Land systems of Australasia

Epps William
LAND SYSTEMS
OF
AUSTRALASIA

BY

WILLIAM EPPS
AUTHOR OF "THE PEOPLE AND THE LAND"

LONDON
SWAN SONNENSCHEN AND CO.
NEW-YORK: CHARLES SCRIBNER'S SONS.
1894.
The aim of these pages is to place before political thinkers an outline of the methods which govern the use and alienation of the public lands of the Australasian colonies. In these days of land tenure reform, land nationalisation, single tax, progressive land tax, and other theories for the amelioration of existing social conditions, any information tending to throw light on these and cognate subjects should be of value especially where it is in the direction of experience gained. The intention from the outset, has been rather to state facts than to express opinions, in the belief that a concise statement of the various systems, with a short disinterested analysis as far as it is possible of the results attained, would be of far greater value than a whole sheaf of individual ideas.

It is specially hoped by the writer that his work may be of some value to his fellow colonists. A journalistic experience in three of the provinces has shown that the people generally know very little of their own laws and less about those of their neighbours; which statement applies even to many of the most prominent politicians. This want of knowledge may be due in part perhaps to the absence of literature bearing on the question. Yet the subject of the disposal of the public lands is of the most vital importance to the people of a new country. It is in their power thoughtlessly to raise up barriers to the happiness and progress of millions who may follow them, and a study of the land legislation here outlined of one at least of the colonies will show that, even at this early period, the baneful affects of past unwise action are manifesting themselves in a marked degree. How much more then will this be apparent in another half century, when our children and our children’s children will be reaping the harvest of the heedlessness of our fathers and ourselves?

It is a difficult task to compress into the small space comprised within these pages a comprehensive statement of the intricate land systems of seven distinct provinces. Much
of interest and importance has consequently been unavoidably omitted. But it is hoped that all the main points with respect to present conditions have been put forward in a sufficiently clear manner. It has been the desire to bring the information wherever possible right up to date. The historica résumés of the changes which have been made in the systems of the various provinces are necessarily cursory. This part of the work has been unexpectedly laborious, as it has involved the examination of many old records, etc.; but it was deemed to be essential to a complete appreciation of existing methods that those of the past should be first described. In this connection the author freely acknowledges assistance gained from the works of historical and other writers, some of which have been quoted; and he desires also to express his thanks for the receipt of much valuable data from the heads of departments in the various colonies, and for help cheerfully rendered by both personal friends and strangers.

Sydney, N.S.W.,
CONTENTS.

Chapter

I. INTRODUCTION . . . . . . . . . . . . . . . . . . . . . . Page 1.
Australia an ideal land for colonisation.—Lord Sydney
failed to appreciate the occasion.—Convict element
a great drawback to settlement.—The order of coloni-
sation.—Two groups of colonies.—Geographical situ-
tion.—Physical features.—Climate.—Small rainfall —Qua-

ty of soil.—Lack of rivers.—Area.—Population.—Indus-
tries.—Systems of Government.—Transfer of prop-
erty.—Some points worthy of adoption elsewhere.

II. NEW SOUTH WALES.—EARLY SYSTEMS . . Page 8.
The first settlers.—Governor Phillip's "First Fleet".—
Sydney and Norfolk Island.—Free immigrants encour-
aged.—First grants of land.—Assignment of convicts—
expansion of settlement.—Introduction of wool-growing.—
Captain Mac Arthur.—Native grasses, valuable herbage.—
First leases.—Commons.—The settled districts —Limita-
tion of boundaries.—First sales of land.—Land Boards.—
First Land Act.—Rapid alienation.—Introduction of
immigrants.—System of transportation ceased.—"Squat-
ing" system.—The "Wakefield Theory".—Governor
Bourke.—Crown Lands Act 1833.—Governor Gipps.—
Crown Lands Act 1839—Endeavours to restrain the
squatters—Trafficking in lands—Absentee Pastoralists.—
Lord Stanley's Act.—Regulations of 1843.—Popular
Opposition.—"The three Fs".—Pre-emptive rights.—
The squatters successful.—Governor Fitzroy.—Earl
Gray's Act.—The Orders in Council.—Objectionable
practices.—No thought for posterity.

III. NEW SOUTH WALES.—UNDER RESPONSIBLE GOVERN-
MENT . . . . . . . . . . . . . . . . . . . . . . . . . . . . . Page 25.
The Gold discoveries—Influx of population.—Aggrega-
tion of holdings into large estates.—"Free selection".—
Sir John Robertson's Acts.—The "squatters" and the
Chapter
"selectors".—Dummying.—Black-mailing.—Peacocking.—Public immorality.—An amending Act.—Conditions not improved.—Public indignation.—A commission appointed.—Denounces free selection.—The Act of 1884.—A fresh patch on an old garment.—System of land settlement at present.—Conditional purchases and conditional leases.—Unsatisfactory results.—Congestion of population in towns.—Areas of holdings.—Large estates.—Small cultivation—Analysis of the causes.

