

## LAND AND SETTLEMENT.

IN each of the Commonwealth States and New Zealand 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 the province 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 state, practically the same form of conditional occupation with deferred payments being in existence in all four states. In the other provinces, 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 Australasia, 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 ten years, numerous Acts affecting State lands have been placed on the statute book, 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.

### NEW SOUTH WALES.

With the progress and development of the state, 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, power 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 state, but it was limited to lands which 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, with £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 period of 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. But such evils were found to result from this system that in 1884, in 1889, in 1895, in 1901, so far as the western division is concerned, and again in 1903, so far as the eastern and central divisions are concerned, 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 land administration, the state is split up into three divisions, each of which is subdivided into land districts. In the eastern and central divisions one or more of these land districts form a local division, the administration of which is entrusted to a Local Land Board, comprising a chairman and not more than two assessors, the control of the western division being vested in the Western Land Board. 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 the written request of the parties interested, or by the Land Appeal Court of its own initiative. The judgment given in 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 classified conditional purchase; (4) by the preferent right of purchase

attached to conditional leases; (5) by improvement purchases on gold-fields; (6) by auction sales; (7) by after auction sales; (8) by special sales without competition; and (9) by homestead selection.

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

#### *Eastern Division.*

The conditions for the purchase and occupation of Crown lands are more restricted in the eastern division than in the central and western divisions. Nevertheless, any person above the age of 16 years may, upon any Crown lands not specially exempted, select an area of 40 to 640 acres, together with a lease of contiguous land not exceeding thrice the area of the conditional purchase. The combined area of purchase and lease must not, however, exceed 1,280 acres. The price demanded is £1 per acre, of which 2s. must be deposited when application is made, and the balance, together with interest at the rate of  $2\frac{1}{2}$  per cent., paid by instalments of 5 per cent. of the value of the land, as determined, per annum. Payment of instalments commences at the end of the third year, and after the expiry of the period of enforced residence the balance may be paid 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. He is restricted to one selection during his lifetime; but after the expiry of the residential period he may purchase additional areas, whether contiguous or not, to his original purchase up to the maximum area, but all available land adjoining the original or prior additional purchases or leases of the same series must first be exhausted, and the land applied for as such additional purchase must, in the opinion of the land board, be within a reasonable working distance of the original purchase by virtue of which the application is made, or he may purchase his conditional leasehold. In such a case, however, he must extend his period of residence, and enclose his additional purchase. 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 until the age of 21 in the case of males and 24 in that of females.

A conditional leasehold, in conjunction with a selection, may be held for twenty-eight years, but on application the period may be extended to forty years, and all leases granted subsequent to the 1st January, 1904, are for a period of forty years. The rental is fixed by the Land Board. The leasehold must be enclosed 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 enclosed 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 which may be taken up is 320 acres. Non-resident selectors are charged double the rates payable by those who reside on the land.

At the close of 1899 an Act was passed introducing a new feature in the form of classified conditional purchases. Under this system land set apart for conditional purchase or conditional lease becomes available for conditional purchase at prices specified at the time of notification, whether above or below £1 per acre. The area which may be selected in the Eastern Division is restricted to 640 acres. The conditions as to residence and improvements are similar to those in the case of an ordinary conditional purchase.

The capital value of conditional purchases and conditional leases applied for prior to the 30th December, 1899, and held *bonâ fide* for the applicant's sole use and benefit may be the subject of reappraisal up to an area, sufficient, in the opinion of the Local Land Board, to enable him to maintain a home thereon, provided the application therefor was lodged prior to the 30th December, 1901.

#### *Central Division.*

In the central division land may be conditionally purchased on terms as to residence, fencing, improvements, price, and mode of payment similar to those which govern selection in the eastern division. The maximum area which may be selected is 2,560 acres, and a conditional lease in the proportion granted in the eastern division may be secured, but the aggregate area of both selection and lease must not exceed 2,560 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.

The system of classified conditional purchases applies to this Division and the area that may be selected, and the conditions of residence and improvements imposed are similar to those in respect of ordinary conditional purchases.

*Western Division.*

The western division embraces an area of 79,970,000 acres, watered entirely by the Darling River and its tributaries. This part of the state is essentially devoted to pastoral pursuits.

The administration of the western division by the "Western Lands Act of 1901" is vested in a Board of three Commissioners, entitled "The Western Land Board of New South Wales," and all Local Land Boards constituted prior to the 1st January, 1902, cease to have jurisdiction within the area. The Commissioners, sitting in open Court, are empowered to exercise all the powers conferred upon Local Land Boards by the Crown Lands Acts, and for all purposes of the Crown Lands Acts shall be a Local Land Board in all cases, as well as in any cases that may be or are required to be referred to any Local Land Board under the provisions of any Act, now or hereafter in force.

Subject to existing rights and the extension of tenure referred to in a subsequent paragraph, all forms of alienation, other than by auction, and leases, prescribed by the Crown Lands Acts, ceased to operate within the Western Land Division from the 1st January, 1902.

Before any Crown lands in the western division, not held under lease, shall become available for lease, the Commissioners must recommend the areas and boundaries of the land to be offered for lease and the rent to be charged therefor, and, should there be any improvements on the land, determine the amount to be paid for them. The Minister may, by giving thirty days' notice in the *Government Gazette*, declare such lands open for lease, and applications therefor must be made to the Commissioners on a prescribed form, accompanied by a deposit at the rate of 20 per cent. on the amount of the first year's rent, as notified in the *Government Gazette*, and the Commissioners may recommend a lease to such applicant as they shall consider most entitled to it. Upon the issue of a lease the notification thereof is published in the *Government Gazette*, and within one month therefrom the successful applicant must pay the balance of the first year's rent and execute the lease within the time and manner prescribed.

The registered holder of a pastoral, homestead, improvement, scrub, or inferior lease or occupation license of land in the western division, or in the event of any such holding being mortgaged, then any owner of the equity of redemption in the same, could apply before the 30th June, 1902, to bring his lease or license under the provisions of the "Western Lands Act of 1901." In cases where no application was made to bring the lease or license under the provisions of the Act, such lease or license is to be dealt with as if the Act had not been passed, and the Commissioners as constituted are to be deemed the Local Land Board to deal with such cases.

All leases issued or brought under the provisions of the "Western Lands Act of 1901" expire on the 30th June, 1943, except in cases where a withdrawal is made for the purpose of sale by auction or to provide small holdings, when the Governor shall, after report by the

Commissioners, add to the remainder of the lease such term as may be considered reasonable as compensation, but in no case shall it exceed six years.

The rent on all leases current after the commencement of the Act is determined by the Commissioners for the unexpired portion of such leases. No rent or license fee is to be less than 2s. 6d. per square mile or part thereof, and in no case shall the rent or license fee be fixed at a higher rate than 7d. per sheep on the carrying capacity determined by the Commissioners. In the case of new leases, the rents are determined for periods not exceeding ten years, and in the case of leases extended under the provisions of the Act for periods ending 30th June, 1930, and 30th June, 1943. The rent fixed in the case of existing leases, and for the first term in the case of new leases, cannot on reappraisal be either increased or decreased more than 25 per cent. on the first reappraisal, and the provision applies at each subsequent reappraisal to the rent last determined.

#### *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 appropriation of areas for homestead selection is another prominent feature of the 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; but from and after the expiration of the first six years of the selection, the annual rent is  $2\frac{1}{2}$  per cent. of the capital value of the land; and the selection is subject to reappraisal every ten years. Provided an application was made before the 31st December, 1900, the capital value of homestead selections applied for, on or before 29th December, 1899, could be reappraised. In cases where the application for the homestead selection is of a subsequent date, reappraisal may be made before the selection is confirmed, or within twelve months after, but not later. Tenant-right in improvements is secured, and the holding may be so protected that it cannot by any legal procedure, or under any circumstances, be wrested from the selector. This form of alienation ceased to operate within the Western Land Division from the 1st January, 1902, existing rights being preserved.

#### *Settlement Leases.*

Another departure under the Act referred to is the provision for 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, but on application may be extended to forty years. All leases granted subsequent to the 1st January, 1904, are for a period of forty years, and the conditions attached to them are that the lessees shall reside on the land throughout the term, and fence it in during the first five years. Provided an application was made before the 31st December, 1900, the capital value of settlement leases applied for on or before the 29th December, 1899, could be reappraised. In cases where the application for the settlement lease is of a subsequent date, reappraisal may be made before the lease is confirmed, or within twelve months after, but not later. Tenant-right in improvements is secured to the outgoing lessee, who may, during the last year of the term, convert a portion not exceeding 1,280 acres into a homestead selection. This form of lease ceased to operate within the Western Land Division from the 1st January, 1902, existing rights being preserved.

