

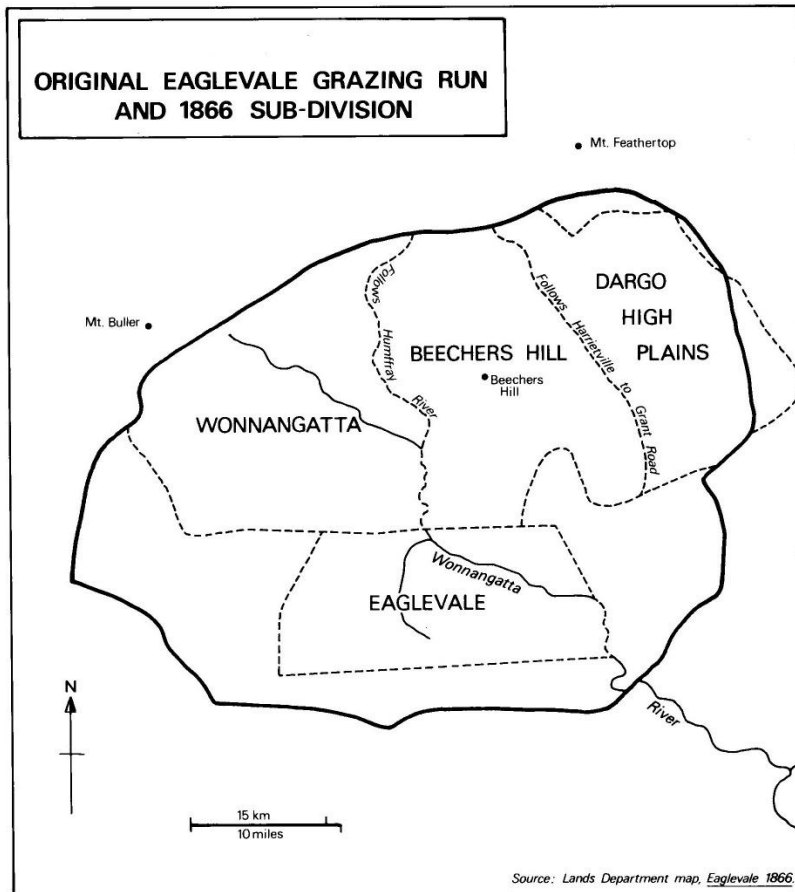
Chapter 2

HOW THE ADMINISTRATION OF LAND TENURE INFLUENCED SNOW COUNTRY GRAZING

The purpose of a tenure system for Crown lands was three-fold: to provide a basis for their orderly use; to raise revenue for government administration (bearing in mind that in those early years income was not taxed); and to maximize future returns either as economic or social assets by safeguarding their potential for sale, or use as public assets such as forest reserves, water supply reserves and scenic landscapes.

From the graziers' perspective some form of agreement was required to enable them to collectively use the land efficiently. In south-east Australia the system of squatting licences was the convention which gave stability and certainty to the early pastoral industry and prevented it from degenerating into chaos and violence. My Chapter 1 has already described how squatting tenure worked; it basically enshrined the right of the first occupant and hence supported the rapid expansion of pastoral occupation, and dispossession of the indigenous peoples. Without an officially sanctioned tenure system the squatting movement may never have gathered momentum. Billis & Kenyon in their book 'Pastures New', written in the 1920s, within living memory of the squatting era, emphasise the heroic achievement of squatters in settling south eastern Australia – boldly striding into the wilderness with sheep and cattle, all the while battling the elements, dingos and the blacks. It surely was an outstanding feat though we now acknowledge that, from the quite different perspective of the original inhabitants, it was equally a collective act of brutality and disrespect. But their conquests may well have been retarded if not totally stymied if squatters were also fighting amongst themselves for control of land. The tenure system, which began with simple grazing permits and culminated in the 1847 squatting regulations, was the accepted convention that largely averted such conflict between fortune seeking pastoralists and enabled them to focus their energies and resources on common enemies. It therefore achieved the goal of orderly occupation and use of land for pastoral purposes but had some unintended consequences, most particularly the demise of first Australians. The 1847 regulations were fuel that transformed smouldering embers into a fire storm that incinerated all that stood in its way. In the process a new social and political class was created, a landed gentry, which may well have come to monopolize the control and ownership of land had the gold rushes not attracted hundreds of thousands of immigrants to Australia and thus created a counter balancing interest in the use of land for intensive agricultural settlement.

The 1847 Regulations limited the maximum size of squatting runs to 25 square miles or whatever larger area was required to achieve a carrying capacity of 4000 sheep. But the boundaries of runs were usually identified by the first applicants, and in the mountain region it was logical to claim whole physiographic units, such as a plateau or a drainage basin defined by a stream and its watershed. The boundaries of these places were easy to establish in the field and to plot roughly on a map; and they were eminently practical for the grazier. Though minor changes were made by the Lands Department in the 1860s and 1870s when large forfeited runs and other vacant country were offered for public tender as smaller units, the original boundaries remained something of a broad template thereafter. However, a finer subdivision under the 1884 Land Act made heavy use of straight lines to depict boundaries – largely ignoring physical features such as major ridges and rivers. This was no doubt an administrative convenience arising from an absence of detailed geographic knowledge, but from the grazier's perspective straight boundary lines were quite impractical to locate in the mountainous landscape.



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Squatting tenure was perpetuated in the Victorian Land Acts of the 1860s via the pastoral licence provisions. However, the 1869 Land Act signalled the end of squatting tenure by only guaranteeing it until 1880², and from 1873 the Lands Department began introducing a new system of annually renewable grazing licences for previously untenanted areas and forfeited pastoral runs. This reduced security of tenure to a 12-month cycle. Grazing licences also reduced the scope of use, allowing for grazing only; there was no question of residence or cultivation.³

It is clear that the grazing licence concept was developed from that of the pastoral licence and that the philosophy of short-term grazing occupation stemmed from the original squatting permits, and the 1847 regulations, which allowed temporary pastoral occupation until Crown lands could be more thoroughly dealt with through sale or reservation for public purposes. Grazing licences represented a refinement of administrative provisions to embody more accurately the temporary occupation ideal; pastoral licences, while not precluding agricultural selection or reservation, were not so temporary and thus tended to foster entrenchment of interests. Grazing licences were favoured to counter such entrenchment but in the snow country they had little more to contribute in this context because remaining unoccupied areas contained little or no lowland suitable for settlement: these lands were thus generally unsuitable for traditional squatting occupation where the grazier resided on the run.

Of course it should be acknowledged that there were certain circumstances in which graziers chose not to take up licences – i.e. chose to graze illegally. In the years leading up to the 1860s licences

1 Eaglevale Run file, Lands Department; Register of Runs, Book 2

2 1869 Land Act., Section 112.

3 1869 Land Act, Sections 63 and 67.

might not have been held where lands were temporarily occupied en route to some destination beyond (for example I am not aware of any official record of James McFarlane’s occupancy of McFarlane’s Flat in 1834/5); or when there was little or no prospect of other people being interested in an area for the time being (for example, the first graziers on Mt Wellington and the Bennison Plains); or when the Government refused to grant tenure (for example, early use of the Nunniong Plateau). Even in later years it was not uncommon for graziers to use the snow country without tenancy if they felt they could get away with it; the Beveridge Brothers enjoyed some years of unlicensed use of grazing blocks in the upper Buckland River catchment area before 1920s; as did the Fitzgerald family on the Bogong High Plains from the early 1900s to the 1930s– in these cases snow country grazing is clear from local history but does not appear in the Lands Departments licence registers. So while the tenure system was a useful convention for securing one’s hold over land, where no potentially competing interest was evident the temptation to use land without paying for it was sometimes too hard to resist. And given the remoteness of the mountains from the sphere of government supervision, the chances of being caught red handed by officials was slim – or so it appeared while a general state of disinterest prevailed. These few exceptions tend to prove the general rule that government issued tenure provided a firm structure within which broad acre grazing of sheep and cattle was able to flourish.

The Impact of Land Selection

A pastoral or grazing licence gave security against infringement by other pastoralists, but no such security against agricultural settlement. Pastoral tenants were only interim tenants pending the release of land for cultivation and they were never able safely to undertake major improvements over large areas while those areas were licensed for grazing purposes only.

As mining activity on Victoria's main goldfields declined throughout the 1860s and 1870s a large and growing pool of unemployed former diggers hoped the colony's Crown lands would be made available for agriculture; that meant wrestling control of it from squatters. A groundswell of public opinion was developing against the squatters, whose huge pastoral holdings were effectively barring others from taking up agriculture.

The 1869 Land Act shattered that obstacle by simplifying the procedures by which would-be farmers could obtain permission to settle on Crown land. The dramatic result was that within the space of ten years, between 1870 and 1880, licensed lowland grazing empires had been so corroded that only remnants of pastoral runs remained as unselected Crown land.

Table 2.1
Depletion of some Licensed Lowland Runs through Selection

Run	Location	Size in 1875 (acres)	Subsequent Decline (acres)
Barwidgee	Kiewa Valley	30,277	1877: 24,994; 1881: 16,300
Cuigmundi	Dargo	37,450	1889: 30,800; 1891: 26,000; 1894: 2,600
Dargo	Dargo	22,880	1889: 15,000; 1893: 9,000
Ensay	Omeo	101,788	1881: 95,300; 1889: 20,000; 1891: 8,000

Omeo B	Omeo	74,190	1878: 58,910; 1881: 53,200
Tawonga	Kiewa Valley	93,390	1889: 15,580; 1890: 14,000

Source: Lands Department Registers of Pastoral Licences, 1875-80, 1880-95.

