

(No. 64.)



1863.

[SECOND SESSION.]

T A S M A N I A.

R E P O R T

FROM THE SELECT COMMITTEE APPOINTED TO CONSIDER
THE WASTE LANDS BILL.

Brought up by Mr. Davies, and ordered by the House to be printed,
11 August, 1863.



REPORT from the Select Committee appointed to enquire into the Operation and Results of the Waste Lands Acts, with a special reference to the working of the Selection and Credit Clauses; together with the Minutes of Evidence.

THURSDAY, 18 JUNE, 1863.

Ordered, That a Select Committee be appointed to enquire into the operation and results of the Waste Lands Acts, with a special reference to the working of the Selection and Credit Clauses.

Resolved, That leave be given that the said Committee shall consist of more than Seven Members.

Then the following Members were nominated to be of the said Committee:—

MR. BALFE.
MR. JAMES GRANT.
MR. SHARLAND.
MR. DODERY.

MR. KNIGHT.
MR. DAVIES.
MR. SHERWIN.
MR. ALLISON.

TUESDAY, 30 JUNE, 1863.

Resolved, That Mr. Hodgson be a Member of the Waste Lands Committee in the room of Mr. Grant.

EXPENSES of Witnesses.

<i>Name.</i>	<i>Profession.</i>	<i>From whence summoned.</i>	<i>Number of Days absent from Home.</i>	<i>Expenses allowed.</i>
Frederic Synnot, Esquire, <i>J.P.</i>	Landed Proprietor.	Bothwell.	—	—
Henric Nicholas, Esquire, <i>J.P.</i>	ditto.	Hamilton.	—	—
Edward C. Shaw, Esquire, <i>J.P.</i>	ditto.	Swanport.	—	—
Honorable W. Gibson, Esquire, <i>J.P.</i> ..	ditto.	Perth.	—	—
Robert Power, Esquire, <i>J.P.</i>	Late Surveyor-General	Hobart.	—	—
Mr. Daniel Simpson	Landed Proprietor.	Prosser's Plains.	—	—
J. E. Calder, Esquire	Surveyor-General.	Hobart.	—	—

PROCEEDINGS OF COMMITTEE.

No. 1. 25 June, 1863. *Members present.*—Mr. Sherwin, Mr. Dodery, Mr. Allison, Mr. Davies, and Mr. Knight.

No. 2. 26 June, 1863. *Members present.*—Mr. Sherwin, Mr. Dodery, Mr. Allison, Mr. Davies, and Mr. Knight.

No. 3. 1 July, 1863. *Members present.*—Mr. Sherwin, Mr. Dodery, Mr. Allison, Mr. Davies, Mr. Knight, Mr. Hodgson, Mr. Balfe.

No. 4. 3 July, 1863. *Members present.*—Mr. Sherwin, Mr. Dodery, Mr. Allison, Mr. Davies, Mr. Hodgson.

No. 5. 8 July, 1863. *Members present.*—Mr. Sherwin, Mr. Dodery, Mr. Knight, Mr. Davies.

No. 6. 10 July, 1863. *Members present.*—Mr. Sherwin, Mr. Allison, Mr. Knight, Mr. Hodgson.

No. 7. 14 July, 1863. *Members present.*—Mr. Sherwin, Mr. Allison, Mr. Knight, Mr. Davies, Mr. Balfe.

No. 8. 17 July, 1863. *Members present.*—Mr. Sherwin, Mr. Allison, Mr. Knight, Mr. Davies, Mr. Hodgson.

No. 9. 30 July, 1863. *Members present.*—Mr. Knight, Mr. Allison, Mr. Hodgson, Mr. Sherwin.

No. 10. 4 August, 1863. *Members present.*—Mr. Balfe, Mr. Knight, Mr. Davies, Mr. Sherwin, Mr. Allison, Mr. Sharland, Mr. Dodery.

No. 11. 6 August, 1863. *Members present.*—Mr. Davies, Mr. Knight, Mr. Allison, Mr. Dodery, Mr. Sherwin, Mr. Hodgson.

No. 12. 7 August, 1863. *Members present.*—Mr. Allison, Mr. Sherwin, Mr. Hodgson, Mr. Davies, Mr. Balfe, Mr. Dodery, Mr. Knight.

No. 13. 11 August, 1863. *Members present.*—Mr. Davies, Mr. Balfe, Mr. Allison, Mr. Sharland, Mr. Dodery, Mr. Knight, Mr. Sherwin, Mr. Hodgson.

R E P O R T.

YOUR Honorable House having remitted for the consideration of your Committee the Bill, No. 3, having for its object "*the regulation of the Sale and Disposal of Waste Lands of the Crown in the Colony of Tasmania*," your Committee have given to the consideration of the subject all that attention which its importance demands,—an importance which must be patent to your Honorable House, involving as it does the interests of a very large class of this community, and of the Colony itself.

Your Committee had held twelve meetings,—had examined six witnesses,—had carefully read over the results of the meetings of Select Committees of former Sessions,—and had commenced a scrutiny, clause by clause, of the Bill remitted to them, when they unanimously arrived at the conclusion that it would be their best course to return the Bill to your Honorable House unaltered; only recommending that certain Resolutions, numbered from 1 to 10, should be incorporated in the Bill by the Government.

Other principles suggested themselves to individual members of your Committee, but these they desire to defer until the Bill comes under consideration of your Honorable House.

Resolution 1. This Committee, after due deliberation, record their opinion that the proposed reduction, in the Draft Bill, in the upset price of Crown Lands in the settled Districts is undesirable.

2. That there shall be a fixity of tenure, not exceeding 14 years, given to all Crown Lessees and Pre-emptive Right Holders, and that preferential claims shall be allowed to present occupants. This to be applicable to Pastoral lands only in areas of not less than 500 acres.

3. In all cases the Crown Lessees to be required to pay one moiety of the Rural Police Rate on their lands, according to the Valuation Roll.

4. Payment of Rents should be made on the 1st January and 1st July in each year.

5. The Survey Fee should be deposited by any applicant on making application for land to be put up for sale; the money to be returned to the party on the actual sale of the land.

6. That all persons who are unable to comply with the Pre-emptive Right Regulations, and who are desirous of purchasing under the Credit Clause of the Waste Lands Act, shall be entitled to do so; and shall have all the privileges of the 4th Rule of the Pre-emptive Right Regulations of November, 1851, in the same manner as if they had completed their purchase under those Regulations.

7. That occupation by Servants, stocking, fencing, and improving, should be considered equivalent to personal residence, within the meaning of the 4th Rule of the Pre-emptive Regulations.

8. That Crown Lands, having been put up for sale and not sold, shall, at the expiration of two months, be open for selection by lease; preferential claims being given to the last Lessee.

9. That credit shall be extended to all purchasers of Crown Lands under the Credit Clauses of the Waste Lands Act, whose lands are now, or shall become, subject to forfeiture from non-fulfilment of the Regulations, and who shall have paid the deposit and one or more instalments: provided the purchaser shall pay to the Treasury interest at the rate of 8 per cent. upon the overdue instalments of the purchase-money,—such interest to be paid in advance, from year to year, for such period as the term of credit shall be extended,—but such term of credit on instalments in arrear shall not exceed three years from the expiration of the last year of the original contract; and that no more than one instalment, with accruing interest, shall be demanded in any one year from a purchaser.

10. All the powers of classification referred to in the Draft Bill, and of sale of Crown Lands by private contract proposed to be given to the Commissioner of Crown Lands, shall be restricted to instructions given to that Officer by the Governor in Council.

JOHN DAVIES, *Chairman.*

Committee Room, 11 August, 1863.

ILLUSTRATION.