#### *Scrub and Inferior Lands.*

The principle of improvement leases secures, in the Eastern and Central Divisions, the utilisation of scrub or inferior lands that would otherwise remain unoccupied, the form of lease having ceased to operate in the Western Division since the 1st January, 1902, subject to existing rights being preserved and the extension of tenure referred to later on. The term for which such a lease is issued is twenty-eight years, except in those cases in the western division brought under the provisions of the "Western Lands Act of 1901," when the lease expires on the 30th June, 1943, 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, but if the leases are brought under the "Western Land Act of 1901," they expire on the 30th June, 1943. In the central division a pastoral lease extends to ten years. In certain cases

a further extension ranging up to five years has been secured by virtue of improvements effected; beyond this, however, the Crown has power to further extend the term of the lease for the remainder of a pastoral holding where a portion of such holding has been resumed for the purpose of settlement. 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. This form of lease ceased to operate in the Western Land Division since the 1st January, 1902, subject to existing rights being preserved and the extension of tenure referred to.

In addition to pastoral 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,—and inferior lands. Annual leases for pastoral purposes, and residential leases on gold and mineral fields, are also granted; and special leases are allowed in certain cases. Within the Western Land Division all forms of lease prescribed by the Crown Lands Act ceased to operate on the 1st January, 1902, subject to existing rights and the extension of tenure provided in respect of pastoral, homestead and improvement leases, and occupation licenses. Within that division all new leases are to be submitted to competition and expire on 30th June, 1943.

#### *Auction Sales.*

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 5s. Special terms can be made for the purchase of land on gold-fields, and for reclaimed lands.

#### *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 states. 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. 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.

#### 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 state, 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 state 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 state, with modifications to suit the local conditions. The Act of 1869, which was amended in 1878, was further amended in 1884, the main tendency of the latter amendment being towards the restriction of 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 1869, and the special enactment just referred to, were again modified by the Acts of 1890, 1891, 1893, 1896, 1898, and 1900, the whole being consolidated as the "Land Act, 1901," which came into force on the 31st December, 1901.

The Land Act of 1869 is inoperative as to future selections, but concessions as to payments of arrears of rent, the option of converting their present leases into perpetual leases, and of surrendering part of and obtaining new leases on better terms for the balance of their holdings, have been granted to selectors thereunder by the most recent legislation.

For the purposes of land administration, the state is divided into districts which are merely arbitrary divisions, and in each district there are land offices under the management of land officers. As occasion requires, the land officers hold board meetings to deal with applications for, and any matter pertaining to, Crown lands.

Unalienated Crown lands are divided into the following classes:— Good agricultural or grazing land; agricultural and grazing lands; grazing lands; inferior grazing lands; pastoral lands (large areas); swamp or reclaimed lands; lands which may be sold by auction (not including swamp or reclaimed lands); auriferous lands; State forest reserves; timber reserves; and water reserves. Provision is made for a reclassification of lands within the first, second, third, and fourth classes, where it is recognised that an inequality exists, and for this purpose Land Classification Boards are constituted, each Board to consist of three members who will be officers of the Lands Department or other competent persons. Land may be acquired in the following manner:—

(1) By the lessee of pastoral lands, by selection of a homestead up to 640 acres of land not superior to third-class land out of his leasehold at 10s. per acre; (2) by the lessee of a "grazing area" who is entitled to select thereout an agricultural allotment, obtaining a perpetual lease of the allotment in lieu of a license; (3) by licensee or lessee of an agricultural allotment on the surrender of his license or lease, obtaining in its stead a perpetual lease; (4) by the holder of a mallee allotment, eligible to select an agricultural allotment thereout, obtaining a perpetual lease instead of a license; (5) by perpetual leases of any

Crown lands available as agricultural or grazing allotments, or mallee lands available as agricultural allotments, or swamp, or reclaimed lands ; (6) by purchase at auction of town or country lands within specified areas ; (7) by purchase at auction of detached portions of Crown lands of an area not exceeding 50 acres ; (8) by the holder of a residential agricultural allotment under license within mallee territory ; (9) by farm allotment under conditional purchase lease, within areas required for the purpose of closer settlement.

#### *Pastoral Lands.*

Pastoral leases are granted to the person first lodging an application after public notice has been given that the land is available, and expire on the 29th December, 1909. The maximum area is 40,000 acres, and the minimum 1,920 acres. Should more than one application be lodged, the right to a lease is sold by public auction, after at least one month's notice has been given in the *Government Gazette*, and the highest bidder by way of premium is, on payment of same, entitled to the lease. The annual rent reserved on every lease of pastoral lands is computed at 1s. per head of sheep, and 5s. per head of cattle, the number of such sheep or cattle to be determined by the grazing capacity of the area, and the rent must be paid in advance every six months. The lessee cannot assign, sublet, or subdivide without the consent of the Board in writing ; he must destroy all vermin and noxious growths, and keep in good condition all improvements on the land ; and he must not destroy growing timber, except for fencing purposes or for building on the land, without the Board's consent. The Crown has the right to resume any portion of the area required for any railway or public purposes, and may issue licenses to enter on the land to obtain timber, stone, earth, etc. The right is reserved to other pastoral lessees to pass over the area, and the Governor may at any time by proclamation grant to the public the use of any track leading to a public road or track. The lessee is also required to erect swing gates where there is a fence across any track required by any other pastoral lessee or the public. Upon compliance with all conditions the lessee may select 200 acres of first-class, or 320 acres of second-class, or 640 acres of third-class land, or 960 acres of fourth-class land, as a homestead. Upon the expiration of a lease the lessee is entitled to payment from an incoming tenant for all fences, wells, reservoirs, tanks, and dams—but such payment shall be determined in the manner provided by the Lands Compensation Acts—and all other improvements revert to the Crown.

#### *Agricultural and Grazing Lands.—Grazing Areas.*

Agricultural and grazing lands are leased in "grazing areas" of first, second, third, or fourth-class land, to any person of the age of 18 years and upwards, for any term of years expiring not later than 29th December, 1920. No such lease can be granted for more than 200 acres of first-class, or 640 acres of second-class, or 1,280 acres of third-class land, or

1,920 acres of fourth-class land; but the lease may comprise two or more "grazing areas," provided the total acreage does not exceed the maximum limit of any class. The rent is fixed at 3d. per acre for first-class, 2d. per acre for second-class, and 1d. per acre for third-class lands, and  $\frac{1}{2}$ d. per acre for fourth-class lands; but an additional rent of 4 per cent. per annum on the capital value of any substantial and permanent improvements on the "grazing area" at the date of the commencement of the lease is imposed. On the expiration of the lease the incoming tenant is required to pay to the late lessee the value of all improvements, effected during the currency of the lease, calculated to increase its capacity for carrying sheep or cattle; but the sum to be paid in respect of such improvements must not be more than 10s. per acre of the "grazing area" if first-class, or 7s. 6d. per acre if second-class, or 5s. per acre if third-class land, or 2s. 6d. per acre if fourth-class land. All other improvements revert absolutely to the Crown, unless specially provided for in the lease of the "grazing area." The rent is payable half-yearly in advance, and the lessee cannot assign, sublet, or subdivide, without the consent of the Board; he must destroy all vermin and noxious growths and keep in good condition all improvements on the land. The lessee cannot ring or destroy, or, except for the purpose of fencing, or building, or domestic use on the land, cut down any timber thereon, without the consent of the Board, and he must enclose the land with a fence and keep it in good repair. The Crown may resume possession at any time of any of the land which may be required for public or mining purposes, or for removal of material or timber, or for industrial purposes, on payment of reasonable compensation. Every other lessee of a "grazing area" and his agents and servants have the right of ingress, egress, and regress to and from his "grazing area" through, from, and to any public road or track. The lessee, after the issue of the lease, may, if the "grazing area" consist of first-class land, select not more than 200 acres thereof as an "agricultural allotment"; if of second-class land, an "agricultural allotment" of 320 acres; and if of third-class land a "grazing allotment" of 640 acres. A lessee of a "grazing area" in respect of which no rent is due, and who has reasonably and sufficiently fulfilled the conditions and covenants of his lease, may surrender any part of his "grazing area" in order that a new "grazing area" lease of such surrendered part may be granted to his wife or any eligible child, without public competition.

