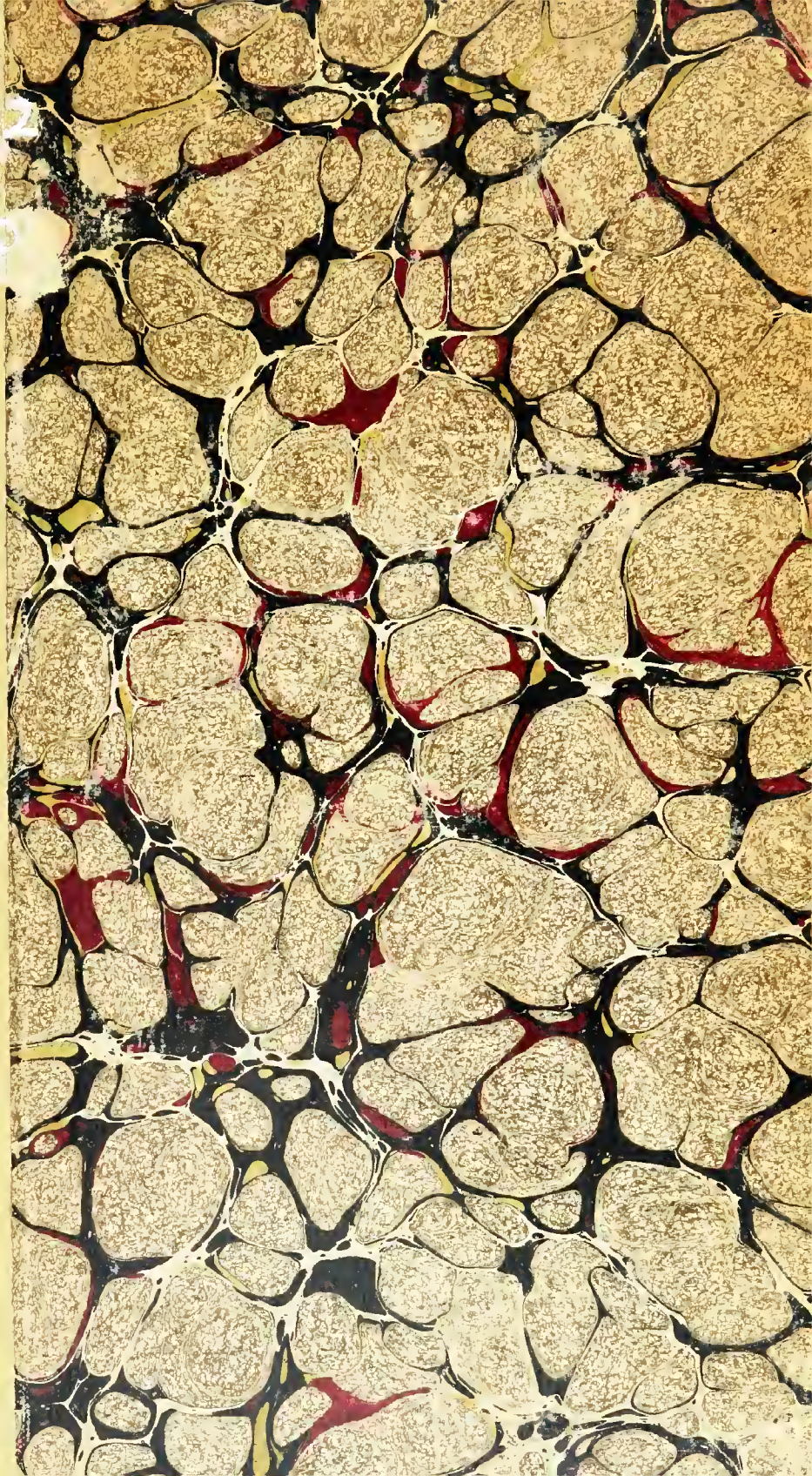


NEW SOUTH WALES.—Crown Lands Acts.



87495



Cornell University Library

A. 76. 00

5716

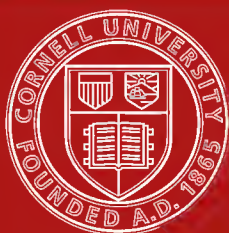
NEW SOUTH WALES.

Cornell University Library
HD1042 .A4 1880
Crown lands alienation act, 25 Victoria,
3 1924 030 064 111
oIn

THE
CROWN LANDS ACTS
AND
REGULATIONS.



By Authority :
SYDNEY : THOMAS RICHARDS, GOVERNMENT PRINTER,
1880.



Cornell University Library

The original of this book is in
the Cornell University Library.

There are no known copyright restrictions in
the United States on the use of the text.

New South Wales.

THE CROWN LANDS ALIENATION ACT,

25 VICTORIA, No. 1—1861;

THE CROWN LANDS OCCUPATION ACT,

25 VICTORIA, No. 2—1861;

THE LANDS ACTS AMENDMENT ACT,

39 VICTORIA, No. 13—1875;

AND

THE LANDS ACTS FURTHER AMENDMENT ACT,

43 VICTORIA, No. 29—1880;

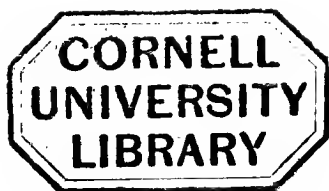
ALSO

CROWN LANDS REGULATIONS.

Published by Authority:

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1880.



CONTENTS.

	PAGE.
Crown Lands Alienation Act of 1861, 25 Vic. No. 1	1
Crown Lands Occupation Act of 1861, 25 Vic. No. 2	13
Crown Lands Acts Amendment Act of 1875, 39 Vic. No. 13	27
Lands Acts Further Amendment Act of 1880, 43 Vic. No. 29	41
Crown Lands Regulations	49



CROWN LANDS ALIENATION.

An Act for regulating the Alienation of Crown Lands. 25 VICTORIA,
[18 October, 1861.] No. 1.

WHEREAS it is expedient to make better provision for the Preamble.
alienation of Crown Lands Be it enacted by the Queen's
Most Excellent Majesty by and with the advice and consent of the
Legislative Council and Legislative Assembly of New South Wales in
Parliament assembled and by the authority of the same as follows :—

1. The following terms within inverted commas shall for the purposes Interpretation.
of this Act unless the context otherwise indicate bear the meanings set
against them respectively—

“Crown Lands”—All lands vested in Her Majesty which have not
been dedicated to any public purpose or which have not been
granted or lawfully contracted to be granted in fee-simple

“Town Lands”—Crown Lands in any City Town or Village or set
apart as a site for the same

“Suburban Lands”—Crown Lands declared in the Gazette to be
Suburban by the Governor and Executive Council

“First Class Settled Districts”—Lands declared to be of the Settled
Class by the Queen's Orders in Council

“Second Class Settled Districts”—Lands converted into the
Settled Class by the Act twenty-three Victoria number four
or that may be hereafter so converted under the “Crown
Lands Occupation Act of 1861”

“Orders in Council”—The Orders in Council and Regulations from
time to time issued under the Imperial Act fifth and sixth
Victoria chapter thirty-six and ninth and tenth Victoria
chapter one hundred and four

“Minister”—The Minister for the time being charged with the
administration of the Public lands

“Land Agent”—Any person duly appointed to sell Crown Lands

“Land Office Days”—Days notified in the Gazette upon which
Land Agents shall attend at the Land Offices of their districts
respectively

“Appraisement”—Settlement of price value or damage by ap-
praisers appointed in manner prescribed by this Act

25 VICTORIA,
No. 1.

“Arbitration”—Settlement of boundaries by arbitrators appointed in manner prescribed by this Act

“Improvements”—Improvements on Crown Lands or lands conditionally sold to the value to be determined by appraisal if disputed in Town and Suburban Lands of not less than twice the upset price of the allotment or portion on which the improvements may stand and in other lands of not less than the unimproved value of the lands to be in like manner determined not being less than one pound per acre*

“Frontage”—Frontage to any road river stream or watercourse which according to the practice of the Survey Department ought to form a boundary between different sections or lots of land.