<i>A.B.</i> purchases from the crown a lot of Land at the upset price of £80.	£	s.	d.
He wishes for Credit, and one-fifth is added to the price, making the <i>Purchase-money</i> of the lot..	96	0	0
<i>A.B.</i> pays his Deposit of one-fifth of the <i>Purchase-money</i>	19	4	0
	£76	16	0

By Clause 29 of the Bill, he is to pay the *Purchase-money* in annual instalments of one-tenth each, till the whole *Purchase-money* is paid, the first instalment being due twelve months after the day of Sale. This would give 8 instalments of £9 12s. each.

Having paid his Deposit, and say two instalments, he finds himself unable to pay the third instalment, and he applies for Credit for 3 years.

At the end of the third year he pays (instead of £9 12s.) interest on the instalment in advance at 8 per cent. = 15s. 4d.

4th Year, interest on two instalments	£	s.	d.
5th Year, interest on three instalments	1	10	8
6th Year he pays the 6th instalment due £9 12s. and interest on the three over-due instalments	2	5	0
7th Year, he pays the 7th instalment due, and interest on the three over-due instalments..	11	17	0
8th Year, he pays the 8th instalment due, and interest on the three over-due instalments..	11	17	0
9th Year, he pays the 3rd instalment due, and interest on two over-due instalments....	11	2	8
10th Year, he pays the 4th instalment and interest on one over-due instalment	10	7	4
11th Year he pays the 5th instalment	9	12	0
And his Land purchase is complete.			

EVIDENCE.

26 JUNE, 1863.

FREDERIC SYNNOT, Esq., J.P., *Hermitage, Bothwell, called in and examined.*

In answer to Questions from the Chairman,—

I am a landholder, and occupier of Crown Lands under *The Waste Lands Act*, in the Bothwell District, and was so previously to the passing of the Act. I have had ample opportunities of seeing the operation of *The Waste Lands Acts*, and of the Regulations preceding them, for 20 years. I am a holder of land under the Regulations of November, 1851,—pastorally, not agricultural.

The land which I hold is not of sufficient value to take it from pastoral uses to apply it to agricultural. In most places, according to my experience, it is totally unfit. The climate is bad in the District; grain will not ripen, and if it did there are no roads to convey the produce to market.

The badness of the times presses heavily just now on the small farmers.

I consider it advisable to afford every facility to the holders of small lots to redeem their lands, if unable to pay their instalments, without interest. It would only add to their difficulties.

I consider that discount should certainly be allowed under the Credit Clause for cash payments. It is preferable to allow discount for cash to the system of adding anything for credit.

Is it advisable to sell by Tender (subject to the Commissioner's discretion or acceptance) all lands which may be put up at auction at 10s. an acre and which have not been purchased, instead of allowing such lands to be taken privately at 10s. an acre or less? I understand the present Regulations, and I do not consider that it would be advisable to adopt the Tender system, because it would be injurious to the Revenue and open to objection. The Commissioners of Crown Lands would have no power to reduce the price, and it would injure private individuals to reduce the general upset price of the Crown Lands. The tender of any person would be no criterion of the value of the lands.

Should occupation by servants and stock be taken to mean personal residence, so as to entitle the occupant to ten years' extension of his lease, as contemplated in the Regulations? Certainly, it is the Law of England.

Should the leases of pastoral lands be for ten years certain, and those who now hold pastoral lands be entitled to continue their possession in accordance therewith? Most decidedly, it would lead to the further

occupation of Crown Land, and therefore be beneficial to the Colony. I can hardly say that the effect of the new clause would be to drive out people to other Colonies. I have not had sufficient experience to express myself on the matter. I am certain that large quantities would be given up if no fixity of tenure. I am aware that large quantities of land are given up, but I do not exactly know the cause of it. I have not done so. I am aware that many runs have been abandoned for disease amongst the sheep. Fixity of tenure would, doubtless, have induced people to continue their occupation or possession, and improve by drainage and thus counteract disease.

I know, from my own knowledge, that great losses have been suffered from want of sufficient Police protection, but I do not know of any lands given up on that account. I have myself suffered great loss. I lost last year 1400 sheep, of which, I believe, great part were stolen. Proper Police protection in the outlying Districts, with fixity of tenure, would lead to increased occupation of the Crown Lands; improvement by drainage, and ringing trees, and clearing the scrubs, and would thus render the public estate doubly valuable.

Should rents not be paid in general quarterly or half-yearly payments,—all leases to commence, say, in May? It would be convenient to have a stated day for the half-yearly payments to become due.

Is it desirable to abolish the present system of printed leases? It is undesirable to clog the Regulations. The legal document from the Treasury is sufficient, if it embodied the conditions on which the land was held. The tenant should have the power of transferring his land on the receipt which he holds from the Treasury, with the consent of the Commissioner; and confirmed by law.

By Mr. Allison.—Are you aware whether the crown lands of this Colony are let at a higher rate than those of the adjacent Colonies? A great deal higher than some of the Colonies.

Are the lands better or inferior in quality? The land is very inferior to that in other Colonies.

By Mr. Dodery.—Do you pay the same rent for all crown lands per 100 acres? The same; viz.—£10 for 1000 acres, with the addition of a certain per-centage after a certain period.

Are you not aware that many crown sheep runs are better than others? Certainly; of course they are.

Do you think it would be advisable, and to the interest of the Land Revenue, to reduce the rental of inferior lands? It would be a difficult matter for the Commissioner, who is the judge, to say what is the value of the land. I do not know that any are let at a lower rent.

Do you think the system of leasing the crown lands by Tender, giving a fixity of tenure for 10 or 14 years, would be equitable, and tend to equalise the value of good runs and inferior runs? No; for this reason. A person may tender for a block of land, and may get it for half its value. The Commissioner might not know the value, and he in many instances cannot know it. I think the present system of letting crown lands is better than by Tender.

By Mr. Sherwin.—Ringing trees is a prevalent practice in our District,—the practice of denuding the Country of timber is not objected to on national grounds, nor on climatic grounds. I know that it improves the pasture. I never heard of its climatic advantages.

By Mr. Allison.—I consider the present lessees should be free from any disturbance by any new Regulations; certainly not; it would lead to mischievous and injurious consequences and loss to lessees, and would compel them to sacrifice stock at an unseasonable time.

HENRIC NICHOLAS, *Esquire, J.P., Camwood, Hamilton.*

In reply to questions from the Chairman,—

I have been an occupier of crown land in the Hamilton District for more than 20 years, and have had a large experience of the working of the Waste Lands Acts.

Do you think when Pre-emptive Right Regulations have been legitimately carried out, and parties are unable to comply, should not an extension of indulgence be made to them? No; not except for 2 or 3 months.

In reply to questions :—

I am decidedly opposed to selling by tender, where the lands have been put up at auction at 10s. an acre and which have not been purchased.

Is it desirable to abolish the present system of printed leases? A legal document from the Government, which can be transferred, is that we require.

I consider that fixity of tenure would considerably promote the interests of the Colony. In 14 years a Lessee could fence and sub-divide his land. No one thinks of putting up a substantial fence under short

leases, and with fixity of tenure we should drain the lagoons and improve. Great quantities of land are given up in our district from rot among the sheep. One gentleman gave up 35,000 acres on account of the rot. Most people would have retained land of this description on a fixity of tenure. I have myself given up much land for this reason. If I had had fixity of tenure I should not have given it up. We have a beautiful marsh which used to fatten sheep, but now they get the rot on it. No doubt clover would grow on it if it were drained. The improvement of the land would increase the quantity of stock, and thus better supply our own market with meat.

I think the improvements on the land should be valued at the end of the lease, if it reverted to the Crown or is sold, as it would be advantageous to the Crown. I speak of my own district; the improvements would double the value of the land. The Crown should pay the full value of the improvements at the date of valuation.

The want of compensation at the end of the lease would not prevent my continuing to be a tenant of the Crown, but I would not carry my improvements so far as I should otherwise do. Buildings on leased lands should be restricted in value. My improvements would fall off as my lease was expiring. I have had trees rung on my private property with great advantage, as it improves the pasture. Double the number of sheep can be kept to much advantage on the land.