#### *Agricultural Allotments.*

Residence licenses are issued to any person of the age of 18 years and upwards, who has not made a selection under the Land Acts, or who is not in respect of the license applied for or any part thereof an agent, servant, or a trustee for any other person, or who has not at any time entered into an agreement to permit any other person to acquire by purchase or otherwise the applicant's interest therein, to occupy an "agricultural

allotment" not exceeding in the aggregate 200 acres of first-class or 320 acres of second-class land. The period of license is six years, and the fee for occupation is 1s. per annum in the case of first-class land, or 9d. per annum in the case of second-class land for each and every one acre or part thereof, payable half-yearly in advance. The licensee cannot assign, transfer, or sublet; he must enclose the land with a fence and keep it in repair; and he must effect substantial and permanent improvements to the value of 20s. per acre, or fractional part of an acre, where the land is first-class, and 15s. an acre, or fractional part of an acre, where the land is second-class, during the currency of the license. The licensee must enter into occupation within twelve months from the issue of the license, and occupy the agricultural allotment for not less than five years during its currency. If a licensee satisfactorily prove that the home of his family is situate upon the land held by him under residential license, the Board may consent, for a specified period, to substituted occupation by the wife or any stated child over the age of 18 years; or, if he has no wife or child, by the father or mother of the licensee, provided he or she is dependent on him for support. A licensee may, in each and every year of the term of residence on residential license, apply to the land officer of the district to register a written notice of intention to absent himself from the agricultural allotment for a period or periods not exceeding on the whole three months, and any absence between the registered dates is not deemed a breach of the condition of occupation. If the conditions be complied with, the licensee is entitled at any time within twelve months after six years from the commencement of the license to obtain a Crown grant upon payment of the difference between the amount of rent actually paid and the entire sum payable for the purchase of the land, or obtain a lease for a term of fourteen years. The Crown may resume any portion of the land during the currency of the license that may be required for public or mining purposes, subject to the repayment of moneys paid by the licensee to the Crown or expended by him on the land resumed.

Non-residential licenses for a period of six years are issued to persons similarly qualified on identical conditions, with the exception that the improvements to be effected are 6s. 8d. per acre, or fractional part of an acre each year of the license on first-class land, and 5s. per acre, or fractional part of an acre for each of the first three years of the license in respect of second-class lands.

The licensee or lessee of an agricultural allotment may surrender his license or lease, and in its stead obtain a perpetual lease. The rent chargeable therefor to 29th December, 1909, is based upon the unimproved value of the land, which is assumed at £1 per acre if first-class and 15s. per acre if second-class land; thereafter the rent is fixed by the Board at the end of every successive ten years. The holder of an agricultural allotment who desires to establish and cultivate a vineyard, hop-garden, or orchard may, during the term of his license or lease, upon payment of the difference between the amount of rent actually

paid and the entire purchase-money payable in respect of any part, not more than 20 acres, of his allotment, obtain a Crown grant of such part subject to such covenants, conditions, exceptions, and reservations as the Governor may direct.

#### *Grazing Allotments.*

Licenses, either residential or non-residential, are issued to persons, qualified in a similar manner to those entitled to hold agricultural allotments, to occupy an allotment of third-class land not exceeding 640 acres, or 960 acres of fourth-class land. The period of license is six years, and the rent payable 6d. per acre for third-class land, and 3d. per acre for fourth-class land, half-yearly in advance. In the case of a residential license, the licensee must enter into occupation within twelve months from the issue of the license, and occupy the grazing allotment for not less than five years during the currency of the license. If a licensee satisfactorily prove that the home of his family is situate upon the land held by him under residential license, the Board may consent, for a specified period, to substituted occupation by the wife or any stated child over the age of 18 years; or, if he has no wife or child, by the father or mother of the licensee, provided he or she is dependent on him for support. A licensee may, in each and every year of the term of residence on residential license, apply to the land officer of the district to register a written notice of intention to absent himself from the grazing allotment for a period or periods not exceeding on the whole three months, and any absence between the registered dates is not deemed a breach of the condition of occupation. Substantial and permanent improvements must be effected to the value of 10s. per acre, or fractional part of an acre, on third-class lands, or 5s. an acre on fourth-class lands in respect of residential licenses, and 3s. 4d. each year of the first three years for each acre, or fractional part of an acre, in the case of non-residential licenses of third-class lands, or 1s. 8d. in the case of fourth-class lands. The licensee cannot assign, transfer, or sublet; he is required to keep the land free from vermin, and must enclose the land and keep the fence in repair. The Crown may resume any portion of the land during the currency of the license that may be required for public or mining purposes, subject to the repayment of moneys paid by the licensee to the Crown or expended by him on the land resumed. If the conditions be complied with, the licensee is entitled, at any time within twelve months after six years from the commencement of the license, to obtain a Crown grant upon payment of the difference between the amount of rent actually paid and the entire sum payable for the purchase of the land, or obtain a lease for a term of fourteen years, at a yearly rent of 6d. for each acre of third-class land, or 3d. per acre for fourth-class lands. The holder of a grazing allotment, who desires to establish and cultivate a vineyard, hop-garden, or orchard, may, during the term of his license or lease, upon payment of the difference between the amount of rent

actually paid and the entire purchase-money payable in respect of any part, not exceeding 20 acres, of his allotment, obtain a Crown grant of such part, subject to such covenants, conditions, exceptions, and reservations as the Governor may direct. Any person who is entitled to select a grazing allotment may apply for a perpetual lease of the allotment in lieu of the license.

#### *Perpetual Leases.*

Perpetual leases may be granted over any Crown lands available as agricultural or grazing allotments; over mallee lands available as agricultural allotments; and over swamp or reclaimed lands. They may also be granted to holders of grazing areas who are entitled to select thereout an agricultural or grazing allotment; to holders of mallee allotments or parts thereof eligible to select an agricultural allotment; to holders of permits or leases to occupy allotments on swamp lands; and to village settlers on other than swamp lands who may desire to surrender the same and obtain perpetual leases in lieu thereof. No person is allowed to hold by transfer or otherwise more than 600 acres of first-class, or 960 acres of second-class, or 1,920 acres of third-class land, or 2,880 acres of fourth-class land, outside the mallee country. The rent on every perpetual lease, outside mallee and swamp or reclaimed lands, to 29th December, 1909, is  $1\frac{1}{4}$  per cent. on the unimproved value of the land, which is deemed to be £1 per acre for first-class, 15s. per acre for second-class, 10s. per acre for third-class land, and 5s. per acre for fourth-class land. For every successive period of ten years the value, exclusive of all improvements made by the lessee, will be such amount as may be fixed by the Board, and the annual rent will be  $1\frac{1}{4}$  per cent. of such value. The rent must be paid yearly in advance. The lessee must destroy all vermin within two years, and keep the land free from vermin and noxious growths; he must enclose the land within six years, or sooner if called upon under the Fences Act, 1890; he must reside for six months on the land, or within 5 miles thereof during the first year, and eight months during each of the four following years. In the event of the cultivation by the lessee of one-fourth of the area during the first two years, and one-half before the end of the fourth year, the residence covenant ceases to operate. Improvements must be effected to the value of 10s. per acre on first-class, 7s. 6d. per acre on second-class, and 5s. per acre on third-class land, or 2s. 6d. per acre on fourth-class land, before the end of the third year, and further improvements to a like value before the end of the sixth year of the lease. The lessee may not transfer, assign, mortgage, sublet, or part with the whole or any portion of the area within six years; and any portion required for railways, roads, mining, or other public purposes may be resumed on payment for non-removable improvements thereon or cost of removable improvements. A perpetual lessee whose rent is not in arrear may surrender his lease within six months after 29th December, 1909, or within six months after any successive

period of ten years, with a view of obtaining an agricultural or grazing allotment license, either residential or non-residential. The improvements made will be credited to the licensee, and should there be a mortgage on the perpetual lease, the licensee may, after the issue of the license, give to the mortgagee a license lien on his improvements to the full amount due on the mortgage at the time of surrender.

#### *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, and for areas not exceeding 20 acres, at an annual license fee of 1s. per acre. No person can hold more than one license. The license is subject to the following conditions:—Right to use surface of land only; licensee not to assign or sublet without permission of the Minister; licensee either to reside on or fence the land within four months from date of license and cultivate one-fifth of area, allowance being made for any portion occupied by buildings; miners to have free access to any part of the land without making compensation to the licensee for surface or other drainage; and notices to be posted on the land by the licensee indicating that it is auriferous.

Grazing licenses, renewable annually at the option of the licensee, are issued for a period expiring not later than 29th December, 1905, for areas not exceeding 1,000 acres, at a rent to be fixed by appraisalment. The licensee may, with the consent of the Minister of Mines, enclose the whole or any specified part of the holding with a fence, which may be removed by him upon or at any time before the expiration of his license; but such fence must be removed, without compensation, by the licensee when so ordered by the Board. Free access to such area must be allowed at all times to miners and other persons specially licensed to enter thereon; the ringbarking of the timber on the land by the licensee is strictly forbidden; and the licensee is subject to a penalty, not exceeding £20, if he fails to place upon the outside of the corner posts of the fence, if any, enclosing the lands such distinguishing marks as may be prescribed.

#### *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 town lands being determined in the proclamation for sale, and that for country lands, £1 per acre. The maximum area that may be sold in any one year is 100,000 acres. Of the price, 12½ per cent. must be paid in cash, and the balance in forty half-yearly instalments, carrying interest at 4 per cent. per annum. Where, in the opinion of the Board, it is undesirable that the residue of the price of any land should be paid for by instalments extending over twenty years, such residue may be made payable in any number of half-yearly instalments less than forty.



