

## CHAPTER V.

## LAND TENURE, OR THE LAWS RELATING TO LAND.

IMPORTANCE OF LAND LAWS TO A COLONY.—GOVERNMENT LAND GRANT GUARANTEED THE BUYER PROTECTION FROM FOREIGN INVASION AND FROM GREEDY NEIGHBOURS.—WAKEFIELD PRINCIPLE.—LAND TENURE IN EUROPE.—LARGE ESTATES LET OUT IN LARGE FARMS.—PEASANT PROPRIETORSHIP.—COTTIER SYSTEM.—GOOD FARMING GOOD FOR ALL THE COMMUNITY.—WHAT SOUTH AUSTRALIA CAN PRODUCE.

IN settling a new country, its prosperity depends so much on the manner in which the land is made productive, that the laws relating to the land are of the first importance; and, besides, the lands are all originally called Crown Lands, and are in the hands of the government, which employs surveyors to measure it, and divide it into suitable blocks for sale to the settlers. This is, at first, the only means by which money is got to carry on the business of the colony. The English Government did not pay anything to the natives for this great extent of land, but they sold it to the people who came to South Australia for 20s. an acre. What did the purchasers get for that price? In the first place they were guaranteed by the British Government the peaceable possession of the land against all foreign enemies. Great Britain, being the strongest power in the world, at sea, protected all her colonies by her great fleet of warships, when the people were too few and too feeble to protect themselves. In the second place, the title or land grant given by the South Australian,

Government prevented any other person from taking the land from the man who had paid for it. He could keep it, let it, or sell it, if he pleased. But the Government of South Australia engaged to do still more than that. It was founded on what is called the **Wakefield principle**—that all the money which was paid for land should be spent in bringing out laboring people to work on it. We know that land is of no use without labor; and the colony of Virginia, in North America (which was founded in the reign of Queen Elizabeth), and the colony of Western Australia (more recently founded in 1829), were colonised at first by **gentlemen without laborers**, and the first settlers were **nearly starved for want of food**. By this new plan, it was meant that South Australia should get capital and labor at the same time to work on the land bought; but we have seen that the early settlers were nearly starved—at least, all the money that was brought out, instead of being spent in employing the immigrants in fencing and ploughing the country sections which were bought, was spent in building houses in town to shelter the new-comers, and in buying food, in two years of drought, to keep them alive. They were then driven to farming by sheer want; and, as no more land was sold, and immigration was stopped, they were also driven to contrive such things as reaping-machines, to get as much as they could out of the land with as little labor as possible.

In an old country like our mother country, the **United Kingdom of Great Britain and Ireland**, there are a great many millions of people and a comparatively **small quantity of land**. Land, therefore, becomes very dear, and only very rich people can have much of it for their own. It is, indeed, so very valuable, that moderately rich people will give a considerable sum for it every year as **rent**, and they will also pay a great deal of money in **wages**, and buy expensive manures, and use the best machinery to

make this scarce, dear land produce as much, year after year, as it possibly can. An English or Scottish farmer will pay sometimes £1,000 a year for 500 acres of land, and employ thirty or forty people all the year round to work on it, and to take care of the sheep and cattle which are kept on it. **This is the system of large estates divided into large farms**, let to tenants with capital.

In France, Switzerland, Norway, and other countries land is very dear—quite as dear, for its quality, as in England; but there are not so many rich people there to buy it, and it is generally held in small properties by the owner, who works on the land himself. **This peasant proprietor**, as he is called, works early and late in order to get a living out of ten, or five, or even three acres of land. He has not as good ploughs or horses as the English **tenant farmer**, but he works hard, because the land is his own. His wife and children help him all they can with the dairy and poultry, or the garden and vineyard; and a clever, industrious peasant, who spends less than he earns, can often buy the land of a lazy and wasteful neighbour, and make it, too, produce more. **This is the system of peasant proprietorship.**

There is another way in which land may be cultivated—in letting it out in very small farms to poor people at as much rent as they will give. This was practised very generally in Ireland before the great potato famine in 1847, and is still too much followed in that country. The poor people were so eager to have the land that they gave a great deal for it. They lived on potatoes, and had no cattle or machinery, and when the potato crop failed they starved. **This is called the cottier system**, and it is the worst of all that have ever been tried in any civilised country.

It is for the good of **the community**—that is, of **all the people in the country**—that the land should be in the hands of industrious people. When the landholders are too lazy to work on it, or too poor to

make the best of it, and let their fences get out of repair and their fields be choked with weeds, there is all the less food grown in it for everybody in the country.

In South Australia land is plentiful and cheap, and a country life is pleasant and healthy. Not only does it grow the finest wheat in the world, but with a little care and labor it will produce all kinds of wholesome vegetables and delicious fruits. In its wild state it is the poorest country for the traveller who does not carry provisions with him, but when plenty of labor is put on it, it is the land of the greatest abundance. When the colony was founded, it was called a land flowing with milk and honey—and that is true now, though it was not true then; and nothing astonishes English people more than the great variety of fruits that come to perfection here in the open air. In England, grapes, peaches, and apricots are grown in hothouses.