By Mr. Allison.—Do you think it would be just to cause the lands at present held by Crown tenants, and improved by them, to be put up to be relet by public tender? In any new Regulations which may be made, the present occupier should not be interrupted.

By Mr. Dodery.—Do you think it advisable, and to the interest of the Land Revenue, to reduce the rental of inferior lands? I think it is unadvisable to reduce the rent of lands in our district. I hold lands myself on the half rent.

In reply to Mr. Allison:—

Great losses have been suffered in our district from sheep-stealing. We miss large numbers. I lost 2000 sheep last year. I know that 500 or 600 died of the rot, and very likely half of the rest of the 2000 were stolen. We are troubled with the native Devils in our district. A neighbour lost 700 young sheep last year; no doubt they were taken over the tier and sold. We do not find out the loss till too late to report it to the Police. We have, I consider, insufficient Police protection; if proper Police protection were afforded it would increase the occupation of Crown Lands.

Lands are not, as far as I know, let at a higher rate in other Colonies; but the Pastoral Lands are far better in the other Colonies where I have been.

1 JULY, 1863.

EDWARD C. SHAW, Esq., J.P., *called in and examined.*

In answer to Questions from the Chairman,—

I am a crown lessee, and have been so for 25 years. My experience as a Magistrate and a Resident in the Glamorgan District, I think, has enabled me to judge of the Waste Lands system of the Colony.

Do you think it advisable to give three years relief to all purchasers up to 200 acres by permitting them to pay interest upon their instalments and extend their final payments three years? I think it absolutely necessary for persons who have taken land under the Pre-emptive Right Regulations, but there are few of this class in my District. I, of course, am now speaking only of my own District, but I have experience of other Districts, as I am a Pre-emptive Right Holder in the Devon District. My reason for thinking extension of time should be given is, that I am sure the purchasers of land have had such difficulties to contend with in clearing land, that it is absolutely necessary to give time to them to complete their purchases.

Under the Pre-emptive Right Regulations any holder of 500 or 600 acres had a right of quiet enjoyment for 1000 acres adjoining for 10 years. I think the extension of time would be desirable,—it would be of advantage to the Colony, and improve the value of land.

In Sales under the 19th Section, would it be advisable to allow discount for cash instead of adding for credit? I think it might do to a small degree, but the reduction of the price would only be 1s. an acre, which would be very trifling.

I do not think it would be advisable to permit lands to go by default, and afterwards tender for them. Such power should not be given to any individual as is contemplated by the Act to be given to the Commissioner of Crown Lands.

I think it absolutely necessary to improve the value of crown lands by lessees that they should have fixity of tenure. I believe it would improve the value, and I will state my reason for thinking so. Most of the land in the Glamorgan District is rocky, hilly, and covered with timber. The land differs in its

capabilities. It will be necessary to have a classification of the lands in each District, and that they should be valued. Some lands are worth to lessees £1 per 100 acres,—other lands are not worth half that sum. Much expense has to be incurred in removing timber. Sheepholders risk much by entrusting their sheep to the shepherd, and no one would run this risk, and improve the lands by fencing and clearing for pasturage without fixity of tenure; for after an occupation of 2 or 3 years, an envious person might go and have the land put up by the Government for sale.

To encourage people to go upon such lands every inducement should be given in the way of fixity of tenure.

I am of opinion that thousands of acres of land in this Colony will never be available unless they are occupied by persons on the most favourable terms,—say a lease for 10 or 14 years with permission to purchase any time during the lease. If a tenant held land valued at 5s. an acre, and he were allowed to purchase at any time at 7s. an acre, it would be an encouragement to him to go on improving it for his own benefit, and make the land worth the money.

Fixity of tenure should extend to Agricultural and Pastoral Lands.

By Mr. Allison.—The tenant would not improve unless he benefited thereby; but the crown would also benefit, as by this means it would be able to sell much land that would otherwise remain unsold.

By Mr. Knight.—Such land should not be open to the general purchaser at any time during the lease on payment for improvements. I should consider myself a contractor spending money for another's benefit. It would be ruination to the interests of the Pastoral or Agricultural Lessee, and would deter persons from occupying the Crown Lands. It is a dangerous system to allow persons to come in, and buy out a lessee.

By Mr. Sherwin.—Some land will carry a sheep to 2 acres, but in my district it takes 5 acres to keep a sheep. It would be wrong to value the latter land as high as the first. I don't mean a survey of the land, but a classification by assessors or persons appointed by the Crown.

By Chairman.—I think there is a necessity for classification where lands are not already leased. Of those already leased the value is known.

By Mr. Sherwin.—I know that the practice is followed of ringing trees, and I have observed the effect on the pasture and on the sheep. I fancy that the country becomes milder when it is cleared, and in fact the clearing of the trees materially improves the climate for sheep pasture. In scrubby lands the sheep never get dry all day in wet weather,—they get scabby and die. When the land is cleared the sun dries the wool and improves the pasturage. The forests on the East Coast and Devon are different to the hilly country. As long as the timber remains the land keeps damp. If by clearing we can feed a sheep on three acres where five acres before were required, we would be doing a commercial good to the Colony.

By the Chairman.—If free grants were given in the unsettled parts of the Colony it would not be fair to the present holders in this Colony, and would bring persons holding lands in unfair competition.

The occupier of the new country would not interfere with the holder in the older parts of the Colony; though I do not think free grants should be given.

I certainly think that occupation by servants and stock should be taken as personal residence, and should entitle the occupant to 10 years' tenure of lease, as contemplated in the Regulations.

By Mr. Allison.—I should continue the holding of present Lessees, and let them get the advantage of any change which may be contemplated.

They would be put to very great inconvenience.

I am of opinion that the Survey Fees should be deposited by applicants at the time of the application for the land to be put up by auction. This was the regulation at one time.

3 JULY, 1863.

The Honorable WILLIAM GIBSON, Esq., M.L.C., called in and examined.

I am a native of this Colony, and am a Crown Lessee under the existing Regulations, and I have held Crown Lands under the Land Regulations for eleven years.

I reside near Perth, but I hold Crown Lands in the District of Fingal.

I have had opportunities of judging of the working of the Land System, though I have not given much thought to the subject.

I think it would be of advantage to all purchasers up to 200 acres by permitting them to pay interest on their instalments, and extending their final payments to 3 years.

It would be desirable and of advantage to the Crown Lessee to have fixity of tenure; and it would end to benefit the Crown Lands, and increase the pastoral occupation.

I think it would be undesirable that Land should be taken away on six months' notice, because certainty of occupation would enable persons to extend their expenditure.

Present occupants should be undisturbed by any change in the Regulations without compensation. It would be a great injustice to remove them. I have men now fencing on my leased land, and if my land were taken, it would be a great loss.

By Mr. Allison.—Crown Land would be of no value if it were not for the private estates, which give a value to it. I know of no Crown runs on which lambs could be bred.

Very little land would be taken up if fixity of tenure were binding upon the tenant as well as the Government. I would give up mine if it were so.

I have not read the new Land Bill. I think very little more Crown Land will be sold if some reduction is not made in the upset price. Some that I hold is not worth 2s. 6d. an acre. I think more land would be taken up if the upset price were reduced. It is likely that a reduction may affect the value of the Debentures security.

One general system should be fixed for the whole Colony.

I should like to see the survey fee required to be paid on application, if it were returned to the party should he not become a purchaser.

ROBERT POWER, *Esq., J.P., late Surveyor-General.*

1. Did you find the system of letting crown lands by auction a good one? No, very much to the contrary.

2. What revenue did it produce at that time? £658 a year. The Lands were leased annually in June, and the working of the Regulations was very unsatisfactory.

3. Did you find the Tender system good, and what revenue did it produce to the Government? I found it answer well. The revenue derived from it was about £7500. This was in the year 1843-4.

