to be determined in each case by the Minister, to admit into such a colony any person who shall be entitled to such benefits as the rules of the colony may prescribe. The trustees and committee of each colony must establish and conduct the same; and they have all the powers and authority necessary to enable them to improve the position of the colony and make it self-supporting. They may establish and maintain any industry they please, and dispose of the proceeds thereof. A subsidy of £2 for every £1 received by the trustees and committee from public and private subscriptions is payable by the Government. The moneys received are to be disbursed in the payment of allowances for work to persons employed in the colony; in the construction and maintenance of necessary buildings; and in purchasing provisions, clothing, building materials, stock, seed, and agricultural implements.

Besides the foregoing provisions, there are numerous others, dealing with minor interests, which in a general statement of this kind it is not necessary to recapitulate.

## LAND LEGISLATION 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 province. Following to a certain extent the lines adopted by their neighbours, the Queensland legislators introduced into their regulations the principle of free selection before survey, and of sales under the deferred payment system. Having to dispose of a vast territory which, not being endowed with so temperate a climate, had not the same attractions as the southern provinces, it was considered necessary to exercise greater liberality in offering the land than was shown to settlers in the other colonies. Large areas and small prices were therefore features of Queensland land sales. Most liberal also were the provisions to facilitate the exploration and occupation for pastoral purposes of the vast interior country, 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 the resources of the colony, and the consequent increase of population, necessitated later on a revision of the conditions under which land might be 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 those which 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 has 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, 1891, and 1893.

Land may be acquired in the following manner :—(1) 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; and 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 : (2) by unconditional selection, at from 20s. per acre, payable in twenty annual instalments : (3) by grazing farm selection, up to 20,000 acres, thirty years' lease at from  $\frac{3}{4}$ d. upwards per acre per annum : and (4) by purchase at auction—agricultural land at an upset price from 20s. per acre, and grazing land at an 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.

The colony is, as far as is necessary, divided into Land Agents' Districts, in each of which there are a Public Lands Office and a Government Land Agent with whom applications for farms must be lodged. Applications must be made in the prescribed form, and be signed by the applicant, but they may be lodged in the Lands Office by a 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 18 years of age—married women excepted, unless they are judicially separated or possess separate estate—are substantially as stated below.

#### GRAZING FARMS.

Areas of land already surveyed are available for selection as grazing farms over a great extent of territory within accessible distance of the seaboard. Intending settlers can obtain 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,  $\frac{3}{4}$ d. 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 it cannot be increased at any reassessment by more than 50 per cent. The applicant must first obtain an occupation license, which is not transferable, and which 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. The lease may be transferred or mortgaged, and the farm may be subdivided, or, with the consent of the Land Board, 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 20,000 acres—subject to increase or decrease according to locality—must be paid with a year's rent when application is made for the farm.

#### AGRICULTURAL SELECTIONS.

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. The period of license is five years, during which the selector must fence in the land, or expend an equivalent sum in effecting other substantial improvements. As soon as the improvement condition has been complied with, a lease is issued for a term of fifty years from the date of the license, with right of purchase. The annual rent ranges from 3d. per acre upwards (seldom exceeding 1s.) according to the quality and situation of the land, its natural supply of

water, etc. ; and it 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 £20 to £40 for a farm of 1,280 acres, must be borne by the selector.

When an agricultural farm not exceeding 160 acres in extent is occupied by the selector in person, the freehold can be secured on extremely liberal terms as regards money payments, five annual payments of 6d. per acre being all the purchase money required, while the cost of survey is also payable in like instalments. The conditions attached to the granting of these liberal terms are the expenditure on improvements of a sum equal to 10s. per acre, and *bona-fide* personal residence on the land by the selector continuously for five years. In the case of agricultural farms exceeding 160 acres in area, where the condition of occupation has been performed for five years by one lessee, or for ten years by successive lessees, the freehold may be secured on payment of the prescribed price. If the purchase is made within twelve years from the commencement of the term of the lease, the price is the sum (the minimum being 15s. per acre) mentioned in the proclamation declaring the land available for selection ; if after that period, the price is raised in proportion to the increase of rent upon reassessment. The rent payable under the lease usually amounts to about 2½ per cent. on the price, and all rent paid during the period of personal residence is counted as part of the purchase money.

#### VILLAGE SETTLEMENTS.

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 1 acre in extent, and with farms of 80 acres in close proximity to their residences. The freehold of these farms may be secured generally on the same terms as those upon which agricultural farms not exceeding 160 acres in area may be acquired, with the additional privileges that residence on an allotment in the township is held to be equivalent to residence on the farm, and one-fifth of the required improvements may be made on the allotment.

Two or more selectors of agricultural farms not exceeding in area 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, provided 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 similar to those governing 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.

## IMMIGRANTS' LAND ORDERS.

To approved persons of European extraction, paying in full their own passages or those of members of their families 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 a family in payment of the rent of any agricultural or grazing farm held by him, or by members of his family severally—wife, and children under 18 years of age, of course excepted—in payment of the rent of farms held by them. As the orders are not transferable, and can only be used by residents in the colony, they are 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, of course, suffices for the payment of the whole purchase money of a farm of 160 acres under the personal residence conditions, and only the survey and deed fees need to be paid in cash.

## CO-OPERATIVE SETTLEMENT.

The Co-operative Communities Land Settlement Act of 1893 provides for the setting apart of a portion of Crown lands for the purposes of a group or association of persons for co-operative land settlement, and the condition annexed thereto is that the group shall consist of not less than thirty persons, each of whom is eligible to apply for and hold land under the provisions of the Crown Lands Act of 1884. It is requisite that the group shall be recognised by the Minister, and the rules of the community must be deposited with him. None but natural born or naturalised subjects are eligible to become members of a group, and no person may be a member of more than one community. It is open to a group to register itself under the Friendly Societies Act of 1876, when in such case certain provisions at law dealing with the internal government of the community become inoperative.

The area available for a co-operative community is set apart by proclamation, and cannot exceed in area more than 160 acres for each

member. The proclamation specifies and defines the name of the group : the persons included therein ; the boundaries and a description of the area ; the improvements to be made ; the period for which the area is set apart (not exceeding twelve nor less than six years) ; and the rent payable for the land. A sum equal to at least 2s. 6d. per acre must be expended during each of four equal portions of the lease, and failing that, resumption of the land and consequent dissolution of the group ensue.

No member of a co-operative community possesses an individual interest or property in the improvements effected on the land, the same being vested in the Minister ; but on the expiry of the lease, with the conditions satisfactorily performed, the members, on payment of the proclaimed price (if any) and deed and assurance fees, are entitled to a deed of grant in fee-simple of so much land as was specified in the proclamation, the division of the area being left to the members themselves. In certain cases the acquisition of freehold may be prohibited by the rules of the group, and provision is made for dissolution when the membership falls below a certain number.

#### LABOUR COLONIES.

Provision is also made in the enactment for the proclamation of Labour Colonies. The area granted to a colony, which must not exceed 10,000 acres in extent, is vested in five trustees, who are empowered to establish and manage any trade or industry. A subsidy not exceeding £1,000, either conditionally or otherwise, may be granted to a labour colony from Parliamentary appropriations for such purposes.

At the date of the issue of this volume the land legislation of Queensland was again under the review of Parliament. The Government propose to make even more liberal the facilities for *bona-fide* settlement.