However, not all this lost territory was actually lost. Squatters were able to convert significant proportions of their licensed runs into freehold estates by fully and dextrously exercising their legal rights to participate in land selection themselves (including wherever possible selecting the best parts of a run, such as those adjacent to water bodies, thus rendering the surrounding lands virtually useless to anyone else),⁴ and then stepping beyond what was legal by making covert arrangements with third parties to take up land on their behalf.⁵ Subverting the intentions of the land selection Acts was big business involving lawyers, accountants, stock and station agents and politicians who were all engaged by squatters to advance their interests. But if a pastoralist didn't want to become involved in such intrigue there was always the option of relocating to new regions such as the NSW Riverina or central Queensland where land selection was not in progress.⁶ Squatters in or adjoining the mountain region had a further option: they were able to resort to the "inferior stony mountain land" which became an outpost for broad acre pastoral occupation. Hence, for example, Ensay Station acquired the Bogong High Plain licence in 1875; and the Pendergast family, who were very early squatters on the Omeo plains, came to rely increasingly upon snow country in the headwaters of the Murray River as their plains country at Benambra was partially and progressively lost to selectors. Station owners from the Kiewa and Ovens valleys, who suffered the depredations of both miners and selectors, also used the Bogong High Plains for summer grazing by arrangement with the licence holder (see Table 2.2.).

Land settlement under the 1869 Land Act may have virtually destroyed pastoral tenure as it was experienced by the owners of big lowland stations. But for those pastoralists whose grazing runs were in rough and isolated mountain country, largely unsuitable for cultivation, there was no real threat and only opportunity. Most were grateful for the chance to exhaust their selection quota to secure the cultivable paddocks around their homesteads and with that done there was not much scope for anyone to bother them. In these isolated areas new neighbours were more of a blessing than a curse.

So, while the 1869 Land Act enabled selectors to take up fertile land along the river valleys that penetrated the mountain region, the snow country remained the domain of station owners and new smaller pastoralists whose roots were founded in broad acre grazing and other commercial interests like carpentry and storekeeping. Occasionally in the 1870s a small selector acquired an interest in a run or access to the high pastures. Generally, however, selectors did not have the means or opportunity to become involved in the snow country until the late 1880s and 1890s.

Table 2.2
Bogong High Plain Run
Graziers from the Ovens & Kiewa valleys, 1883

Name	Residence	Class	Number of Stock
Alfred Abraham	Kiewa	Station owner	60 cattle
Denis Farrington	Freeburgh	miner/grazier	80 " "

4 Kiddle, M. 1963. *Men of Yesterday. A Social History of the Western District of Victoria 1834-1890*, Melbourne University Press.

5 Through dummying and so forth. See for example Kiddle (1963).

6 Powell (1970), op cit; Buxton, G. L., 1967. *The Riverina 1861-1891*, Melbourne University Press..

Marcus Hobbs agisting for Arthur Woodside	Kiewa (Kiewa station)	station owner	100 " "
Thomas Hollonds	Kiewa	selector—grazier	10 horses 80 cattle
William Hollonds	Kiewa	selector-grazier	30 horses 80 head cattle
Charles Ibbotson	Kiewa (Tawonga stn)	station owner	200 cattle
Bernard O'Reilly	Freeburgh (Aldorf run)	station owner	80 cattle
John Waldern	Freeburgh	miner/grazier	50 cattle
		Total	730 cattle 40 horses

The Bogong High Plain run, as gazetted in 1866, had an assessed carrying capacity of 50,000 sheep (approximately 8000 head of cattle). No livestock were placed on the run in 1883 by the licensees H. & J. Campbell. Peter Howman, of Gould's Run, Ovens Valley, attempted to arrange agistment in consultation with Messrs. Campbell, but objection from Marcus Hobbs, Ibbotson's manager at Tawonga Station, Kiewa Valley, dissuaded other owners from sending stock.

Source: Hamilton Papers, Q6 Inwards, 11 April 1883 and miscellaneous sources

By the early 1880s those who rented large areas of Crown land for grazing only were in occupation of the poorest country in the colony and were now termed 'pastoral tenants' rather than squatters.⁷ This new term was used in the Parliament to avoid the unfavourable connotations of "squatter" and to project a new image of the run holder - a battling tenant of the Crown who deserved sympathetic consideration. This was certainly an accurate portrayal of the new smaller pastoralists whose licences incorporated much poor rough mountainous country with low stocking capacity. Most had diverse sources of income but, as mining went into further decline during the 1880s, many began to suffer financially⁸ and were forced to rely increasingly upon the mountain grazing runs for a livelihood.

After 1880, when the 1869 Land Act expired, there followed four years of political turbulence which spelled greater uncertainty for pastoralists. Their future was debated and re-debated along with many other issues and ideas for settlement.⁹ When new legislation finally eventuated in 1884 particular attention was paid to the mountain region.

The Crown Lands Commission

Many features of the 1884 Land Act were identified in 1878 by the Crown Lands Commission of Inquiry (CLC), a fascinating fact-finding investigation which reported to Parliament on the progress of settlement under the 1869 Land Act and recommended certain legislative action.¹⁰ The aim of this inquiry was to help struggling selectors to stay on the land, and to create more employment opportunities in agriculture for the colony's bloated post-mining population.¹¹ In considering the settlement of marginal Crown land it recognised the value of the farmer-grazier, who cultivated for his

7 Victorian Parliamentary Debates, 1884, pp.1843-4

8 An example is the local legend about C. S. Holme of Eaglevale who is said to have shod his horse with solid gold shoes back in the gold days. But by the mid-1880s much of his wealth had gone and he had to mortgage his property to stay solvent.

9 Victorian Parliamentary Debates, various, 1870s and 1880s.

10 Victorian Parliamentary Papers 1879, Papers Nos. 72 & 73.

11 See Powell (1970) op cit.

own needs and used the remainder of his land for grazing (pretty much the same as a squatter but on a micro scale). Previously the focus of selection and settlement had been on cultivation. The CLC recommended that squatting tenure be not renewed and that pastoral lands be subdivided into much smaller units for selectors to graze. The snow country became topical in this context.¹²

Evidence upon which the CLC's recommendations for the snow country were based came primarily from government officials Alfred Howitt, the Police Magistrate at Bairnsdale, and James Stirling, Lands Department Officer at Omeo; other lay participants also contributed some valuable evidence (see Table 2.3).

Table 2.3
Witnesses to Crown Lands Commission of Inquiry, 1878
Evidence Relating to the Snow country

Name	Occupation	Contact with Snow country	Contribution to Inquiry
James Stirling	Lands Department Officer	Visited snow country, spoke to users	Provided detailed assessments of the grazing potential of many tracts of snow country
Francis W. Blyth	selector	?	Corroborated J. Stirling's evidence; large mountain runs could be cut into smaller summer grazing blocks
Alfred Howitt	Police Magistrate	Traversed much of the snow country; spoke to settlers	Information about land form and land use; opinions and suggestions of how closer settlement of the high country could be achieved.
Rowand McArthur	Crown Lands Bailiff	Visited some of snow country; spoke to users	Agreed with subdivision of summer runs but thought lower bush runs tied up in pastoral runs would be preferred by settlers
Charles McLeod	Manager of a Pastoral Station	Had done stock work on Dargo High Plains	Some snow country could be better used if tenure was longer
Alfred E. Otter	selector	?	No-one would want to take up snow country
Thomas Stirling	Selector & Squatter	Friend of Jens Petersen, a snow country grazier	Affirmed that snow country already being used profitably for grazing

Source: Crown Lands Commission, 1878.

¹² Victorian Parliamentary Papers, Crown Lands Commission of Inquiry, 1878, p.x.

Facts presented by Howitt concerned the Cobberas country, well-known to the early pioneers of the Omeo district, and also the Bogong and Cobungra high plains. He did not think the Cobberas country would be of much use to selectors as summer pasture as it was located too far from suitable low country.¹³ However, he thought that the Bogong High Plains could be subdivided for farmer-graziers.

I may instance one place, the Bogong Plains, situated between the sources of the Cobungra, Bundar and Kiawa [rivers], where there are very extensive undulating basalt plains of the character I have seen in the Western District. They are well grassed, and, were it not for the elevated position, I think are suited for grazing grounds, but that would be all. Of course I speak with exception of the lower lying shelves, where, for instance, I have seen oats growing.

*The Bogong Plains are occupied on grazing licences by the neighbouring (I say neighbouring not adjoining) run-holders, who remove their cattle there, and I have even known sheep removed there at different times during the last 12 years.*¹⁴

The evidence of James Stirling indicated the extent of occupation of snow country in the Omeo district. Other witnesses provided additional information about the Dargo and also Bogong High Plains¹⁵ and agreed that these areas could be subdivided for grazing.¹⁶ The CLC accepted this advice and attempted to devise a scheme whereby grazing lands would remain in the hands of small graziers, once issued to them, rather than being aggregated once more into the hands of the few. To this end it recommended a long-term pastoral licence of 10 years and various conditions of improvement, such as ring-barking of trees and the restriction of one grazing right per person.

The Crown Lands Commission presented its final report in September 1879, but, as a result of disagreement within the Parliament, the Commission's proposals were not implemented immediately. During the interim period leasing was investigated as an alternative to sale of Crown land.¹⁷ Leasing was favoured by some on resource conservation grounds, to protect the catchments of major rivers and to conserve timber that may have been required as fuel for the gold mining industry.¹⁸ Leasing was also favoured by those who believed that land could remain a significant source of government revenue if it was kept in public ownership and rented out in perpetuity rather than being sold. But in reality most of the colony's valuable agricultural land was already sold or held under selection purchase leases, and all that remained was a patchwork of rough country, including the forested tracts of the eastern highlands, which had little revenue potential. In these forested tracts, leasing was eventually introduced as an alternative to annual licensing of grazing lands, rather than as an alternative to sale.

The 1884 Land Act

The 1884 Land Bill concerned itself primarily with the Crown lands of the eastern highlands, and also scattered pockets elsewhere.¹⁹

13 Victorian Parliamentary Papers, Crown Lands Commission of Inquiry, 1878, p.329. Questions 8040-8049.

14 Victorian Parliamentary Papers, Crown Lands Commission of Inquiry, 1878, pp.329—330. Questions 8055-8058.

15 In some testimonies, and subsequently in the C.L.C.'s final recommendations, the Bogong High Plains were mistakenly referred to as the Dargo High Plains.