Stringent provisions are enacted prohibiting agreements preventing fair competition at auction sales. Isolated portions of Crown lands not exceeding 50 acres and not adjoining other Crown lands, or any portion of Crown lands not exceeding 3 acres required for a site for a church or for any charitable purpose, may be sold at auction.

#### *Swamp Lands.*

The swamp or reclaimed lands comprise the areas known as Condah, Koo-wee-rup, Moe, Panyzabyr, Mokoan, Black Swamp, Borodomanin, and Brankeet, Greta, Kelfeera, and Pieracle Swamps, and any swamp or reclaimed lands that may be proclaimed as such in the *Government Gazette*. The lands are divided into allotments of an area not exceeding 160 acres, and may be leased for twenty-one years, or be leased under perpetual lease at a rental of 4 per cent. on the value of the land, or be leased under conditional purchase lease, or be disposed of by sale at public auction, subject to general conditions of sale. Every lease for twenty-one years, every perpetual lease, every conditional purchase lease, and every contract of sale for an allotment of swamp or reclaimed lands contains the condition that the lessee or purchaser shall make substantial improvements on the land to the extent of 10s. per acre in each of the first three years and keep open all canals and drains. The condition of residence is not obligatory in all cases. For determining the rent on the upset price the Board will fix the value of each allotment. Village settlers on swamp or reclaimed lands may surrender their permits or leases, and acquire in place thereof perpetual leases or conditional purchase leases. In the event of a perpetual lease being granted, the annual rent thereon till 29th December, 1909, will be 4 per cent. on the price of the land as fixed in the surrendered permit or lease, the improvements at time of surrender to be credited towards compliance with conditions of new lease. In the event of a conditional purchase lease being granted, the price to be paid will be that fixed in the surrendered permit or lease, carrying interest at  $4\frac{1}{2}$  per cent. per annum.

#### *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 the extra payment has been demanded have not been constructed within ten years from the date of the Order in Council fixing the enhanced price, the additional sum paid must be returned.

#### *Forest Lands.*

Land situated within the State forests, and timber and water reserves, cannot be alienated, except as hereinafter provided; and the administration

of the Forest Domain of the Crown is placed in the hands of local Forest Boards, which are empowered to receive fees for licenses to cut or remove timber. Where any person has made his home, or the home of his family, for a period of five years on forest lands, whether permanently reserved or not, and has effected thereon improvements of the value of not less than £2 per acre, he may apply to purchase an area not exceeding 10 acres at a price to be determined by appraisal; and if there be no mining or other valid objection a Crown grant may issue.

#### *Mallee Lands.*

The territory known generally as the "Mallee" is situated in the north-western district of the state, and comprises an area of about 10,000,000 acres. The mallee land bordering on the plain country is mostly of a light chocolate and sandy loam character, and in its natural state is covered with mallee scrub, interspersed with plains lightly timbered with box, oak, and pines. The scrub can be cleared at a moderate expenditure, and the land is well adapted for wheat-growing. The smaller areas are known as "mallee allotments," and the larger areas, extending further north and where the soil is more sandy in character, as "mallee blocks." The "blocks" are practically in their natural state, are many square miles in extent, and are used for pastoral purposes only.

#### *Mallee Blocks.*

The "mallee blocks" are of various sizes. One portion of a block may 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. The lease is granted for a period of twenty years. For the first five years the rent payable is at the rate of 2d. per head of sheep and 1s. per head of cattle depastured on the land; for the second five years twice this amount; and for the remainder of the term at an additional increase equal to one-half the amount payable during the second period of five years; but in no case may the yearly rent be less than 2s. 6d. for each square mile or part of a square mile of land. Leases issued after the 20th February, 1896, have the rent fixed by the Board. The lessee 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. Licenses may be granted to enter on the block to obtain timber, stone, earth, etc., and other lessees may cross the area to get to any public road or track.

#### *Mallee Allotments.*

The mallee allotments are situated on the southern and eastern fringe of the mallee territory, and have a maximum area of 20,000 acres, and are leased for terms expiring not later than 30th November, 1903.

No assignment of the lease of a mallee allotment by operation of law can take effect without the consent of the Board, and the lessee without such consent cannot execute any mortgage or lien thereon. The lessee is required, within six months of the granting of the lease, to take up his residence on the land or within 5 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, instead, to cultivate at least one-fourth 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. A uniform rental of 1d. per acre per annum is now charged in all cases where the Board's consent has been obtained to clear and cultivate.

It is provided that the lessee may 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. Should the lessee have 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.

*Agricultural Allotments under License or Perpetual Lease.*

Any person of the age of 18 years or upwards may select 640 acres of first-class, or 1,000 acres of second-class land, or 1,280 acres of third-class land, or 1,600 acres of fourth-class land, out of any area made available as an agricultural allotment under residential or non-residential license or perpetual lease. A similar concession is made to any holder of a mallee allotment who may make application at any time before the 30th November, 1903, to select out of his mallee allotment a similar area in like manner. The period of residence attached to residential licenses is five years. When the area is first-class land, the purchase money in full for a residential license is £1 per acre, and the license is for a term of six years, at a yearly rent of 1s. per acre; the improvements at the expiration of the license must be of the value of £1 per acre. If all the conditions be complied with, the licensee is entitled, at the expiration of the license, to a lease for fourteen years at the same rent, or to a Crown grant at any time, on paying the difference between the amount paid and £1 per acre. If the applicant prefer, he may obtain a license at a reduced rental of 6d. per acre per annum for the term of six years, with a lease for thirty-four years at 6d. per acre yearly. When the area is second-class land, the purchase money in full is 10s. per acre, and the license is for a term of six years at a yearly rent of

6d. per acre, and the lease for fourteen years at the same rent, or a license may be issued, with conditions varied in these respects, that the rent shall be 3d. per acre yearly for six years, with a subsequent lease for thirty-four years at the same rent. The improvements at the end of the six years must be of the value of 10s. per acre. A non-residential license on first-class land is granted for a term of six years at 1s. per acre per annum, and the lease for a period of fourteen years at the same rent. Improvements to the value of 6s. 8d. per acre must be made in each of the six years. The period of non-residential license on second-class land is six years, at an annual rent of 6d. per acre, and the lease is for fourteen years at the same rent. Improvements to the value of 3s. 4d. an acre must be made during each of the first three years. Except for the purpose of building, fencing, or other improvements, the licensee may not cut or remove any live pine, box, or red gum, on the land.

Perpetual leases of mallee country are issued, in areas not exceeding 1,920 acres, at a yearly rental not to exceed 2d. per acre to 31st December, 1903, and thereafter as the Board may determine. The rent must be paid yearly in advance, and the lessee must destroy any vermin on the land, and within two years have made a complete clearance of such pests, while during the remainder of his lease he must see that the land is kept free from them. Within six months, the lessee must reside on or within 5 miles of the land, and do so for a period of eight months in each of the second, third, fourth, and fifth years. In the event of the lessee cultivating one-fourth of the area within two years, and at least one-half within four years, the residence condition ceases to operate.

#### *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, 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, 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 an agricultural or grazing allotment under license or perpetual lease.

#### *Village Settlements.*

Under the Settlement on Lands Act of 1893 there may be set apart and appropriated for the purposes of village communities any lands not alienated from the Crown, provided they are not auriferous or permanently reserved for any purpose. Such lands are surveyed into allotments of 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. Any person in occupation of an allotment under permit or lease may surrender the same, and acquire the land under a perpetual lease, or a conditional purchase lease. In the event of the land being granted under perpetual lease, the rental thereon to 29th December, 1909, will be 250 per cent. on the price set out in the original permit or lease; should the land be granted as a conditional purchase lease, the price to be paid is that fixed in the surrendered permit or lease carrying interest at  $4\frac{1}{2}$  per cent. per annum.

#### *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 1 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 to 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.

#### *Acquisition of Land for Closer Settlement.*

The acquisition of private lands for the purpose of closer settlement is an entirely new feature in Victorian land legislation. The Board of Lands and Works may, subject to the approval of Parliament, purchase for the Crown, blocks of good agricultural private land in any farming district. The portion of the acquired land to be disposed of is to be subdivided into farm allotments of a value not exceeding £1,000 each, which are to be available under conditional purchase lease. Any person of the age of 21 years, who is not already the holder of land of the value of £1,000, or who would not thereby become the holder of land exceeding such value, may be granted a farm under conditional purchase lease. The price of the land to be disposed of is to be so fixed as to cover the cost of original purchase, cost of survey and subdivision, the value of lands absorbed by roads and reserves, and the cost of clearing, draining, fencing, or other improvements which the Board may effect prior to the disposal of the land as farm allotments. The purchase money, with interest at  $4\frac{1}{2}$  per cent. per annum, must be paid by sixty-three or a less number of half-yearly instalments. The conditional purchase lease may be for such a term of years (not exceeding thirty-one and a-half) as may be agreed upon between the lessee and the Board. The lease is subject to the following conditions:—Improvements to be effected to the value of 10s. an acre, or if the Board so determines, to the value of 10 per cent. of the purchase money, before the end of the third year of the lease, and to the value of a further 10s. an acre, or if the Board so determines, to the value of a further 10 per cent. of the purchase money before the end of the sixth year of the lease; personal residence by the lessee, or by his wife, or any child not less than 18 years of age, on the allotment for eight months during each year of the first six years; lessee not to transfer, assign, mortgage or sublet within the first six years; and such other conditions and covenants relating to mining, cultivation, vermin destruction, and other matters as may be prescribed by regulation. Upon or at any time after the expiration of the first six years of the lease, provided all conditions have been complied with, the lessee may, on payment of the balance of the principal, acquire the fee-simple of his farm allotment.