#### LAND LEGISLATION OF SOUTH AUSTRALIA.

The settlement of the colony of South Australia was the outcome of an attempt to put into actual practice one of those remarkable theories which logically seem founded upon apparently solid ground, but which are apt to weaken and give way when subjected to the pressure of hard practical facts. The policy by 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 Edward Gibbon Wakefield, in a pamphlet published in England about the year 1836. The main idea of his scheme of colonisation was the sale of land in the new possession at a high price, and the application of the amount thus realised to the introduction of immigrants, whom the landowners would at once employ to reclaim the virgin forest, and create wealth and abundance where desolation existed. But although Wakefield had fairly calculated upon the results which would follow the action of man if left to himself, the

part which Nature might be expected to play was not taken into consideration, and the scheme quickly proved an empty failure and a distressful speculation for the many whom its apparent feasibility 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 province of its population, and considerably retarded the progress of a territory not inferior in natural resources to other portions of the Australian continent.

Steps were soon taken to modify the Wakefield system, but it was only in 1872 that an Act was passed more in conformity with the legislation of the neighbouring colonies, and giving to the poorer classes of the population a chance to settle upon the lands of the Crown under fair conditions. The Lands 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, as amended in 1889, 1890, 1893, 1894, and 1895.

#### GENERAL PROVISIONS.

The law as it now stands gives power to the Government to alienate Crown lands, exchange lands for public purposes, and lease lands to aboriginal natives or their descendants; to dedicate and reserve lands for public purposes; to cancel and resume dedications and reserves; to constitute divisions of the colony into hundreds and counties; to alter the boundaries of existing divisions; and to set aside sites for towns or villages, etc. But the grant in fee-simple of any land cannot be construed to convey any property in any mineral or mineral oil in or upon the land, the same being reserved by the Crown; although authority may be given to persons at any time to search for and remove any of the minerals reserved.

#### LEASES WITH RIGHT OF PURCHASE.

No lands may be leased unless they have been surveyed. The Land Boards are entrusted with the duty of classifying lands, and of fixing the area of blocks, the price and annual rent 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 must be made in writing to the Commissioner, and must cover a deposit equal to 20 per cent. of the first year's rent of the block which it is desired to take up. All applications are dealt with by the Land Board, which has power to subdivide or to alter the boundaries of blocks, and to decide what price or annual rent shall be payable. A lessee must execute his lease and pay the balance of the first year's assessment and prescribed fees within twenty-eight days after the

acceptance of his application has been notified and the lease has issued, otherwise he forfeits the deposit paid and all rights to a lease of the land.

Leases with right of purchase are granted for a term of twenty-one years, with the right of renewal for a similar term. Purchase may be made at any time after the first six years. The price must not be less than 3s. an acre.

The rent chargeable in a perpetual lease for the first fourteen years is fixed by the Land Board and notified in the *Government Gazette*, and for every subsequent period of fourteen years a revaluation is made. Every lease contains a reservation to the Crown of all minerals, timber, and mineral oils in or upon the land. The lessee undertakes to fulfil the following conditions :—(1) To pay rent annually ; (2) to pay all taxes and other impositions ; (3) to fence in the land within the first five years, and thereafter to keep the fences in repair ; (4) to forthwith commence to destroy and to keep the land free from vermin ; (5) to keep in good order and repair all improvements which are the property of the Crown ; (6) to keep insured to their full value all buildings which are the property of the Crown ; and (7) to give access to the land to persons holding mining licenses or mineral leases.

#### SALE OF LANDS.

All Crown lands within hundreds which 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 not upon credit or by private contract, the Commissioners fixing the upset price of both town and country lots offered ; but no country lands may be sold for less than 5s. per acre.

#### PASTORAL LEASES.

Pastoral lands are divided into three classes. 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.

When any pastoral lease in Class 1 expires, the land may be offered at auction for lease in such sized blocks as the Commissioner may determine. No lease is granted for a longer period than twenty-one years ; and the annual upset rent payable in advance is fixed by valuation. The lessee must pay a deposit of 10 per cent. upon the value of improvements. Interest at the rate of 5 per cent. is allowed on the amount, which is returned on the expiration of the lease provided the improvements have not been allowed to fall into disrepair. If they

have been neglected, the deposit is forfeitable wholly or in part. On the expiration of the lease, or on the resumption of any part of the land, the lessee is paid the value of all substantial water improvements, and in cases of resumption he is also compensated for loss or depreciation in the value of his lease. Under the Amendment Act of 1890 pastoral lands in Class 3 are leased for a term of forty-two years. The annual upset rent is 2s. 6d. per square mile for the first fourteen years, and for every subsequent period of fourteen years a revaluation is made. The lessee covenants to stock the land, before the end of the third year, 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 before the end of the seventh year to increase the stock to at least twenty sheep or four head of cattle per square mile, and to maintain the numbers at that rate. But the expenditure of 30s. per square mile in improving the carrying capacity of the land before the end of the third year, and of £3 per square mile before the end of the seventh year, wholly discharges the lessee from the covenant in reference to stock. Leases are granted to *bona-fide* discoverers of pastoral country at the rent of 2s. 6d. per square mile per annum.

#### MINING LEASES.

Leases are issued for mining purposes for a term of 99 years, at an annual rent of 1s. per acre, and a further charge of 6d. in the £ on the net profits. A sum equal to £6 per acre must be expended every two years, or the lessee must keep constantly employed during nine months of the year one man for every 20 acres. Specific mineral licenses are granted on payment of a fee of 20s. These permit the holder to search for any mineral 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 to search for any mineral except gold upon any mineral lands are also issued, the term for which they are granted being one year. The leasing of auriferous lands is regulated by the Gold-mining Act of 1885.

Leases may also be granted to discoverers of coal, guano, petroleum, or other substance which is not a metal or metalliferous ore. Sites for factories and other industrial undertakings may also be acquired under certain conditions.

#### WORKING-MEN'S LEASES.

A new feature has been introduced into the land legislation of the colony, in response to the claims of the working classes. It is enacted that certain lands of the province may be surveyed into blocks not exceeding 20 acres in area, and leased under the conditions affecting leases granted with the right of purchase and of perpetual leases. No one except a person who gains his livelihood by his own labour, and who

has attained the age of 18 years, is entitled to a working-man's lease. The rent is payable annually in advance. The lessee is bound to reside on the land for at least nine months in every year, but residence by his wife or any member of his family is held as a fulfilment of the 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.

#### AMENDING LEGISLATION.

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 the pastoral leases already described; and certain regulations were enacted to deal with the rabbit pest and to provide for the erection of rabbit-proof fences, power being granted to District Councils 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. It was provided, among other matters, that no lessee shall at any one time hold more than 1,000 acres under lease with a right of purchase.

The Crown Lands Amendment Act of 1893 repeals certain sections and schedules of former Acts; creates a central Land Board; deals with lands subject to mineral reservations; substitutes the term "homestead blocks" for "blocks for working-men," and makes more extended provisions for granting loans to block-holders. Permission is given to surrender agreements held under previous Acts for perpetual leases at a fixed rent, in addition to the payment of an amount equal to the land-tax that would be payable if the lands were subject to such tax. The unimproved value of lands brought under the Act by one person, unless they be city or township lands, cannot exceed £5,000. The last part of the Act deals with village settlements in a manner similar to that governing the labour settlements of New South Wales.