Repeal of Orders
in Council &c.

2. On and after the passing of this Act the Orders in Council shall be repealed Provided that nothing herein shall prejudice or affect anything already lawfully done or commenced or contracted to be done thereunder respectively or to prevent the several provisions of the said Orders in Council from being carried into effect with respect to lands under lease or promise of lease made previously to the twenty-second day of February one thousand eight hundred and fifty-eight during the currency of such leases as fully as if the same had not been hereby repealed.

Alienation of
Crown Lands.

3. Any Crown Lands may lawfully be granted in fee-simple or dedicated to any public purpose under and subject to the provisions of this Act but not otherwise And the Governor with the advice of the Executive Council is hereby authorized in the name and on the behalf of Her Majesty so to grant or dedicate any Crown Lands.

Publication of
notice of sites of
cities towns
suburban lands
reserves &c.

4. The Governor with the advice of the Executive Council may by notice in the Gazette declare what portions of Crown lands shall be set apart as the sites of new cities towns or villages and define the limits of the suburban lands to be attached thereto and to any existing city town or village and also the portions of town lands or suburban lands to be dedicated to public purposes and what lands shall be reserved from sale until surveyed for the preservation of water supply or other public purpose And upon any such notice being published in the Gazette such lands shall become and be set apart attached dedicated or reserved accordingly Provided that within one month should Parliament be then in Session and otherwise within one month after the commencement of the next ensuing Session of Parliament there shall be laid before both Houses of Parliament an abstract of all such declarations.

Dedication of
Crown Lands to
public purposes

5. The Governor with the advice aforesaid may by notice in the Gazette reserve or dedicate in such manner as may seem best for the public interest any Crown Lands for any railway or railway station—any public road canal or other internal communication—any public quay or landing place—any public reservoir aqueduct or watercourse—or for the preservation of water supply—or for any purpose of defence—or as the site for any place of public worship any hospital asylum or infirmary any public market or slaughter-house any college school mechanics' institute public library museum or other institution for public instruction or amusement—or for any pasturage common—or for public health recreation convenience or enjoyment—or for the interment of the dead—or for any other public purpose And upon any such notice being pub-

*Reduced by clause 2 of “Lands Acts Further Amendment Act of 1880,” which see, p. 41.

lished in the Gazette such lands shall become and be reserved or dedicated accordingly and may at any time thereafter be granted for such purposes in fee-simple Provided that an abstract of any intended reservation or dedication shall be laid before both Houses of Parliament one calendar month before such reservation or dedication is made.

25 VICTORIA,
No. 1.
Abstract to be
laid before
Parliament.

6. After any land shall have been temporarily reserved from sale the same shall not be sold or otherwise disposed of until such reservation shall be revoked by the Governor with the advice aforesaid and the notice of such revocation be published in the Gazette And all lands which have hitherto been or shall hereafter be permanently reserved for any of the purposes aforesaid shall be deemed to be set apart attached and dedicated accordingly and every conveyance or alienation thereof except for the purpose for which such reservation shall have been made shall be absolutely void as well against Her Majesty as all other persons whomsoever.

Temporary
reservations.

Permanent
reservations.

7. Crown Lands held under lease or promise of lease issued or made previously to the twenty-second day of February one thousand eight hundred and fifty-eight shall during the currency of such lease be exempt from sale under this Act unless where such lands have been lawfully withdrawn from the holding of the lessee in accordance with the Orders in Council or may hereafter be lawfully withdrawn from such holding Provided that the lessee may be permitted to exercise a pre-emptive right of purchase over one portion and no more of an area not exceeding six hundred and forty acres out of each block of twenty-five square miles and at a value to be determined by appraisement not being less than one pound per acre Provided nevertheless that any land purchased under the Orders in Council previously to the passing of this Act shall be estimated in the six hundred and forty acres aforesaid And provided that such appraisement shall not include any value for improvements And provided that every application for the purchase of land under these conditions shall be advertised in the Government Gazette for the period of one calendar month before the sale is completed.

Exception from
sale of certain
lands.

Limitation of
pre-emptive
right of pur-
chase.

8. *Upon application made within twelve months after the passing of this Act by any person or his alienee who may prior thereto have made improvements on any Crown lands or upon application within twelve months after the notification in the Gazette of any reserve from lease or promise of lease under the Orders in Council within which improvements may be situated or upon application by the holder of any lease or promise of lease of Crown lands containing improvements made previously to the expiration of such lease or upon application by the improver or his alienee made at any period for the sale of improved lands in proclaimed Gold Fields the Governor may with the like advice sell and grant such lands to the owner of such improvements without competition in fee-simple at a price to be fixed by appraisement not being less than the minimum upset price of the class of land as set forth in section twenty-three of this Act and in no case less than one pound per acre but such appraisement shall not include any value for improvements Provided that nothing herein contained shall be held to require the sale of any land which may contain auriferous deposits Provided also that such sales shall be made in accordance with the general sub-division of the land whether town suburban or other lands and shall embrace only allot-

Sales in con-
sideration of
improvements.

25 VICTORIA, ments or portions on which improvements may stand and that the area
 No. 1. shall not for each improvement exceed half an acre for town land
 two acres for suburban land and land on Gold Fields and three hun-
 dred and twenty acres for other lands.

Reclamation of
 lands by pro-
 prietor of adjoining
 lands.

9. The Governor with the like advice may authorize any proprietor of land having frontage to any harbour or river to fill in and reclaim any land adjoining thereto and lying beyond or below high-water-mark or to erect a wharf or jetty upon or over the same and on payment of an adequate money consideration to be determined by appraisalment for the unimproved value of the land such land or any land which may already have been reclaimed shall become vested in fee-simple in such proprietor and may be granted to him accordingly Provided always that no such reclamation shall be authorized which shall be calculated in any way to interrupt or interfere with the navigation of such harbour or river or with the rights or interests of adjoining proprietors and provided also that the intention to grant such land shall have been previously announced in the Gazette for four consecutive weeks before such land is granted in fee-simple.

Not to interfere
 with navigation
 nor with adjoining
 proprietors.

Closing and
 alienation of
 unnecessary
 roads.

10. Whenever the owner or owners of any lands adjoining a road which has been reserved for access to such lands only and is not otherwise required for public use or convenience shall make application to the Minister to close such road or whenever any road which shall have been proclaimed through any land shall have rendered unnecessary a reserved or other road bounding or traversing such or neighbouring land it shall be lawful for the Governor with the advice aforesaid to notify in the Gazette and in the local newspapers (if any) that such reserved or boundary road will be closed and at any period not less than three months after the first publication of such notice a grant or grants of the site of the road so closed may issue to the owner or owners of adjoining lands in fair proportion or in accordance with agreement among such owners Provided that an adequate money consideration to be determined by appraisalment shall be paid for the same.

Sales without
 competition in
 special cases.

11. In cases in which no way of access to any portion of Crown Land may exist or may be attainable or in which any such portion may be insufficient in area for sale conditional or by auction or in which a portion of Crown land may lie between land already granted and a street or road which forms or should form the way of approach to such granted land or in which buildings erected on lands already granted may have extended over Crown land or in any other cases of a like kind the Governor may with the advice aforesaid sell and grant such lands to the holder or holders of adjacent lands without competition and at a price to be determined by appraisalment being not less than the minimum upset price per acre of the class of land as set forth in section twenty-three of this Act.

Rescission of
 reservation of
 water frontage.