16 Victorian Parliamentary Papers, Crown Lands Commission of Inquiry, 1878. Questions 8329, 8379, 8464.

17 Powell (1969) op cit. Leasing of Crown lands as opposed to alienation had been proposed as early as 1872 but it took a decade for the issue to receive serious attention in the houses of Parliament.

18 Victorian Parliamentary Debates 1884, vol. 46, p.810.

19 For example, the Otways. The Mallee Public lands were dealt with in 1883

*... if anyone takes a trip along the north-eastern railway line, from the time he passes Kilmore until he reaches Wodonga he will see on his right an enormous range of mountainous country comprising altogether about 10 million acres. That contains a large portion of the land which is left for Parliament to deal with.*²⁰

Intentions of the Act

The 1869 Land Act had enabled most of the productive plains areas to be selected for cultivation, but once these better lands were claimed future settlers had to face more difficult circumstances. In the mountain district fertile land was found only in patches here and there, usually following the course of river valleys and once these were selected much of the surrounding country became virtually useless to anyone else.²¹ The revenue potential of the total remaining Crown land portfolio and its utility for others was therefore undermined. To meet the challenge of changing circumstances new rules for land occupation were required.²² These were largely drawn from the CLC's recommendations and embodied in the 1884 Land Act: the concept of combining grazing and cultivation was introduced by way of the occupation provisions; squatting tenure was formally ended; long-term tenure for much smaller pastoral runs was available; and measures were taken to prevent pastoral lands concentrating in the hands of a few. The only modification was a minor one - leases were offered for pastoral lands rather than long-term licences.²³

Land Classification

In acknowledging that much of the remaining public estate was of the poorest quality for farming, the government based its new legislation upon a system of land classification whereby different types of tenure were offered for different classes of land. The aim of the classification was to ensure that provisions of occupation were appropriate for the particular quality and nature of the remaining unsettled lands. Classification was based on reports from Lands Department field staff in consultation with local government.

The snow country fell into three classifications defined in the Land Act and one additional category which was subsequently created by administrators after the Bill had passed through Parliament (and before the land classification plans were finalized). The classifications and associated occupation provisions are summarised in Table 2.4.

Table 2.4
1884 Land Act
Summary of Provisions Relating to the Snow Country
Tenure Provisions of the Act

Land Classification

Pastoral	a) Section 21 lease - lease of up to 14 years to expire by 1900
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20 Victorian Parliamentary Debates 1884, vol. 46, p.889.

21 Victorian Parliamentary Debates 1884, vol. 45, p.510. A. L. Tucker (Minister of Lands) quoting a report by the Surveyor—General, Mr A. J. Skene

22 *ibid.*, p.501.

23 Leases were regarded as a chattel interest, licences were not.

- area of Pastoral Allotment to support between 150 to 500 head of cattle
- rent to be charged at the rate of 5 shillings per head of cattle
- vermin destruction obligations
- improvements revert to Crown on expiry of lease
- maximum of one Pastoral Allotment per person
- opportunity to select a homestead block, maximum area 320 acres, at any time during period of lease provided all obligations had been met (S.29); maximum area increased to 640 acres by Section 15, Land Act 1898

b) Section 119 Grazing Licence

- land not required for leasing under S.21 could be occupied under annual grazing licence

Agricultural /
Grazing

a) Section 32 Lease

- lease of up to 14 years to expire by 1900
- maximum size of allotment 1,000 acres
- annual rent between 2 pence and 14 pence per acre
- opportunity to select up to 320 acres depending upon other land owned
- maximum of one allotment per person

b) Section 119 Grazing Licence

- land not required for leasing under S.32 could be occupied under annual grazing licence
- rent set by tender or Departments discretion

Auriferous

Gold bearing country available for mining related tenures or otherwise only for grazing under S.119 licence or a continuation of annually renewable squatting tenure

Additional Classification Created by Administrative Action

Bogong High Plains Green Area Grazing blocks available only, under S.119 annual grazing licence

Source: Land Act 1884; Land Classification plans

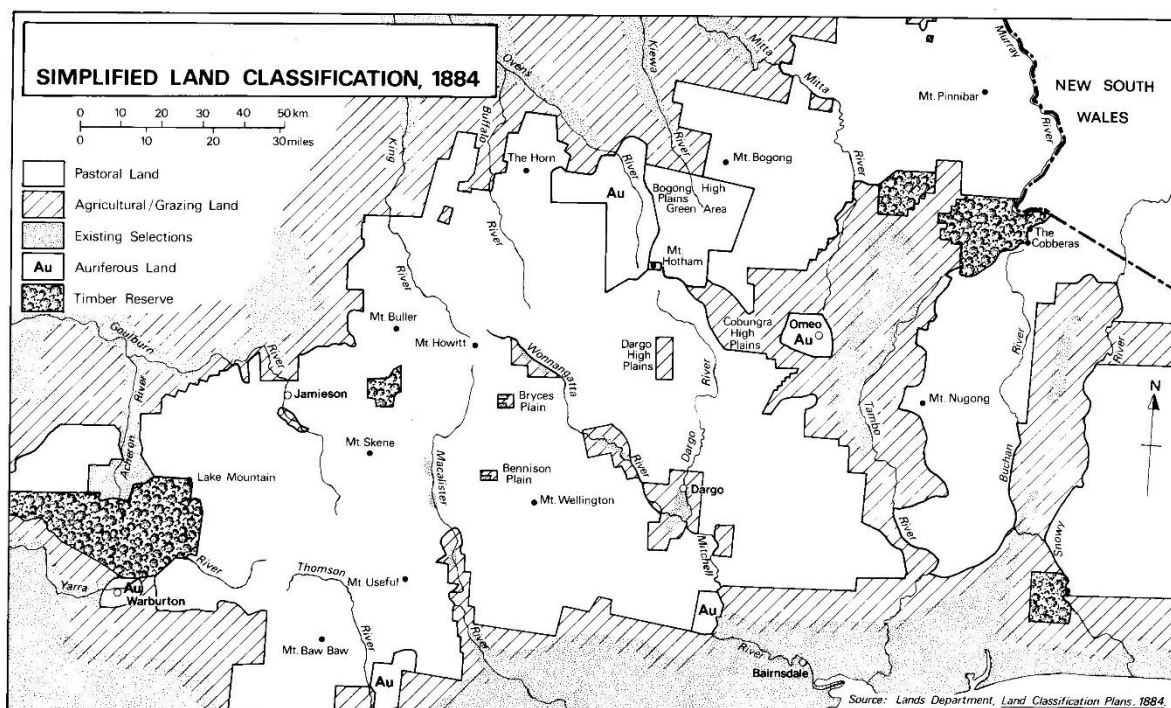


Table 2.5
Snow Country Classified as Agriculture/Grazing, 1884

Locality	Features	Possible Reason for Classification
Bennison Plains	Lower altitude; on the Crooked River to Woods Point track	Previous selection in 1883
Cobungra High Plains	Lower altitude; on Omeo to Ovens Valley track; close to settlement at Cobungra	Previous cultivation by miners; support of Omeo Land Officer, James Stirling
Dargo High Plains	Adjoining Upper Dargo gold diggings; on Grant to Harrierville track	Applications for selection; support of Omeo Land Officer, James Stirling
Bryce's Plain	Remote snow plain	Adjacent to land selected under 1869 Land Act

Source: Author's research and 1884 Land Classification maps.

Most of the snow country was considered useless for agriculture and was classified Pastoral (see land classification map, above). Where cultivation was considered possible, localised tracts were denoted Agriculture/Grazing (Table 2.5).

Classification was based upon broad geographical features and observations of how the land was being used. For example, the lower Cobungra High Plains, classed as Agriculture/Grazing, had already been successfully cropped in places by miners²⁴ and to this extent field reports would have reflected those activities as well as subjective judgments of land capability. However, land classification was also based to some extent upon imagination as demonstrated by the peculiar "classification" of the Bogong

²⁴ Howitt's evidence to Crown Lands Commission of Inquiry, 1878., Question 8055.

High Plains, which deviated from the categories set out in the Land Act. The plains were designated as "The Bogong High Plains Green Area"²⁵ (because the area was shaded green on the Lands Department's land classification plans) and were available for occupation only under annual grazing licence rather than long-term lease as favoured by the legislature. The separate identification of the Bogong High Plains was the result of submissions from James Stirling.

*With respect to the Bogong High Plains ... it seems to me that it is now necessary to preserve portion of this unique area as Public Park lands. The time is not far distant when, with increasing population, a portion of this area will be in demand for summer residences and hence it is expedient that steps should be taken to provide for such exigencies. I can confidently assert that there is no area in the whole of the Australian Alps (with the exception of the lower or southern portion of the Snowy Plains) so unique as portions of the former plateau. If this area ... could be dealt with under Part XI, section 119 as summer grazing areas in blocks from 1,000 to 5,000 acres, it would meet the public requirements and prevent any portion from being alienated.*²⁶

The recreational potential of the Bogong High Plains had been recognised as early as 1868²⁷ and Stirling was able to build upon this existing awareness to achieve a special treatment.