#### PASTORAL LANDS.

The Pastoral Act of 1893 deals with the pastoral lands of the colony. It repealed a number of the sections of the Crown Lands Amendment Act of 1890, as well as of the Crown Lands Act of 1888; divided the pastoral lands of the colony into three classes, A, B, and C; and provided for the appointment of a Pastoral Board to deal with applications for leases, valuations, etc. Certain improvements are paid for by the incoming lessee. Leases in Classes A and B have a currency of twenty-one years, and in Class C of twenty-one years with a right of renewal for a similar term at a revaluation. No mining by the

lessee is allowed, but he may use the surface of the land for any purpose, whether pastoral or not. Improvements are valued solely in connection with their worth to the incoming lessee, and may in no case exceed in value such as are necessary for the working of a run of 5,000 sheep in Class A, of 10,000 sheep in Class B, or of 30,000 sheep in Class C, or a proportionate number of cattle, five sheep being taken as the equivalent of one head of cattle. Revaluations may be made during the currency of a lease if, by the construction of Government works in the neighbourhood, such as railways and waterworks, the land has received an enhanced value. Leases are granted to discoverers of pastoral lands, or to any person for inferior lands, for forty-two years—the first five years at a peppercorn rental; the next five years at 1s. per annum per square mile; and the remainder of the term at 2s. 6d. per annum per square mile. For all other leases the minimum rent is fixed at 2s. 6d. per annum per square mile, together with 2d. for each sheep depastured in Classes A and B, and 1d. for each sheep in Class C. Provision is made for the resumption of leases and the granting of compensation. All disputed cases are decided according to the terms of the Arbitration Act, 1891. Lands held under any of the old Acts may be surrendered and a new lease applied for under the Act of 1893, except in the case of lands placed in Class I under the Act of 1888.

The Pastoral Act Amendment Act of 1895 provides that in cases where the area held by an outgoing lessee is reduced by subdivision below a certain minimum, the improvements are to be valued for the protection of such lessee as if the area were of the minimum carrying capacity, and any difference between their value and that paid by the incoming lessee is to be borne by the Commissioner. Previous to the reletting of expired pastoral leases the land is to be classified. The Commissioner is not bound to recover improvement moneys or protect improvements, and any moneys paid to an incoming lessee for depreciation of improvements is to be laid out in their reinstatement; but a lessee may be released from the liability to repair improvements provided others in lieu thereof are made to the satisfaction of the Commissioner. In cases where the Commissioner is satisfied that the country is waterless or infested with vermin, the covenant relating to stocking the land may be qualified, provided that a sum equal to £5 per square mile of the leased land has been expended in the destruction of vermin or in the construction of water improvements. Where artesian water yielding not less than 5,000 gallons per diem is discovered, the lessee is entitled to a remission of five years' future rent in respect of an area of 100 square miles surrounding such well, but this concession cannot be claimed on account of more than four wells on any one run.

The Act also provides for the creation of a Tenants' Relief Board, consisting of a Judge of the Supreme Court, assisted by two assessors—one appointed by the Commissioner and the other by the lessee. Forfeiture of a lease does not take effect until after three months' notice

has been given to the lessee, who may thereupon apply to the Board for relief. After consideration of all matters affecting the question, the Board may determine as they think fit.

A Central Pastoral Board is also constituted by the Act. It consists of three officers of the Civil Service, whose duty it is to deal with any pastoral land and with any unstocked country and lands, contiguous to unstocked country, the leases of which have expired.

#### EXCHANGE OF LANDS.

The Exchange of Lands and Reduction of Rents Act of 1894 authorises the exchange of lands, notwithstanding any lease thereof, and the letting of the land received in exchange to the original lessee, for the unexpired portion of his lease, on terms to be agreed upon. Revaluation of the rent of any lease dealt with by Land Boards prior to the 30th June, 1895, with a view to a reduction in the rent charged, is also provided for.

#### VILLAGE SETTLEMENTS

The Village Settlements and Reduction of Rents Amendment Act of 1895 provides for the increase of the amount authorised to be advanced to Village Associations to £100. Within two months after the publication of the proclamation constituting a village, the Commissioner is to issue to the association a lease thereof. Power is vested in the Commissioner to expel from any association any villager who has become liable to expulsion under the rules; to control and direct the expenditure of any money advanced; to call upon a trustee to resign where in his (the Commissioner's) opinion the welfare of the association demands such a course; and to require an association to increase the number of villagers so that it may not be less than the number who signed the rules when first registered—the total, however, not to exceed 500. The Act also deals with the question of internal management, and provides for the reduction of rents where recommended by the Surveyor-General.

#### REGISTRATION OF HOMESTEADS.

The Homestead Act of 1895 has for its object a simple method of securely settling homesteads for the benefit of settlers and their families. It is essential that applicants for the registration of their homesteads should be residing, and have resided for at least one year prior to making the application, on the land to be registered. Homesteads with improvements thereon of the value of more than £1,000, or in respect of which the applicant is not either the owner of an unencumbered estate in fee-simple or the holder of a perpetual lease from the Crown, are not eligible for registration. The effect of registration is to settle the homestead for the benefit of the settler and family until the period of distribution, either under his will, or when

all the children have attained the age of 21 years or have died before that age. No alienation or attempted alienation by the settler or his family has any force or effect other than as provided for, and their interest continues unaffected to the value of £1,000 only. Provision is made for the leasing of the homestead, but for no period longer than three years. Registration may be rescinded should the settler become bankrupt or make an assignment for the benefit of his creditors within twelve months from the date of registration; and a similar course may be adopted in the event of his death within a like period and it should be shown that the estate is insufficient for the payment of his debts and liabilities without recourse to the homestead. The Act applies to land brought under the provisions of the Real Property Act of 1886, as well as to land not so subject.

#### MINING ACTS.

The Mining Act of 1893 repealed wholly all Mining Acts passed prior to 1888, and in part the Crown Lands Act of 1888 and the Amending Acts of 1889 and 1890. The Commissioner of Crown Lands and Immigration was created Minister of Mines; and wardens, registrars, and inspectors were appointed for the various mining districts into which the colony was divided. Provision is made for the issue of miners' rights at 5s. per annum. Gold leases are granted for an area of not more than 20 acres. The term cannot exceed forty-two years, and the rental is fixed at 1s. per acre per annum, in addition to which 6d. in the £ is payable on the net profits. One man must be continuously employed either in mining or prospecting for every 5 acres of the lease. Mineral leases are issued for areas of not more than 40 acres of land not comprised within a gold-field, one man to be employed for every 10 acres. The currency of the lease and the rental are the same as in the case of a gold lease. Coal and oil leases, for areas not exceeding 640 acres, and periods not exceeding forty-two years, are granted of any Crown lands not comprised within a gold-field, at a rent and upon such terms and conditions as the Governor may see fit to impose, or as may be prescribed. The only condition specified in the Act is that of keeping one man continuously employed for every 40 acres of the lease. Any number of gold, mineral, and coal and oil leases may be held by the same person. Miscellaneous leases for the manufacture or the obtaining of salt and gypsum, for the working of mineral springs, or for sites for smelting works or any other works approved by the Governor, are granted for any period not exceeding forty-two years; but in the case of smelting or other works no lease can be granted of any water frontage for a longer term than twenty-one years. Provision is also made for the issue of business and occupation licenses. Business claims cannot be more than  $\frac{1}{4}$  acre in townships nor more than 1 acre on other lands, and they must not be situated within 5 miles of any Government township, except they come within a gold-field. The cost of a

business license is 10s. for six months or £1 for a year. Occupation licenses are granted, of blocks not exceeding  $\frac{1}{2}$  acre, for a period of fourteen years, at an annual rental of 2s. or less. Provision is also made for rewarding discoverers of new mineral districts or of valuable mineral deposits, and for granting assistance to persons engaged in mining, either by the advance of money or by the loan of diamond drills or other machinery.

The Mining Act Amendment Act of 1895 provides that the holders of lands on which salt lakes are situated shall have a preferential right to a salt lease of the same. The validity of proceedings assumed to have been done in relation to any gold, mineral, or other claim under colour of the Mining Act of 1893 is also determined.

#### MINING ON PRIVATE PROPERTY.

The Mining on Private Property Act Amendment Act of 1895 enlarges the interpretation attached to the terms metal and owner. The provisions of the original Act are also extended to lands not within 200 yards of any well, artificial reservoir, dam, building, dwelling-house, or manufactory. The time when land may be provisionally resumed or declared an alluvial gold-field is reduced from six months to one month. The fee for a special license is reduced to 10s., and the registration of alluvial claims within a time fixed by regulation is made compulsory.