4. Did you find the system of leasing crown lands to the first applicant at £10 the 1000 acres a good one? What Revenue did it produce? Very good. About £19,813 a year. I found that lands were put up for tender, and gentlemen came to me on the subject. On the day of the tenders being opened I had my Chief Clerk and the Head of another Department present. On one occasion a gentleman who had tendered for land wrote a note to me saying that he had tendered for the land in mistake, and withdrew his tender, and I found there was no other tender for the lot. Another gentleman came to the office and made selection of the very lot of land, and immediately afterwards a professional man came on behalf of the first person and complained that his client ought to have had the land as being the only tenderer. I showed the papers to the lawyer, and he observed that it was a dirty transaction, and that he should have nothing to do with it. The first gentleman afterwards offered £100 to the second to give up the land. This was one of the objections to the Tender system. There were a few cases like this.

5. Do you consider this system the best? Yes, nothing could be better. As I said, £19,800 was the first year's receipt; it gradually increased to upwards of £23,000, without any increased expense.

6. Do you think it just to allow those who occupy pastoral lands, and have occupied them by their servants, improved and stocked them, to be regarded in the light of having personally occupied them, and that the Pre-emptive Right Regulations should be extended to them accordingly? Yes. The question was mooted at the time; I considered it, and acted upon it. I thought that lands improved by the occupant should not be taken by others who would enjoy the fruits of another's outlay. Lands are much increased by the exertion of lessees. I undoubtedly would confer the right on them,

7. Do you think it would be beneficial to the Colony and the Revenue to give fixity of tenure to the tenants of the crown? Yes. It would benefit both the crown and the lessee. A man having fixity of tenure would, of course, have an inducement to lay out his money, and thus the value of the land would be increased.

8. Do you think it politic on the part of the crown to give notice to persons to quit on payment for improvements? No. I would make their fixity of tenure absolute. It would be of advantage to the crown and lessees. Every encouragement ought to be given to the lessees.

9. Should the crown rents be payable at fixed periods, say in April or May and November? I think it would be desirable. Government could look to its Revenue at a certain period, and would give greater security to the receipt. No difficulty would be experienced, and no extra labour in the Treasury would be incurred.

By Mr. Dodery.—There was very great competition among the tenderers. Their tenders used to vary much in amount, and the tenderers expressed various opinions as to the value of crown lands.

I had a general knowledge of the value of the lands in our department, but not as to special lots. Our Surveyors made reports when required as to the value of lots.

The survey fee was first paid by applicants; and I considered this a good rule, and one which would work well. There were men who would apply for any land on speculation.

By Mr. Allison.—I think the present occupiers should be secured in their present holdings,—they have every claim to consideration on the Government, for they have given a value to the crown lands by fencing it.

By Mr. Hodgson.—Should the upset price still continue, or a fair value be put on them, and then the lands be sold, as now, by public auction? I think it might be done,—for if the land has frequently been put up, and not sold, the value of the land is ascertained. I would recommend a classification by a commission or by assessors of the unoccupied crown lands, in order that they should be put up for sale. The survey fee used to be returned to the person applying, if he did not become a purchaser.

By Mr. Allison.—I never allowed Surveyors to traffic in land; and I brought on enmity by refusing to allow a Surveyor to measure his own lands. A declaration used to be made by Surveyors that they would not traffic in land, commencing with myself. There might be a jealousy against the Surveyors on the part of the Crown Lessees.

By Mr. Dodery.—Timber and Gravel Licences used to be paid in to the Survey Office, but they were too high, I thought,—but I was overruled.

By the Chairman.—I think it is undesirable to make a difference between portions of the Colony; there may be reasons for it, but, except in the unsettled districts,—however, it is a difficult question. It may be desirable to make a sacrifice of some lands so as to increase the value of other adjacent lands. There is a great deal of bad land in the Colony.

By Mr. Dodery.—I don't think the old roads should be closed till the new ones are laid out.

By Chairman.—Would it be beneficial to the Colony to lower the upset price of Crown Lands? I think £1 an acre a large sum to be fixed as the upset price. I don't think there will be much danger of speculators. Lowering the price would have the effect of lowering the value of the security on which the Debentures have been issued, and would affect the proprietors throughout the Colony. It, in fact, would be underselling them.

10 JULY, 1863.

MR. DANIEL SIMPSON *called in and examined.*

I am a landholder, and hold crown lands under lease in the Prosser's Plains District, on the East Coast, and have been so for 20 years. During that time I have had opportunities of judging of the operation of *The Waste Lands Act*.

I have seen the various modes of going on.

I hold about 12,000 acres of land. I don't pay at all for at least a quarter of it, but I run my stock over it. This part has been measured and not sold. Seven lots were surveyed and not one of them was sold. The way is this,—one neighbour puts up one lot, and another a second lot; there is nothing to pay for survey fee, and so we get the use of the lands waiting purchasers. I think I remember the survey fees being paid at one time, but I never did it.

It is right and proper that the fee should be paid before the land is put up for sale, as it would prove that the application is genuine, as people would not do so unless they intended to carry out their intention. The fee should be returned in the event of not purchasing.

I know people who are not paying anything for their lands, which have been put up for sale in this way.

I know another case where I applied for land and was refused, as it was measured.

I know that the Revenue suffers thereby.

I am aware of the present leasing arrangement. I took a lot, and spent a large sum in fencing, and had only occupied it for a short time when it was put up for sale.

The regulations under which people hold lands in this Colony at six months' notice deter one from improving; we cannot make paddocks or improvements. You cannot prevent permanent improvements going on, because burning and fencing, feeding, &c., improves the land.

The law should be that the lease should be certain instead of at 6 months' notice. This prevents my taking more land, for I cannot put up a fence. I am decidedly against long tenures and tenancy at will. I should think the lease, except in particular cases, should be for 10 years.

I am decidedly against the way they deal with agricultural lands. Land is not like wool and butter and cheese.

The working man should be allowed free selection of, say 100 acres for £100, with credit for 21 years for the whole, paying 6 per cent. interest. The land may be rough land, and every tree felled would increase the value, and thus would add to the common weal. I don't think you would lose by giving the small agriculturist a free grant altogether in the agricultural districts.

If a poor man, with a hundred pounds, were to commence, he would soon stick fast, and become broken-hearted. If he had only £6 a year to pay he could get on.

In England if you get an estate in three generations it is good, but here you expect to get one in 7 or 8 years. It is no joke for the poor man to go into the forest. Every day he works he adds to the crown assets. I speak of the industrious man with a son or two, who should be located without rent for the first years. Some have gone to New Zealand who would have remained here, but there was no inducement for them to remain. I know an emigrant who had a little money,—he applied for land, a rich capitalist outbid him, and he went in disgust to New Zealand.

I think allowing discount on cash payments would only be favouring the rich man, who gets hold of his land for the money. I don't think it essential. I don't see it.

No. 1.

To the Chairman of the Waste Lands Committee.

On the subject of the decline of Revenue derived from Leased Lands, whereon the Chairman spoke to me, desiring I presume to have my opinions of the causes that have led to this falling off, I beg to say it may be safely attributed to several causes. I once thought that disease had more to do with it than anything else, but I believe there are other causes equally efficacious in producing the declension. For example, large areas of pastoral lands have been sold which cease to pay rent from the day of sale, and as these usually form the best portion of the runs, the sale of the same sometimes affords a pretext for throwing up, as it is styled, a lot, or perhaps two, of inferior land adjoining, which, however, continues to be occupied as usual, nothing being thrown up but the paying of the rent. By this practice a double end is gained; namely, of evading payments to the Crown and also to the rural rates, for when any Crown lands cease to return rental they are no longer assessed. I have done all I could to put a stop to this by an extensive publication of Defaulters' lots, and not without good effect. (See Return of recent rental applications furnished to the Waste Lands Committee.)