James Stirling was a creative and influential thinker in the Lands Department. He also imagined many of the high altitude tablelands being used for summer grazing by small selectors, and the classification of parts of the Cobungra and Dargo high plains as Agriculture / Grazing was largely due to his persistence.²⁸

*The application of the Gow family for land at an elevation of 5000 feet above sea level on the Dargo High Plains, and their intention to reside thereon, is at once an evidence of the necessity for subdividing the alpine pasture lands into smaller areas than those possible under Part 2 of Land Act 1884, as pastoral leases. I have repeatedly drawn attention to the advisability of subdividing these areas into smaller summer grazing blocks vide Land Officers annual report for 1882, 1884 and 1885, and also memos on examination of County plans [submits a map showing alpine summer grazing lands including the Bogong High Plains, Dargo High Plains, Nunniong plateau, the summit of Mt Bogong and the Snowy Range]. There is no doubt that these areas are exceptional and should be fully utilized by subdivision into much smaller summer grazing blocks to confer the greatest benefit on the greatest number of settlers.*²⁹

The 1884 land classification was a major development in land settlement policy and administration. It can be seen as a logical extension of the classification of pastoral lands introduced in 1862³⁰, and further refined in 1871.³¹ The former identified four classes of pastoral land according to carrying capacity ranging from Class 1 – 24 cattle per 100 acres, to Class 4- 6 cattle per 100 acres. Each class attracted a different scale of rent. In 1871 the categorization was more complex: 3 straight forward pastoral classes (1 – 3) and 5 encumbered or geographically challenged classes worthy of special consideration (remnants of runs, depleted by land selection; auriferous country, subject to gold mining activities; mountainous country; partial mallee country; & mallee country). The scope of the 1884 classification was expanded beyond merely rentals payable for pastoral tenancies, to the type of

25 See 1884 Land Classification Plans, Bogong County.

26 Lands Department file, Omeo I 4941, James Stirling to the Surveyor-General, 20 February 1886

27 Illustrated Australian News, 16 May 1868.

28 Lands Department files Omeo I 4690, and Omeo I 4941, 1886 & 1884

29 Lands Department file Omeo I 4690, memo of 20/2/1886

30 Supplement to the Victorian Government Gazette of December 16, 1862, published December 18

31 Government Gazette, 1871, page 591 - 598

conditions that were appropriate for all types of rural land settlement tenancies for the remaining uncommitted Crown lands. And, equally significantly, it looked forward to future public use requirements that might preclude land settlement tenancies.

In the wake of its successes and limitations, the 1884 land classification was reviewed and amended under the 1898 Land Act. A fresh set of plans featured a vast expansion of lands classified as Forest Reserve (this will be further discussed in a following chapter), and a minor redesign of small grazing allotments available on the Dargo high plains. The new Act also reduced annual rentals, increased the maximum size of agriculture/grazing allotments available for lease, and reconfirmed the demise of the Section 21 pastoral lease, most of which had already expired, and would thereafter be replaced by annually renewable grazing licences.



James Stirling, Lands Department Officer, Omeo

Effectiveness of the Act's provisions in the snow country

When the 1884 Land Act came operation it superimposed a new layer of into opportunity over the existing system of pastoral and grazing tenancies. Applications were invited to lease large expanses of pastoral land under section 21; smaller grazing blocks on the Bogong High Plains were available under annual licence, and even smaller areas could be leased for grazing and cultivation under section 32.

The aim of this new layer of opportunity was to:

- * break up the squatting estates, which were considered sub-optimal users of the Crown land estate;
- * provide livelihoods for smaller operators; and, thereby hopefully populate the mountains with dynamic new communities,
- * create a more productive land use regimen which would

add to the wealth of the colony via expanded farm output and higher leasehold rents paid each year to the government.

However, unless or until any applications were received and approved the land (with the exception of the Bogong High Plains) remained subject to the pre-existing licence regime.³² Hence many old squatting tenures, though depleted by selection, remained otherwise undisturbed well into the 1890s and even the early 1900s. For example, Gould's Run remained under pastoral licence till 1896 and thereafter till 1909 under S.119 licence; Seaforth station similarly till 1894, and the Dargo High Plains, Beechers Hill and Darbalary runs until 1908. As the following table shows, most of these enduring squatting tenancies were on lands that were not to be settled (public purposes reserve, and auriferous class land) or lands expected to be leased under section 32.

Table 2.6
Squatting Tenures Continuing beyond 1886

Name of Run	Starting	1890	Closing date &	Circumstances	Rent	Rent
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³² Section 3 of the 1884 Land Act permitted tenures under previous Acts to continue

	Area (Acres)	Area	area		1885	1890
Dargo High Plain	110,000	90,000	1908 / 90,000	Reservation for public purposes	36.33	32.35
Beechers Hill	183,000	183,000	1908 / 160,700	Reservation for public purposes		15
Gould's Run	18,000	16,000	1909/ 6000	Auriferous classification	11.33	17.8
Darbalary	14,289	10,000	1908/ 3000	Agriculture / grazing classification	31.33	22
Cobungra West	11,000		1899 / 6000	Agriculture / grazing classification		
Seaforth			1894 /			
Mt St Bernard	7,800		1908 / 5000	Auriferous classification		
Mt St Bernard East	14,000		1909 / 14,000	Auriferous classification		
Mt Wellington (2)	67,000		1893 / 67,000			
Tambo North	24,000		1898 / 22,000	Agriculture / grazing classification		
Mt Wills	30,500		1890			

i) Pastoral Lands.

When the Lands Department invited applications to lease Pastoral Allotments, in 1885 and 1886, the response was strong with at least 32 snow country lots being subscribed; many of those that apparently remained vacant were too steep and remote to have been a commercial proposition at the government's asking price. Most successful applicants were already established graziers who previously held these same areas under squatting tenure or annual grazing licences that had been offered for vacant pastoral runs after 1873. They were usually the only applicants; few PA's attracted multiple applications necessitating the payment of a premium to be determined at a special competitive auction. As there was a limit of one PA per person, multiple family members often pooled their resources to re-establish their old pastoral domains. For example, Constantine Shiras Holme had been the licensee of the Eaglevale 2 run. He and his brother James acquired one PA each that comprised the heart of Eaglevale, and nephew Cecil Zohrab Ede took possession of a Grazing Area on the adjacent Bennison Plains to complete the picture.

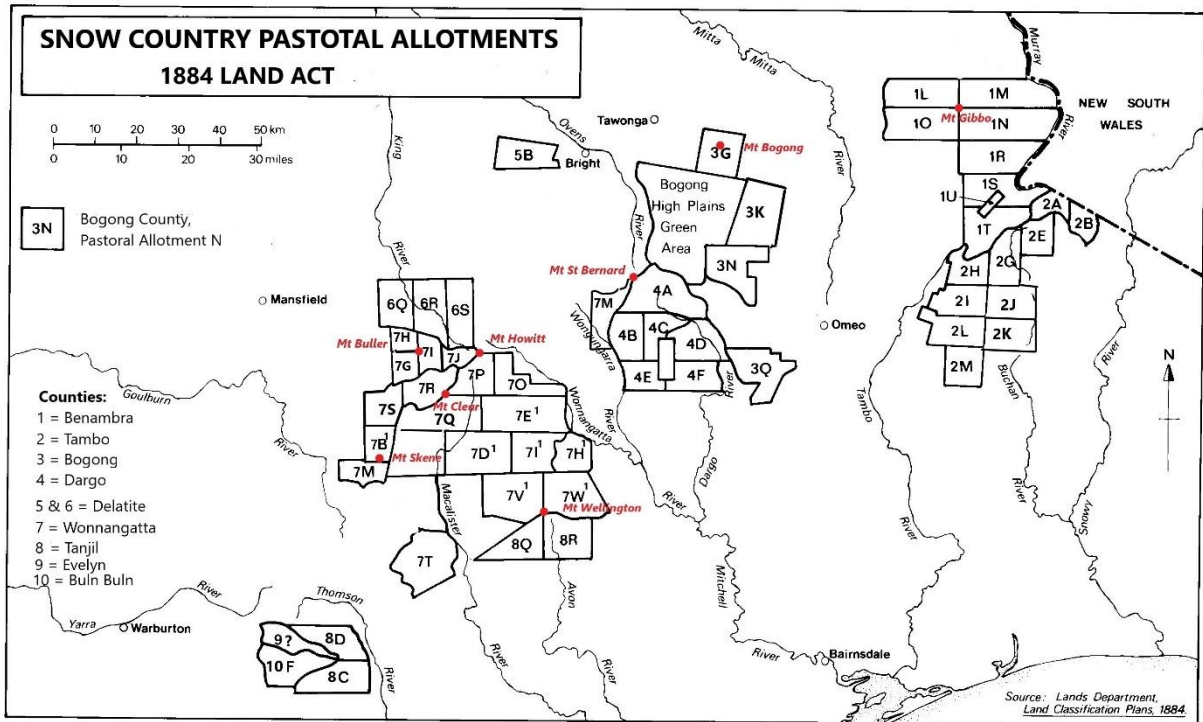


Table 2.7

Snow Country Pastoral Allotments Available For Lease under Section 21 of the 1884 Land Act

Pastoral Allotment	Area acres	Initial Rent	Rent 1893	Lessee	Status	Start date	End date	Comment
Bogong N	33,000	103		Osborne Young	P/O	1886	1897	
Bogong Q	26,900	84		James Hollonds	N/E-U	1886	1887	
Bogong G	32,300	100	68	Peter Howman	P/O	1886	1896	
Bogong K	32,600	102		E D Fitzgerald	P/O	1886	1887	Then S 119
Dargo A	33,000	103.5	20					
Dargo B	23,100	72.25						
Dargo C	20,000	62.5						
Dargo D	30,000	93.75		George E Treasure	N/E	1886	1886	Did not proceed
Dargo D1	11,520			Richard Gow		1891	1893	
Dargo D2	5800			Richard Gow		1891	1892	
Dargo E	26,000	81.25						
Dargo F	22,000	68.75						
Delatite Q	28,000	110.5		George E Barrow	N/E-U	1886	1887	
Delatite R	32,000	123.5		Farquhar Mackinnon	N/E-U	1886	1887	
Delatite S	28,500	109.9		Peter Sim	N/E-U	1886	1887	