#### THE 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.

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.

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.

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

The Gold Mining Act as amended in 1895 provides for the proclamation of any Crown lands as a gold-field. Miners' rights are current for twelve months from date of issue. Provision is made for the renewal of gold-mining leases for a further term of twenty-one years on the expiration of existing leases. Gold-mining leases are not now granted to Asiatic aliens, but existing rights are conserved. Deep-sinking alluvial and quartz claims are held under miners' rights from year to year. Exemption from working conditions for a period not exceeding six months may be secured, provided the lease has been continuously worked for the six months immediately preceding the date of application.

#### LAND LEGISLATION OF WESTERN AUSTRALIA.

The first regulations referring to land settlement in Western Australia were issued by the Colonial Office in 1829, at the time when Captain James Stirling was appointed Civil Superintendent of the Swan River settlement. The first special grants were made in favour of Captain Stirling himself for an area of 100,000 acres near Geographe Bay; and of Mr. Thomas Peel, for 250,000 acres on the southern bank of the Swan River and across the Channing to Cockburn Bay—Mr. Peel covenanting to introduce at his own cost 400 immigrants into the colony by a certain date. 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, received grants in proportion to the amount of capital introduced, at the rate of 40 acres for every sum of £3. Capitalists were granted land at the rate of 200 acres for every labouring settler introduced at their expense, but these grants were subject to cancellation if the land was not brought under cultivation or reclaimed within twenty-one years. These regulations were amended by others of a similar nature, issued on the 20th July, 1830. In 1832, however, the mode of disposing of Crown lands by sale came into force, the regulations issued in that year assimilating the system of settlement to that in force in the colonies of New South Wales and Van Diemen's Land. Other alterations were made 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, promulgated on the 2nd March, 1887.

For the purposes of these new land regulations, which were passed by the Legislative Council in 1886, the colony is divided into six divisions, namely, 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 such person 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.

#### 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 ; and (4) by direct payment without residence.

Agricultural areas of not less than 2,000 acres are set apart by the Governor-in-Council. The maximum quantity of land which may be held by any one person is 1,000 acres, and the minimum 100 acres. The price is fixed at 10s. an acre, payable in twenty yearly instalments of 6d. an acre, or sooner in the occupier's option. Upon the approval of an application, a license is granted for five years. Within six months the licensee must take up his residence on some portion of the land ; and he must enclose the whole area 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 that the fence is in good order, that improvements have been made equal to the full purchase money, and that the full purchase money has been paid, a Crown grant is given.

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

Under the third mode of purchase, the applicant is subject to all the conditions, except that of residence, imposed under the first mode, but he has to pay double the price, namely, £1 per acre, in twenty yearly instalments of 1s. per acre.

By the fourth mode, land of a minimum extent of 100 acres and a maximum of 1,000 acres, 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 it must be fenced in, and within five years a sum equal to 5s. per acre must be spent on improvements.

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

In the Kimberley, North-west, Gascoyne, Eastern, and Eucla Divisions, special areas of not less than 5,000 acres are set apart for purchase. The quantity of land held by any person in one division may not exceed 5,000 acres nor be less than 100 acres. The price at present is 10s. an acre, payable in ten years or sooner in the purchaser's option. Upon approval, a lease will issue for ten years. Within two years the land must be fenced in. On the expiration of the lease, a grant from the Crown will be issued, provided that the fence is in good order, that the purchase money has been paid, and that improvements (in addition to the fencing) of a value equal to the purchase money have been effected.

#### PASTORAL LANDS.

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 term. The following are the terms of pastoral leases in the several divisions; all leases expire on the 31st December, 1907, and 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 the 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.; and for the third seven years, 20s. Any lessee in the Kimberley Division may obtain 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 within five years of the date of these regulations he should have in his possession within the division ten head of sheep or one head of large stock for every thousand acres leased. A similar concession may be obtained by a lessee in the Eucla Division, but here the reduction is also granted if the lessee should have expended a sum equal to £8 per 1,000 acres in constructing tanks, wells, or dams, or in boring for water. Except in the South-western Division, a penalty of double rental for the remaining portion of the lease is imposed, if the lessee has not within seven years complied with the stocking or improvement clause.

Any person desirous of obtaining a lease of land on which the poison plant grows may obtain such on application, covering one year's rent at the rate of £1 per 1,000 acres. The lease is granted on condition that the land is fenced in within three years. Should the poison plant be completely eradicated before the lease expires, the lessee is entitled to a Crown grant.

## MINING LEASES.

Mining leases, for an area not exceeding 200 acres nor less than 20 acres, are granted for seven years, at a rental of 5s. per acre per annum. The mine must be worked within one year; and when the holder has erected, or has given security for the erection of, suitable machinery for the working of the mine, he may obtain a Crown grant of not less than 20 acres, at the rate of £3 per acre.

The Goldfields Act 1886 Amendment Act of 1894 more clearly defines the term miner. Leases are granted for the purposes set out in the Act for a period not exceeding twenty-one years, at a yearly rental of £1 per acre. Until the lease is granted, provision is made for entry on any land for which a mining lease has been applied for, and which is not held under miner's right, to within 50 feet of any reef, for the purpose of searching for alluvial gold. Gold-fields are divided into districts, and in each a Court is established, presided over by a warden.

## AMENDING LEGISLATION.

Three Acts dealing with lands were passed in Western Australia during 1893. The first of these is the Transfer of Land Act, 1893, which is similar in its provisions to the Real Property Acts of the other colonies. The second Act amends the Land Regulations proclaimed in 1887, and fixes rents in the Gascoyne, North-west, and Kimberley Divisions, and in the Eucla Division west of a line due north from Point Culver, at 10s. per annum for every thousand acres or part of a thousand acres for the whole term of the lease; in the Eucla Division, east of a line due north from Point Culver, at 5s. per annum for every thousand acres or part thereof for the whole term of the lease; and in the Eastern Division, at 2s. 6d. for each of the first seven years, and 5s. for each of the remaining years of the lease, for every thousand or part of a thousand acres. The Regulations of 1887, as far as they are contradictory to the amendments of 1893, are repealed; and the provisions of the Amendment Act are not only to apply to new leases, but also to all leases already in existence.

## HOMESTEAD FARMS.

The Homesteads Act, 1893, is divided into three parts, the first part dealing with free homestead farms, the second with homestead leases, and the third with general matters. Under the first part of the Act the Governor may set apart for selection as free farms, either exclusively or partly, certain areas situated within 40 miles of a railway. Unless otherwise ordered, such selections are to be limited to alternate blocks, and are not to exceed in area 160 acres. The exempted portions may be alienated under the provisions of the land regulations or any law relating to Crown lands. Preliminary survey and notification in the *Gazette* are required, and blocks set apart for free farms may at any

time be withdrawn. Application may be made by any person who is the sole head of a family, or by any male person who has attained the age of 18 years, provided the applicant be not already in possession of 100 acres or more within the colony, either in fee-simple or under special occupation or conditional purchase. A statutory declaration and a fee of £1 must be submitted with the application, after approval of which by the Minister the applicant will receive a certificate enabling him to take possession. Residence is compulsory during six out of every twelve months during the first five years of the lease, except in cases of illness, or for some other valid reason which prevents compliance with this condition. Within two years £30 must be expended by the selector in erecting a suitable house, in clearing, or in clearing and cropping, or in lieu thereof 2 acres of orchard or vineyard must be properly prepared and planted; within five years at least one-fourth of the land must be fenced in, and one-eighth cropped; and within seven years the whole selection must be fenced in, and at least one-fourth cleared and cropped. Afterwards, upon proof that the residential and other conditions have been duly complied with, a Crown grant will be issued on payment of survey, Crown grant, and registration fees. Until that time assignments, transfers, and mortgages are null and void, and any such agreement entered into by the lessee leads to the forfeiture of the homestead farm, and debars him from making another application for a similar lease; but a person who has received a certificate to the effect that he is entitled to a Crown grant, may legally dispose of, and convey, assign, transfer, or mortgage his right and title therein. A selector who can prove residence for twelve months from the date of taking possession, and who has made all the improvements required to entitle him to a Crown grant, may at any time before the expiration of seven years receive a Crown grant on payment of 5s. per acre, together with survey, Crown grant, and registration fees. Village sites may be set apart not more than 5 miles distant from land intended for homestead farms, and subdivided into areas not exceeding 1 acre each. A selector may obtain a village allotment free, and build a house and take up his residence there instead of upon his farm. The improvements on the homestead farm must, however, be made as before described. A Crown grant for the village allotment may be obtained, as soon as the selector is entitled to a grant for his homestead farm, on payment of £1, together with survey, Crown grant, and registration fees.

