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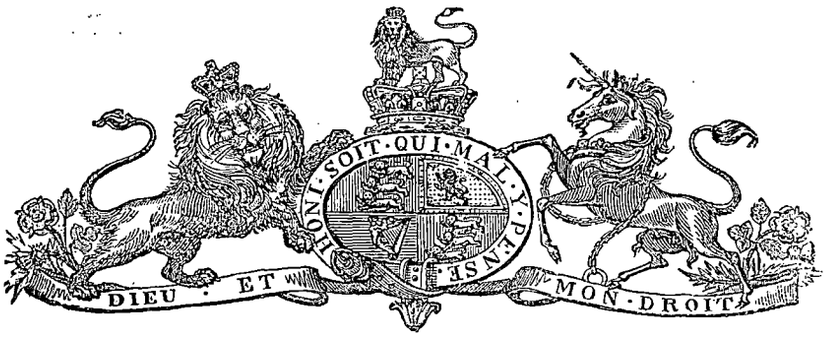
SOUTH AUSTRALIA.

LAND REGULATIONS.

Presented to the House by Mr. Allison, and ordered to be printed, 12 December, 1856.



THE LAND QUESTION.

So extremely different in their operation have been the land systems of South Australia and Victoria, that most persons have difficulty in believing that the sales have, since 1842, been regulated under the same Act of Parliament. The chief cause of difference, however, has been in the progress made in the surveys, and in the anxiety of the South Australian Government to keep the land market well supplied. The surveying staff also, consisting chiefly of sappers and miners, was extremely efficient. At the end of 1841 thirty-five special lots, of 4000 acres each, which had been purchased under the first regulations, had been surveyed and delivered to the purchasers; and the quantity of land open for selection, at the price of £1 per acre, was 306,000 acres. Under the system adopted by Governor GREY, the cost of surveying and division into sections of eighty acres had been reduced to 7½*d.* per acre. It was a principle adopted by Governor GREY, that no claim of mere occupation should interfere with the demand for land. When applications were made to purchase land, the only consideration was the expense of a survey party. All applications for land which appeared to be made with the *bonâ fide* intention of settlement and cultivation were immediately attended to; and when applications were made for small isolated portions, not merely the portion required by individuals, but large tracts in the neighbourhood, if suitable for agriculture, were surveyed and offered for sale. It was likewise a regulation that lands surveyed and offered for sale could not afterwards be occupied by any one exclusively for depasturing purposes; and the consequence was, that in a few years there were scarcely any sheep or cattle runs within thirty or forty miles of ADELAIDE. The country within that distance was almost exclusively occupied by farmers, who were allowed to depasture their stock on the Crown lands in the neighbourhood of the lands they had purchased.

The system of depasturing by the purchasers of land speedily required the interference of Government, many of the purchasers having greatly exceeded their due proportion of cattle depastured.

The remedy was devised by Governor, now Sir GEORGE GREY, to whom South Australia is indebted for many of the best features of her Legislative system. In 1845 Governor GREY established a plan of common lands, of which the following is a brief outline:—

1. As a general rule, all waste lands of the Crown lying within three miles of the boundaries of any purchased lands were declared common.

2. Every person who occupied purchased land situated within one mile of any common land, upon taking out an occupation or depasturing licence, was entitled to a right of pasturage on such common land in the proportion of sixteen head of horned cattle or horses, or one hundred sheep, for every eighty acres of such purchased land, but such right was not to extend beyond three miles from the station on which the cattle were kept, nor did the right of commonage extend beyond the same limit.

This was, however, merely the first crude idea. It was speedily found that more definite regulations were required, particularly in order to prevent overstocking; and next year an Act of the Council was passed under which the system of *hundreds* was adopted, a system still in force, and which has been found to meet

every difficulty, and do justice to all classes of settlers. By this Act it was provided that whenever the Governor should, by proclamation duly made, divide any country or settled portion of the province into hundreds, and declare the boundaries thereof, the Commissioners of Crown Lands, on or before the 1st of December in each year, should compute the quantity of cattle capable of being depastured on such waste lands within the hundred, and declare by notice in the *Government Gazette* the proportionate number of great cattle and small cattle which might be depastured in respect of any given number of acres of purchased land, six head of small cattle being deemed equal to one head of great cattle. The privilege of depasturing was strictly confined to the occupiers of purchased land. At the same time it was provided that nothing should prevent the sale by the Crown of any part of the waste lands. By another clause it was provided that penalties should be inflicted on persons, not occupiers of purchased land, depasturing on such waste lands, and on such occupiers as depastured more cattle than their due proportion. Various provisions were made for carrying out the above system; and it was provided also that the hundreders should pay an annual assessment of 6*d.* for every head of great cattle, and 1*d.* for every head of small cattle—great cattle meaning horned cattle and horses, and small cattle, sheep, goats, and swine.