Again the Revenue from leased lands suffers on account of Pre-emptive Right Lands being paid up for in full; but as our sale returns are improved thereby we have no right to complain of decreases on this account. Several selections have also been reduced from three, four, and five hundred to one hundred acres; and as the rental of these lands is heavy (£2 12s. 6d. per 100 acres most generally) they decrease the Revenue considerably. Moreover we are just now laying out of considerable revenue on such Pre-emptive Right Lands as have had their Ten years, the rentals of which cannot be taken at present. These latter losses, or rather delays of payment, are increasing every week, and continue to increase until the Pre-emptive Right question is settled.

J. E. CALDER.

4th August, 1863.

No. 2.

To the Chairman of the Waste Lands Committee.

To the question of the Chairman, whether the Revenue would not be protected by causing Survey Fees to be deposited in advance on all lands applied for to be sold, I beg to say in reply, that former experiences of this practice, which were very adverse to the Revenue derived from sales by auction, do not justify me in recommending a return to it. I may here inform the Committee that the Executive, when framing the Waste Lands Act in 1857, gave a very earnest consideration to this subject, and after obtaining information from the gentlemen of the Survey Department, determined henceforward to abandon it as impolitic, on the grounds that many persons who were most desirous of purchasing Crown Lands declined depositing Survey Fees beforehand; firstly, because of the delay that occurred in bringing lands to auction; and secondly, on account of the uncertainty, from competition or otherwise, of their becoming the purchasers of the same. Hence the exclusion of any directions on the subject from the Waste Lands Act, except in the case of lands bought under the 19th or private selection clause of the Act.

J. E. CALDER.

4th August, 1863.

No. 3.

To the Chairman of the Waste Lands Committee.

To the question of the Honourable Member for Selby, whether it would be practicable to allow purchasers under the 19th Section of the Waste Lands Act to give up a portion of their purchases and retain the residue at the price per acre fixed at sale, without injury to the Crown Estate? I beg to say that it would be quite contrary to the provisions of the Waste Lands Act thus to reduce their selections. But I think no injury would be done to the

Public Estate if a Clause were introduced into the Waste Lands Act to legalize it: provided the figure and water frontage regulations at present in force are maintained. Such concession is made to the selectors under the Regulations of 1851. There should be some reasonable limit fixed to which reductions should be carried.

J. E. CALDER.

No. 4.

To the Chairman of the Waste Lands Committee.

To the question of the Honorable Member for Franklin, whether the proposal contained in the Draft Waste Lands Bill to reduce the upset price of crown lands offered for sale at auction may not have the effect of depreciating the value of private estates, and of injuriously affecting the interests of such as have advanced money thereon, I beg to say that though the Bill gives power to lower the upsets on auction lands, it is very certain that such upset will never be affixed to any but those of an inferior character, or whose situation renders it unlikely that they will command anything but a low price. It is not at all compulsory on the Commissioner, as some may think, to adopt such price, but on the contrary the 15th Section forbids it in language as distinct as could well be used (where land is not inferior), which directs that he shall affix such value on it as its real worth may justify, which he is to ascertain; and even to take "the circumstances of the time" into consideration. That it never will be fixed by me below its value, the practices of the past afford a fair guarantee for the future. For though the Act now in force empowers me to put up lands of a large class at 10s. an acre at once, in only one single instance did I ever avail myself of the authority.* Every other acre has gone to auction at 20s., and has not been reduced until I saw no chance of effecting a sale at that price. The Private Selection Clause, 19th, positively disallows any sale of land to be thus purchased at less than 20s. the acre.

I think it may be inferred from the above that the object of reducing the upsets was that a large class of inferior lands might not be wholly excluded from sale, for which purchasers will never or rarely be found at present prices; which prices only drive them away from the auction room instead of encouraging their attendance and thus ensuring legitimate competition.

I do not, therefore, think that the act of lowering the upset, so as to apply it to poor crown lands, can have any effect in depreciating the value of private estates, which will always be regulated by the income that may be derived from them, by position and the like, and not by the action of Parliament in fixing the lowest price to be asked for those classes of lands that are either too remote, too rocky, too infertile, to justify high upsets, and whose value can only be improved by passing into private possession.

J. E. CALDER.

* Lot on the Repulse (applied for), a very out of the way place, and very unfavourably reported on by the Surveyor.

No. 5.

To the Chairman of the Waste Lands Committee.

To the question of the Honorable Member for Franklin, whether I know of any Colony where there are two independent Survey Departments, I beg to reply that I have no information of any other Colonies except Ceylon, Mauritius, New South Wales, Victoria, South Australia, Swan River, New Zealand, and Queensland, each of which has but one Survey Department, just indeed as they have but one Treasury, one Colonial Secretary's Department, one Auditor's, one Attorney-General's Department. I have further to add that in none of them is there such a thing known as a divided control in any of their departments.

This question was, I believe, proposed to elicit information in reference to a proposal to establish a Survey Department at Launceston, to be as nearly independent of the south as may be. The proposal I beg to say could not be entertained by any one versed in departmental matters. Such a department could not work for a day with the southern one, (nor work at all), without the certainty of collision with it, unless provided with copies of all our numerous Registers, our multitudinous letters, and a vast quantity of plans as well. The former of which I have ascertained would require five expeditious clerks at least seven years to copy, while the plans would take as many draftsmen five years.

The cost of all this copying would be many thousands of pounds; and what good, I respectfully ask, would all this be when done? Unless we sent clerks and draftsmen from hence, well versed in all the nearly endless details of a Land Department to translate these documents, so to speak, to those who wanted information from them; for to entrust them to novices, would only be to involve the public in endless trouble, and the Government in endless perplexities and embarrassments.

J. E. CALDER.

No. 6.

To the Chairman of the Waste Lands Committee.

To the question of the Honorable Member for Hobart Town, Mr. Allison, whether I believe that if fixity of tenure were given to the lessees of crown lands it would conduce to the improvement of those lands, "by fencing, clearing, and by the growth of something beneficial to the Colony," I beg to say, that in forming an opinion I can only be guided by the experiences of the past, founded on such knowledge as I happen to possess of the Quiet Enjoyment portions of runs held under the Pre-emptive Right Regulations, which do not justify the belief that there is much desire on the part of crown lessees to improve the public lands. That they are roughly fenced in and subdivided is true, and so also are those that are held under uncertain tenure; and huts are sometimes built on them, though more usually on the selected portions. I also know of many where there are small gardens attached thereto,

for the growth of tobacco and even vegetables in small quantities; but these improvements are not very valuable nor of a very permanent character. If fixity of tenure would lead to the ringing of the trees, that indeed would be a great and permanent improvement; but whether lessees would do it on crown lands can only be a matter of opinion.

To that part of his question whether fixity of tenure would lead to an increased occupation of the lands of the crown, I can have no doubts on the subject, and, in reply to it, give a very distinct affirmative.

I would here take permission to explain that, when the Honorable Member asked me, when before the Committee, whether I thought fixity of tenure would be beneficial to the Colony, I misapprehended the purport of his question, and, thinking he designed applying certain tenure to all the waste pastoral lands of the Colony, and also knowing that agriculture has its claims on our consideration as well as pasture, I answered *no*. But Mr. Allison has since told me he did not intend this, which had I known at the time, I should have replied differently. Beyond doubt there are very large districts where there will be no cultivation for many years, and where certain tenure could be given with great safety; but, if we grant it at present prices, the income now drawn from these districts must suffer, because we now derive large revenues therefrom in the shape of sales, which will be lost by tying up the lands of these quarters.

J. E. CALDER,

No. 7.

To the Chairman of the Waste Lands Committee.