#### HOMESTEAD LEASES.

Crown lands may be set apart for homestead leases within 40 miles of a railway. They are divided into second and third-class lands, the area of a lease being from 1,000 to 3,000 acres of second-class, and from 1,000 to 5,000 acres of third-class lands. The currency of

all leases is thirty years. For third-class lands the rent is fixed at 1d. per acre per annum for the first fifteen years, and 2d. for the last fifteen years of the lease; and for second-class lands, at 2d. per acre per annum for the first fifteen years, and 3d. for the remainder of the term. The lessee has to comply with the following conditions:—He must pay one-half of the prescribed cost of survey in five yearly instalments; he must reside on the land, either personally or by his agent or servant, for nine out of every twelve months during the first five years; he must within two years fence half the area of the lease, and within four years the whole area; he must expend, during each year from the sixth to the fifteenth, 8d. per acre on the improvement of second-class lands, or 5d. per acre on third-class lands. If he should spend more during one year, he may take credit for the excess in the following year or years. Improvements may consist of subdivision, clearing, cultivating, grubbing, draining, ringbarking, tanks, dams, wells, or any other work which increases or improves the agricultural or pastoral capabilities of the land. The boundary fence, after its erection, must at all times be kept in good order and repair. If the Minister approves of an application for a lease, and the land is not yet surveyed, the time for making improvements, etc., is to be computed from the day when the survey is completed. On the expiration of a lease, if all the terms have been complied with, the lessee is entitled to a Crown grant on payment of Crown grant and registration fees. He may obtain his grant earlier if he has spent, in addition to the cost of the boundary fence, an amount equal to the aggregate rent payable for the last twenty-five years of his lease; but in that case he must pay the difference between the aggregate amount of rents already paid and the value of the land, calculated at 6s. 3d. per acre for second-class, and 3s. 9d. per acre for third-class lands. Transfers are allowed after five years' residence, either personally or by an agent; but the approval of the Minister must first be obtained, and no lease can be transferred to any person who is already the holder of a homestead lease.

#### AGRICULTURAL AREAS.

Agricultural areas are gazetted and disposed of under the following conditions:—The price is fixed by the Governor-in-Council, but cannot be less than 10s. per acre, payable in twenty yearly instalments or sooner as may be determined. To qualify for a lease it is necessary to be not less than 18 years of age. The maximum area is 1,000 acres and the minimum, except in special cases approved by the Minister, 100 acres. All leases have a twenty years' currency, and the lessee must make the land the place of his habitual residence for six out of every twelve months during the first five years. Within two years at least one-tenth, and within five years the whole of the land must be fenced in; and within ten years, in addition to the cost

of the boundary fence, an amount equal to the full purchase money must be spent on improvements. The lessee is entitled to a Crown grant on the expiration of his lease, or at any time after the first five years, if the necessary fencing and improvements have been completed and the full purchase money has been paid. The residential clause may be dispensed with if the lessee pays an office fee of 20s. and expends double the amount on improvements that he would have to spend if he resided on the land.

The Homesteads Amendment Act of 1894 prescribes that any Crown lands set apart as agricultural lands in the South-western Division of the colony, and any Crown lands in the Eastern and Eucla Divisions within 40 miles of a railway, and any lands set apart as special areas within the Eastern and Eucla Divisions, shall be available as homestead farms. Selection within such areas is to be made after the land has been notified as open. Where the land has been surveyed into blocks it is still available for conditional purchase under the land regulations and the Homesteads Act of 1893. The Act also provides that the holders of land under the 47th and 48th clauses of the land regulations, and under section 34 of the Homesteads Act of 1893, may be relieved from residence on paying a prescribed fee and doubling the expenditure on improvements.

#### RESUMPTION OF LANDS.

The Lands Resumption Act of 1894 provides for the resumption of land for the public purposes set out in detail therein. The manner in which the resumption is to be made is set forth, and on the publication of the Order in Council the land becomes vested in Her Majesty, compensation being based on the probable and reasonable price for which the fee-simple with any improvements upon the land may be expected to sell at the time of resumption, except in those cases where the Crown is entitled to resume under the provisions of the grant. The provisions of certain sections of the Railways Act of 1878 and amendments thereto, are held to be applicable to the methods of settling compensation or arbitration in respect of lands so resumed.

#### LAND LEGISLATION OF TASMANIA.

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 applicable also to Tasmania. New measures were introduced after self-government had been granted to the province, but they became so complicated and

cumbersome that in 1890 the necessity was felt of passing an Act consolidating into one comprehensive and general measure the twelve Acts then in force.

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 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.

In the rural division any person of the age of 18 years may select 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 $\frac{1}{2}$ for credit .....	33	6	8
	<hr/>		
	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
	<hr/>		
	133	6	8

And in like proportions for any greater or smaller area than 100 acres; but credit is not given for any sum less than £15. Additional selections may be taken up provided the total area held by one selector does not exceed 320 acres. Selection by agent is not allowed.

#### SALES OF LAND ON CREDIT.

The conditions in connection with the credit system are as follow :—  
The purchaser must commence to make improvements on the expiration of one year from the date of contract, and during eight consecutive years must 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 shall be spent in the eight years. In the event of improvements to the full amount being 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. In certain cases the time for making the improvements may be extended for two years. 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 should realise more than 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.

Rural lands not alienated and not exempt from sale may be sold by auction. Town lands are sold only in this way. £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. No lands may be sold by private contract within 5 miles of Hobart or Launceston.

Under the Crown Lands Amendment Act of 1893 any person of the full age of 18 years who has not purchased under the Crown Lands Act of 1890 or under the Crown Lands Amendment Act, may select and purchase one lot of rural land of not more than 50 acres nor less than 15 acres; and on payment of a registration fee of £1 an authority is issued to the selector to enter upon and take possession of the land, which must be done in person within six months from the date of issue of certificate. The purchase money, which is calculated on the upset price of £1 per acre, together with the survey fee, and with one-third of the whole added for credit, is payable in fifteen annual instalments, the first of which is due in the fourth year of occupation. A condition of purchase is that the selector shall expend a sum equal to £1 per acre in effecting substantial improvements (other than buildings) on the land, or reside habitually thereon for the full term of eighteen years, before a grant deed is issued.

The amending Act of 1894 provides that in case a purchaser is unable to pay the instalments as they become due they may be deferred for any period up to five years on payment of interest at the rate of 5 per cent., if all other conditions have been fulfilled; and the selector may take possession of his land as soon as his application has been approved by the Commissioner and the survey fee paid.