12. The Governor may with the like advice rescind any reservation of water frontage on the sea-coast or any bay inlet harbour or navigable river or land adjoining such frontage contained in any Crown grant either wholly or to such extent and subject to such conditions or restrictions as shall be deemed advisable and the land being the subject of such rescission shall on payment of an adequate money consideration to be determined by appraisalment being not less than the minimum upset price per acre of the class of land as set forth in section twenty-three of this Act be granted to the owner of the land conveyed in the original

Crown grant accordingly. Provided that nothing in this clause contained shall empower the Governor to grant any land below high-water-mark or to interfere with any land used as a public thoroughfare or with any land set apart and dedicated for any public purpose. Provided also that for four consecutive weeks notice shall be given in the Gazette previous to issuing such grant.

25 VICTORIA,
No. 1.

13. On and from the first day of January one thousand eight hundred and sixty-two Crown lands other than town lands or suburban lands and not being within a proclaimed Gold Field nor under lease for mining purposes to any person other than the applicant for purchase and not being within areas bounded by lines bearing north east south and west and distant ten miles from the outside boundary of any city or town containing according to the then last Census *ten thousand inhabitants or five miles to the outside boundary of any town containing according to the then last Census five thousand inhabitants or three miles from the outside boundary of any town containing according to the then last Census one thousand inhabitants or two miles from the outside boundary of any town or village containing according to the then last Census one hundred inhabitants and not reserved for the site of any town or village or for the supply of water or from sale for any public purpose and not containing improvements and not excepted from sale under section seven of this Act shall be open for conditional sale by selection in the manner following (that is to say) Any person may upon any Land Office day tender to the Land Agent for the district a written application for the conditional purchase of any such lands not less than forty acres nor more than three hundred and twenty acres at the price of twenty shillings per acre and may pay to such Land Agent a deposit of twenty-five per centum of the purchase money thereof. And if no other like application and deposit for the same land be tendered at the same time such person shall be declared the conditional purchaser thereof at the price aforesaid. Provided that if more than one such application and deposit for the same land or any part thereof shall be tendered at the same time to such Land Agent he shall unless all such applications but one be immediately withdrawn forthwith proceed to determine by lot in such manner as may be prescribed by Regulations made under this Act which of the applicants shall become the purchaser.

Conditional sale of unimproved lands without competition.

14. Crown lands within proclaimed Gold Fields and not within areas excluded by special proclamation and not occupied for gold mining purposes shall be open for conditional sale subject to all the provisions applicable to sales under the thirteenth section of this Act. Provided that at any period persons specially authorized by the Minister shall be at liberty to dig and search for gold within the lands selected and that should the land be found to contain auriferous deposits it shall be in the power of the Governor and Executive Council to annul the sale and thereupon the conditional purchaser shall be entitled to compensation for the value other than auriferous of the lands and improvements such value to be determined by appraisalment.

Conditional sale in Gold Fields.

15. Every Land Agent shall duly enter at the time in a book to be provided for the purpose the particulars of every application for conditional purchase lodged with him under the provisions of sections thirteen and fourteen of this Act and shall transmit to the proper officer of the

Record by Land Agent.

* By clause 20 of "Lands Acts Further Amendment Act of 1880" this means "the then last Census published by the authority of the Government."

25 VICTORIA, Government on Monday in each week a true extract therefrom showing the particulars of all such applications for the week preceding.

Tempo
rary
boundaries
of
land
until
surveyed
by
Government.

*16. If at the time of conditional purchase of any Crown land under sections thirteen and fourteen of this Act such land shall not have been surveyed by the Government temporary boundaries thereof shall be determined by the conditional purchaser who shall within one month after such time of purchase occupy the land. And any dispute between such purchaser and any other person other than a holder in fee or his alienee claiming any interest therein respecting such boundaries shall be settled by arbitration. Provided that if such land shall not be surveyed by the Government within twelve months from the date of application it shall be lawful for the conditional purchaser by notice in writing to the Land Agent for the district to withdraw his application and thereupon he shall be entitled to demand and recover back any deposit paid by him or the purchaser shall have the option of having the land surveyed by a duly qualified licensed surveyor and the expense of such survey shall be allowed to such purchaser as part payment of his purchase money such expense to be allowed in accordance with the scale of charges fixed or to be fixed by the Surveyor General.

Form of
measurement
of
portions
selected
and
reservation
of
roads
and
water.

*17. Crown Lands conditionally purchased under this Act shall if measured by the authority of the Government previously to such purchase be taken in portions as measured if not exceeding three hundred and twenty acres and if unmeasured and having frontage to any river creek road or intended road shall if within the First Class Settled Districts have a depth of not less than twenty chains and otherwise shall have a depth of not less than sixty chains and shall have their boundaries other than the frontages directed to the cardinal points by compass and if having no frontages as aforesaid shall be measured in square blocks and with boundaries directed to such cardinal points. Provided that should it seem to the Minister to be expedient the boundaries of portions having frontages may be made approximately at right angles with the frontage and otherwise modified and the boundaries of portions having no frontages may be modified and necessary roadways and water reserves excluded from such measurement.

Conditions
of
residence
and
improvement
and
payment
of
purchase
money.

18. At the expiration of three years from the date of conditional purchase of any such land as aforesaid or within three months thereafter the balance of the purchase money shall be tendered at the office of the Colonial Treasurer together with a declaration by the conditional purchaser or his alienee or some other person in the opinion of the Minister competent in that behalf under the Act ninth Victoria number nine to the effect that improvements as hereinbefore defined have been made upon such land specifying the nature extent and value of such improvements† and that such land has been from the date of occupation the *bond fide* residence either continuously of the original purchaser or of some alienee or successive alienees of his whole estate and interest therein and that no such alienation has been made by any holder thereof until after the *bond fide* residence thereon of such holder for one whole year at the least. And upon the Minister being satisfied by such declaration *and the certificate of the Land Agent for the district or other proper officer of the facts aforesaid the Colonial Treasurer shall receive and acknowledge the remaining purchase money and a grant of the fee-simple but with

* Repealed by the "Lands Acts Amendment Act of 1875" (39 Vic. No. 13.)

† As to reduced value for improvements see repealing clause, No. 2, of "Lands Acts Further Amendment Act of 1880," p. 40.

reservation of any minerals which the land may contain shall be made to the then rightful owner. Provided that should such lands have been occupied and improved as aforesaid and should interest at the rate of five per centum per annum on the balance of the purchase money be paid within the said three months to the Colonial Treasurer the payment of such balance may be deferred to a period within three months after the first day of January then next ensuing and may be so deferred from year to year by payment of such interest during the first quarter of each year. But on default of a compliance with the requirements of this section the land shall revert to Her Majesty and be liable to be sold at auction and the deposit shall be forfeited.

25 VICTORIA,
No. 1.

19. Crown lands may be conditionally selected for the purposes of mining other than gold-mining under section thirteen of this Act except that in such case the price shall be forty shillings per acre and except that in such case instead of the conditions applicable to other cases in regard to the declaration and certificate required a declaration shall be required only of the fact that not less than an average sum of two pounds per acre has been expended in mining operations other than gold-mining on the land. And upon such conditions being satisfied as hereby altered and on payment of the balance of purchase money a grant in fee-simple shall be made without reservation of minerals other than gold and the same may be made on satisfaction of such conditions and payment of such balance notwithstanding the period of three years required in other cases shall not have expired. And a grant may be made in like manner of any portion (not being less than forty acres) of a larger portion originally selected for purchase upon a declaration showing an expenditure in such mining operations as aforesaid of an average sum of not less than five pounds per acre on the land so to be granted. And in that case the purchase of the remainder of the land selected shall be rescinded and any deposit paid thereon applied in or towards satisfying the balance of purchase money of the land granted. Provided further that if the Minister shall be dissatisfied with any such declaration as aforesaid he may cause the fact of the expenditure required to authorize a grant to be referred to arbitration under this Act and the issue of a grant shall in that case be dependent on the award thereon.