Such being the system of South Australia, there could be no danger in allowing the squatters ample privileges on lands not occupied by the agriculturists. Accordingly the Government have had no hesitation in granting the squatters leases, for fourteen years, of their runs, and this with the perfect approbation of the people; it being always understood that the possession of a lease in no degree prevents the sale of land situated in a run. The Government retains full power, so soon as a certain proportion of land in a district is sold, to declare the district a hundred. But even where land is not sold the Government can declare a hundred, if, in their opinion, such a measure would be beneficial to the public interests. For example, upon the opening of the Murray navigation the Government immediately declared as a hundred the land on its banks to the extent of three miles in breadth, we believe, along the whole of its course within the Colony.

The following is a summary of the Regulations at present in force under Her Majesty's Order in Council, dated June 19th, 1850:—

"Lands in the Colony shall be divided into two classes, viz., lands within the hundreds, and lands without the hundreds.

The Governor may make regulations for allowing the holders of land within any hundred to depasture stock on the Crown land situated therein; he may also grant pastoral leases for not more than a year of any of the Crown land within the hundred not required for the use of the commoners within the hundred, with a reserved power, however, at any time, to sell, reserve, or otherwise dispose of such land.

The Governor may grant leases of lands outside the hundreds, for fourteen years, with permission to the lessee to cultivate such agricultural produce as may be necessary for the purposes of his own establishment, but not for sale or barter; the Government, however, reserving to itself the power to infringe the lease for the purpose of public defence; and, on giving six months' notice, for any purpose of safety, improvement, convenience, or utility.

The Commissioners of Crown Lands are entrusted with power to settle summarily any dispute respecting the boundaries of runs.

The rent payable for such leases is fixed at the following rate per square mile:—

For land of the first quality	£1	0	0
„ second „	0	15	0
„ third „	0	10	0

The quality of the land is to be decided on by two valuers—one to be named by the lessee, and the other to be the Commissioner of Crown Lands, or some person named by him; the two valuers to choose, if necessary, an umpire, or, if unable to agree on one, the umpire shall be chosen by the Governor.

The Colonial Legislature shall have full right to impose at any time such assessment as shall be deemed advisable for local purposes upon the lands or the stock grazing thereon.

The rent to be payable yearly, and in advance. In default of payment the lease to be forfeited, unless, within sixty days from the date at which the rent is due, the whole rent is paid, with an addition of a fourth of its amount, as a penalty.

Whenever land becomes included within a hundred, the lease of it ceases to have effect.

In case of the resumption by the Government of any such run, or of its being declared within a hundred and sold, before the expiration of the lease, payment shall be made to the lessee of the value of any useful and substantial improvement existing on the land at the time of its resumption

or sale, the amount to be determined by valuers appointed as above, and not to exceed the actual outlay. In case of a part only of the run being resumed, or sold, the lessee shall have it at his option to retain the residue till the end of the term, paying a proportionably reduced rent, or to surrender the whole and claim compensation.

No compensation is made for improvements on the forfeiture or expiration of a lease.

Land once occupied, but subsequently left vacant by forfeiture, or otherwise, may be re-let, but only by public auction.

A lease may be forfeited in three modes,—

1st. By non-payment of rent.

2nd. By the lessee being convicted of felony.

3rd. By the adjudication of two Justices of the Peace, who, in the case of conviction of a lessee of any offence against the law, may, within three months after the offence, inquire into the case, and declare the lease to be forfeited, with or without compensation, as may seem fit to them: Provided that such adjudication of forfeiture is confirmed by the Government.

Discoverers of new and unoccupied runs may claim leases."

Under these regulations we observe, by the *South Australian Almanack* for 1855, that 353 leases for fourteen years had been granted; and that the land so under lease amounted to 17,194 square miles, or 11,004,160 acres, while the lands comprised in hundreds (of which there were about 50), supposing them to average 100 square miles, would be 5000 square miles, or 3,200,000 acres.

We believe that the above system has given entire satisfaction to the colonists of South Australia. It would appear that the hundreds comprehend ample agricultural lands for all who wish to cultivate; and though the pastoral districts may be at any time proclaimed as hundreds, and opened up for sale, yet practically the lessees are assured that their runs will not unnecessarily be broken up, and most of them will doubtless enjoy their possession during the period of the lease. The utmost fixity is thus given to their property which, in justice to the general interests of the country, can be conceded, and the various descriptions of land appear to be occupied in the mode best adapted for benefiting the different classes of the community.—*Argus.*

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JAMES BARNARD,
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