#### 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, and up to 100 acres if at a greater distance.

In such cases residence for five years is required, and in default the land is forfeited to the Crown. In 1891 an Act was passed to regulate the sale or disposal of Crown lands occupied under residence or business license, or under miner's right. Under this Act such land, in areas not exceeding  $\frac{1}{4}$  of an acre, may be sold by auction, the person in occupation having a preferential right of private purchase at the upset price fixed by the Land Commissioner. The manner of payment is settled by the Amending Act of 1892, which requires a deposit of one-sixth of the purchase money to be made, and the balance to be paid in eleven equal monthly instalments.

Land selected or bought within a mining area is open to any person in search of gold or other mineral, after notice has been given to the owner or occupier, to whom compensation must be made for damage done. Persons who occupy land in a mining town, under a business license, and who have made improvements to the value of £50, may purchase one quarter of an acre at not less than £10 nor more than £50, exclusive of the value of improvements and cost of survey and deed fee.

Residence licenses may be issued to mining associations for a period of 21 years at 10s. for each year of the term. The same party may hold two licenses if the areas are 5 miles apart.

Occupation licenses are granted to holders of miners' rights or residence licenses for cultivation or pasture within areas withdrawn from the operation of the Crown Lands Act, in lots of not more than 20 acres, for a period of two years at 5s. per acre, on terms prescribed by regulation.

Mining leases, renewable, are granted at the following rates:—For gold, 10 acres for ten years at £1 per acre per annum; for coal, shale, stone, or lime, 320 acres for 21 years at 2s. 6d. per acre per annum; and for all other minerals, 80 acres for 21 years at 5s. per acre per annum. The area may be increased under special circumstances, and the leases are subject to certain conditions in respect of payment of rent and working.

#### GRAZING LEASES.

Grazing leases of unoccupied country may be offered at 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 of produce. Should any portion of the run be sold or otherwise disposed of, a corresponding reduction may be made in the rent, which is payable 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, who receives compensation for permanent improvements. Leases for not more than fourteen years may be granted for various public purposes, such as the erection of wharfs, docks, etc. Portions of a Crown reserve may also be leased for thirty years for manufacturing purposes.

Licenses to cut timber, strip bark, and for quarrying and brickmaking are issued for one year on terms prescribed by regulation.

Under the Crown Lands Amendment Act of 1895 rural lands are divided into first-class agricultural lands and second-class lands. Second-class lands may be sold by auction at the upset price of 10s. per acre in lots of from 30 to 320 acres, the latter being the maximum quantity any one purchaser can hold under the Act on credit. One-half of the purchase money is to be expended in making roads. Improvements, other than buildings, to the value of 5s. per acre are to be effected by the purchaser, beginning at the expiration of one year from the date of contract, and to be continued for the next five years at the rate of 1s. per acre per annum, the deed of grant issuing only when the amount of 5s. per acre has been expended. Non-fulfilment of the conditions entails forfeiture. Where the purchaser has fulfilled the conditions, but is unable to complete the purchase of the whole, a grant may issue for so much as has been paid for upon the cost of survey being defrayed. On approval of the application by the Commissioner and payment of the survey fee the selector may at once enter into possession.

#### LAND LEGISLATION OF NEW ZEALAND.

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 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, but in 1858 an Act was passed by the General

Assembly embodying all the regulations under which land could be alienated or demised in the various provinces of the colony. This Act was repealed in 1876, and the enactments of 1885, 1887, and 1888 which followed have been superseded by the Lands Act of 1892 and its Amendment Acts of 1893 and 1895, under which the Crown lands are now administered. For convenience the colony is divided into ten land districts, each being under the direction of a local commissioner and a land board.

#### CLASSIFICATION OF LANDS.

Crown lands are divided into three classes:—1. Town and village lands, the upset prices of which are respectively not less than £20 and £3 per acre. Such lands are sold by auction. 2. Suburban lands, being lands in the vicinity of any town lands, the upset price of which may not be less than £2 per acre. These lands are also sold by auction. 3. Rural lands, being lands not reserved for towns and villages, classified into first and second-class lands, which may be disposed of at not less than £1 per acre for first-class, and 5s. an acre for second-class lands. Such lands may be either sold by auction after survey, if of special value, as those covered with valuable timber, etc., or be declared open for application as hereafter described. Pastoral lands are included within the term "rural lands," and are disposed of by lease. No person can select more than 640 acres of first-class or 2,000 acres of second-class land, inclusive of any land already held; but this proviso does not apply to pastoral land.

#### MODE OF ALIENATION.

Crown lands may be acquired as follows:—(1) At auction, after survey, in which case one-fifth of the price must be paid down at the time of sale, and the balance, with the Crown grant fee, within thirty days; and (2) by application, after the lands have been notified as open to selection, in which case the applicant must fill up a form and make the declaration and deposit required by the particular system under which he wishes to select.

After lands have been notified as open under the optional system, they may be selected for cash, on condition that first-class lands shall within seven years be improved to the amount of £1 per acre, and second-class lands to the amount of 10s. per acre. One-fifth of the price is payable at the time of application, and the balance within thirty days, if the land is surveyed; or if the land is unsurveyed, the survey-fee, which goes towards the purchase of the land, and the balance within thirty days of notice that survey is completed. A certificate of occupation issues to the purchaser on the final payment being made, and is exchanged for a Crown grant so soon as the Board is satisfied that the improvements have been completed.

After notification, lands may be selected for occupation, with right of purchase, under a license for twenty-five years. At any time subsequent to the first ten years, and after having resided on the land and made the improvements hereafter described, the licensee can, on payment of the upset price, acquire the freehold. If not purchased after the first ten and before the expiry of the twenty-five years of the term, the license may be exchanged for a lease in perpetuity. The rent is 5 per cent. on the cash price of the land. A half-year's rent must be deposited with the application, if for surveyed land, and this sum represents the six months' rent due in advance on the 1st day of January or July following the selection. If the land is unsurveyed, the cost of survey is to be deposited, and is credited to the selector as so much rent paid in advance, counted from the 1st day of January or July following thirty days' notice of the completion of survey. Residence on and improvement of the land are compulsory, as hereafter described.

#### PERPETUAL LEASES.

Lands notified under the optional system may be selected on a lease for 999 years (or in perpetuity), subject to the undernoted conditions of residence and improvements. The rental is 4 per cent. on the cash price of the land. In the case of surveyed lands, the application must be accompanied by half a year's rent, which represents that due on the 1st day of January or July following the date of selection. In the case of unsurveyed lands, the cost of survey must be deposited, and is credited to the selector as so much rent paid in advance, dating from the 1st day of January or July after thirty days' notice of completion of survey. Two or more persons may make a joint application to hold as tenants in common under either of the two last-named tenures.

#### CONDITIONS OF TENURE.

Under all systems—excepting cash purchases or pastoral and small grazing-run leases—residence and improvements are the same. Residence is compulsory (with a few exceptions mentioned in the Act), and must commence on bush or swamp lands within four years, and on open or partly open lands within one year from the date of selection. On lands occupied with a right of purchase, residence must be continuous for six years in the case of bush or swamp lands, and for seven years in the case of open or partly open lands; on lease-in-perpetuity lands it must be continuous for a term of ten years. The Board has power to dispense with residence in certain cases, such as where the selector resides on adjacent lands, or is a youth or an unmarried woman living with his or her parents. The term "residence" includes the erection of a habitable house to be approved of by the Board.