Delatite B	22,700	113.5		John Curtain	N/E	1886	1896	x<>x
Wonnangatta E1	38,600	120.75	38.6	William Bryce	P/O	1886	1897	
Wonnangatta H1	15,400	48		James Holme	P/O	1886	1900	
Wonnangatta I1	23,000	72		Constantine Holme	P/O	1886	1900	
Wonnangatta W1	36,600	115		Ewan McMillan	N/E-U	1886	1887	
				Wm Jas Irwin	N/E	1889	1891	x<>x
Wonnangatta V1	38,000	119	38	Thomas Irwin	N/E	1889	1891	x<>x
Wonnangatta D1	37,500	117.5	37.5	May Irwin	N/E	1889	1893	x<>x
Wonnangatta O	20,900	65	20.9	? Bryce (presumed)	P/O		<1893	Then S 119
Wonnangatta M	22,800							
Wonnangatta B1	21,300	68.75	21.3					
Wonnangatta H	7,800	37.5						
Wonnangatta G	14,200	45						
Wonnangatta I	21,700	68						
Wonnangatta J	24,700	77.5						
Wonnangatta R	22,900	72	22.9					
Wonnangatta P	24,600	77	24.6	? Bryce (presumed)	P/O		<1893	Then S 119
Wonnangatta Q	36300	113.5	36.3					
Wonnangatta S	21,200							
Wonnangatta T	32,800							
Tanjil Q&R	67,000	231.25	82	John Weir	N/E	1894	1899	x<>x
Tanjil C	26,600	83.25		Charles Varney (presumed)	P/O	1886	1899	
Tanjil D	22,300	69.75						
Evelyn # ?	10,900							
Buln Buln F	21,800	68.5						
Benambra 'M'	39,000	195	97.5	Cornelius Pendergast	P/O	1886	1887	Then S 119
Benambra 'N'	40,000	125	62.5	W R Thompson	P/O	1886	1897?	
Benambra 'O'	30,000	93.75	46.87	John / Elizabeth Pendergast	P/O	1886	1895	
Benambra R	34,000	106.25	53	John Gibson (presumed)	N/E	?	1895	Then S 119
Benambra 'S'	27,500	86		W J C Pendergast	P/O	1886	1901	

Benambra 'T'	27,000	84.5		James Pendergast snr	P/O	1886	1896	
Tambo 'A'	10,700	33.5		Walter Coughlan	N/E	1886	1896	x<>x
Tambo 'B'	13,300	41.5		James Pendergast	P/O	1886	1901	
Tambo 'E'	14,500	45.25		Thos J O'Rourke	P/O	1886	1900	
Tambo 'G'	26,700	83.5	26	Ann T O'Rourke	P/O	1886	1887	Then S 119
Tambo 'J'	24,700	77.25	24	John O'Rourke	P/O	1886	1901	
Tambo 'L'	26,800	83.75		Thomas Quinn	N/E	1886	1896	
Tambo 'M'	15,600	48.75		Thomas Doyle	N/E	1886	1900	
Tambo H	16,300	51						
Tambo I	23,000	72	23					
Tambo K	24,700	77.25						

N/E = new entrant; N/E-U = new entrant unknown (no further details); P/O = previous occupant

x<>x = not known as a snow country grazier before or after tenancy

Then S 119 = former lessee opted for S.119 licence instead

Source: Leases and Licences Register, 1884 L.A; Government Gazettes

Despite the fact that land classified as pastoral was considered the poorest land in the colony, the initial take-up of Section 21 leases was exceptionally high. This should be no surprise since, strategically, the existing graziers had to apply for at least the core areas of their runs if they wanted to be sure of staying in business. What made it tricky for them was that the cost to rent these areas had just gone up astronomically. That's because the primary driver of the leasing provisions was a desire to achieve premium long term revenue streams for the government.

There are 54 PA's listed at Table 2.7, but the availability of 5 was removed when the majority of the Dargo high plains were being considered, and finally were reserved for public purposes in 1889.³³ Hence we can see that at least 63% was subscribed (probably a lot more because those PA's not listed as leased include many for which I found no records).

Of the 31 snow country PA's known and presumed³⁴ to be leased, over half were tenanted to previous occupants. The remaining half were new entrants, of which four were in default for non-payment of

³³ Lands Department file T 84820; Govt. Gazette 8 February 1889, p.541. This was a 'permanent reservation', meaning that it could only be revoked by an Act of Parliament and not by administrative fiat as was the case for most public purposes reserves. The reservation applied to a huge area, 180,000 acres, which comprised most of the land between the Dargo and Wongungarra rivers north of an east – west line passing through the Mt Grant trigonometric cairn; hence the whole of the Dargo High Plains, excepting the areas already dealt with under section 32, and Dargo PA 4 which was subject to a s. 21 lease approval that was apparently never finalized. At the same time four other equally large permanent reserves were gazetted, three in East Gippsland and one on the Murray River near Mildura.

³⁴ Explanation: In the 1970s when I was first researching this topic I located a Lands Department register book which contained the starting and completion dates of many, I assumed all, section 21 leases. However, my long and tedious search of Government Gazettes 40 years later unearthed details of additional s.21 leases. On examination of the total data set it became clear that most s.21 leases did not continue for the full 14 years but were in fact surrendered in the 1890s and replaced with grazing licences, often issued to the same persons. I then noticed that for four pastoral allotments, or significant parts thereof, for which I had no documentary evidence of a s.21 lease but which were of such quality that it was inconceivable they would not have been in

rent less than 12 months later (and presumably never got started – I have no idea who these people were) and five others were not known as snow country graziers either before they took on their S.21 leases, nor after they exited the leases. One of these in particular, John Curtain, was definitely not a bona fide grazier – see Appendix A (Local Histories) for more information on Curtain. I suspect, but can't prove, that the other four were probably agents (ie dummyming) for known graziers who had used up their leasing allowance (of one PA per person).

There were some advantages in holding a S.21 lease that justified paying a higher annual rent:

- * security of tenure for up to 14 years,
- * scope to conduct improvements such as fences, dams and huts and time to recoup the benefits of these investments,
- * the ability to mortgage the leasehold titles in order to raise funds, and
- * the right to purchase freehold title to a homestead block of 320 acres at the very reasonable price of 1 pound per acre once all conditions of tenure had been fulfilled.

The main condition of tenure, apart from payment of rent, was control of vermin (rabbits) and noxious weeds on the Allotment, to the satisfaction of the Lands Department, within three years. If the lessee's main incentive was to get hold of the 320 acres of freehold on offer, then they had to at least wait out these three years or however much longer it took the Department to make its evaluation. Of the enduring leases most lasted much longer: 7 continued on for the full 14 years allowable; another 7 ran for ten years, and another 4 achieved at least five years.

While the advent of pastoral allotments created opportunities for new entrants, more commonly old pastoral operations were simply reconfigured under the new tenure system, combining various new tenancies to re-establish the heart of the old pastoral domains. Pastoral allotments were the basic unit of agglomeration, usually leased under S 21 though sometimes they could be picked up cheaply under S 119 if no-one was interested in leasing them; on a few occasions graziers defaulted on S 21 lease payments and were subsequently able to regain the allotments under the much cheaper annual licence. The S.119 annual licence was a more flexible option as, being of short duration, it could be quickly off-loaded in times of financial stress, and this became crystal clear when the economic depression hit in the mid-1890s. At that time many S 21 lessees found it difficult to meet their rental obligations.³⁵

Table 2.8

Pastoral Runs Re-assembled by 1887 Under Sections 21 & 119, 1884 Land Act						
Run Name	Original size	Reconfigured size 1890		Pre-1884 LA rent	1890 rent	Rent increase
Bundaramunjie	37,000	41,800	Bogong PA N	31.33	139.65	445%
			BHP Green Area Block L			

high demand for summer grazing, there were gazetted records of grazing licences being first issued during the 1890s. I have concluded that these four areas were in all probability also the subject of a s.21 lease. That is the meaning of the word 'Presumed' in the lessee column of Table 3.5.

35 See, for example, Lands Department, Beechworth District, file for Pastoral Allotment Benambra 'A' (P.R.O.).

This does not relate specifically to the snow country but illustrates the point. I had very little luck locating S 21 lease files.

Eaglevale 2	103,680	38,400	Wonnangatta PA's H1, I1	70.07	120	171%
Carlingford	116,000	74,600	Wonnangatta PA's V1, W1	31.33	234	746%
Wonnangatta	163,000	84,100	Wonnangatta PA's P, O, E1	51.33	263	512%
Limestone	45,000	54,500	Benambra PA's S, T	31.33	170.5	544%
Forlorn Hope	129,000	83,800	Tambo PA's E, J, F, G	21		
Pax Vobis	70,000	79,000	Benambra PA's N, M			
Green Grass Hills	45,000	48,800	Tanjil PA's B, C			

Sources: Government Gazettes inc 1890/page 106, 1885/page 329; Register of Licences & Leases, 1884 Land Act.

So, how many new graziers gained direct legal access to the snow country through the S.21 mechanism? Apparently not many. Possibly only two: Gibson and Doyle, and at the most, three others. Those lessees not known as snow country graziers before or after their S 21 tenancies probably were not, in which case they were holding the tenancies on behalf of someone else, no doubt a well-known pre-existing large operator. In fact, the success of Gibson and Doyle gives a strong clue as to why they were the lone new entrants: these families were well-heeled and able to afford the high annual rent.

Table 2.9
Section 21 Leases – Apparent and Actual New Entrants

Pastoral Allotment	Locality	Tenant	Date	
Delatite B	Mt Buffalo	John Curtain	1886 - 1896	x<>x
Bogong G	Mt Bogong	Peter H Howman	1886 – 1918 ?	#1
Benambra R	Davies Plain	John Gibson	1886? – 190s	
Tambo A	Cobberas	Walter Coughlan	1886 – 1896	x<>x
Tambo L	Nunniong	Thomas Quinn	1886 - 1902	#2
Tambo M	Nunnett	Thomas Doyle	1886 – 1900s	
Wonnangatta D1, V1, W1	Mt Wellington	M, T & W Irwin	1889 – 1893	x<>x
Tanjil Q & R	Mt Wellington	John Weir	1894 - 1899	x<>x

x<>x = not known as a snow country grazier before or after tenancy

#1 – previously the licensee of Gould's Run, and then a sub-tenant of the Carvilton run (Mt Bogong)

#2 – a member of the extended family of the previous licensee of the Nunniong run

To enjoy the benefits of a S 21 pastoral lease, a grazier had to part with extraordinary amounts of money. I say extraordinary because the annual rent commitments under the leasing program were anywhere from 170% to over 700% higher than under the previous pastoral licence arrangements - see Table 2.8. Clearly the government had devised a clever scheme to extract maximum revenue whilst maintaining almost full occupancy. However, it wasn't to last.