Purchase under
mining
conditions

*20. Crown Lands conditionally purchased under sections thirteen and fourteen of this Act and proved to the satisfaction of the Governor and Executive Council to have been abandoned by the purchaser thereof or his legal alienee before the expiration of three years from the date of purchase shall be declared forfeited by notice in the Government Gazette and may then be sold at auction.

Sale by auction
of lands abandoned
by
selectors.

21. Conditional purchasers of portions of Crown lands under sections thirteen and fourteen of this Act not exceeding two hundred and eighty acres or their legal alienees may make additional selection of lands adjoining to the first selection or to each other but not otherwise and not exceeding in the whole three hundred and twenty acres and subject to all the conditions applicable to the original purchase except residence. Provided that in the measurement of such additional selection of lands the frontage shall not exceed the extent which would be allowed to an original selection of three hundred and twenty acres. Provided also that

Additional
selection of
adjoining lands.

Proviso.

25 VICTORIA, nothing herein contained shall prevent the sale of the adjoining lands to any other person before such further conditional purchase shall have been made.

Additional selection of lands adjoining land already granted.

22. Holders in fee-simple of lands granted by the Crown in areas not exceeding two hundred and eighty acres who may reside on such lands may make conditional purchases adjoining such lands the areas of which shall not with that of the lands held in fee-simple exceed three hundred and twenty acres and which shall not be subject to the condition of residence applicable to conditional purchases in other cases. Provided that nothing herein contained shall prevent the sale of the adjoining lands to any other person before such further conditional purchase shall have been made.

Sale by auction of other lands.

23. Crown lands intended to be sold without conditions for residence and improvement shall be put up for public auction in lots not exceeding three hundred and twenty acres each at such places in the Police District in which the lands are situated and at such times as the Minister shall direct to be notified by advertisement in the Gazette not less than one month nor more than three months before the day of sale. And the upset prices per acre shall not be lower than for Town lands eight pounds—Suburban lands two pounds—other lands one pound. Provided that the upset prices may be respectively fixed at any higher amounts.

Upset prices.

Sale by auction of town and suburban lands.

24. Town lands and suburban lands without improvements shall be sold by public auction only.

As to lands put up and not sold.

*25. Any Crown lands put up for sale by public auction and not sold may be again put up in like manner. Provided that all lands other than town or suburban so put up and not sold shall be open for sale at the upset price or in case of a higher price having been offered for the same then at such higher price less in either case the deposit if any paid thereon. Provided also that the Minister may withdraw any such lands from selection and again submit them to public auction.

Payment of purchase moneys.

26. A deposit of twenty-five per centum of the purchase money for all lands sold by auction under any provision of this Act shall be paid by the purchaser at the time of sale. And unless the remainder of such purchase money be paid within three months thereafter the sale and contract shall be void and the deposit shall be forfeited. Should the purchaser fail to pay the deposit the land shall be forthwith again put up by the Agent and who shall not accept any bid by the person so failing to pay.

Record by Land Agent.

27. Every Land Agent shall duly enter in a book to be provided for the purpose the particulars of all sales made by him under this Act.

Mode of appraisal or arbitration.

28. Whenever it shall become necessary or desirable to fix or ascertain any price value or sum of money which by this Act it is provided may be fixed or ascertained by appraisalment in case of dispute as to the amount of any compensation to be made under the provisions of this Act and in case of any matter which by this Act is authorized or directed to be settled by arbitration the appraiser or appraisers arbitrator or arbitrators and umpire shall be appointed and the appraisalment or arbitration shall be conducted in manner hereinafter mentioned (that is to say)—

- (1.) The Minister or an officer authorized by him in that behalf and the claimant in matters hereinbefore directed or authorized to be settled by appraisal or the parties interested in any dispute which by the provisions of this Act may be left to arbitration may concur in the appointment of a single appraiser or arbitrator or failing such appointment each party on the request of the other shall appoint an appraiser or arbitrator as the case may require to whom the matter shall be referred and every such appointment shall be made by the Minister or officer and the claimant or by the parties to the matter in dispute under their hands in writing or if such party be a corporation aggregate under its common seal and such appointment shall be delivered to the appraisers or arbitrators and attached to the award when made and shall be deemed a submission to appraisal or to arbitration as the case may be by the parties making the same.
- (2.) After the making of any such appointment the same shall not be revoked without the consent of both parties nor shall the death of either party operate as a revocation.
- (3.) If for the space of sixty days after any such dispute or matter shall have arisen and notice in writing by one party who has himself duly appointed an appraiser or arbitrator to the other party stating the dispute or matter to be referred and accompanied by a copy of such appointment the party to whom notice is given fail to appoint an appraiser or arbitrator the appraiser or arbitrator appointed by the party giving the notice shall be deemed to be appointed by and shall act on behalf of both parties.
- (4.) The award of any appraiser or appraisers arbitrator or arbitrators appointed in pursuance of this Act shall be binding final and conclusive upon all persons and to all intents and purposes whatsoever.
- (5.) If before the determination of any matter so referred any appraiser or arbitrator die or become incapable to act the party by whom such arbitrator was appointed may appoint in writing another person in his stead and if he fail so to do for the space of sixty days after notice in writing from the other party in that behalf the remaining appraiser or arbitrator may proceed *ex parte* and every appraiser or arbitrator so appointed shall have the same powers and authorities as were vested in the appraiser or arbitrator in whose stead the appointment is made.
- (6.) In case a single arbitrator die or become incapable to act before the making of his award or fail to make his award within sixty days after his appointment or within such extended time (if any) not exceeding thirty days as shall have been duly appointed by him for that purpose the matters referred to him shall be again referred to appraisal or arbitration under the provisions of this Act as if no former reference had been made.
- (7.) In case there be more than one appraiser or arbitrator the appraisers or arbitrators shall before they enter upon the reference appoint by writing under their hands an umpire and if the person appointed to be umpire die or become incapable

25 VICTORIA,
No. 1.

Appointment of
appraisers or
arbitrators.

Appointment
not to be revoked

Single appraiser
or arbitrator to
act in certain
cases.

Award to be
binding.

In case of death
of or failure to
act by appraiser
or arbitrator.

In case of death
or failure to act
by a single
appraiser or
arbitrator.

Appraisers or
arbitrators to
appoint an
umpire.

25 VICTORIA,
No. 1.

to act the appraisers or arbitrators shall forthwith appoint another person in his stead and in case the appraisers or arbitrators neglect or refuse to appoint an umpire within thirty days after being requested so to do by any party to the appraisal or arbitration the Minister may appoint an umpire and he is hereby empowered so to do and the award of the umpire shall be binding final and conclusive upon all persons and to all intents and purposes whatsoever.

Determination
by umpire in
certain cases.

- (8.) In case appraiser or arbitrators fail to make their award within sixty days after the day on which the last of them was appointed or within such extended time (if any) not exceeding thirty days as shall have been duly appointed by them for that purpose the matters referred shall be determined by the umpire and the provisions of this Act with respect to the time for making an appraisal or award and with respect to extending the same in the case of a single arbitrator shall apply to any umpirage.

Production of
documents.

- (9.) Any appraiser arbitrator or umpire appointed by virtue of this Act may require the production of such documents in the possession or power of either party as he may think necessary for determining the matters referred and may examine the parties as witnesses on oath.

Determination
of costs.

- (10.) All costs of and consequent upon the reference shall be in the discretion of the appraiser or appraisers arbitrator or arbitrators or of the umpire in case the matters referred are determined by an umpire.