Improvements are the same for all classes of land—excepting cash purchases or pastoral and small grazing-run leases—and are as follow :—

Within one year from the date of the license or lease the land must be improved to an amount equal to 10 per cent. of its value; within two years, to the amount of another 10 per cent.; within six years, to the amount of another 10 per cent., making 30 per cent. in all within the six years; and in addition to the foregoing, it must be further improved to the amount of £1 an acre for first-class land, and for second-class to an amount equal to the net price of the land, but not more than 10s. an acre. Improvements comprise the reclamation of swamps, the clearing of bush, cultivation, the planting of trees, the making of hedges, the cultivation of gardens, fencing, draining, the making of roads, wells, water-tanks, water-races, sheep-dips, embankments or protective works, or the effecting of any improvement in the character or fertility of the soil, or the erection of any building, etc.; and cultivation includes the clearing of land for cropping, or clearing and ploughing for laying down artificial grasses, etc.

Under the existing regulations any group of persons numbering not less than twelve may apply for a block of land of not less than 1,000 acres nor more than 11,000 acres in extent, but the number of members must be such that there shall be one for every 200 acres in the block, and no one may hold more than 320 acres, except of swamp lands, of which the area may be 500 acres. The price of lands within a special settlement is fixed by special valuation, but it cannot be less than 10s. an acre. The rental may not be less than 4 per cent. on the capital value of the land; the tenure is lease in perpetuity. Residence, occupation, and improvements are generally the same as already described, and applications have to be made in the manner prescribed by the regulations.

#### VILLAGE SETTLEMENTS.

Village settlements are disposed of under regulations made from time to time by the Governor, but the main features are as follow:—Such settlements may be divided into—(1) Village allotments not exceeding one acre each, which are disposed of either at auction or upon application as already described, with option of tenure, the cash price being not less than £3 per allotment; and (2) homestead allotments not exceeding 100 acres each, which are leased in perpetuity at a 4-per-cent. rental on a capital value of not less than 10s. per acre. Residence, improvements, and applications are the same as already described. The leases are exempt from liability to be seized or sold for debt or bankruptcy. The Governor is empowered in certain cases to advance small sums for the purpose of enabling selectors to profitably occupy their allotments.

#### GRAZING AREAS.

Small grazing runs are divided into two classes: first-class, in which they cannot exceed 5,000 acres; and second-class, in which they cannot exceed 20,000 acres in area. The rental in both cases is not less than

2½ per cent. on the capital value. Small grazing runs are leased for terms of twenty-one years, with right of renewal for a like term, at a rent of 2½ per cent. on the value of the land. The runs are declared open for selection, and applications and declarations on the forms provided have to be filled in and left at the Lands Office, together with a deposit of one-half of a year's rent, representing that due on the 1st day of March or September following selection. A selector may not hold more than one small grazing run, nor may he hold any freehold or leasehold land of any kind whatsoever over 1,000 acres, exclusive of the area for which he applies under this system. The lease entitles the holder to the grazing rights and to the cultivation of any part of the run, and to the reservation of 150 acres around his homestead through which no road may be taken; but the runs are subject to the mining laws. Residence is compulsory on bush or swamp land within three years, and on open land within one year; and it must be continuous to the end of the term, though this latter condition may in certain cases be relaxed. Improvements are necessary as follow:—Within the first year, to the amount of one year's rent; within the second year, to the amount of another year's rent; and within the next four years to the value of two years' rent; making a sum equal to four years' rental to be spent on the run in six years. In addition to this, a first-class run must be improved to an amount of 10s. an acre, and a second-class run to an amount of 5s., if the land be under bush. After three years' compliance with these conditions, the run may be divided among the members of the selector's family.

#### PASTORAL LEASES.

Purely pastoral country is let by auction for a term not exceeding twenty-one years; but, except in extraordinary circumstances, no run can be of a carrying capacity greater than 20,000 sheep or 4,000 cattle. Runs are classified from time to time into those which are suitable for carrying more than 5,000 sheep (let as above), and into pastoral-agricultural country, which may either be let as pastoral runs, generally for short terms, or be cut up for settlement in some form. Leases of pastoral-agricultural lands may be resumed without compensation at any time after twelve months' notice has been given. No one can hold more than one run unless it possesses a smaller carrying capacity than 10,000 sheep, in which case the lessee may hold additional country up to that limit. Runs are offered at auction from time to time, and half a year's rent must be paid down at the time of sale, representing that due in advance on the 1st March or September following, and the purchaser has to make the declaration required by the Act. All leases begin on the 1st March; they entitle the holder to the grazing rights, but not to the soil, timber, or minerals. A lease terminates at any part of the run which may be leased for another purpose, pur-

chased or reserved. The *tênant* must prevent the burning of timber or bush, and the growth of gorse, broom or sweet-briar, and destroy the rabbits on his run. With the consent of the Land Board, the interest in a run may be transferred or mortgaged, but power of sale under a mortgage must be exercised within two years. In case it is determined to again lease any run, it must be offered at auction twelve months before expiry of the term, and if, on leasing, it is purchased by some person other than the previous lessee, valuation for improvements, to be made by an appraiser, must be paid by the incoming tenant, to an amount not greater than three times the annual rent, except in the case of a rabbit-proof fence, which is valued separately. Runs may also be divided with the approval of the Land Board.

#### AMENDING LEGISLATION.

Three Acts dealing with the lands of the colony were passed by Parliament during 1893, namely, an Act to provide a Court of Inquiry into Purchases and Leases of Native Lands; an Act to authorise the acquisition of Land owned by Natives for the purpose of Land Settlement; and the Land Act Amendment Act, 1893. The last-named Act makes some slight amendments, which for the greater part are merely verbal, in the Land Act of 1892; while the Act dealing with the acquisition of native lands gives authority to the Government to acquire portions, as gazetted, of 7,000,000 acres of waste lands, principally in the North Island, owned by natives. Such lands may either be sold and conveyed to Her Majesty at the value fixed by the Native Land Purchase Board established under the Act, or disposed of by lease under the provisions of the Land Act of 1892.

#### ACQUISITION OF LAND FOR SETTLEMENT.

The Land for Settlements Act of 1894 provides for the appointment of a Board, to be styled the Board of Land Purchase Commissioners, and consisting of the Surveyor-General, the Commissioner of Taxes, and the Commissioner of Crown Lands for any district in which it is proposed to acquire land. The duties devolving upon the Board are to ascertain the value of any lands proposed to be acquired, and to report to the Minister as to their character and suitability for settlement, and as to the demand for settlement in the locality. Land may be compulsorily taken for the purposes of the Act. The Act also curtails the rights to purchase land accrued or reserved to any lessee or licensee of pastoral lands under the Nelson Crown Lands Leasing Act of 1867 and the Marlborough Waste Lands Act of 1867. The rent of land acquired and disposed of under the Act is at the rate of 5 per cent. on

the capital value of the land, and the capital value is to be fixed at a rate sufficient to cover the cost of the original acquisition, together with the cost of survey, subdivision, and making due provision for roads.

The Land for Settlements Act Amendment Act of 1895 provides for the appointment of a Land Purchase Inspector and additional members of the Board. Where land acquired under the principal Act contains a homestead, a lease in perpetuity of the homestead and land surrounding it, not exceeding 640 acres, may be granted to the person from whom it was acquired, on conditions prescribed, at a yearly rental of 5 per cent. on the capital value of the land, such capital value to be determined in the manner set forth in the principal Act.

#### ADVANCES TO SETTLERS.

The Government Advances to Settlers Act of 1894 provides for the establishment of an office, to be called the Government Advances to Settlers Office, and the appointment of an officer, to be styled the Government Advances to Settlers Office Superintendent. A Board, consisting of six persons, is constituted to give effect to the purposes of the Act, and District Boards, subject to the control of the General Board, may be established. The object of the Act is to advance money on first mortgages on the classes of land specifically set out, and the funds to be raised are not to exceed £1,500,000 in any year.