The 1880s were relatively prosperous times, and may have justified the ambitious revenue targets of the leasing program. But the next decade was a period of austerity, the low point of which was the economic depression of the mid 1890s. As lessees struggled to meet their increasingly onerous rental obligations the emphasis of government policy shifted away from revenue maximization and towards encouraging existing tenants to persevere, and tempting potential new entrants to buy in.³⁶ At Table 2.9 assessed annual rents on offer in 1893 for pastoral allotments advertised for lease (including vacant lots, and leases that graziers were surrendering in the hope of re-leasing at a lower price) are shown to be much lower than those originally assessed in the 1880s.

ii) Bogong High Plains Green Area.

The purpose of the Green Area zoning was to mothball the Bogong High Plains – to take them out of the land settlement program and set them aside for a future time when it was expected they would be required for holiday and recreational activities. In the meantime, they were to be available only for bush grazing and to this end they were divided into 20 grazing blocks³⁷ of varying sizes and offered for annual rent under section 119.³⁸ Being outside the land settlement program also meant the Green Area was beyond the reach of the premium revenue initiative that spiked the rents of pastoral leases. The rate of rent to be charged was 1 penny per acre; or £4.167 per 1000 acres. In late 1886 nineteen applicants were offered grazing blocks (see Table 2.10.1) and of these twelve were selectors and the remainder station owners and new small pastoralists. One would therefore think that the Bogong High Plains had been largely taken out of the hands of big operators. However, the cutting of the cake reveals otherwise. The former run holders received favourable consideration, being allowed to retain large portions of their original run country. For example, Jens Petersen and Fred Box were able to re-acquire most of the Darbalary run that fell within the Green Area; Osborne Young regained his Bundaramunjie run by combining a Section 21 lease with a large Bogong High Plains licence; T. M. Hamilton, the former licensee of the Bogong High Plain run was given 8,000 acres which represented the pick of the plains. Once the former run holders had been accommodated, the remaining land was divided amongst the other applicants. However, to be fair, the grazing blocks allotted to selectors and other new licensees were sufficiently large and well grassed for their requirements and the main feature of the subdivision appears to have been that the immediate welfare of all interested parties had been considered.

³⁶ Land Act 1891, especially section 3 (compare with Land Act, 1884, section 26); Land Act, 1898.

The legislated parameters in 1884 for computing annual rent were:

- * each PA was to be designed to have a grazing capacity of 150 – 500 head of cattle;
- * rent to be charged at the rate of 5 shillings per head; and
- * the maximum of 50 acres to be allowed for 1 head of cattle.

So, for example, for a PA of 15,400 acres the minimum rent possible would be:

$(15,400 \text{ acres} / 50) * £0.25$

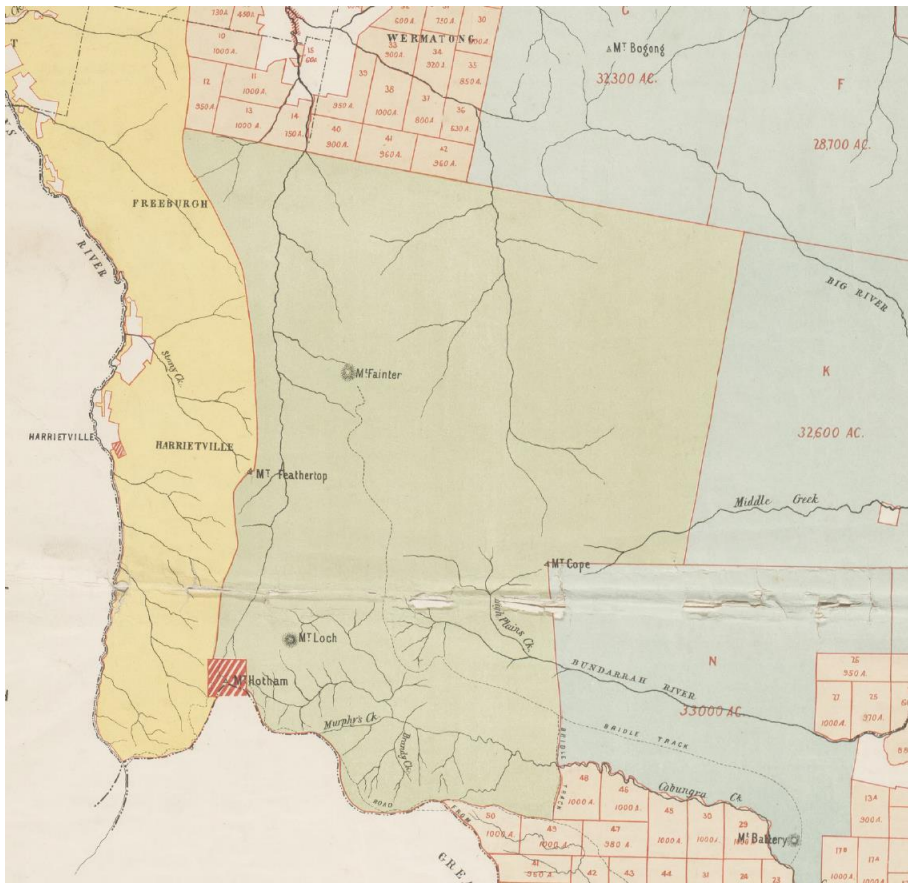
$= 308 \text{ head assessed carrying capacity} * 0.25$

$= £77 \text{ per year}$

... even if the actual carrying capacity was much less than 308 head. The maximum rent that could be computed for a block this size was: $500 \text{ head} * 0.25 = £125$. In this particular case (Wonnangatta Pastoral Allotment H1) the assessed rent was £48 ... which isn't consistent with the above method!!! The amending Land Act of 1891 simplified the method for calculating rent to that which, as suggested by the original rent calculation for PA H1, appears to have been used in any case by Lands Department: carrying capacity as determined by the Lands Department * 5 shillings. So it appears that the assessed carrying capacity for PA H1 was 192 head ($£48 / 0.25$).

³⁷ An additional block (S1), a remnant of the Tawonga pastoral run was delineated some years later

³⁸ Lands Department file, Omeo H 49939 (P.R.O.).



Bogong High Plains 'Green Area', surrounded by auriferous class land (yellow), pastoral land (blue), and grazing area land (brown). Source: 1884 Land Classification Plan, Bogong County

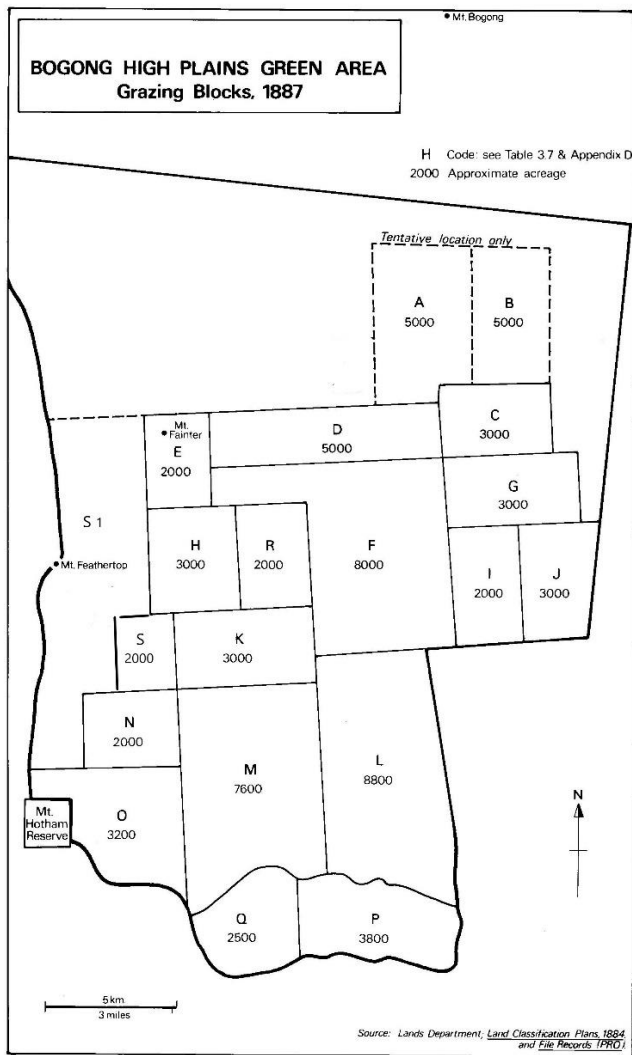


Table 2.10.1
Bogong High Plains Green Area
Original Licensees, 1887

Name	Class	District of Residence	Previous Access	Grazing Block	Acres	Rent	Held in 1890?
O Young	NSP	Omeo	Yes	L	8800	36.65	Yes
A Sharpe	Selector	Omeo		Q	2500	10.4	Yes
F Faithful	?	Ovens		I	2000	8.4	Forfeited 1887/8
H Faithful	?	Ovens		J	3000		Forfeited 1887/8
J Gibson	Selector	Omeo		M	7600	31.7	Forfeited 1887/8
A Woodside & D Farrington	S.O. S.O.	Ovens Ovens	Yes	H	3000	12.5	Forfeited 1887/8
T M Hamilton	S.O.	Omeo	Yes	F	8000	33.35	Yes
T B Sheean	Selector	Omeo		S	2000	8.4	Forfeited 1887/8
A Whyte	Selector	Omeo		D	5000	20.85	Forfeited 1887/8

T McNamara	Selector	Omeo	Yes	A	5000	20.85	Yes
S H Young	NSP	Omeo		B	5000	20.85	Given up 1888/9
W Hollonds	Selector	Kiewa	Yes	C	3000	12.5	Yes
M Hobbs	S.O.	Kiewa	Yes	E	2000	8.35	Yes
P Duane	Selector	Kiewa		R	2000	8.4	Yes
W Wallace	Selector	Kiewa		G	3000	12.5	Yes
E Brewer	Selector	Omeo		N	2000		Forfeited 1887/8
J Petersen	NSP	Omeo	Yes	O	3200		Forfeited 1887/8
W Condon	Selector	Omeo		K	3000	12.5	Forfeited 1887/8
F Box	NSP	Omeo	Yes	P	3800	15.8	Yes

Acres per person

Total area allotted to selectors 40,100 acres 3,300

Total area allotted to new small pastoralists and station owners 33,800 acres 4,800

Area allotted to 15 new licensees 50,100 acres 3,340

Area allotted to 4 former tenants 23,800 acres 5,950

Source: Lands Dept. files for Omeo District (PRO); Government Gazettes.

