

(No. 25.)



1863.

---

T A S M A N I A.

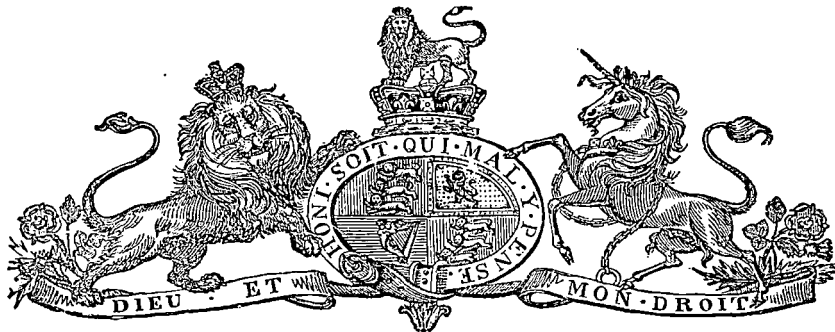
---

**WASTE LANDS ACT.**

**PROGRESS REPORT FROM THE SELECT COMMITTEE.**

---

Brought up by Mr. Davies, and ordered by the House to be printed, 5th March,  
1863.



*SELECT COMMITTEE appointed, on the 24th February, 1863, 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.*

---

MEMBERS.

MR. BALFE.  
MR. ALLISON.  
MR. GRANT.  
MR. SHARLAND.

MR. DODERY.  
MR. KNIGHT.  
MR. DAVIES (*Mover.*)

DAYS OF MEETING.

- 1.—27 February, 1863. *Present.*—Mr. Davies, Mr. Balfe, Mr. Allison, Mr. Dodery, and Mr. Knight.  
2.—3 March, 1863. *Present.*—Mr. Davies, Mr. Allison, Mr. Dodery, and Mr. Knight.  
3.—5 March, 1863. *Present.*—Mr. Davies, Mr. Balfe, Mr. Allison, and Mr. Knight.

---

## PROGRESS REPORT.

Your Committee have the honour to report that they have examined Witnesses, and duly considered their evidence, in connexion with the voluminous evidence taken during the last Session and printed amongst the Records of your Honourable House; and they have arrived at the following Resolutions:—

1. That it is the opinion of the Committee that the instalments on the Sale of Waste Lands should be made to fall due in the month of May in each year, as a convenience.
2. That it shall be considered sufficient occupancy to entitle Crown Lessees to all the privileges of the Pre-emptive Right Regulations, if they have occupied their Lands by establishment of Servants; placing Stock upon them; and have made improvements upon them.

Your Committee append to this Report the Evidence which they have taken during the present Session, which they suggest should be printed for future reference by your Honourable House.

JOHN DAVIES, *Chairman.*

*Committee Room, 5th March, 1863.*

---

## EVIDENCE.

---

TUESDAY, 3RD MARCH, 1863.

WM. LODEWYK CROWTHER, *Esq.*, called in and examined.

*By Chairman.*—You hold land under the Pre-emptive Right Regulations? I do, at Oyster Cove, since the year 1852, just after the Regulations came into force. I principally carry on sawing and splitting timber, with Mr. H. Pybus as my partner. I hold three sections under the Pre-emptive Right Regulations, one in the name of Mr. Pybus and myself, another in the name of my eldest son, and the third in the name of my second son. I have made very extensive improvements; I have expended about £11,000 altogether in tramways, wharf, buildings, machinery, and cultivation. On Section 1 there is a 6-roomed house, with outbuildings, and 20 acres cleared land, an acre of orchard which cost £45 an acre to clear, and a saw-mill and machinery of 20 horse-power. On 1 July, 1862, there were 80 people employed, of whom 44 were men and 27 women. The tramway is  $3\frac{1}{4}$  miles long from the wharf to the machinery.

You have expressed an opinion that in the Pre-emptive Right Regulations there should be a classification of lots? I have. I consider classification necessary to deal with the question fairly and justly.

(Here Dr. Crowther read from his evidence of last Session.)

You say that time should be given without any addition to defaulters? I think so.