The Land Act Amendment Act of 1895 provides that lands held on deferred payment may be mortgaged under the Government Advances to Settlers Act of 1894. Power is vested in the Board to cancel a lease subject to encumbrance or lien, and in cases where an encumbrance or lien is registered against the estate or interest of any person in respect of freehold, the District Registrar, before issuing the certificate of title in regard thereto, must record thereon in the order of their registered priority every encumbrance, lien, and interest then existing. The Board may modify the conditions as to improvements in those cases where it would be unreasonable to require the selector to comply with such conditions. For the purposes of the principal Act and the Fencing Act of 1895 a minor is deemed to be of the full age of 21 years. Provision is made by which a village settlement selector who has taken up less than the maximum area prescribed may obtain additional area without competition in certain cases, the land to be held on the same tenure and terms as the original holding. It is also provided that Crown lands may be leased to any society for the establishment of industrial, rescue, and reformatory homes for a period of twenty-one years, with perpetual right of renewal for a like term, at an annual rental of 5 per cent. on the capital value, subject to such conditions as the Minister may deem fit to prescribe; and provision is made for the reversion of the land with any improvements thereon in the event of default.

## RELIEF OF TENANTS.

The Pastoral Tenants Relief Act of 1895 provides for the remission or refund of the whole or part of one year's rent payable or paid, the extension of the term of lease, or the surrender of the lease and issue in lieu thereof of a new lease or license, in those cases where the Land Board reports in favour of the applicant for relief. It is also provided that the Minister may postpone payment of rent or sheep rate where a tenant has applied or signified his intention to apply for relief.

## FENCING OF LANDS.

The Fencing Act of 1895 prescribes what is deemed a sufficient fence within the meaning of the Act, and provides for the settlement of disputes in connection with the position of fences and the distribution of the cost of the same, and the erection of swing-gates across roads. The Act makes provision for the repair of fences and against the reckless or negligent use of fire. Jurisdiction to hear and determine questions and disputes arising under the Act is vested in a Magistrate, and the procedure in respect thereto is determined.

## MINING ACTS.

The Mining Act 1891 Amendment Act of 1894 sets out the method of applying sums appropriated by Parliament towards assisting gold-mining. Provision is made for the surrender of a license for a water-race with a view to the issue of a new one, and for the granting of special dredging claims below low water-mark. The Act also prescribes that in mines where the cyanide of potassium process is used it is incumbent that the battery superintendent shall be certificated. In proceedings in the Warden's Court, if it should appear that any person who is party to or interested in the same, and whose title depends on his being the holder of a miner's right, has neglected, for more than three months and not more than three years after the expiration of such right, to take out a new one, it is competent for the Warden, on the production of the expired right, to declare such right to be extended for a period of three years from the date of such expiration, subject to the payment of fees and fine as set out.

The Mining Act Amendment Act of 1895 admits of the granting of extended prospecting licenses in localities difficult of access, such licenses while in force conferring on the holder the exclusive right to prospect for certain minerals on the land referred to therein. The license is for a term of two years, but may be renewed from year to year, the area not to exceed 640 acres, and not to include any river or river-bed, nor is the land operated on to be situated within 2 miles of any actual mining operations or licensed holding; and the fees therefor and conditions attached thereto are prescribed by regulation. The Act provides for the issue of tunnel prospecting licenses for a period of two

years, renewable from year to year, for an area not exceeding 150 yards on each side of the middle line of the tunnel, and subject to conditions prescribed. It is made compulsory for foreign companies to provide for the registration of the transfer of shares, and to open a branch register and appoint an attorney, and non-compliance therewith entails a penalty.

#### AUSTRALASIAN SETTLEMENT.

The particulars given in the foregoing pages will have made the fact 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 contemplated 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 ultimately be 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, which were pronounced even by experienced explorers to be uninhabitable wilds 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 at the close of 1895. The term “alienated” is used for the purpose of denoting that the figures include lands granted without purchase. The area so disposed of has not been inconsiderable in several provinces:—

Colony.	Area.	Area alienated or in process of alienation.	Area leased.	Area neither alienated nor leased.
	acres.	acres.	acres.	acres.
New South Wales .....	195,882,150	44,895,582	124,412,593	26,573,975
Victoria .....	56,245,760	23,071,743	19,383,918	13,790,099
Queensland .....	427,838,080	14,211,595	267,136,114	146,490,371
South Australia .....	578,361,600	9,070,683	152,176,868	417,114,049
Western Australia .....	624,588,800	6,677,351	87,453,514	530,457,935
Tasmania .....	16,778,000	4,711,074	630,035	11,436,891
New Zealand .....	66,861,440	21,697,110	13,906,508	31,257,822
Australasia .....	1,966,555,830	124,335,138	665,099,550	1,177,121,142

The proportions which these figures bear to the total area of each colony are shown below :—

Colony.	Area alienated or in process of alienation.	Area leased.	Area neither alienated nor leased.
	per cent.	per cent.	per cent.
New South Wales .....	22.9	63.5	13.6
Victoria .....	41.0	34.5	24.5
Queensland .....	3.3	62.5	34.2
South Australia .....	1.6	26.3	72.1
Western Australia.....	1.1	14.0	84.9
Tasmania .....	28.1	3.7	68.2
New Zealand .....	32.4	20.8	46.8
Australasia .....	6.3	33.8	59.9

The figures in the foregoing table disclose many grounds for congratulation. Of 1,966 million acres which comprise the area of Australasia, 789 millions, or 40.1 per cent., are 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 returning no revenue, for out of nearly 200 million acres only 26 million remain unoccupied, and much of this is represented by lands which the State has reserved from occupation, and which are used for travelling stock or for various public purposes, including lands reserved for future settlement along the track of the great trunk line of railways. The colony of Tasmania has 68 per cent. of its area unoccupied, the western part of the island being so rugged as to forbid settlement. New Zealand, favoured also with a beneficent climate, has nearly half its area not utilised, a circumstance entirely due to the mountainous character of its territory. Settlement in Western Australia is only in its initial stage ; much of the area of the colony is practically unknown, and a large part 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 South Australia, including the Northern Territory, only 27.9 per cent. is in occupation. 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 such sales, and of the ready manner in which transfers of land conditionally purchased could be made, to acquire large holdings, and in this manner

the obvious intentions of the Lands Acts were defeated. Notwithstanding failures in this respect, the Acts have otherwise been successful, as will appear from the following table, as well as from other pages in this volume. It is unfortunate that detailed information regarding settlement can only be given for three of the colonies, viz., New South Wales, South Australia, and New Zealand. The information given for New South Wales in the table refers to the year 1895; and for South Australia and New Zealand, to the Census year of 1891 :—

Size of Holdings.	New South Wales.		South Australia.		New Zealand.	
	Number of Holdings.	Area of Holdings.	Number of Holdings.	Area of Holdings.	Number of Holdings.	Area of Holdings.
		acres.		acres.		acres.
1 to 100 acres .....	30,996	1,068,108	6,804	183,443	25,628	742,446
101 to 1,000 acres .....	24,372	8,501,561	10,618	4,711,060	15,890	4,818,277
1,001 to 5,000 acres .....	3,979	8,261,955	2,394	4,623,937	1,675	3,425,185
5,001 to 20,000 acres .....	855	8,540,912	481	4,737,253	436	4,468,203
20,001 acres and upwards .....	327	15,949,390	58	1,974,995	148	5,943,418
Total .....	60,529	42,321,926	20,355	16,230,688	43,777	19,397,529

Out of the 42,321,926 acres set down to New South Wales in the foregoing, 38,320,961 acres are in the actual occupation of the owners, and 4,000,965 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. In South Australia only 5,510,289 acres are occupied by the owners, while 10,720,399 acres, or 66 per cent., are rented. The most remarkable feature of the table is that in New South Wales about one half the alienated land is owned by 679 persons, while in New Zealand 584 persons own considerably more than one half. In South Australia 1,283 persons own half the alienated land.