SURPLUS PRODUCE SENT FIRST TO OTHER COLONIES; NOW ALMOST ALL TO ENGLAND.—ENGLAND BUYS WHEAT AND RAW MATERIALS FROM ALL THE WORLD.—FARMERS WANTED MORE LAND, AND TIME TO PAY FOR IT.—LIMIT OF ONE MAN'S HOLDING.—RESIDENCE AND IMPROVEMENTS NECESSARY.

When their came to be more corn grown in South Australia than could be eaten in it, wheat and flour were sent to Victoria and to New South Wales. When the goldfields were discovered in these other colonies in 1850 and 1851 many of our farmers tried their fortune there, but they almost all came back and bought more land, for they found that they made more money in supplying the diggers with food than by working on the diggings themselves. And they had also a more comfortable life on their farms. But when the alluvial diggings fell off, a great many people left gold seeking, and either took to farming or to work for farmers in Victoria and New South Wales. The alluvial diggings

were those places where the gold was found in loose nuggets and specks in the soil, and people dug and washed the gold free from dirt, each one generally on his own account. The quartz reefs, which required machinery for crushing the stone to get out the gold, were worked by men who were paid wages. When so many people went to work on farms in these other colonies, they did not need much of our wheat and flour, so that now the great market for our large surplus is England. We must explain why such an old country as Great Britain needs to get flour from such a long way to make the people's bread.

It has been already mentioned that in the mother country there is a large population and comparatively little land. Half of the people are working, not on the land, but in great manufactories and workshops. They make raw cotton into calico and muslin of all kinds. They change bales of dirty wool into tweeds and blankets and merino dresses. They make iron into all sorts of tools and machinery. They build ships to carry goods all over the world. They make steam engines and railway carriages both to use at home and to send abroad. But **these people must all be fed**, and the land of Great Britain and Ireland does not grow more than half of the wheat that the whole people want for bread. So it is a good exchange for us to send them the corn which they need, and get back in return the clothing and other necessaries which we need. And this **foreign trade**, as it is called, employs ships and sailors to carry it on, and shipbuilders too, besides the farmers here and the manufacturers in England,

But the price of wheat in South Australia must be always so much less than it is in England, on account of the cost and the risk of the long voyage. The farmers found that their farms of 80 acres were too small to make a living of at the low prices; and besides, the old farms near Adelaide got worn out, and gave less and less crops every year. They asked the Govern-

ment to allow them time to pay for large blocks of new land, which they would fence, plough, and cultivate and pay for by degrees, and would give a better price for it, on what is called **deferred payments**, than if the money had to be paid down at once in the old fashion. The request of the farmers was approved of by parliament, and they were allowed, in 1870, to take as much as 640 acres, or one square mile in this way. This is the manner in which the agricultural areas in the North, in the South-East, and in Yorke's Peninsula, have been settled. The price has been generally a good deal more than the original one of 20s. an acre. **Some land is worth more**, because it is **more fertile**, or gives a better crop; and some land is worth more, because it is **near a railway** or a shipping place. A great many of these large farms have been quite paid for, but at the present time (1880), there are more than four millions of pounds due to the Government for these **credit selections**, as they are called. The farmers select or choose the land, offer the price they think it is worth, and get so many years to pay it in. The Government has, since 1878, allowed even a larger block than a square mile to be taken up on credit, for one man can take up as much as 1,000 acres. He must live on it, or send some one in his place; and he must make, each year, the improvements which were bargained for; and a government inspector goes round from farm to farm to see that the improvements are really made.

CHEAP LAND LEADS TO CARELESS CULTIVATION.—BETTER TO HAVE LARGE CROPS THAN LARGE FARMS.—LAND TITLE GIVEN AFTER ALL THE PRICE IS PAID.—REGISTRATION OF TITLE—OF MORTGAGE.—TORRENS'S REAL PROPERTY ACT.—SQUATTERS' PASTORAL LEASES.—NOTICE TO BE GIVEN BEFORE THESE RUNS ARE SURVEYED.—PAYMENT TO BE MADE FOR PERMANENT IMPROVEMENTS.—LOWER RENTS IN THE FAR NORTH, AND LONGER NOTICE.

No one in any old country has any such chances of acquiring landed property as are offered here; but perhaps,

as land is so easily got, people do not value it highly enough, and do not make the most of it. The country would be really more productive, and a country life pleasanter, if 25 bushels of wheat were got off a farm of 200 acres than if 10 bushels are got off 500 acres. If, by deep ploughing and keeping sheep and cattle on the farm, the crops were larger, and the farmer did not depend only on wheat, there would be more pleasant neighbours within visiting distance. There would not be so many difficulties about schools and churches. There would be more amusements, and more general intelligence in the country, if people were not so widely scattered over great farms and sheep runs. A shorter length of road or railway would suffice for the heavier crop; and a great many of the little industries which employ the French peasant proprietor's wife and children might be attended to by the Australian farmer's wife and children. These things would not only bring in money, but would make the living more comfortable.