#### 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 states. 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 state, 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, 1893, 1897, 1900, and 1902.

Land may be acquired in the following manner:—(1) By conditional selection: agricultural homesteads from 160 to 640 acres, at prices ranging from not less than 20s. for 160 acres to less than 15s. per acre for 640 acres, and agricultural selections up to 1,280 acres, at a price determined by the proclamation rendering the land available for settlement—residence in both cases to be personal or by agent; (2) by unconditional selection, at prices one-third greater than those payable in respect of agricultural selections, the area being limited to 1,280 acres; (3) by grazing-farm selection up to 20,000 acres, the period of lease ranging from fourteen to twenty-eight years at a varying rental,  $\frac{1}{2}$ d. per acre being the minimum; (4) by scrub selection of areas not exceeding 10,000 acres for a term of thirty years, at rentals ranging from a peppercorn to 1d. per acre; and (5) by purchase at auction, of town lands at an upset price of £8 per acre, suburban lands at £2 per acre, and country lands at £1 per acre for land classed as agricultural, and 10s. per acre for any other.

The state is, so 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 state 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 16 years of age—married women excepted, unless they are judicially separated or possess separate estate, or living apart from their husbands, provided the husbands have never acquired a homestead of the character sought—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 fourteen, twenty-one, or twenty-eight years, at an annual rent varying according to the quality of the land,  $\frac{1}{2}$ d. an acre being the minimum. This rent is subject to reassessment by the Land Court after the first seven years, and subsequently at intervals of seven years, but it cannot be decreased at any reassessment, nor can it be increased by more than one-half of the rent for the period immediately preceding. 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 fourteen, twenty-one, or twenty-eight years as soon as the farm is enclosed with a substantial fence, which must be done within three years, or such extended time, not exceeding two years, as the Land Court may allow. The lease may be transferred or mortgaged after the expiration of five years from the commencement of the lease, and the farm may be subdivided, or, with the consent of the Land Court, sublet. 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 Commissioner may issue a license to a group of two or more selectors, enabling any one of the selectors to perform the condition of occupation in respect of any of the selections as well as on his own behalf, but the number of selectors personally residing is not at any time to be less than half the whole number interested. One-fifth of the cost of survey, ranging from about £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, and the balance in equal instalments without interest.

#### *Grazing Homesteads.*

Lands available as grazing farms are also open for selection as grazing homesteads at the same rental and for the same term of lease. An application to select as a grazing homestead takes precedence of a simultaneous application to select the same land as a grazing farm. The conditions and other provisions mentioned in respect of grazing

farms are applicable also to grazing homesteads, with the exception that during the first five years of the term of a grazing homestead the condition of occupation must be performed by the continuous personal residence of the selector on the land.

#### *Agricultural Farms.*

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 twenty years from the date of the license, with right of purchase at any time after continuous occupation of the lease for a period of five years. The annual rent is one-fortieth of the purchasing price specified in the proclamation declaring the land open, and varies according to the quality and situation of the land, its natural supply of water, etc. The selector must occupy the land continuously, either in person or by an agent—who must be a person qualified to select a similar selection—for the whole term of the lease; but if the selector is the holder of two or more agricultural selections each of which is at a distance not exceeding fifteen miles from the others, the residence of the selector or his agent on one of the selections is sufficient. 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.

#### *Agricultural Homesteads.*

When land is taken up as an agricultural homestead, the area is restricted to 160 acres, 320 acres, or 640 acres, according as the price specified in the proclamation is determined at not less than 20s., less than 20s. but not less than 15s., or less than 15s. per acre respectively. The selection must be enclosed within a period of five years, or permanent improvements effected at an expenditure dependent on the capital value of the land. The applicant is entitled to a lease for a period of ten years, at a rental of 3d. per acre; but he may acquire the fee-simple of the land on the terms prescribed in the proclamation, after the expiration of five years from the commencement of the lease.

Two or more selectors of agricultural homesteads 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-half of the whole number of selectors interested are in actual occupation; and any sum expended on permanent improvements on any one homestead in excess of the required amount may be credited to any other farm or farms in the group. In other respects the conditions are similar to those governing agricultural homesteads.

*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.

*Unconditional Selection.*

Areas of land are also available for unconditional selection at prices one-third greater than those payable in respect of agricultural selections. The term of lease is twenty years, and the annual rent one-twentieth of the purchasing price, which may not be less than 13s. 4d. per acre. At any time during the currency of the lease the freehold may be acquired. As the term implies, no other conditions than the payment of the purchase money are attached to this mode of selection—the maximum area allowed to be selected being 1,280 acres. The proportion of cost of survey, on the same scale as for agricultural selection, must be deposited with the first instalment of purchase money at the time of application, the balance to be paid in equal annual instalments.

*Scrub Selections.*

Lands which are entirely or extensively overgrown with scrub are available for selection in four classes, determined by the extent of scrub. The area selected must not exceed 10,000 acres, and the term of lease is thirty years, the rent ranging from a peppercorn per acre in the first five years,  $\frac{1}{2}$ d. an acre for the next succeeding ten years, and 1d. per acre for the remaining fifteen years in respect of lands in the first class, to a peppercorn for the first twenty years, and 1d. per acre for the remaining ten years in relation to those of the fourth class. During the period of lease under which the selector pays a peppercorn rent the whole of the scrub must be cleared—a proportionate area in each year—and the land enclosed. Compensation is paid in respect of clearing on any land resumed, but upon determination of the lease the clearing improvements revert to the Crown.

*Auction Lands.*

The alienation in fee of allotments in towns is restricted to areas ranging from 1 rood to 1 acre, at an upset price of £8 per acre; while in respect of suburban lands, areas of 1 to 5 acres may be acquired within 1 mile of town lands, and the limit is extended to 10 acres in regard to lands situated over 1 mile from such town lands, the upset price being £2 per acre. In respect of country lands, the maximum area that may be sold in any one year is limited to 150,000 acres in lots

not exceeding 320 acres, and the upset price is fixed at £1 per acre for land classed as agricultural, and not less than 10s. per acre for any other. A deposit of 20 per cent. is to be paid at time of sale, and the balance, with deed, assurance, and survey fees, within one month thereof.

#### *Pastoral Leases.*

Under the provisions of the Land Act, 1902, the lessee of any holding held at the passing of the Act, may make application prior to the 1st January, 1904, for the classification of the same by the Land Court. The leases of classified holdings which may be granted are: 1. For a term consisting of the unexpired part of the term of the surrendered pastoral lease and ten years more; provided that no such lease shall be for a longer term than twenty years, or in the case of a holding the lease whereof was extended under previous enactments, twenty-four years. 2. For a term consisting of the unexpired part of the term of the surrendered pastoral lease and twenty years more: provided that no such lease shall be for a longer term than thirty years, or, in the case of a holding the lease whereof was extended under previous enactments, thirty-four years. 3. For a term consisting of the unexpired part of the term of the surrendered pastoral lease and thirty years more; provided that no such lease shall be for a longer term than forty years, or in the case of a holding the lease whereof was extended under previous enactments forty two-years. 4. For the term of forty two years.

The rent payable is determined by the Land Court.

#### *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, and 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 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.

#### SOUTH AUSTRALIA.

The settlement of the state 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 states, 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, 1895, 1896, 1897, 1898, and 1899.

#### *General Provisions.*

The law as it now stands gives power to the Government to alienate Crown lands in the following manner:—(1) By auction, town lands, Crown lands within hundreds, and special blocks may be alienated, but no sales of country lands may be made at a price of less than 5s. per acre; a deposit of 20 per cent. is required at time of sale, the residue to be paid within one month therefrom; (2) by lease with right of purchase, the period of lease being twenty-one years, with option of renewal for a further period of twenty-one years, and right of purchase exercisable at any time after the expiration of the first six years of the term, at a price of not less than 5s. per acre. 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; and the area that a lessee may at any one time hold with a right of purchase is restricted to 1,000 acres. No lease with right of purchase, or perpetual lease, can be granted of lands of such value that the purchase money will exceed £5,000 unimproved value. 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 5s. an acre.

The rent chargeable on 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 commence forthwith 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.