Arbitration
subject to Rule
of Supreme
Court.

- (11.) Any submission to arbitration under the provisions of this Act may be made a Rule of the Supreme Court of the said Colony on the application of any party thereto.

Declaration by
appraiser arbit-
rator or umpire.

- (12.) Before any appraiser arbitrator or umpire shall enter upon the consideration of any matter referred to him as aforesaid he shall make out and subscribe a declaration in the form following before a Justice of the Peace (that is to say)—

“I A. B. do solemnly and sincerely declare that I am not directly or indirectly interested in the matter referred to me and that I will faithfully honestly and to the best of my skill and ability hear and determine the matters referred to me under the “Crown Lands Alienation Act of 1861.”

Declaration to
be annexed to
appraisement.

- (13.) And such declaration shall be annexed to the appraisal or award when made and if any appraiser or arbitrator or umpire shall wilfully act contrary to such declaration he shall be guilty of a misdemeanor.

Appraisement to
be transmitted
to Surveyor
General.

- (14.) Every appraisal or award shall be in writing and shall be transmitted to the Surveyor General and deposited in his office.

Instruments
under Act to be
evidence.

29. Any instrument of sale or conveyance made and issued under this Act may be proved in all legal proceedings by the production of a certified copy thereof signed by the officer to be authorized for that purpose under any regulation made as hereinafter enacted:

30. The Governor with the advice aforesaid may make Regulations for carrying this Act into full effect so as to provide for all proceedings—forms of grants and other instruments—and all other matters and things arising under and consistent with this Act and not herein expressly provided for. And all such Regulations shall upon being published in the Gazette be valid in law. Provided that a copy of every such Regulation shall be laid before both houses of Parliament within one month from the issue thereof if Parliament be then in Session or otherwise within one month after the commencement of the next ensuing Session.

25 VICTORIA,
No. 1.
Governor in
Council to make
and proclaim
Regulations.

31. This Act shall be styled and may be cited as the "Crown Lands Alienation Act of 1861." Short title.



CROWN LANDS OCCUPATION.

An Act for regulating the Occupation of Crown Lands. 25 VICTORIA,
No. 2.
[18th October, 1861.]

WHEREAS it is expedient to make better provision for the occupa- Preamble.
tion of the Crown Lands Be it enacted by the Queen's Most
Excellent Majesty by and with the advice and consent of the Legisla-
tive Council and Legislative Assembly of New South Wales in Parlia-
ment assembled and by the authority of the same as follows :—

1. The following terms within inverted commas whenever used Interpretation
herein shall unless the context otherwise indicate bear the meanings set
against them respectively—

- “ Crown Lands”—All lands vested in Her Majesty which have not been dedicated to any public purpose or which have not been granted or lawfully contracted to be granted to any person in fee-simple.
- “ First Class Settled Districts”—The lands declared to be of the Settled Class under the Orders in Council.
- “ Second Class Settled Districts”—The lands converted into the Settled Class by the Act twenty-third Victoria number four or that may be hereafter so converted under this Act.
- “ Unsettled Districts”—All other Crown lands.
- “ Orders in Council”—The Orders in Council and Regulations from time to time issued under the Imperial Act ninth and tenth Victoria chapter one hundred and four.
- “ Old Run”—Any portion of Crown lands within the Second Class Settled or the Unsettled Districts comprised in any unexpired lease or license granted or lawfully contracted to be granted before the twenty-second day of February one thousand eight hundred and fifty-eight.
- “ Run”—Any portion of Crown Lands comprised in any lease or license granted or lawfully contracted to be granted on or after the twenty-second day of February one thousand eight hundred and fifty-eight.
- “ Minister”—The Minister for the time being charged with the administration of the Crown Lands.
- “ Land Agent”—Any person duly appointed to sell Crown lands.

25 VICTORIA,
No. 2.

“Appraisement”—Settlement of rent or value by appraisers appointed in manner prescribed by this Act.

“Arbitration”—Settlement of boundaries by arbitrators appointed in manner prescribed by this Act.

Partial repeal of
Acts Orders in
Council and
Regulations.

2. On and after the passing of this Act the Acts of Council eleventh Victoria number sixty-one and sixteenth Victoria number twenty-nine and the Orders in Council shall be repealed Provided that nothing herein shall prejudice or affect anything already lawfully done or commenced or contracted to be done thereunder respectively or prevent the several provisions of the said Orders in Council from being carried into effect with respect to lands under lease or promise of lease made previously to the twenty-second day of February one thousand eight hundred and fifty-eight during the currency of such leases as fully as if the same had not been hereby repealed.

Extension of
Second Class
Settled Districts.

3. The Governor with the advice of the Executive Council may by proclamation in the Gazette declare any Unsettled District or portion of such district to be of the class of Second Class Settled Districts and such district or portion of district shall on such proclamation become and be of the Second Class Settled Districts under this Act Provided that such proclamation shall in no case affect existing leases.

Conversion of
existing leases.

4. Existing leases of Crown Lands shall not be renewed except under the provisions of this Act.

Withdrawal of
land from lease.

5. The Governor with the advice of the Executive Council may by notice in the Gazette withdraw from any old run or run any lands which may be required for the site of any city town or village or for any roadway for general traffic or for passage of stock or for access to back runs or for sale as containing improvements belonging to any person other than the lessee of such run or otherwise for sale or for temporary commonage for the use of any such city town or village or for the working of any mines of gold or other minerals or for any public purpose whatsoever.

Conflicting
claims to leases.

6. In cases in which two or more persons entitled to leases under the Orders in Council or under this Act may claim the same land the lease shall be granted to the person whose right thereto may have been or may be established after due inquiry to the satisfaction of the Governor or the Minister and in any such case in which the right of either claimant to a lease of the land in dispute shall not have been so established it shall be lawful for the Minister to require such right to be inquired into and determined by arbitration and the lease may be granted in accordance with the award of such arbitration.

When valuations
under
Orders in Council
neglected.

7. In any case in which the rent of an old run or any other matter required by the Orders in Council to be determined by valuers appointed in the manner therein prescribed shall not have been so determined it shall be lawful for the Minister to direct that such rent or other matter shall be determined by appraisement under the provisions of this Act and the valuation thus arrived at shall be as effectual as if made under the provisions of the Orders in Council.

Lessee not to
obstruct authorized
persons.

8. It shall not be lawful for any holder of any old run or run to obstruct any Government surveyor or other authorised officer in entering on such run whenever such officer may require to do so nor to obstruct or prevent any person authorized by the Minister or by such Officer as he may empower in that behalf from entering upon such run searching

for and removing gold and other minerals or cutting and removing therefrom indigenous timber or digging and removing gravel stone brick-earth or other material. 25 VICTORIA,
No. 2.

9. It shall be lawful for any officer duly authorized by the Minister to mark on the ground the boundaries whether undisputed or determined after dispute by decision of the Governor or otherwise by competent authority of any old run or run of which no lease from the Crown shall be in force and the boundaries so marked shall be and be held to be the boundaries of such old run or run. Marking of
boundaries.

10. Any Crown Lands not being comprised within an old run may be demised or let upon lease under and subject to the provisions of this Act or under the provisions of the Gold Fields Act twentieth Victoria number twenty-nine or any other Act which may be passed for the management of the Gold Fields but not otherwise. And the Governor with the advice of the Executive Council is hereby authorized in the name and on behalf of Her Majesty to demise or lease any such Crown Lands as hereinafter enacted. Leasing of lands.

11. Crown lands may be demised by lease for any terms not exceeding the following :— Duration of
leases.

For pastoral purposes in the First Class Settled Districts—One year.

For pastoral purposes in the Second Class Settled Districts or the Unsettled Districts—Five years.