IV. TASMANIA . . . . . . . . . Page 51.
Its geographical position and natural advantages but minor status.—Life more English than on the mainland.—Early conditions similar to those of New South Wales.—Changes from 1848 to 1855.—Responsible Government.—Experimental legislation.—Free grants in return for the possession of capital.—Roads and bridges.—Mineral lands.—Further changes.—The Act of 1870 still practically in force.—Purchase on credit.—Classification.—Selection before survey.—Compulsory improvements.—Settlement and cultivation not progressing proportionately with alienation.—More stringent fulfilment of conditions to be enforced.

V. VICTORIA . . . . . . . . . Page 61.
Originally part of New South Wales.—Port Phillip District.—Early settlements abandoned.—John Henty first settler.—Batman's scheme for colonisation.—Purchases from Natives disallowed.—District formally declared open for settlement (1836).—First sales of land.—Proceeds to be partly devoted to immigration.—Lord Stanley's Act.—Gipps's regulations.—A popular outcry.—Separation from New South Wales.—The squatters and the Government.—Constitutional Government.—Land Bill of 1858 thrown out.—Land Act of 1860.—The "Duffy Act".—A scramble for the soil.—Agricultural leases.—Restrictive conditions.—Land Acts of 1869, 1878 and 1884.—Present condition of settlement.—"Grazing rights", and "agricultural allotments".—Victoria an agricultural Colony.—Cultivation.—Centralisation of population.—Land tax.—General results.

VI. QUEENSLAND . . . . . . . . Page 86.
The last colony founded.—Originally a convict settlement, and part of New South Wales.—Separation and responsible government.—Immediate land legislation.—Stringent
Chapter

conditions.— Afterwards modified.— Pastoral lands.— Changes in legislation.— The Act of 1868.— Alienation of large areas.— Homestead areas.— The present system — Liberal conditions.— Land grant railways — Essentially a pastoral country.— Grazing farms.— Small holdings on the increase.— Improved condition of both agricultural and pastoral industries.— The position of the colony.— Its prospects for the future.

VII. WESTERN AUSTRALIA . . . . . . Page 103. Unique position of the Colony.— The largest territory and the smallest population.— Natural conditions unfavourable.— Early struggles.— Colonisation a failure.— The Western Australian Company.— Changes in the system.— Tillage leases.— Introduction of convicts the only remedy against destitution.— Classification.— Exploration licenses.— Conditional sales.— Poison leases.— The “Kimberley District.” — Tropical products.— Present conditions.— Agricultural areas.— Unconditional selections.— Mineral lands.— Land grant railways.— Improved position during ten years.— Cultivation on the increase.— Constitutional government.— Proposed changes.— Free grants to immigrants.— Homestead leases.

VIII. SOUTH AUSTRALIA . . . . . . Page 116. Essentially identified with the land question.— Its great area.— Lack of natural advantages.— The Wakefield system.— “Concentrated colonisation”— A sufficient price. — The first settlers.— Land boom.— The bubble bursts and colonisation really begins. — The Orders in Council evaded.— Early methods.— Representative Government. — Deferred payments. — Strangeway’s Act.— Classification. — Effects of the credit system.— Frequent changes.— New principles.— Leases with the right to purchase and perpetual leases.— Optional tenure.— Conditional pastoral leases.— Working Men’s Blocks.— State-aid to “Blockers”.— The Northern Territory. — Decadence in cultivation.— Aggregation of large estates.— Areas of holdings.— The colony standing still.— The pastoral system full of anomalies.— A Pastoral Commission.— A Land Tax.— The Torrens Act.

IX. NEW ZEALAND . . . . . . . . . . Page 137. The Britain of the South.— Its geographical features and natural advantages.— Early settlement.— The New Zealand Co.— Troubles with the Natives.— The Wairau
Chapter

Massacre.—Made a separate colony.—The Canterbury and Otago Settlements.—The Wakefield system gets a fair trial.—The pioneers a superior class.—The New Zealand Co dissolved.—Representative Government.—The provincial system.—Land alienation methods become a hopeless tangle.—Changes in Legislation.—The Land Boards.—Classification.—Deferred payments.—Pastoral lands.—Provisions for roads and bridges.—The Act of 1885.—A new era in land legislation.—Perpetual leases and village settlements.—Amending Acts of 1887, 1888, and 1892.—Important changes.—The optional system.—Cash sales only after fulfilment of conditions.—Limits to the holding of land.—Occupation with right of purchase after 10 years residence.—Leases-in-perpetuity (999 years).—Special settlements Associations.—Small grazing runs.—Limitation to the number of pastoral leases to be held.—Land and Income tax.—Improved settlements with State aid.—State farms.—A graduated land tax and an increased land tax on absentees.—Resumption of land for settlement.—Drastic Legislation.—Results yet to be ascertained.