A pastoral lessee may surrender his lease for a perpetual lease where the unimproved value of the land comprised therein, together with that of all other lands held by him, does not exceed £5,000, or where, in the opinion of the Commissioner, the land is suitable only for pastoral purposes, and the carrying capacity thereof unimproved, and of all other lands held by the lessee under any tenure does not exceed 5,000 sheep. The annual rent of the perpetual lease in such case is to be determined by the Surveyor-General, subject to the approval of the Commissioner, according to the actual value, irrespective of the amount of the right of purchase granted in respect thereof.

#### *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. Other lands may be sold at 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.*

The administration of the law in respect of pastoral lands is controlled by a Pastoral Board consisting of three members, including the Surveyor-General. Legislation passed in 1899 provides that in future pastoral leases the classification hitherto existing is abolished, and the term of such leases is to be forty-two years, subject to a revaluation of the rent for the second twenty-one years, the rent to be determined by the carrying capacity of the land for the depasturing of stock, the value of the land for agricultural and other purposes, and the proximity and facilities of approach to railway stations, ports, rivers, and markets. Pastoral leases current at the time of the passage of the legislation referred to are divided into three classes. Class A includes all pastoral lands within district A, the boundaries of which are set out in the

Schedule to the Pastoral Act of 1893 ; Class B includes similar land in district B ; and Class C includes all pastoral lands to the south of the 26th parallel of south latitude, and not included in Classes A and B. 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 should have 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.

A pastoral lessee may surrender his lease for a perpetual lease where the unimproved value of the land comprised therein, together with that of all other lands held by him, does not exceed £5,000, or where, in the opinion of the Commissioner, the land is suitable only for pastoral purposes, and the carrying capacity thereof unimproved and of all other lands held by the lessee under any tenure does not exceed 5,000 sheep.

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. The Commissioner is not bound to recover improvement moneys or to protect improvements, and any moneys paid to an incoming lessee for depreciation of improvements are to be laid out in their repair ; 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.

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. In addition, pastoral leases granted subsequent to 28th January, 1899, contain a covenant binding the lessee to expend in improvements such sum, not to exceed 10s. per mile per annum as shall be recommended by the Pastoral Board, and approved by the Commissioner, the covenant to cease so soon as an expenditure of at least £3 per mile in improvements has been made on the land.

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.

Forfeiture of a lease does not take effect until after three months' notice has been given to the lessee, who may thereupon apply for relief to the Tenants' Relief Board, which consists of a Judge of the Supreme Court assisted by two assessors. After consideration of all matters affecting the question, the Board may determine as they think fit.

#### *Working-men's Leases.*

A new feature has been introduced into the land legislation of the state, in response to the claims of the working classes. It is enacted that certain lands of the province may be surveyed into blocks exceeding 20 acres in area, so long as the unimproved value does not exceed £100, and leased under the conditions affecting leases granted with the right of purchase and 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. Either husband or wife may hold a working-man's block, but not both at the same time. 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 residential condition. 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.

#### *Exchange of Lands.*

Crown lands may be exchanged for any other lands, notwithstanding the existence of any lease that may have been issued in connection with the former. The Crown lands proposed to be given in exchange may be granted in fee simple or under perpetual lease.

#### *Village Settlements.*

Twenty or more persons of the age of eighteen and upwards may form an association for the purpose of founding a village settlement. The memorandum, on approval of the Commissioner, is deemed to be

registered, and the association becomes a corporate body, with the right to sue and to be sued. The proclamation sets forth the name, situation, and boundaries of the village; the names of the villagers and of the trustees of the association; the maximum area to be allotted to each villager; and the nature and aggregate value of the improvements to be made on the land, and the period within which they are to be effected. Within two months of the publication of the proclamation constituting a village, the Commissioner is to issue to the association a perpetual lease thereof. The conditions attached are that, after the first six months from the date of issue of the lease, at least one-half of the villagers shall reside upon and utilise the land in the manner prescribed; that during each of the first ten years the sum of 2s. per acre at least shall be expended in improvements, which are to be kept in good repair; and that the lands are not to be sub-let. The Commissioner may make advances to registered associations, to the extent of £100 for each villager, for the purchase of tools or to effect improvements, such advances to be repaid in ten equal yearly instalments, with interest at the rate of 5 per cent. per annum. Power is vested in the Commissioner to expel from an 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 the welfare of the association calls for such action; 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 to be not more than 500.

#### *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 his children have all attained the age of 21 years. 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 should it 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 subject to that Act.

#### *Closer Settlement.*

With a view to the encouragement of closer settlement in the public interest by facilitating the acquisition by the Crown of large estates for subdivision and letting for agricultural purposes at reasonable rents, power is given to the Commissioner to acquire such. The price to be paid for lands compulsorily taken is not to exceed the unimproved value of the land, together with the value of the improvements thereon, with an additional 10 per cent. for compulsory resumption.

#### *Mining Areas.*

Provision is 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 of blocks not exceeding  $\frac{1}{2}$  acre are granted for a period of fourteen years, at an annual rental of 2s. or less.

### 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 remainder 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 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.

#### 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 state 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 into 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 October, 1898, an Act amending and consolidating the laws relating to the sale, occupation, and management of Crown lands received assent.

For the purposes of administration, the state is divided into six divisions, namely, the South-west division, the Western division, the North-west division, the Kimberley division, the Eucla division, and the Eastern division. Land may be acquired in the following manner:—(1) By auction of town and suburban lands in all divisions, at an upset price to be determined by the Governor; (2) by conditional purchase—(a) by deferred payments with residence within agricultural areas in all divisions; (b) by deferred payments with residence on any land other than agricultural in the south-west division; (c) by deferred payments with residence on any land within 40 miles of a railway within the eastern and Eucla divisions, at a price of not less than 10s. per acre, payable in twenty yearly instalments, and in areas not exceeding 1,000 acres nor less than 100 acres; (d) by deferred payments without residence within an agricultural area, also over any other land within the south-west division, or within 40 miles of a railway within the eastern and Eucla divisions, which may from time to time be declared open to selection; (e) by direct payment without residence within agricultural

areas of not less than 100 acres nor more than 1,000 acres, at a price of not less than 10s. per acre, 10 per cent. of which is to be paid on application and the balance within twelve months of date of the commencement of the license, by four equal quarterly instalments; (*f*) by direct payment without residence, for gardens, in all divisions, of areas of not less than 5 nor more than 50 acres, at not less than 20s. per acre; (*g*) of poison lands; (*h*) working-men's blocks; (*i*) free home-stead farms; (*j*) of grazing lands, second and third class lands.

#### *Auction Lands.*

Town and suburban lands in all 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, the balance of the purchase money, in the case of town lots, by two equal instalments at the end of three and six months; in the case of suburban lots, by four equal quarterly instalments, subject to alteration by regulation, the Crown grant and registration fees being payable with the last instalment. All suburban land is sold subject to the condition that each lot shall, within two years from the date of sale, be enclosed with a fence of a prescribed description.

#### *Conditional Purchase.*

In all the divisions, 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 lease is granted for twenty years. Within six months the lessee must take up his residence on some portion of the land; and make it his usual home without any other habitual residence, during, at least, six months in each year for the first five years. The lessee must within two years from the date of the commencement of his lease fence at least one-tenth of the area, and within five years enclose the whole of the land, and must, within ten years, expend upon the land, upon prescribed improvements, in addition to the exterior fencing, an amount equal to the full purchase money. After the lease has expired, provided that the fence is in good order, and the improvements have been maintained, and the full purchase money has been paid, a Crown grant is given.

Land may be purchased outside agricultural areas in the south-west division, also within 40 miles of a railway within the eastern and Eucla divisions, by free selection, on deferred payments with residence, and otherwise subject to all the conditions required within agricultural areas as already stated.

Under the fourth mode of purchase, the applicant is subject to all the conditions, except that of residence, imposed under the first mode, but he has to expend twice the amount on improvements in lieu of residence.

By the fifth mode, land of a minimum extent of 100 acres and a maximum of 1,000 acres, within an agricultural area, and not more than 5,000 acres outside an agricultural area, may be applied for at a price (not less than 10s. per acre) fixed by the Governor-in-Council. Within three years the land must be enclosed, and within seven years a sum equal to 5s. per acre must be spent on improvements, in addition to the exterior fencing.

For garden purposes, small areas of not less than 5 acres nor more than 50 acres (except in special cases) may be purchased within all divisions 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.

Lands infested with poisonous indigenous plants, so that sheep or cattle cannot be depastured thereon, are available for conditional purchase, in areas of not more than 10,000 acres nor less than 3,000 acres, at a price not less than 1s. per acre, payable half-yearly, at the rate of one-thirtieth of the total purchase money per annum. Upon approval of the application, a lease for thirty years is granted, subject to the conditions that the lessee shall, within two years, fence one-tenth, and within five years enclose the whole area, with a fence of the prescribed description, and, during the term of his lease, eradicate the whole of the poisonous indigenous plants. At the expiration of the lease, or at any time during the currency of the same, provided all the conditions have been complied with, the fencing properly maintained, and the full balance of the purchase money and fees paid, and provided that the land has been rendered safe for depasturing cattle and sheep at all seasons, and has continued so for a term of two years, a Crown grant of the land issues. A pastoral lessee has the first right to select land within his lease under these terms.