To the question of the Honorable Member for Hobart Town, Mr. Allison, what advantages should be extended to the holders of Pre-emptive Right Lands which could be extended with justice to the Colony and advantage to the holders? I beg to state that if the Legislature decide on adopting some liberal measure for their benefit, it should not be applied indiscriminately to those who have highly improved their selections, and to those who have done nothing with them. (I am speaking now of the selected and not the "quiet enjoyment" lands.) With not a few of these selections, nothing whatever has been done,—they were taken, in fact, on speculation only,—and on many very little; but this is very far from being universal, for, from Returns in my possession, it appears that numbers have made extensive clearings, and have erected suitable home dwellings on their selections. Such persons, I submit, must be looked on as something more than their own benefactors; they have done something to advance the Colony also, and doubtlessly contribute, in a considerable degree, to the agricultural exports of the Colony, and must not be classed with those who have done nothing with their lands either for themselves or for the country. If regulations are to be framed for the benefit of Pre-emptive Right Selectors, their application will naturally be to the deserving. The rest should give up their lands at the end of the time allowed for their payment, or pay for them.

With those who have improved their selections it will be necessary for the Legislature to decide what amount of improvement shall entitle the selector to extension of credit.

The Quiet Enjoyment portions of the Pre-emptive Right Lands must be dealt with under any rules the Legislature may devise for dealing with Waste Lands. But where the personal residence condition of the Regulations of 1851 has been complied with, the lessee has the right of 10 years additional certain lease, independent of the Legislature.

J. E. CALDER.

THE Surveyor-General presents his compliments to the Chairman of the Waste Lands Committee, and with reference to the Returns furnished to him this morning from the Survey Department, begs to explain that it was omitted to be noticed that a large amount of the sum expended for surveys in 1862 was to defray charges for connecting lines, road reservations, and surveys of properties for new grants, thereby diminishing very considerably the sum expended on surveys of lots for sale, and showing a better comparison between such expenditure and the amount repaid for surveys.

The exact amount so expended will be furnished in a Return in the course of the day.

23rd July, 1863.

J. E. CALDER.

MEMORANDUM to be attached to Return showing the quantity of Land surveyed in 1862 but not sold, &c., furnished this day to the Chairman of the Committee on the Waste Lands Bill.

	£	s.	d.
Total cost of Surveys in 1862	6036	7	10
Deduct amount paid for Surveys of roads, connecting lines, and claims for grants	1312	16	1
Amount paid for Surveys of Lands	4723	11	9
Amount of Survey Fees repaid in 1862	2428	16	0
Balance	£2294	15	9

J. E. CALDER.

Survey Office, 23 July, 1863,

RETURN of the Number of new Applications to purchase and rent Crown Lands during the year 1862; also for the Half-year ending 30th June, 1863.

<i>Year.</i>	<i>Applications to purchase.</i>	<i>Applications to rent.</i>	<i>Remarks.</i>
1862	488	121	It will be observed that the number of Applications to purchase received at this Office between January and June, 1863, (being at the rate of 584 for the whole year) greatly exceed those of 1862, the difference being in favour of the present season by 96. In Rentals the results are also very satisfactory, the number of Applications received being at the rate of 162 for the year, against 121 of the season last past.
1863 <i>Up to 30 June.</i>	292	82	

J. E. CALDER,
Surveyor-General's Office, 23rd July, 1863.

RETURN showing the Quantity of Land at present held under Depasturing Licences.

2,652,934 ACRES.

J. E. CALDER,
Surveyor-General's Office, 23rd July, 1863.

RETURN showing the Quantity of Land surveyed in 1862 and not sold; with the Cost of Survey, and the Amount of Survey Fees repaid in the year.

	A.	R.	P.
Area surveyed but not sold	84,490	3	14
	£	s.	d.
Total Cost of Surveys in 1862	6036	7	10
Survey Fees repaid	2428	16	0

Of the quantity of Land returned as "surveyed but not sold" in 1862,—namely, 84,490 acres,—29,337 were applied for, and were marked off in accordance with the Act. 53,341 more (of the first-named quantity) were surveyed under the General Orders issued to this Office 26th March, 1857, and afterwards to prosecute Surveys very actively, which were not abrogated till 1st October, 1861. 60,000 acres of the above have never yet been offered at a lesser price than the very highest usually affixed to our Lands,—namely, 20s. per acre,—which, being generally more than they are worth, they will not sell for, nor is it likely that they will so long as we continue to demand a high and arbitrary, instead of an equitable price for them.

I will here take permission to remark that, as a general rule, Lands do not sell within the year when they are surveyed, and often not for two, three, four, and even more years afterward, (which, indeed, is just the same in all land-selling Colonies), so their remaining undisposed of for a time is not necessarily a proof of their unfitness for survey. Indeed, a very considerable portion of each year's Revenue is derived from the operations of past times, often several years back.—as I had the honour of explaining to the Executive in a Memo. of the 24th October, 1861, an extract from which will not be out of place here, as its figures show how greatly the Revenues of the present time would be diminished but for the operations of past years, just as those of succeeding ones will be if we slacken operations at any time:—

"That there are considerable sums spent yearly for surveys of Land that do not go off at once is, of course, true. These are not necessarily thrown away, as our present experiences must teach us; for as those Lands we marked off in past years are now progressively selling, so those we are now preparing for sale will also find buyers at no remote period: thus, for example, the fees on more than 24,000 acres paid in bygone years were recovered in 1860, and those on 15,000 more during the first five months of the current year,—thus (unseen as it were) are handsome sets-off against the disbursements of to-day gathered in from the expenditure of the past. These substantial restitutions must not be lost sight of, affording as they do an earnest that the temporary losses of the present day will be assuredly recovered at no remote period." (Just as those of former years are falling in now.)

I trust the Members of the Committee to whom this Return will be presented will excuse the introduction of the above remarks, which I have been led to make in the conviction that statistical figures of any kind lose the greater part of their value if unaccompanied by such explanations as are necessary to their elucidation.

J. E. CALDER,
23 July, 1863.

Survey Office, 24th July, 1863.

SIR, REFERRING to your application to rent Lots 2765 and 2766 at Prosser's River, I beg to inform you, that on payment of the sum of Eleven pounds three shillings I shall have no objection to grant you an occupation licence, on condition that it can be cancelled on a two months' notice, without claim for improvements.

I have the honor to be,
Sir,

Your obedient Servant,

J. E. CALDER, *Surveyor-General*,

D. SIMPSON, *Esq., Antill-street, Hobart Town.*

Brighton, 11th July, 1863.

DEAR SIR,

You must get fixity of tenure provided for in the amended Waste Lands Act; you know that it is much wanted, and that many of our young men intimate with the management of sheep would, rather than go to the other Colonies as servants, remain here and begin with a small flock, even if security against loss were obtained. You will know that a man of small means, whatever his character, who takes up a block of vacant land near to a large sheep-owner, whose sheep have very probably run on it for years, is at once threatened with the land being put up for sale, especially if there be any talk about fencing. That such is generally the case, I think your experience can well testify; but if evidence were wanting there are several of my acquaintances ready to write or see you. A case concerning myself is worth fifty witnesses before a Committee. I have taken the liberty of writing the Attorney-General on the same subject, informing him where evidence of the threat system exists of the most unquestionable character, as much so on account of the party from whom such a threat issued as from its clearness and demoralised intent. I wish no names mentioned for several reasons. I hope you will do all you can for us in this respect,—few have done as much for the Colony in regard to its lands and Land Regulations; and I may be pardoned for surmising that you will consider any Land Act imperfect that does not provide for fixity of tenure. By such a provision more land will be taken up, fencing will extend, more sheep can be kept, fewer losses will be sustained, land revenue from rental increased, and the Colony generally benefited,

I am, dear Sir,
Truly yours,

A. FINLAY,

WM. RACE ALLISON, *Esq.*

Westfield, May 29th, 1860,

SIR,

I HAVE to bring under your notice that at present I lease from the crown several lots of land; that several of them are now offered for sale by auction on the 6th of June next; that in consequence of considering that I had an undoubted right to the occupation of the said lots for a period of 20 years from the date of first leasing them, I have recently within the last six months expended upwards of £9000 in the purchase of stock to fully stock the lands I rent; that if these lots are taken from me and sold it will compel me to part, at a very inconvenient season, and an immense loss of price, with the greater part of the stock. I have also never received any notice from the Commissioner of Crown Lands that the lots were to be taken from me. I have, therefore, to request you will at once cause orders to be given for these lots to be withheld from sale on the 6th June next, or until such time as my claim to them can be enquired into. An immediate answer will oblige,

Yours truly,

THOMAS WM. FIELD,

To the Colonial Secretary,

Treasury, May 30th, 1860.