X. CONCLUSION ........................................... Page 165.
The Suzerainty of the Crown assumed over all Australasia.—Steps taken to assert the King’s Sovereignty.—Attempted French annexation.—Early methods.—Free grants with quit-rents, a form of free socage.—Occupation in return for determinate services.—The allodial period.—Leases-in-perpetuity, a return to the old free grant system.—Results of existing systems to date.—Stupendous alienation.—1250 holding total 35 million acres.—105,000 others only 19 million acres.—Perpetual Leasing, or Leases-in-perpetuity suggested.—“Eternal” leases.—Congestion of population in towns, on the increase.—Primary producers decreasing in proportion to total Population.—Cultivation not keeping pace with alienation or increase of population.—The time has come for a change.—Will the people of Australasia rise to the occasion?
CHAPTER I.

INTRODUCTION.

To the political student or experimenter few finer fields of investigation are open than that afforded by an examination of the governing systems of the colonies comprising British Australasia. Some remarkable examples are there offered of the effect of adapting old rules to new conditions, and of the result of attempts to formulate new methods or practically apply theories which elsewhere are still in the hypothetical stage. It is a land of boundless possibilities, and one which under different auspices in its earlier years might occupy a much larger place in the world of to-day. For no more fitting place than this sea-girt great south land could have been reserved by an all-wise Providence for the realisation of ideals of purer thought and more wholesome methods, free from the demoralising influences of a past. It is as though Nature in the fulness of her heart had here raised from the ocean bed a new earth to which man might transplant himself, and live a new and truer life; or as though the Provider of All Things had said, to use the words of one long since gone—"I called this new world into existence to redress the balance of the old."

Never was such a golden opportunity offered for the carrying out of great regenerative schemes as that afforded by the opening up of this Terra Australis to the overcrowded nations of the North. Separated as it was from the chief haunts of civilised man by thousands of miles of sea and land; possessing within itself vast territory, a climate covering all the gradations from ever tropical heat to perpetual ice and snow, and a soil capable of producing all that man could need; yet having no powerful aboriginal races to be dispossessed; surely this was a land in regard to which no brighter ideal could have been devised than that of peopling it with men able to toss off the traditions of centuries of priest-ridden, superstitious misrule, and build up a new nation, which should in truth be that dreamt-of Utopia.

The opportunity for a glorious experiment was not wanting. It was pointed out to the Government of Great Britain that the least they could do for those loyal American citi-
zens who had adhered to their side in the troubles across
the Atlantic, during the latter part of the eighteenth century
was to transplant them to some such a land, to which they
could bear their Lares and Penates, and there form homes
to replace those which they had lost in America. But Lord
Sydney failed to appreciate the consequence of the occasion,
and preferred to adopt a suggestion for the utilisation of
these virgin shores as a means of escape from a difficulty
which had been created by the increase of criminals in Bri-
tish gaols. So that Australiia, instead of becoming the home
of tried pioneers, who, by their fealty to a losing cause, had
shown themselves to be possessed of the noble characteris-
tics of loyalty and determination and other good qualities,
was made a dung heap on which to cast the dregs and
refuse, the human filth of the British nation.

In approaching the study of almost any public question
in Australia, and particularly that of the people and the
land, it is imperative to hark back to the early days of the
Colonies' existence. In five, at least, of the seven provinces
this is essential. It has to be borne in mind that the first
colonists were not free—that the earliest efforts to promote
settlement were hampered by the fact that the bulk of the
people were transported felons. It was essential that they
should be kept under severe restraint, and this necessity
militated against the introduction of a proper class of pion-
eers, possessed of the necessary experience, mental and
physical capacity, and financial means to lay the foundations
of a new nation on a well-grounded basis. Even those free
settlers who comprised the earliest colonists in the true
sense of the term, were impeded by restrictions in conse-
quence of this fact, and as a result the ultimate opening
up of the vast interior of the continent was carried out
under unnatural conditions, and in defiance of the law.
Indeed, in those early days, it was difficult to secure men
of good moral calibre as immigrants, and it was not until
after the convict element had become very strong that a
right class began to arrive. These facts must be specially
borne in mind in considering the question of the settlement
of the lands of the continental colonies and Tasmania, which
(with the exception of South Australia) were all greatly
affected by the transportee system.

To properly appreciate the circumstances of each colony
it is necessary to glance briefly at the method and sequence
of their early settlement. The first Europeans to make
Australia their home landed in New South Wales in 1788,
when the "first fleet" arrived under Governor Phillip. They
were comprised entirely of transportees, and their military