Every person who does not own land within the state in freehold, or under special occupation, or conditional purchase, or a homestead farm, who is the head of a family, or a male who has attained the age of 18 years, is entitled to obtain a lease of lands set apart for workingmen's blocks. The maximum area that may be selected by one person is, if within a gold-field,  $\frac{1}{2}$  an acre, or 5 acres elsewhere. The price of the land is not less than £1 per acre, payable half-yearly, at the rate of one-tenth of the total purchase money per annum. The application is to be accompanied by a deposit of half a year's rent, and, on approval, a lease for ten years issues. Within three months from the date of the lease, the lessee must take personal possession and reside upon it during at least nine months in each of the first five years of the lease; possession and residence may, however, be performed by the lessee's wife or a member of his family. Within three years the land must be fenced,

and within five years an amount equal to double the full purchase money, in addition to his house and exterior fencing, must be expended on the land in prescribed improvements. At the expiration of the lease, or at any time after five years from commencement of lease, provided all the conditions have been complied with, and the fencing and improvements maintained, and the full purchase money and fees paid, a Crown grant issues.

Any person who does not already own more than 100 acres of land within the state, in freehold or conditional purchase, and being the head of a family, or a male who has attained the age of 18 years, may apply for a free homestead farm of not more than 160 acres, from lands declared open for such selection within the south-west division, and within 40 miles of a railway in the eastern or Eucla division, not being within a gold-field. The application is to be accompanied by a statutory declaration and a fee of £1, and, upon approval, an occupation certificate authorising the applicant to enter upon and take possession of the land for the term of seven years is issued. Within six months from the date of the occupation certificate, the selector must take personal possession of the land, and reside upon it for at least six months in each year for the first five years of the term. Within two years from the date of the certificate, a habitable house must be erected of not less than £30 in value, or the selector must expend £30 in clearing, or clearing and cropping, or prepare and plant 2 acres of orchard and vineyard. Within five years, one-fourth of the land must be fenced and one-eighth cleared and cropped. Within seven years, the whole must be enclosed, and at least one-fourth cleared and cropped. At the expiration of seven years, provided the conditions have been complied with, a Crown grant issues on payment of the usual fees.

Leases for thirty years of second and third class lands are granted, called grazing leases, but which are really another form of conditional purchase. The maximum area allowed to be taken up is 3,000 acres of second-class, and 5,000 acres of third-class, land, and the minimum in both cases is 1,000 acres; and if one person selects two leases in different classes, the total quantity must not exceed 4,000 acres. The price of second class land is not less than 6s. 3d. per acre, and of third class land 3s. 9d. per acre, payable half-yearly at the rate of 2½d. and 1½d. per acre respectively. The lessee is required to pay one-half the cost of survey in ten half-yearly instalments. Within six months from the date of the commencement of the lease, the lessee must take possession of the land and reside upon it during at least six months of the first year, and nine months in each year of the next four years. Residence may, however, be complied with by the lessee's agent or servant. Within two years from the date of the commencement of the lease, the lessee is required to fence at least one-tenth of the area contained therein, and within five years to fence the whole of the land, and within fifteen years to expend upon the land in prescribed improvements an amount equal to the full purchase money in addition to the exterior fencing.

*Pastoral Lands.*

Pastoral lands are granted on lease, which gives no right to the soil or to the timber, except for fencing and other improvements on the land leased, 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, 1928, and the rental named is for every 1,000 acres:—South-west division.—In blocks of not less than 3,000 acres, at 20s. per annum for each 1,000 acres or part of 1,000 acres; if, however, the land is in that part of the division situated eastward of a line from the mouth of the Fitzgerald River in the direction of Mount Stirling, the rental is 10s. per annum for each 1,000 acres or part thereof. Western and north-west division.—In blocks of not less than 20,000 acres, at 10s. per annum for each 1,000 acres or part thereof. Eucla division.—In blocks of not less than 20,000 acres, at 5s. per annum for each 1,000 acres or part thereof. Eastern division.—In blocks of not less than 20,000 acres, at the following rental:—For each 1,000 acres or part thereof, 2s. 6d. for each of the first seven years, and 5s. for each of the remaining years of the lease. Kimberley division.—In blocks of not less than 50,000 acres when on a frontage, nor less than 20,000 acres when no part of the boundary is on a frontage, at a rental of 10s. per annum for each 1,000 acres or part thereof. Any lessee in the Kimberley Division, or in that part of the south-west division situated to the eastward of a line from the mouth of the Fitzgerald River in the direction of Mount Stirling may obtain a reduction of one-half the rent due for the remaining years of his lease, who at any time during its term shall have in his possession within the division ten head of sheep or one head of large stock for each 1,000 acres leased. Except in the south-western division, a penalty of double rental for the remaining portion of the lease is imposed should the lessee within seven years have failed to comply with the stocking clause.

Any Crown land within a gold-field or mining district, not required to be reserved for any public purpose, may be leased for pastoral purposes in blocks of not less than 2,000 acres at a rental of 10s. per 1,000 acres. In the event of the land, or any portion of it, being taken for an agricultural area, the lessee is only entitled to three months notice.

*Miner's Homestead Leases.*

Any miner resident on a gold-field, being not less than 18 years of age, may apply for a miner's homestead lease of any Crown lands within the limits of a gold-field set apart for the purpose. The area which may be taken up is as follows:—Within 2 miles of the nearest boundary of any town site or suburban area, 20 acres; and beyond 2 miles from such boundary, 500 acres; and the aggregate area applied for by any one person within the same gold-field shall in no case exceed 500 acres. Upon the approval and notification of the lease in the *Government Gazette*, the applicant is entitled to enter upon and occupy



the land ; but if at the expiration of six months he has not used or occupied the land, either by himself residing upon it, or by enclosing one-tenth part of it with a substantial fence, or by substantial improvements upon the land, or by carrying on some manufacture upon or in connection with the land, he is deemed to have abandoned it. The lessee is required, within three years from the date of survey of the land, to fence the whole of it with a substantial fence, not being a bush fence, sufficient to resist the trespass of great stock ; and within five years from the said date to expend upon the land in prescribed improvements an amount equal to 10s. per acre. If the area does not exceed 20 acres, the annual rent is at the rate of 2s. for every acre or part of an acre ; if the area exceeds 20 acres, the annual rent is at the rate of 6d. per acre or part of an acre, payable during the first twenty years of the lease, and thereafter an annual rent of 1s. The minimum annual rent for the first twenty years to be reserved by any lease shall not be less than 10s.

#### TASMANIA.

In the earlier period of the occupation of Tasmania, from 1804 to 1825, the island was administered as a part of New South Wales, and 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. Amendments of the 1890 Act have, however, been made in 1895 and 1900.

The business of the Lands and Survey Departments is now transacted by virtue of the Crown Lands Act of 1890, and its amendments in 1895 and 1900, under which, for the convenience of survey operations, the island is divided into fifteen districts. Lands of the Crown are divided into two classes—town lands and rural lands, the latter being further subdivided into first-class agricultural lands and second-class lands. Lands which are known to be auriferous, or to contain 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.

Land may be acquired in the following manner :—(1) By selection of rural lands in areas of not less than 15 nor more than 320 acres, at an upset price of £1 per acre, with one-third added for credit ; (2) by selection of rural lands of not less than 15 nor more than 50 acres, at an upset price of £1 per acre, with one-third added for credit ; (3) by selection of lands within mining areas—if situated within 1 mile of a

town reserve, of an area of not less than 1 nor more than 10 acres; and if at a greater distance than 1 mile, of not less than 10 nor more than 100 acres—the upset price of first-class lands being not less than £1 per acre, payable in fourteen years, and that for second-class lands not less than 10s. per acre, payable in ten years; (4) by auction—(a) of town lands at the upset price notified in the *Gazette*, (b) of second-class lands at an upset price of 10s. per acre in lots of not less than 30 nor more than 230 acres, (c) of second-class rural lands at an upset price of not less than 10s. per acre (maximum area 320 acres), (d) of third-class rural land at an upset price of not less than 5s. per acre, in lots of not less than 60 acres nor more than 320 acres; (5) as settlement areas by any persons, styled “the purchasing body,” in areas not exceeding 1,000 acres.

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.

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

The same proportions are allowed 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.*

Any person of the full age of 18 years, who has not purchased under the Crown Lands Acts, 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. Where 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.

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 course of 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 under such circumstances 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 an instalment 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.

Second-class lands may be sold by auction at the upset price of 10s. per acre in lots of 30 to 320 acres, the latter being the maximum quantity which 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.