For ferrics bridges wharfs quarries and for the erection of machinery for saw-mills brick-making and other objects of a like nature—Five years.

For mineral purposes other than gold mining—Fourteen years.*

Provided that lands within areas bounded by lines bearing north east south and west and distant ten miles from the outside boundary of any city or town containing according to the then last Census ten thousand inhabitants or five miles from the outside boundary of any town containing according to the then last Census five thousand inhabitants or two miles from the outside boundary of any town or village having according to the last Census for the time being one hundred inhabitants or lands set apart for sites of towns or villages or for sale for agricultural purposes or otherwise for the use or accommodation of the public shall not be open for lease for pastoral purposes. Reservations
from lease.

12. Leases of runs within the First Class Settled Districts may be granted subject to the next following conditions and to the general provisions of this Act :— Leases of runs
in First Class
Settled Districts.

(1.) Lands shall not be let in portions of less than six hundred and forty acres or one square mile except in special cases hereinafter provided for. Size of portions
to be leased.

(2.) Every such lease shall be for the then current year and shall expire on the 31st day of December. Period of leases.

(3.) Leases may be renewed annually by payment between the first and the thirtieth day of September to the Land Agent of the District or to the Colonial Treasurer of rent for the ensuing year at the rate of two pounds per square mile or such higher rate as the lessee may pay for the current year unless the lands be required for sale or for any public purpose or for Renewal of
leases.

* Repealed by "Mining Act of 1874" (37 Vic. No. 13). Leases may now be granted for not exceeding twenty years, and renewed for not exceeding twenty years.

25 VICTORIA,
No. 2.

Conversion of
existing leases
into leases under
this Act.

Pre-emptive
leases to holders
of land in fee-
simple.

Determination
of conflicting
claims by arbit-
ration.

Notification of
pre-emptive
leases.

Leases at
auction.

the satisfaction of any pre-emptive lease claims in right of new purchases And leases not so renewed may be brought to sale by public auction.

- (4) Leases under the Regulations of twenty-ninth March one thousand eight hundred and forty-eight shall not be renewed under those Regulations but may be converted into leases under this Act by payment to the Colonial Treasurer in Sydney or to the Land Agent of the district not later than two months from the publication in the Gazette of a notice to that effect of rent for the ensuing year at the rate of two pounds per square mile or such higher rate as the lessee may now pay unless the land be required for sale or for any public purpose or for the satisfaction of any pre-emptive lease claims which may arise under this Act.
- (5.) The holders in fee simple of any lands may be allowed leases of Crown lands adjoining to their respective properties without competition at the rate of two pounds per section of six hundred and forty acres and to the extent of three times their own purchased or granted lands if there be so much vacant Crown lands available ~~*Provided that such Crown lands shall be taken in a block of rectangular form~~ in which the external lines shall be directed to the cardinal points and if the country has been divided into sections of square miles then according to the general subdivisions of the lands delineated upon the public maps in the Surveyor General's Office and lands shall subject also to the exclusion of water necessary to the beneficial occupation of adjoining lands Provided further that the rent to be charged for land so leased to parties not having the right to take six hundred and forty acres shall in no case be less than one pound.
- (6.) If there be two or more claimants under the last preceding condition of the same land the division of the land amongst them may be settled by arbitration Provided that if such land be of less extent than six hundred and forty acres it may on an award being made be forthwith occupied in accordance therewith and without further formal apportionment Provided also that if at the expiration of three months from the date of a notice in the Gazette announcing to the several claimants of portions not less than six hundred and forty acres the names of their competitors an award shall not have been arrived at and duly communicated to the proper officer the leases of the lands so circumstanced may be offered for sale by auction.
- (7.) All leases granted under pre-emptive right shall be notified in the Gazette and if within two months from the date of such notification the rent for the same shall not have been paid to the Colonial Treasurer or to the Land Agent of the district leases of the land shall be submitted for sale by auction.
- (8.) Crown lands not previously under lease over which no pre-emptive right of lease shall have been exercised within one year from the passing of this Act may be put up to lease at auction at the land office of the district either on application or otherwise but no such sale of leases shall take place without one month's notice thereof having been given in the Gazette.

- * (9.) The upset price of each lot shall be at the rate of one pound per section of six hundred and forty acres or of ten shillings if half of the current year shall have expired before the day of sale and the full price bid for each lot shall be paid at the time of sale. 25 VICTORIA,
No. 2.
Upset price of
lots.
- (10.) Any lease bid for but the price of which may not be forthwith paid shall thereupon be again offered for sale at auction. Leases bid for
but not paid for.
- (11.) The lease of any land which may have been offered for sale at auction and not bid for may be obtained on payment of the upset price to the Land Agent of the district. Selection of
leases not bid
for.
- (12.) The sale conditional or otherwise of any portion of land under lease shall cancel so much of the lease as relates to the land so sold and to three times the area thereof adjoining thereto. Leases may also be cancelled by the Minister for other sufficient reason and the balance of rent from the date of such cancellation shall in either case be returned to the lessee. Provided that the lessee of the lands from which such sale shall be made shall be at liberty either to retain the remaining portion thereof paying however the same amount of rent as for the whole section or surrender the same. Cancellation of
leases.
13. The Governor with the advice of the Executive Council may grant leases of Crown Lands in the Second Class Settled Districts or in the Unsettled Districts subject to the following conditions and to the general provisions of this Act. Pastoral leases
in the Second
Class Settled or
the Unsettled
Districts.
- (1.) Leases of runs shall be converted into leases for five years under this Act by payment to the Colonial Treasurer not later than two months from the date of a notice in the Gazette to that effect of rent to be determined by appraisal of the fair annual value for pastoral purposes of the lands comprised in such runs. Provided that in estimating such value neither the construction of dams or reservoirs nor the laying down of grass nor the making of any other improvement by the occupier shall be taken into account. Provided also that the rent shall in no case be less than ten pounds per annum. Provided also that upon such conversion as aforesaid such runs shall cease to be liable to assessment under the Act twenty-second Victoria number seventeen. Conversion of
leases of existing
runs into leases
under this Act—
- (2.) Leases of old runs may on their expiration be in like manner converted into leases for the term of five years under this Act. and of leases of
old runs.
- (3.) The rent shall be payable to the Colonial Treasurer in Sydney for each year after the first year on or before the thirty-first day of December of the year preceding. Provided that a fine shall be payable for the whole time during which any rent due shall remain unpaid after that date at the rate of eight per centum on the amount if not more than three months in arrear—and of ten per centum if more than three months. And if the rent be not paid at or before the end of six months after such date together with such fine the lease shall then become forfeited. Commencement
of rent addition
of interest and
forfeiture of
lease.
- (4.) Leases shall not confer any right to purchase by pre-emption. No pre-emptive
right of purchase

* Repealed by the "Lands Acts Amendment Act of 1875" (39 Vic. No. 13.)

25 VICTORIA,
No. 2.
Resumption of
lands leased.

- (5.) Crown Lands may be resumed from lease for the site of any city town or village or for commonage for the same or for any public purpose whatever and no compensation shall be payable to the holder of such lease for any such resumption excepting repayment of rent to an extent proportionate to the area withdrawn and the period unexpired. Provided also that in any case of partial withdrawal the holder may if he think fit surrender his lease and have the full balance of rent refunded for the unexpired portion of the time for which it was paid.

Proclamation of
districts for the
formation of
runs.

14. The Governor with the advice of the Executive Council may proclaim Pastoral Districts in the Second Class Settled or Unsettled Districts to be open for the formation of runs and may from time to time alter the boundaries of such Pastoral districts or of any such district now existing and leases of such runs may be granted subject to the next following conditions. Provided that no district not so proclaimed shall be open for the formation of such runs:—

Area and capa-
bilities of runs.