MY DEAR SIR,

THE land will not be put up for sale without giving you six months' notice. I hasten to communicate this to you to obviate any further personal inconvenience,

Yours very truly,

FRED. M. INNES,

T. W. FIELD, *Esq.*

Branch Survey Office, Launceston, 1st June, 1860.

SIR,

I AM desired to communicate to you by the Surveyor-General that the under-mentioned lots of land will be sold on the 6th instant, but subject to your having a Six months' occupancy of them after the sale.

Lots 1297, 1298, 1299, 1300, 1301, 1310, 1311, 1316, 1317, 1318, 1322, 1323, 1302, 1309, 1312, 1324, 1325.

I am, Sir,
Your most obedient Servant,

JAMES SCOTT,

THOMAS WILLIAM FIELD, *Esquire, Westfield, Westbury.*

Redlands, 12th June, 1863.

DEAR SIR,

I MET Mr. B. Dickson in Hobart Town the other day, and we had a conversation relating to the Western Country, commonly known by the name of the Gordon Country. He said you wished to get the opinion of parties who have seen that part of the country, and asked me to give you my opinion.—I take the first opportunity of doing so. My own idea is, that unless the Parliament frame some liberal Land Regulations to meet that part of the country, it will remain in the same unproductive state to the Government for the next 20 years as it is at present. I think it is a country capable of great improvement by burning, stocking, and sowing clover; but before that can be done, except in the immediate locality of the Great Bend of the Gordon, it would be necessary to make bridle tracks, and give the first applicant a long improving lease with the option of buying at the end of that time at a low rate, say 5s. per acre or less up to 10,000, as a small quantity would not be worth buying. What I should suggest is, any one taking up a block of 10,000 acres should be compelled to stock at the rate of 1 sheep to 10 acres, of 1 head of horned cattle to 100 acres, for at least 3 months in the year within 2 years after the land is accessible for cattle or sheep. The reason I say 2 years it gives people an opportunity of building huts and yards, &c., before sending sheep there. The way I think that fair pasture land could be made would be to commence as soon as the land was sufficiently dry to thoroughly burn the rough stuff that is at present growing on the land (at the same time you burn the roots of the rushes, as it is a sort of peat they grow in); immediately after burning commence to plough over the burnt ground, before the rubbish at present on the ground has time to sprout, and sow clover on the ground; whenever there is 2 or 3 acres ready ploughed, I think 2 men might get 50 to 100 acres in in a summer with 8 bullocks and plough. I think the turning over with the plough and sowing clover will in a great measure destroy the present rubbish, and help to solidify the ground. I feel convinced that one acre sowed in that manner would be worth 20 in its natural state; but the expense of wages, and trouble of getting provisions and plough there, would deter any one from trying the experiment unless he had the option of buying at the end of 10 years at say 4s. per acre. If the Government thought fit they might try the matter, say for 3 years; there would still be thousands and thousands of acres unoccupied which, if they thought was worth more, they could withdraw. I think if the Government offered the land at once at 3s. per acre very little would be taken up any distance back.

I remain,

Yours truly,

ROBERT CARR READ.

W. R. ALLISON, Esquire, M.H.A.

Launceston, 1st July, 1863.

MY DEAR SIR,

I have been so exceedingly busy that I have not had leisure to peruse the Draft of *The Waste Lands Act* with the care it demands; but two points struck me on its hurried perusal, being all I have as yet been able to bestow upon it.

Section 9—*Lowest Upset Price*. I think it most impolitic to reduce the price of the crown lands. It is unjust to all who have already purchased, as tending to depreciate what they have bought; but it is sacrificing the only security the Government can offer for the due payment of its Debentures. Let the price be lowered ever so much, it will not attract population to our shores in these times in the face of gold-fields at New Zealand and elsewhere. It is a time of unusual depression, and no private individual would think of forcing his lands into the market just now. Again, if a gold-field is discovered in Tasmania—and I see no reason whatever why, sooner or later, one should not be discovered, although our dense forests and scrubs retard it—our lands would rise rapidly, and a vast increase to our population might fairly be expected. Under any circumstances, hold the lands as security at a fair price. Let them at any moderate rentals, but do not sell, as I think, most unnecessarily.

Sects. 75 and 76. *Pre-emptive Rights*.—Why should the districts of Franklin and Devon be treated differently to the district of Selby, where the lands are of the same character and the forests quite as dense? Why not apply a general rule to the whole Colony, and thus avoid the imputation of favouritism and innumerable appeals from individuals who would feel themselves aggrieved? I assume that by the names Franklin and Devon the Electoral Districts are meant. Why not Deloraine also?

I object to the 76th Section as worded—"Who has complied with the terms and conditions thereof." Now this, as interpreted by the Surveyor-General, I believe means and requires personal residence. This would remove three-fourths from the intended advantages of the clause, even if the lands had been improved by tenants or servants, but without personal residence. But as all occupiers of land under these Regulations have paid rent during all the time, and an additional fee of £1 10s. per 100 acres besides, why not give all the option of purchasing their lots under the credit clause? The Government want to sell their lands; and I believe that if much of the land that was taken under the Pre-emptive Regulations is resumed by the crown, it will remain many years on their hands unsold. Any person can now select land; and why prevent those who have these lots from retaining them on the same terms as they could select, they having already paid what may be called a most liberal rental during the last 10 years? Those who improved their lots have reaped the benefit; and you may rest assured that they cleared the land for their own sakes, and not on account of the Government.

My opinion is, that all these invidious prying and distinctions should be thrown overboard, and let every one who chooses, who holds a pre-emptive lot, buy it under the credit clause. The Government would get 20 per cent. down at once, and the balance might be considered certain; 20s. per acre would thus be received for thousands upon thousands of acres which would not sell by auction at 5s. per acre. Deposits once paid, improvements would go on.

I will not say more on this subject, feeling satisfied that if the Government (or Parliament) is wise, it will allow all who hold pre-emptive lots to purchase under the ordinary credit clause.

Sect. 16.—The wording of this ought to be more general, so as to include bridges, wharves, or jetties, or other works for the benefit of the districts. My own view also is, that the produce of the lands sold in a district should, to a great extent, if not entirely, be spent in it.

Excuse this very hurried letter, written under difficulties and frequent interruptions.

Yours very sincerely,

RONALD C. GUNN.

J. SHERWIN, Esq., M.H.A., Hobart Town.

To the Honourable the House of Assembly of Tasmania, in Parliament assembled.

The Petition of George Whiting, of She-oak Hill, Huon, Tasmania.

HUMBLY SHOWETH:

THAT your Petitioner begs leave to address your Honourable House respecting the Pre-emptive Right sections of "The Waste Lands Bill, No. 3."

That your Petitioner, responding to the invitation of your Government to respectable families in England having some capital, came to this Colony in 1853, and rented 500 acre lots for himself and each of his three sons, under the Pre-emptive Right Regulations, in the upper part of the Huon River.

That your Petitioner and his sons have since expended nearly £3000 in the attempt to establish there a profitable farming business, which attempt has been thwarted by the great expense of clearing the land, the want of roads to the navigable part of the Huon (8 miles distant), the high price of labor, the frequent and destructive bush fires, and inundations of the river's banks, together with the unprecedented fall in prices.