Third-class lands may be sold by auction at an upset price of not less than 5s. per acre, and in lots of not less than 60 acres nor more than 320 acres. Within one year from the sale of the land,

the purchaser must begin to effect substantial improvements other than buildings on the land, and continue in each year during the five consecutive years thereafter to effect such substantial improvements to the value of 1s. for every acre of land so purchased.

Rural lands not alienated and not exempt from sale may be sold by auction. Town lands are sold only in this way. Ten shillings per acre is the lowest upset price, and agricultural lots must not exceed 320 acres. Lands unsold by auction may be disposed of by contract. No private lands may be sold by private contract within 5 miles of Hobart or Launceston.

#### *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 three years is required, and in default the land is forfeited to the Crown. 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, and an area 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. A deposit of one-sixth of the purchase money must be made on the approval of the sale, 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.

#### *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 required 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.

#### NEW ZEALAND.

The first settlements in New Zealand were founded 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 the colony. 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 state 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 Amending Acts of 1893, 1895, 1896, 1897, and 1899, 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 and, 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. All applications, whether for surveyed or unsurveyed lands, are deemed to be simultaneous if made on the same day, and, if there be more than one applicant for the same land, the right of selection is determined by ballot.

#### *The Optional System of Selection.*

After lands have been notified as open under the optional system, they may be obtained on any of the three following tenures :—(a) Freehold, (b) occupation with the right of purchase, (c) lease in perpetuity.

##### (a) Freehold.

If the land is surveyed, one-fifth of the price is payable at the time of application, and the balance within thirty days ; or if the land is unsurveyed, the survey fee, which goes towards the purchase of the land, is deposited when the application is agreed to, and the balance within thirty days of notice that survey is completed. Freehold-tenure lands must be improved within seven years to an amount of £1 an acre for first-class lands, and 10s. an acre for second-class land. 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.

##### (b) Occupation with Right of Purchase.

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 must commence on bush or swamp lands within four years, and be continuous for six years, and in open or partly open land it must begin within one year from the date of selection, and be continuous for a period of seven years. The land must be improved to an amount equal to 10 per cent. of its value within one year from the date of the license or lease; within two years must be improved to the amount of another 10 per cent.; and within six years to the value of another 10 cent., making 30 per cent. in all within the six years. In addition, the land must be further improved to an amount of £1 an acre for first-class land, and on second-class land to an amount equal to the net price of the land, but not more than 10s. per acre. Two or more persons may make a joint application to hold as tenants in common under this tenure. Land held on deferred payment may be mortgaged under the Government Advances to Settlers Act of 1894.

#### (c) Leases in Perpetuity.

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 this tenure. The residence must be continuous for a term of ten years, and the conditions of improvements are similar to those imposed in connection with occupation with the right of purchase.

#### *Residence and Improvement Conditions.*

Residence is compulsory (with a few exceptions mentioned in the Act). 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 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.

#### *Special Settlement Associations.*

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 required in connection with selections under the optional system of selection, and applications have to be made in the manner prescribed by the regulations.

#### *Improved Farm Settlements.*

Special regulations are in force for this class of settlement, and those who form settlements are selected from the applicants by the Commissioner, preference being given to married men. The area of the farms may vary from 10 to 200 acres, according to locality, and no settler can select more than one farm. The land is leased for 999 years at a rental of 4 per cent. on the unimproved capital value, to which is added the amount advanced by Government for clearing, grassing, etc. Residence for the first ten years is compulsory, and the improvements to be effected are similar to those on leases in perpetuity.

#### *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 1 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. Where a village-settlement selector has taken up less than the maximum area prescribed, he may obtain an additional area in certain cases without competition on the same tenure and terms as the original holding. 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. These runs are leased for terms of twenty-one years, with right of renewal for a like term, at a rent of  $2\frac{1}{2}$  per cent. on the capital value of the land, but such capital value cannot be less than 5s. per acre. 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 six months' 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 who are of the age of 17 years and upwards, and new leases may be issued to them on the terms and subject to the conditions of residence and improvements contained in the original lease.

*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 or 2,000 cattle, 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 over any part of the run which may be leased for another purpose, purchased, or reserved. The tenant 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 again to 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. Where a lessee seeks relief, and the application is favourably reported on by the Board, the whole or part of one year's rent payable or paid may be remitted or refunded, or the lease may be extended, or a new lease or license issued in lieu thereof. The Minister may also postpone payment of rent or sheep rate where a tenant has applied or signified his intention of applying for relief.

#### *Acquisition of Land for Settlement.*

The administration of the law in respect of the acquisition of land for settlement is vested in a Board 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 Land Purchase Inspector, and a member of the Land Board of the district. 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 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. Where land acquired 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 above.

A large area, principally in the North Island, remains in the hands of the native race, and this land may be acquired for settlement after a

report upon its character, suitability for settlement, and value, has been made by a Board specifically appointed for the purpose. On notification, the land becomes Crown land, subject to trust for native owners.

#### 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 1902. 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:—

State.	Area.	Area alienated or in process of alienation.	Area leased.	Area neither alienated nor leased.
	acres.	acres.	acres.	acres.
New South Wales . . . . .	198,848,000	48,507,192	131,099,305	19,241,503
Victoria . . . . .	56,245,760	24,058,181	17,244,278	14,943,301
Queensland . . . . .	427,838,080	16,824,355	289,495,477	121,518,248
South Australia . . . . .	578,361,600	14,207,490	197,570,367	366,583,743
Western Australia . . . . .	624,588,800	9,856,592	112,086,002	502,646,206
Tasmania . . . . .	16,778,000	4,955,550	1,518,895	10,303,555
Commonwealth . . . . .	1,902,660,240	118,409,360	749,014,324	1,035,236,556
New Zealand . . . . .	66,861,440	24,029,976	16,254,847	26,576,617
Australasia . . . . .	1,969,521,680	142,439,336	765,269,171	1,061,813,173

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

State.	Area alienated or in process of alienation.	Area leased.	Area neither alienated nor leased.
	per cent.	per cent.	per cent.
New South Wales .....	24·39	65·93	9·68
Victoria .....	42·77	30·67	26·56
Queensland .....	3·93	67·67	28·40
South Australia .....	2·46	34·16	63·38
Western Australia.....	1·58	17·94	80·48
Tasmania.....	29·54	9·05	61·41
Commonwealth .....	6·22	39·37	54·41
New Zealand .....	35·94	24·31	39·75
Australasia .....	7·23	38·86	53·91

The figures in the foregoing table disclose many grounds for congratulation. Of 1,902 million acres which comprise the area of the Commonwealth, 868 millions, or 45·59 per cent., are under occupation for productive purposes, and of an extent of 1,969 millions, the area of Australasia, no less than 908 millions, or 46·09 per cent., are similarly occupied, 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 19 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 State of Tasmania has nearly 62 per cent. of its area unoccupied, the western part of the island being so rugged as to forbid settlement. Settlement in Western Australia is only in its initial stage; much of the area of the state 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 36·62 per cent. is in occupation. New Zealand, favoured with a beneficent climate, has nearly half its area not utilised—a circumstance entirely due to the mountainous character of its territory.

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 provinces; 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 states of the Commonwealth, viz., New South Wales, South Australia, Western Australia, and for New Zealand, and that in respect of Western Australia the information is deficient in regard to the area of the holdings. The figures given for Western Australia in the table refer to the year 1900, for South Australia to the Census year of 1891, for New South Wales to the year 1902, and for New Zealand to the year 1901:—

Size of Holdings.	New South Wales.		South Australia.		Western Australia.	New Zealand.	
	Number of Holdings.	Area of Holdings.	Number of Holdings.	Area of Holdings.	Number of Holdings.	Number of Holdings.	Area of Holdings.
		acres.		acres.			acres.
1 to 100 acres.....	38,801	1,176,905	6,804	183,443	1,926	36,478	959,462
101 to 1,000 acres.....	27,351	9,625,563	10,618	4,711,060	3,019	23,755	7,737,050
1,001 to 5,000 acres.....	4,661	9,371,924	2,394	4,623,937	607	2,554	5,849,516
5,001 to 20,000 acres.....	954	9,467,685	481	4,737,253	111	627	5,811,728
20,001 acres and upwards..	360	17,502,308	58	1,974,995	36	268	15,150,133
Total.....	72,127	47,144,475	20,355	16,230,688	5,699	63,982	35,507,889

It will be seen that in the case of South Australia and New Zealand the area included in the foregoing table is greater than the area alienated as shown on page 598; the figures for these states must therefore include some Crown lands held under lease.

Out of the 47,144,475 acres set down to New South Wales in the foregoing, 43,178,955 acres are in the actual occupation of the owners, and 3,965,520 acres are held under rent. In New Zealand the proportion was not stated at the last Census. 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 738 persons or institutions, in South Australia by 1,283, and in New Zealand by less than 500.