- (1.) Runs shall in ordinary cases consist of not more than twenty-five square miles but should that area in the opinion of the proper officer of the Government be insufficient in average seasons for the pasturage of four thousand sheep or eight hundred head of cattle a run may be enlarged to whatever area not exceeding one hundred square miles as may be necessary for that purpose.

Tenders for runs.

- (2.) Tenders for runs may be deposited in a box to be kept for that purpose at the office of the Minister which shall be opened periodically by a Board of Officers to be appointed for that purpose by the Governor with the advice aforesaid and the person making the earliest tender for any run shall be entitled to a lease thereof. Provided that should two or more tenders for any run be opened at the same time the lease shall be granted to the person whose tender shall contain the offer of the highest premium. Provided also that should two or more tenders embrace a portion of the same land the common boundary may be determined by arbitration. Provided also that should such boundary not be so determined within three months of the date of a notice in the Gazette informing the parties of the conflict by their tenders the whole of the lands tendered for may be leased by auction sale. Provided also that should a run not be occupied and stocked with not less than two hundred head of cattle or one thousand sheep within six months or in the event of its being necessary to provide water by artificial means within eighteen months of the notification of the acceptance of the tender the run shall be forfeited and may be leased by auction sale.

Direction of
boundaries in
tenders.

- (3.) The Minister may cause to be modified the boundaries proposed in any tender so as to make the run a compact block of rectangular form in which the external lines shall run east and west and north and south subject however to such deviations as the general features of the country and the adoption of natural boundaries may require and subject also to the exclusion of water necessary to the beneficial occupation of adjoining lands.

Description in
tenders.

- (4.) Tenders shall be in a form to be prescribed by the Governor with the advice of the Executive Council and shall contain clear descriptions of the boundaries of the runs applied for and the

marks or natural features by which such boundaries are indicated and also estimates of the areas and pastoral capabilities of such runs. 25 VICTORIA,
No. 2.

- (5.) Every tender must be accompanied by a receipt showing that a sum of money equivalent to twenty-five per centum of the rent offered in such tender has been deposited in the Colonial Treasury and in the event of the ultimate acceptance of the tender the tenderer shall receive credit for the amount of the deposit in the first year's rent and in the event of the tender being rejected the amount shall be returned to the tenderer. Deposit on tenders.
- (6.) Runs may be held from year to year subject to a rent of ten pounds per annum payable in accordance with condition number three under section thirteen of this Act and to assessment at the same rate and subject to the same conditions as the runs under the Act twenty-second Victoria number seventeen until an appraisal shall be made of the fair annual value thereof for pastoral purposes whereupon the holdings shall be converted into leases under section thirteen of this Act and the runs shall cease to be liable to such assessment as aforesaid. Tenure of run at fixed rent and assessment pending appraisal.

15. If in any case it shall appear that at the time of the appraisal any run in its natural state was incapable of sustaining four thousand sheep or eight hundred head of cattle in all seasons of the year the lessee thereof may during the first quarter of the last year of his lease apply for a re-appraisal thereof and if it shall then appear that such run has by the adoption of artificial means been rendered capable of permanently depasturing the said number of sheep or cattle or if it shall appear upon a like application in respect of any run of whatever capacity that such run has by adoption of artificial means been rendered capable of permanently depasturing an additional number by one half or more beyond the number of sheep or cattle which the run in its natural state was capable of depasturing the duration of the lease shall be extended to ten years at the same rent and on the same terms and conditions as the original lease. Extension of leases on account of improvements.

16. The holders of land in fee-simple within the Unsettled and Second Class Settled Districts shall be allowed pre-emptive leases of Crown Lands adjoining to their respective properties to the extent and in like manner and subject to the like conditions as hereinbefore provided in respect of holders of lands in fee-simple in the First Class Settled Districts. Pre-emptive leases to holders in fee-simple.

17. Forfeited or vacated old runs or runs may be submitted to sale by auction in leases for the term of five years at the minimum upset rent of one pound per annum for every square mile of estimated area and the whole rental for the first year shall be paid in advance at the time of sale and any such run if unsold may be again put up for sale in like manner at a reduced upset rental not being less than ten pounds and any such run if still unsold may thereafter be leased at the upset rental last mentioned to any person who may apply for the same or may be again submitted to sale by auction. Sale at auction of leases of forfeited runs.

*18. The sale conditional or otherwise of any land within any lease granted under this Act in the Second Class Settled Districts or in the Unsettled Districts for pastoral purposes shall cancel so much of the lease as relates to the land so sold and to three times the area thereof adjoining thereto which last-mentioned area may be held by the new purchaser under pre- Cancellation of leases of runs or portions thereof and pre-emptive lease to purchaser.

- 25 VICTORIA, No. 2. empty lease to which all conditions and liabilities attached to pre-emptive leases in the First Class Settled Districts shall apply.
- Passage of stock. *19. Any person driving horses cattle or sheep along any track used or required for the purpose of travelling may depasture the same on any Crown Lands within the distance of one half-mile of such track notwithstanding any lease of any such lands for pastoral purposes Provided that unless prevented by rain or flood such horses or cattle shall be moved at least seven miles and such sheep at least four miles in one and the same direction within every successive period of twenty-four hours.
- Use of timber or material by lessees. 20. Lessees of Crown Lands for pastoral purposes either in the Settled Districts or in the Unsettled Districts shall be permitted to cut and use such timber and material for building and other purposes as may be required by them as tenants of their several lands.
- Removal of timber and material by others than lessees. 21. Lessees of Crown Lands for pastoral purposes either in the Settled Districts or in the Unsettled Districts shall not have power to restrict other persons duly authorized in that behalf either from cutting or removing timber or material for building or other purposes or from searching for any metal or mineral within the land leased.
- Leases for mining purposes other than gold-mining. ††22. The Governor with the advice aforesaid may grant leases for purposes of mining for any metal or mineral excepting gold to any person of any Crown Lands not exceeding three hundred and twenty acres for coal-mining lots and not exceeding eighty acres for other mineral lots for any period not exceeding fourteen years and with a right of renewal for a further period not exceeding fourteen years upon the next following conditions on the breach of any of which by any lessee the lease may be cancelled by the Governor with the advice of the Executive Council:—
- Authority to select mineral lots. (1.) Persons may on application to the Minister obtain authority in writing to select on Crown lands within twelve months from the date thereof coal or other mineral lots and may take possession of such lots and hold them for the period mentioned in such authority but the right shall be reserved to determine the boundaries of any such lots and to make provision for reservation of water supply Provided that applications made prior to the passing of this Act may be accepted under it and shall take precedence in the order of their date.
- Payment of rent. (2.) The rent shall be five shillings per acre payable annually in advance at the Colonial Treasury the first payment to be made on application for authority to select and thereafter within the month of September for each ensuing year and leases shall in all cases end on the 31st day of December.
- Necessary annual expenditure. (3.) Lessees shall expend at the rate of five pounds sterling per acre on their lots within the first three years of the lease.
- Determination of leases. (4.) Lessees may determine their leases by giving to the Minister three months' notice of their desire to do so but no rent shall in any such case be refunded.
- Renewal of leases. (5.) Lessees may on application to the Minister in writing during the thirteenth year of their leases obtain a renewal of the same for a further period not exceeding fourteen years and the fine to be paid on such renewal not being less than two

* Repealed by the "Lands Acts Amendment Act of 1875" (39 Vic. No. 13.)

† Vide "Crown Lands Occupation Act Amendment Act of 1873."

‡ Section 22 repealed by the "Mining Act of 1874" (37 Vic. No. 13.)

pounds ten shillings per acre shall be determined by appraisal and full information of the working and returns of the mine shall be afforded to the appraisers by the lessees on pain of forfeiting their claim to renewal.