Table 2.10.2
Bogong High Plains Green Area
New Licensees 1890-1891

Name	Class	District of Residence	Grazing block	Area (acres)	Previous Access	Comment
Thomas Hollonds & J Stewart	Selector	Kiewa	D	5,000	Yes	Brother of W. Hollonds
Stewart Wallace	Selector	Kiewa	J	3,000	Yes	Brother of W. Wallace
J. Woodside	Station Owner	Kiewa	H	3,000	Yes	Brother of A. Woodside
John Evans	Station Owner	Ovens	K, M, & O	13,800		

Source: Government Gazettes

Contrary to initial proposals, boundaries of the new grazing blocks were not surveyed when it was observed that many of the new licensees were not going to proceed with their tenure after all.³⁹ This was probably quite a practical decision, but it did contribute to a number of boundary problems in later years when the high plains were fully occupied. Many of those who discontinued their licences were selectors and although some of the continuing selectors were joined in following years by members of their immediate families, this really represented a consolidation by certain family groups, such as the Hollonds and the Wallace's, rather than an influx of new faces. Moreover, in lieu of a demand for Bogong grazing blocks station owners occasionally took the opportunity to build up large holdings. For example, in 1892 a large portion of the plains was held by John Evans from Myrhee. But,

³⁹ Lands Department file, Omeo H 49939 (P.R.O.).

as the 1890s progressed, a levelling process took place which largely eliminated such holdings. For various reasons discussed below, new players began to appear on the plains, and because the unsurveyed straight line boundaries were virtually impossible to definitively identify on the ground,⁴⁰ livestock were usually not confined to prescribed areas and the Bogong High Plains came to be regarded as something of a shared facility⁴¹ rather than a collection of mutually exclusive grazing rights, as was the case in other snow country localities. In such circumstances there was little advantage in holding more than one grazing block on the Bogong plains unless one wanted to monopolize a whole sector of the high plains.

The Bogong High Plains green area was not any kind of official dedication or land classification. It was simply an administrative measure which removed it from the application of land settlement provisions of the 1884 Land Act, and this was achieved by representing the high plains in green shading on official Lands Department occupation branch working plans. Two other alpine areas were also taken out of the purview of sections 21 and 32, by slightly different mechanisms. The Buffalo Plateau was informally 'withheld from settlement' on account of tourism interests (meaning the Department's plan records covering the plateau were simply given that notation) – this is interesting because a large slice of the plateau had already been leased under section 21, see Appendix A (local histories) for further details; and, as has already been noted, in early 1889 the Dargo High Plains were reserved for unspecified Public Purposes through proclamation in the Government Gazette.

iii) Section 32 Grazing Areas

The final tenancy provision of the 1884 Land Act that is relevant to snow country grazing is Section 32, the Grazing Area lease. This provision provided some very limited opportunity for new graziers to start using the snow country, but by and large the beneficiaries were existing operators or new participants who bought into established grazing operations.

The areas classified for Agricultural/Grazing were mainly lower altitude high plains which have longer growing seasons and greater stocking capacities. However, Grazing Areas were relatively small in size (1,000 acres), were usually distant from low-land settlements, and were located within large mountain runs which might be held by resentful or unco-operative neighbours.⁴² Also, the area a grazier could select from a Grazing Area was limited to 320 acres less a rider to account for land already selected. So for the grazier who had already selected his full quota of 320 acres, Section 32 offered merely the right to graze a relatively small area of rough and usually inaccessible country for up to 14 years. Not a particularly attractive proposition.

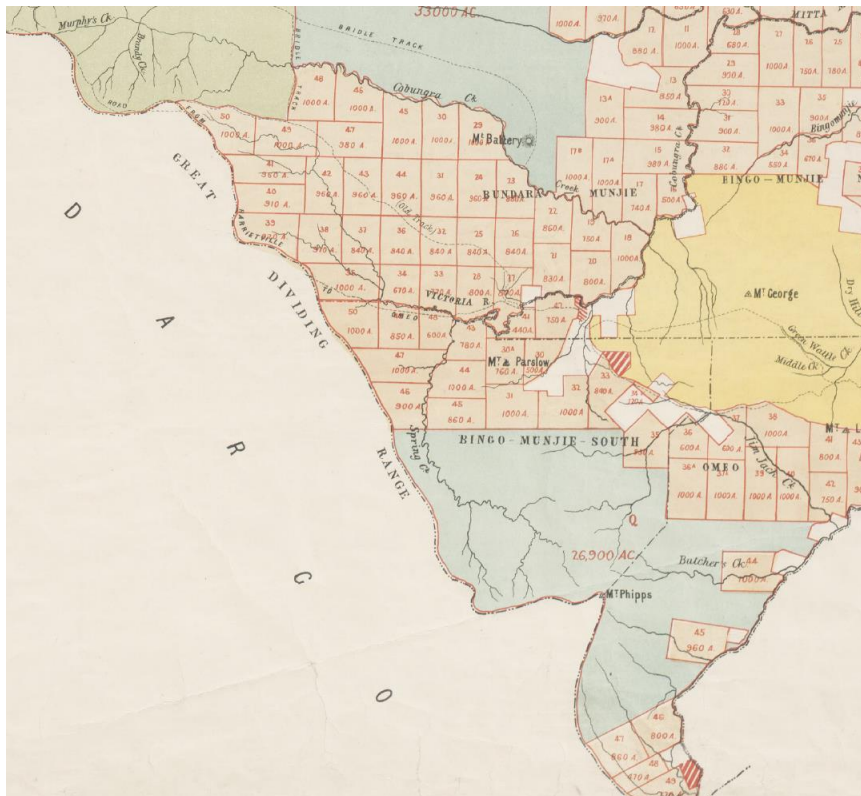
Section 32 was really a tool of lowland selection that was made available in sub-alpine country without adjustments for differing characteristics of the land. In the snow country it turned out to be, with a few exceptions, a means by which run holders were able to entrench themselves on their old runs and secure some key points of their operations, especially holding paddocks and yards.

The largest expanse of land classified as Agriculture / Grazing was on the Cobungra High Plains, east of Mt Hotham, south of the Cobungra River and east of the Great Dividing Range – see map below.

40 Lands Department file, Omeo H 49939 (P.R.O.).

41 Note, it had already been managed for co-operative grazing under T. M. Hamilton who offered agistment. H. Campbell, the previous licensee did likewise.

42 Lands Department file (Omeo) 126/32 (P.R.O.), Richard Gow asking that the boundary survey of his Grazing Area on the Dargo High Plains be expedited so he could put cattle there without being harassed by the licensees of the surrounding run



Section 32 Grazing Area land (brown) between the Cobungra River and the Great Dividing Range, surrounded by auriferous class land (yellow), pastoral land (blue), and the Bogong High Plains 'Green Area' (green). Source: 1884 Land Classification Plan, Bogong County

Of the six S.32 lessees issued in this locality prior to 1890 four were associated with the Darbalary and Cobungra West pastoral runs, and the remaining two were held by the Sharpe family who had land selections and a store at Cobungra and had just secured for themselves grazing blocks on the Bogong High Plains – a family with diverse business interests in the same genre as the 'new small pastoralists' of the 1870s, discussed in the previous chapter. In similar vein, the family of Donald Gow, who held the Harrietville grazing run from some time in the 1870s till 1886, obtained 5 Grazing Areas on the Dargo High Plains under S.32, as well as the old Beecher's Hill run as a S.119 annual licence. Their improvements were located on the Grazing Areas which became the focal point for the management of their much larger run. They maintained a presence on the high plains until the late 1940s, validating the faith in them expressed by Land Officer James Stirling in 1886.

Notwithstanding the sincerity and tenacity of Donald Gow and his family, James Stirling's vision of greater numbers of alpine settlers didn't come to pass on the Dargo High Plains (two families only), but he may have been quietly satisfied with the outcome on the Cobungra High Plains which later provided summer grazing paddocks for a variety of graziers, large and small, based mostly at nearby Cobungra.

Table 2.11
1884 Land Act
Holders of Section 32 Grazing Areas, Prior to 1890

Locality	Tenant	Allotment	Area acres	Date Taken	Occupation	Comment
Bennison Plains	Cecil Z.Ede	2	680	1888	stockman	Nephew of C.S.Holme, Eaglevale

Dargo High Plains	R. Gow	9	526	1888	miner, store-keeper, grazier	Revoked Jan.1894
	Don Gow Jnr.	4	921	1886	farmer, grazier	
	Don Gow Snr.	1	655	1886	farmer, grazier	
	David Gow	5	823	1886		Cancelled 9.9.1889
	Richard Gow	2	664	1886	As above	Cancelled 9.9.1889
Mt St Bernard	R. Gunning	3	850	1886	Carrier	Forfeited 1887
	A. Colles	6	993	1888		Forfeited by early 1890s
	H. Smith	10	982	1888		Forfeited by early 1890s
Cobungra High Plains	W.Petersen	32 (25&26)	361	1887	grazier	Son of Jens Petersen, Darbalary
	F. Box	44	912	1887	grazier	Darbalary run
	A.H.Sharpe	43 & 37	767	1889	storekeeper, grazier, mining inspector	
	G. Petersen	36	?	1887	miner, grazier	Son of Jens Petersen, Darbalary
	Wm. Sharpe	31	933	1889	store assist.	Revoked 1891
	G.M.Powney	49	420	1889	gardener, grazier	Cobungra West run briefly

Source: Leases & Licences Register, 1884 Land Act.