The Government pay interest, should not they be charged the same? These parties are unable in many instances to pay the rent. It would be far better to make the terms easy, so as to enable them to pay, dividing the times of payment; for if any further impost is placed on them they cannot pay. I look on Pre-emptive Rights as no certain property; in favouring the class who hold them you do a good service to the State in future, you in fact throw a sprat to catch a herring.

*By Mr. Knight.*—Under the Regulations, was personal occupation contemplated? Certainly.

Define "occupation" which would meet the present emergency? Admit the residence of A. B. or his agent residing, which is better than personal, as it is in my instance, where it has led to a large number of persons constantly residing. The first payment ought to be deferred for 12 months without additions, the sum being divided into 10 instalments as in the Land Act. A Return should be called for of what has been done and what is doing by the Pre-emptive Right holders, then you can demand certain conditions from each.

*By Mr. Dodery.*—You mention an absolute surrender to the Crown? Yes. I would give a fresh and further right of selection to persons elsewhere than here, which would be a boon to them and also advantageous to the Colony.

How would you determine the classification? By return from the Police Magistrates or Wardens the information could be obtained.

You are acquainted with the working of *The Waste Lands Act*? Yes. I hold one section.

If the instalments were reduced to one-tenth instead of one-fifth, would it be of use? Yes, I think it would, as I have said before.

THURSDAY, 5TH MARCH, 1863.

WM. T. NOYES, *Esq.*, *J.P.*, called in and examined.

In answer to Questions from the Chairman,—

My name is William Taylor Noyes. I have been for six years past Police Magistrate of the Devon District, and I was previously Police Magistrate on the East Coast for 17 years.

I have had ample opportunities of judging of the working of the Pre-emptive Right Regulations of November 1851; and practically from having held lands under these Regulations myself.

In the Devon District, people have taken up the lands under these Regulations very largely, as the Map will show.

I gave answers to certain Queries last Session, and I see no reason to alter the opinions which I then expressed.

In answering those questions I merely referred on one point to the Pre-emptive Right Regulations.

I have committed to paper my notes on the subject for which I have been summoned here to-day; and if I am permitted to read them it will save the Committee and myself some trouble.

I do not consider that any disadvantage arises through considerable blocks of land being held by non-residents and others under the Pre-emptive Right Regulations; little or no improvements having been effected on such lands. The greater part of these blocks are either inaccessible, or are so far removed from any road or navigable river as to render their occupation and cultivation uninviting and difficult.

I am of opinion that, under the existing pressure of the times, an extension of the lease for either 10, 7, or 5 years should be made. I do not consider that any additional rent should be exacted; neither do I think that the bringing of Pre-emptive Lots under the operation of the Credit Clause of the Waste Lands Act would be advantageous, or would meet the urgency of the case. The holders of these lands, it must be recollected, have derived and derive no benefit from them; but, on the contrary, they have contributed to the Revenue for many years by their annual payments for rent, as well as locally to Road and Police Rates; whilst, as I have observed, for the most part, the lands are too far removed from the more settled portions of the Districts to render their present occupation either remunerative or easy.

If any additional rent were demanded, or, as a rule, the whole were brought under the Waste Lands Credit Clause, by far the larger portion of the lots would be thrown up; and it is chimerical to suppose that the applicants would be numerous to purchase them. The Revenue would thus lose the large annual rent now paid for them, and the Districts the contributions for them to the Police and Road Funds; and also the benefit arising from there being so many in the field to induce settlement on the lands, instead of the mere simple inducement of the land open for selection.

Were the view of the question to be more extended, I would urge, as an additional reason for the Pre-emptive Right of purchase-holders of Lots not being treated otherwise than as I have suggested to be given an extension of lease, that, should it not be done, many now clearing portions of some of the less secluded would be deprived of their homesteads and the benefit of their labour, as they are, for the most part, unable to purchase under the Credit Clause, not having sufficient means to pay the first deposit; also, that by the renewal of the lease the Government will have been paid £1 an acre by the rent alone, besides the Survey fee,—consequently the price obtained, when paid for, would be £2 an acre. The objects of the holders are, of course, to get the lands occupied and improved; and when to do so it is necessary to render assistance and afford every encouragement, it is surely much more probable that by the private energy and enterprise thus at work, if it were practicable to get settlers upon the land, it would be effected as, if not more, certainly than by altering the tenure so unfavourably as to cause the pre-emptive lands to be thrown up. No advantage whatever could ensue by not treating these crown land holders liberally as I have suggested.