The farmer who takes out a **credit selection** does not get his title, or land grant, till he has paid all the price of it. This grant from the Crown is registered under what is called the **Real Property Act**, and even if he were to lose it, or it were to be burned, he would, for a little money payment, get another as good, copied from the original register. If he **sells** the land, he gives to the purchaser his own title, and a fresh title is drawn up, and a note of transfer registered. If he borrows money on the security of his title to the land, or what is called, **mortgages** it, the mortgage (or the deed by which the lender of the money can sell the land if he is not paid the interest promised, as also the money lent) must also be registered. There is no country where land is more easily bought and sold, and where it is more cheaply dealt with than in South Australia. None of the titles to land go further back than 1836, for that was the year in which the colony was founded. In Europe, many titles go back through different owners for many hundreds of years, and are

often confused. What is called Torrens' Real Property Act prevents confusion or doubt arising about title to land and house property, and saves law expenses to the buyers and sellers.

All the land in South Australia is not taken up for farms. There are very large tracts held on **pastoral leases** from the Crown by sheep and cattle owners. These people are generally called **squatters**, because they have not bought the land, and only stay for a time. At first, these squatters had their sheep and cattle stations close to Adelaide, but gradually, as the land was needed for farming purposes, they have moved further and further back. All Australian land is the better for **depasturing**. The grass, which used to be coarse, and in separate tufts at some distance from each other, becomes much finer and closer where flocks have fed on it, and the land will grow better crops after sheep than after kangaroos. The squatter pays a rent for this pasture land, so much for a square mile, and is not disturbed till there is a general demand for his **run**. He then gets six or twelve months' notice (according to the terms of his lease) that his run will be surveyed and put up for sale. At the end of the time given for him to remove, the run is **declared a hundred**, surveyed, divided into blocks, and put up for sale. The squatter gets some payment for his **permanent improvements**, such as **buildings, fencing, wells, and water reservoirs**, which is only fair. He often feels it very hard to be turned out, but it is the bargain he made with the government when he took the run; and no one can take any of it till it has been surveyed after the proper notice has been given. Often, though the land is surveyed, a great part of the hundred, as it is called, is not sold, and that may be taken at a rent from government from year to year. In the very far north, where the hardships and difficulties are greater, the pastoral rents are low, and three years' notice is given before the squatter can be made to move away from his run.



MONEY RECEIVED FOR LAND TO BE SPENT ON IMMIGRATION AND ON REPRODUCTIVE WORKS.—ALL PUBLIC WORKS NOT REPRODUCTIVE.—GENERAL REVENUES PARTLY DERIVED FROM LAND, AND FROM SERVICE ON RAILWAYS, POST OFFICES, TELEGRAPHS, AND WATERWORKS.—GREAT PART OF IT NEEDED TO BE RAISED BY TAXATION.

In the early days, according to the Wakefield system of colonization, all the money paid for land was to be spent in immigration, to bring out labor, but now only a very small portion of it is spent in that way, because there are some things that the buyer of land thinks more desirable than a large supply of cheap labor. If you have followed the reasoning of the last chapter, you will see that **capital** is another thing necessary to make land valuable, and that roads, bridges, railways, ports and jetties, which cost a very great deal of money, are exceedingly useful to the people who buy land from the government. It is now considered that that part of the **revenue** which is got for **land sold** by the government should be all expended in **reproductive** public works, and in **immigration**, or paying the passages of working people from England to the colony.

All public works are not reproductive works. Government house, government offices, law courts, and gaols, are **necessary**, but not **reproductive**. Roads, railways, ports, and waterworks are reproductive works. For some of them the government gets a return every year in money. The fares for passengers on the railway, and the money paid for carrying goods, are part of the **general revenue**; and so are the **water rates** for the water supply; and so is the price of **postage stamps** for carrying letters; and the money paid for **telegraphic messages**. All these branches of the revenue are derived from **service**—something that the government does that we need and pay for. The **rents of the Crown** lands held by the squatters are also a part of the **general revenue**, for the

ordinary purposes of government. But the price of the land which is bought must not be spent on these ordinary purposes, but on reproductive public works, and on paying the interest of the money borrowed for these reproductive public works.

The other sources of revenue for rents and service are not sufficient to pay all the expenses of law and justice and education, besides the cost of their own departments. All the railways have not only to be made, but to be kept in good order, and all the railway servants to be paid out of the railway fares and charges.

The water has to be brought a long way, and the reservoirs and pipes have to be kept in order. The owners of the mail coaches have to be paid, and all the post office servants, out of the price of the stamps; and the telegraph clerks out of the charges for messages. So it is only the difference between what it costs and what it receives that helps the government revenue. And it has always been necessary in this colony, as well as everywhere else, to raise some more money by means of **taxation**, for the ordinary expenses of the government.