Long Term Increase in Pastoral Occupation after 1884

The effect of the 1884 Land Act was to break up old pastoral runs into smaller administrative units and thereby establish a basis for more intensive occupation. In the short term most units were re-acquired by former tenants but as time passed new entrants appeared on the scene, particularly after the mid-1890s.

Pastoral land leased under S.21 was locked away for some time, but cracks in the leasing system appeared in the early 1890s as depressed economic conditions started to bite. Many lessees found the high rental obligations too hard to bear. Rents for some PA's were slashed in 1893 (it appears the leases had to be provisionally surrendered, and re-advertised at the lower rates)⁴³ but despite this many S.21 leases were wound up in 1893, and 1896, leaving only 7 to see out the full term of 14 years. Once leases expired the lands were available for grazing under annual licence – there was no provision to re-lease pastoral lands after 1900 because successive governments had walked away from the notion of leasing Crown lands to create a perpetual revenue stream. The return to annual licensing, which had never really gone away, provided both graziers and the government with greater flexibility and greater opportunity – rents were much lower, graziers could off-load them relatively quickly if

⁴³ Government Gazette, 1893 ...

need be, and on the other side the Lands Department had the chance to call for competitive tenders if it felt there was high demand and the prospect of higher revenue. For new graziers wanting to get involved there were now two points of entry: the low end, when grazing blocks were vacant and relatively cheap; and the high end if they were prepared to offer considerably more than anyone else for the grazing rights and could convince the Department to go to tender at the end of the rent cycle. So the annual licence system improved accessibility to snow country grazing lands, paving the way for a progressive rise in the number of people involved. In particular, the lower default price, smaller sized blocks and the annual renewal cycle made snow country grazing a realistic option for many small, struggling family farmers. However, as Rex Miller told me in 1978 “You couldn’t go onto Mt Wellington with only a few head; you needed a few hundred,”⁴⁴ meaning that in remote snow country where a grazier was on his own, taking up any less than 200 head wasn’t economical. And on the Bogong high plains where there were multiple graziers working together I was advised that the magic number was around 100 head.

There was no limit to the number of S.119 grazing licences that could be held in one name, so it became possible, once again, for single operators to amass quite huge runs by aggregating many grazing blocks. However, the beauty of this new system, of many relatively small grazing blocks available for short term licence, was that there were opportunities for almost anyone, big or small, who had the requisite initiative, practical expertise in livestock management and well-honed mountain bushcraft skills. A fine example was the Beveridge brothers, Jack and Sid, who started their business careers as children in the early 1900s collecting tobacco from discarded cigarette butts and on-selling it for roll-your-owns. From the proceeds they were able to buy their first cattle, grazing them on their father’s bush grazing run near Harrierville. Only a few years later they purchased Morgan’s station across the range in the upper Buckland River valley, and put cattle in the bush up stream towards the Great Dividing Range. Throughout the 1920s and 1930s they had cattle right along the Barry Ranges from The Twins, near Mt St Bernard, across to the upper Catherine River. And on the back of these bush runs they became the largest land holders in the Buckland Valley.

Another bush cattle king, who came from less austere circumstances, was Henry Miller of Upper Maffra, dubbed ‘the Duke of Wellington’, the father of my informant Rex Miller. Henry Miller rented most of the rough snow country around Mt Wellington from the early 1900s through to the 1930s, including the very marginal (poor) adjacent lower altitude bush where he wintered many of his cattle. He built up this portfolio of annual grazing rights, piece by piece, and at his peak ran a herd of up to 800 / 1000 head of cattle.

In contrast, coming in at the top end, during the 1930s the Naughton brothers acquired the prestigious Cobungra station and lots of the best summer grazing lands on the Cobungra and the Bogong high plains.

The impetus for fuller use of the snow country for grazing, from the 1890s onwards, was the rabbit plague which reached the western fringe of the mountain region in the late 1880s. By the early 1900s cleared paddocks in adjacent low country throughout the region were swarming with rabbits. It’s now hard to imagine the scale of this ecological disaster, but from the grazier’s perspective it was as if the land was in perpetual drought, and the nightmare lasted until the disease myxomatosis was perfected as a biological control agent in the 1960s and 1970s.

Rabbits decimated the productivity of lowland paddocks, but they were not able to get a foothold above the winter snow line because of freezing temperatures. So the value of the high plains and

⁴⁴ Appendix F, Interview with Rex Miller

mountain tops for summer relief grazing was greatly enhanced. For this reason, established snow country graziers were very keen to retain their traditional summer pastures and new entrants were highly motivated to take advantage of the 1884 subdivision.

The final phase of pastoral occupation occurred with soldier re-settlement in the post-1918 era, which generated a substantial demand for snow country runs. This phase differed from preceding ones by the sheer number of new graziers it contributed and the new life it injected into the mountain grazing scene. The great post-war increase in mountain graziers was facilitated by the following factors: a tendency towards run sharing; some limited run subdivision to accommodate returned soldiers; a natural breakdown of run agglomerations during the war and pre-war period and the subsequent availability of runs after 1918. Most of the new graziers were, however, not returned soldiers, and the surge of interest in the snow country cannot be directly attributed to soldier re-settlement programmes. Rather, it is likely that the explanation rests with improved economic conditions and possibly also a formalisation of some illegal occupancies that originated during the war period when there was little competitive interest in the mountain runs.

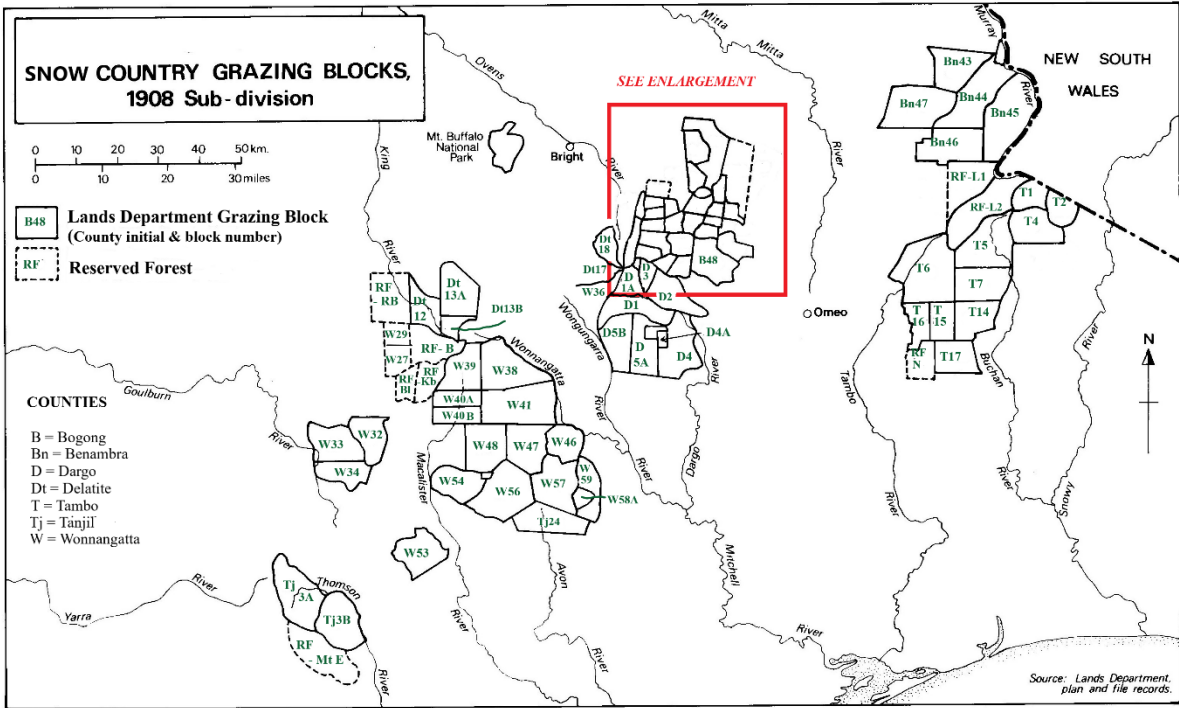
The growth in occupation during the 1920s, while being substantial, was to some extent restricted rather than facilitated by Government. This was because the grazing unit template which defined the size and number of runs available had not been greatly altered since 1884 and was not re-assessed in the light of new demands. There was a general review of mountain grazing blocks in 1908⁴⁵ but this resulted in only a small and localised enlargement of the total number of runs. The ceiling was not reviewed across the board after 1918 and the consequent scarcity of licensing opportunities very probably retarded what may have been an even larger post-war growth in snow country grazing.⁴⁶

Another limiting influence, probably of lesser importance, was a decision within the Lands Department after 1911 to prohibit further selection of isolated lands. Existing Grazing Area leases were allowed to run their course but new ones were not issued. This decision was made with the knowledge of the failure of preceding settlement inducements (via Section 32 leases) in the snow country and in response to new legislation which ignored this failure and aimed to promote further selection of Crown lands. The 1911 Land Act was framed by legislators who were strongly committed to populating the countryside (see next chapter) and in support of their objectives the statutes were altered to enable selection of Grazing Areas in lands formerly classed 'Pastoral'.⁴⁷ In effect this change opened the way, once again, for isolated and piecemeal selection, a process the Lands Department had considered undesirable in 1884 and to which it was still strongly opposed in the 1900s. A new internal policy thus emerged to counter the unfavourable implications of the 1911 legislation.

45 Lands Department files J/15115 and Sale H.75260

46 Perusal of grazing licence files for the post 1918 period indicates that at least two to three applications were received for each grazing block advertised for tender.

47 See 1911 L.A. Section 2(1) which repealed provisions relating to occupation of Pastoral land. Because of this change land classification was no longer a planning instrument governing the type of tenancy appropriate for particular classes of land. Instead it became merely an indicator of the scale of rental to be charged and of the maximum area that could be occupied as a Grazing Area and subsequently selected and alienated.



Greater Bogong High Plains 1908 Sub-division