They are interested in the settlement and cultivation of these Lands. They contribute largely for them to the Land Revenue, and their payments for Police and Road Rates are of no little advantage locally, whilst they tend also to the opening out of the country and the formation of Roads into their whereabouts; thus giving them a value, and cause, of course, the unappropriated Lands adjoining to be more available, and likely to be sought after.

To show that the renewal of the leases, yielding, as that measure would, the price of £2 an acre, is not too liberal, I will mention that the conditions on which land is let do not in many instances realize a larger price; the terms being in such instances 5s. an acre, payable for 8 years, in other cases 5s. an acre for 10 years: on payment in such cases of the last instalments, the Title is given and the land conveyed. The conditions generally are now favorable,—no rent for 3 or 5 years; then 5s. an acre, with permission to purchase at any time at £2 10s. or £3 an acre. These favorable terms prevent any advantage arising from dispossessing the Pre-emptive holders of their lots, as purchasers under the Credit System would be less favorably placed.

In the Devon District the Pre-emptive Right holders pay Police Rates and the full Road Rates.

*By Mr. Knight.*—Would you apply the same principle to all other Districts in which Pre-emptive Right holders are to be found? Decidedly I should. I held under the Regulations myself on the East Coast when I resided there. I mean that the same rent should be paid as now.

*By Mr. Allison.*—You know the Regulations as regards the holders in Grazing Districts? Yes.

Do you see any reason why those who have occupied such lands by the establishment of Stock, and improving by fencing, &c., should not be placed in the same position as if their occupation had been personal? I believe a man who occupies by himself or his servants is in law considered to be personally an occupier.

Are you aware that the Crown Lands would be permanently improved, the Revenue maintained, and all the interests of the Crown Lessees and the Colony generally benefitted, by giving a fixed and certain

tenure to occupiers of Grazing Lands? I can speak practically. It would be of the greatest benefit to all by giving fixed tenures for 5 or 10 years to present Lessees, instead of an annual licence renewable at 6 months' notice.

Is such a fixed tenure given in New South Wales to Grazing Lands? I cannot speak positively as to New South Wales, but it is in Victoria; in conversation with Squatters of both, their feelings were decidedly that leases for certain periods should be given. In Victoria the question was greatly agitated; and if it is not done now, it was in full contemplation. I arrive at that opinion from a knowledge generally of the description of the pastoral lands,—these generally are unadapted for other than grazing purposes; and I believe, as a general rule, it may be said that, except in small areas, in any of the grazing lots little or none is favourable for cultivation. The occupation by flock owners of Waste Lands is the means of improving them, it produces a revenue greater than could otherwise be obtained, and therefore every possible encouragement should be given to flock owners who occupy land which would otherwise be waste. It is the staple article of produce of the Colony, and without it we should have little beyond our wheat to export to adjoining Colonies, and to facilitate trade.

*By Mr. Balfe.*—Have the 10 years already given under the Pre-emptive Right Regulations led to much improvement, or caused any considerable increase of settlement in the Pastoral Districts? To a considerable extent, yes. In addition to the reasons for a fixity of tenure to leaseholders of sheep runs I would remark that very little of leased land will enable little more than one sheep to three acres to be kept. The rental therefore paid for these lands, considering the expense to lessees and loss by fire and other casualties, is so great that it is most desirable that the sheep owner should have a certainty of tenure with regard to his run.

If the fences are destroyed by fire, the occupier would not in all cases replace them unless he had a fixity of tenure.

*By Mr. Knight.*—Would the lessees abandon their lots if the present Regulations are maintained in their integrity? I do not think they would to a very great extent; they would hold on and do the best they could, they would continue to occupy. If a fixed tenure were given, I decidedly say that there would be more leased land taken up, and a greater Revenue would be secured.

Mr. Noyes withdrew.