That your Petitioner humbly submits that the Pre-emptive Right tenants who have been thus rendered unable to complete their engagements, but who have *bond fide* fulfilled their condition of residence on the land, and the expenditure of their capital and labour on its improvement, have a just claim to the special consideration of your Honourable House.

That your Petitioner would respectfully represent that the Government has suffered no loss and incurred no risk from the past occupation of land so held by Crown tenants under Pre-emptive Right, but that, on the contrary, the Colony has benefited by the improvement of the unsold lands around them, by their contributions to the general revenue, to the local taxation, and to the public institutions of their districts.

That your Petitioner with his family (seven in number) will have contributed, on an average of £3 each, no less than £210 to the General Revenue during ten years, beyond the amount contributed indirectly by those whom they have employed; that they have paid direct to the Government in rent, credit premium, police rates, and road rates, a sum equal to the real value of the selected land. The risk and the loss attending the contract have all fallen on the tenants, who, in too many cases, have lost their capital, their labour, and ten years of life, in the unwearied but hopeless struggle to fulfil engagements contracted in exceptional times, when flour sold for £50 per ton, potatoes for £25, fruit at 25s. per bushel, and all other farm produce in proportion.

That in England, as in every civilised community, the unavoidable losses, and unforeseen difficulties, in so precarious a calling as agriculture, of landed tenants who have honestly laboured to perform their engagements, have ever been deemed by landholders, whether individuals or corporate bodies, to be legitimate subjects of forbearance and consideration. That, in the opinion of your Petitioner, the case of these Crown tenants is one of peculiar hardship; and he cannot bring himself to believe that, whilst Government Quit-rents have been abolished, and every other class of debtors in Tasmania have been granted that indulgence and relief demanded by the general depression of the Colony, the Crown tenants holding Pre-emptive rights, whose property has deteriorated equally with all other property, should be the only class inexorably excluded from such merciful consideration.

That beyond these general considerations, which it is believed will command the sympathies of your Honourable House, there are special circumstances which would appear to render the exaction of the full liabilities of these tenants oppressive and unjust.

That your Honourable House has recently legislated on the principle that it is better the Waste Lands should be given away to *bond fide* settlers with sufficient capital to cultivate them, than that they should continue to lie altogether unproductive,—a principle, in the humble view of your Petitioner, calculated greatly to benefit the Colony. At the same time the free granting of the Unsettled Lands, and the forcing upon the market of much Waste Land at 10s. per acre with credit, has proportionably reduced in value (irrespective of the tenant's improvements) all Pre-emptive Right Lands. Yet the tenants of such lands are now compelled to purchase them, under the penalty of confiscation of their improvements, at the price of 20s. per acre. Land immediately adjoining the selected land of your Petitioner, in no respects inferior, within 150 yards of his homestead,—which land has only been rendered accessible by Roads which he has helped to make,—has been repeatedly advertised for sale at 10s. per acre, with credit. Other similar lands in the District have been offered for sale at the same price and remain unpurchased. Your Petitioner humbly submits these facts as proof that such land as that held by these Crown tenants is not worth 10s. per acre. This conclusion is confirmed by the official valuations of the Huon District, in which such lands, even with existing improvements, have been assessed at a deterioration of from 40 to 50 per cent.

That in corroborative proof your Petitioner would refer to a letter, on the Journals of your Honourable House, addressed by the Surveyor-General to the Hon. the Colonial Treasurer, dated 18th Sept., 1862, in which the former gentleman emphatically asserts that no considerable extension of land sales can be hoped for unless the price of land be reduced to its natural value. Mr. Calder derives this conclusion from the Reports of 12 Government Surveyors in different Districts, made a year before, whose valuation extended over 1,865,000 acres, and who assessed two-thirds of this land under 10s. per acre, and one-third (667,000 acres) so low as from 2s. to 5s. per acre. Rather than pay 20s. per acre for such land, several large capitalists have recently, your Petitioner is informed and believes, relinquished their Pre-emptive Right lands, and removed their flocks to the superior pastures of New Zealand; and that many others are preparing to follow them.

That your Petitioner respectfully submits that the proposition that these Crown tenants should still pay 20s. per acre, with 4s. per acre more paid down for credit, is a concession of such slight advantage as to be altogether inadequate to the serious emergency, which it is intended to meet.

That, in the opinion of your Petitioner, the almost immediate reduction of the upset price of such waste lands is inevitable; and that, in all probability, long before he may have completed his purchase at 20s. per acre, the land adjoining to his purchase, which his labours alone have rendered valuable, will be offered for sale by the Government, with the same term of credit, at 5s. per acre.

That your Petitioner submits, with all humility, that this proposed exaction is neither consonant with the enlightened liberality which ought to regulate the relations of a constitutional Government towards its tenants, nor with the ordinary considerations of fairness between man and man; that, in the face of such a possible contingency,

it is hopeless to expect any respectable class of immigrants to found their homes, and invest their money, even in this naturally favoured Colony.

That your Petitioner respectfully but earnestly entreats your Honourable House to extend such further relief to the Pre-emptive Right Tenants as in your wisdom may seem just; and ventures to take the liberty of suggesting the following means by which this relief may be practically and equitably applied:—

First.—That the price of Pre-emptive Right Land should be reduced to 10s. per acre.

Secondly.—That the amount which has been paid on such land in rent, and fees for credit, be allowed to the tenant in the purchase money.

Thirdly.—That the tenant be allowed credit without additional charge.

Fourthly.—That the tenants should have their quiet enjoyment leases extended for 10 years, under Section 44, at a yearly rent of 10s. per 100 acres.

Fifthly.—That any such tenant may have his selected lot offered for sale by auction, by defraying the expense of the sale, at an upset price of 10s. per acre, which upset price to be given to Government for the land, and the remainder to be given to the tenant for his improvements.

Your Petitioner would, in conclusion, beg to point out, that the Crown tenants, even with these concessions, would be less favourably situated than the grantees and the gratuitous lessees of the Unsettled Lands, as proposed by the Bill in question.

And your Petitioner will ever pray, &c.

GEORGE WHITING.

To the Honorable the Speaker and Members of the House of Assembly of Tasmania, in Parliament assembled.

The humble Petition of the undersigned Residents of the Huon District.

RESPECTFULLY SHOWETH:

THAT your Petitioners are occupiers of crown land under the Pre-emptive Right Regulations of 1851; that the purchase money for the said land is now due; and your Petitioners, in consequence of the low price of every description of produce, pray that some extension of time for the payment of the same may be granted.

That your Petitioners have paid upwards of £100 to the Government on account of the said land; they have also expended large sums in making roads and other improvements. That should the Government press for immediate payment even under the Credit Clause of the Waste Lands Act, your Petitioners pray that the amount which they have already paid may be taken into consideration, in reference to the deposit required by the provisions of the said "Waste Lands Act."

That the crown land adjoining the respective lots occupied by your Petitioners has been repeatedly offered for sale at 10s. per acre, without finding a purchaser. Your Petitioners would also refer to the fact that, within these last few years, the value of land in this District has been reduced more than 50 per cent. Reference to the Valuation Roll will prove the correctness of this statement. Your Petitioners, therefore, submit that the upset price of £1 per acre is, in the present state of the District, excessively high, and will prevent the working classes occupying crown land to any extent.

That, unless some liberal Land System be adopted, in reference to land held under Pre-emptive Rights, a large area of crown land, now yielding a considerable income to the Government, will be abandoned.

Your Petitioners, therefore, earnestly pray that an extension of time may be granted to those persons who hold crown land under the Pre-emptive Right Regulations.

And your Petitioners, as in duty bound, will ever pray.

RICHARD CHICK.
JOSEPH JACKSON.
JOHN LLOYD, JUN.
PETER GOOD.

Franklin, 8th August, 1863.