25 VICTORIA,
No. 2.

- (6.) If any lease be forfeited or not renewed the lessee shall be at liberty within six months from the termination of his lease to remove or otherwise dispose of all machinery and improvements and the minerals brought to the surface during the term of his lease.

Removal of
machinery.

23. Whenever it shall become necessary or desirable to fix or ascertain any rent price value or sum of money which by this Act it is provided may be fixed or ascertained by appraisalment and in case of dispute as to the amount of any compensation to be made under the provisions of this Act and in case of any matter which by this Act is authorized or directed to be settled by arbitration the appraiser or appraisers arbitrator or arbitrators and umpire shall be appointed and the appraisalment or arbitration shall be conducted in manner hereinafter mentioned (that is to say) :—

Mode of
appraisalment or
arbitration.

- (1.) The Minister or an officer authorized by him in that behalf and the claimant in matters hereinbefore directed or authorized to be settled by appraisalment or the parties interested in any dispute which by the provisions of this Act may be settled by arbitration may concur in the appointment of a single appraiser or arbitrator or failing such appointment each party on the request of the other shall appoint an appraiser or arbitrator as the case may require by whom the matter shall be determined And every such appointment shall be made by the Minister or officer and the claimant or by the parties to the matter in dispute under their hands in writing or if such party be a corporation aggregate under its common seal and such appointment shall be delivered to the appraisers or arbitrators and attached to the award when made and shall be deemed a submission to appraisalment or to arbitration as the case may be by the parties making the same.
- (2.) After the making of any such appointment the same shall not be revoked without the consent of both parties nor shall the death of either party operate as a revocation.
- (3.) If after any such dispute or matter shall have been referred to arbitration and a notice in writing shall have been given by one party who has himself duly appointed an appraiser or arbitrator to the other party stating the dispute or matter to be determined and accompanied by a copy of such appointment the party to whom notice is given fail to appoint an appraiser or arbitrator within the space of sixty days after such notice the appraiser or arbitrator appointed by the party giving the notice shall be deemed to be appointed by and shall act on behalf of both parties And if for the space of three calendar months after a notice published in the Gazette by the Chief Commissioner of Crown Lands both parties shall fail or neglect to appoint arbitrators the Minister may appoint an arbitrator who shall in like manner act on behalf of both parties.

Appointment of
appraisers or
arbitrators.

Appointment
not to be
revoked.

Single appraiser
or arbitrator to
act in certain
cases.

25 VICTORIA,
No. 2.
Award to be
binding.

In case of death
of or failure to
act by appraiser
or arbitrator.

In case of death
or failure to act
by a single
appraiser or
arbitrator.

Appointment of
umpire.

Determination
by umpire in
certain cases.

Production of
documents.

Determination
of costs.

- (4.) The award of any appraiser or appraisers arbitrator or arbitrators appointed in pursuance of this Act shall be binding final and conclusive upon all parties to the appraisement or arbitration for all intents and purposes whatsoever.
- (5.) If before the determination of any matter so referred any appraiser or arbitrator die or refuse or become incapable to act the party by whom such arbitrator was appointed may appoint in writing another person in his stead and if he fails so to do for the space of thirty days after notice in writing from the other party in that behalf the remaining appraiser or arbitrator may proceed *ex parte* and every appraiser or arbitrator so appointed shall have the same powers and authorities as were vested in the appraiser or arbitrator in whose stead the appointment is made.
- (6.) In case a single arbitrator die or became incapable to act before the making of his award or fail to make his award within sixty days after his appointment or within such extended time (if any) not exceeding thirty days as shall have been duly appointed by him for that purpose the matters referred to him shall be again referred to appraisement or arbitration under the provisions of this Act as if no former reference had been made.
- (7.) In case there be more than one appraiser or arbitrator the appraisers or arbitrators shall before they enter upon the reference appoint by writing under their hands an umpire and if the person appointed to be umpire die or become incapable to act the appraisers or arbitrators shall forthwith appoint another person in his stead and in case the appraisers or arbitrators neglect or refuse to appoint an umpire for thirty days after being requested so to do by any party to the appraisement or arbitration the Minister may appoint an umpire and he is hereby empowered so to do and the award of the umpire shall be binding final and conclusive upon all parties concerned for all intents and purposes whatsoever.
- (8.) In case appraisers or arbitrators fail to make their award within sixty days after the day on which the last of them was appointed or within such extended time not exceeding thirty days (if any) as shall have been duly appointed by them for that purpose the matters referred shall be determined by the umpire and the provisions of this Act with respect to the time for making an appraisement or award and with respect to extending the same in the case of a single arbitrator shall apply to any umpirage.
- (9.) Any appraiser arbitrator or umpire appointed by virtue of this Act may require the production of such documents in the possession or power of either party as he may think necessary for determining the matters referred and may examine the parties as witnesses on oath.
- (10.) All costs of and consequent upon the reference shall be in the discretion of the appraiser or appraisers arbitrator or arbitrators or of the umpire in case the matters referred are determined by an umpire.

- (11.) Any submission to arbitration under the provisions of this Act may be made a rule of the Supreme Court of the said Colony on the application of any party thereto.
- (12.) Before any appraiser arbitrator or umpire shall enter upon the consideration of any matter referred to him as aforesaid he shall make out and subscribe a declaration in the form following before a Justice of the Peace (that is to say)—
- “I A.B. do solemnly and sincerely declare that I am not
“directly or indirectly interested in the matter
“referred to me and that I will faithfully honestly
“and to the best of my skill and ability hear and
“determine the same under the ‘Crown Lands
“Occupation Act of 1861.’”
- (13.) And such declaration shall be annexed to the appraisement or award when made and if any appraiser arbitrator or umpire shall wilfully act contrary to such declaration he shall be guilty of a misdemeanor.
- (14.) No appointment or award shall be set aside for irregularity or error in matter of form.
- (15.) Every appraisement or award shall be in writing and shall be transmitted by the appraiser arbitrator or umpire to the Chief Commissioner of Crown Lands and deposited in his office.

25 VICTORIA,
No. 2,
Arbitration
subject to rule
of Supreme
Court.
Declaration by
appraiser
arbitrator or
umpire.

24. It shall be lawful for arbitrators or the umpire who may determine under this Act the boundaries or any boundary of an old run or run to mark on the ground such boundary and such boundary so marked shall be held to be the boundary of such old run or run so long as no lease thereof from the Crown shall be in force.

Marking of
boundaries by
arbitrators or
umpire.

25. It shall be lawful for any authorized officer umpire or arbitrators who may have marked on the ground the boundaries or any boundary of any old run or run to certify by his or their signatures duly attached to any plan representing such boundary the accuracy of such representation and such plan shall thenceforth become and be legal evidence of such boundary or boundaries.

Attestation of
maps and plans.

26. If any person shall wilfully obliterate remove or deface any boundary-mark which may have been made or erected by or under the direction of any authorized officer arbitrators or umpire as aforesaid he shall be guilty of a misdemeanor.

Obliteration of
boundary-mark
a misdemeanor.

27. In any lease or other instrument granted under the Orders in Council or under the provisions of this Act it shall be sufficient if the land thereby conveyed be defined by a general description of such land and of the boundaries thereof and no such lease or other instrument shall be held to be void by reason of the imperfection of any such description so long as the land shall thereby be defined with reasonable certainty.

Description of
leased lands.

28. In any action or suit brought to recover possession or to recover damages for trespass upon or otherwise in relation to any Crown Lands of which no lease from the Crown shall be in force it shall be lawful for any party thereto to plead and put in evidence any promise engagement or contract from or with the Crown or its agents lawfully authorized for the granting under the Orders in Council or under this Act for any term unexpired of a lease of such lands and such promise engagement or

Right of lease
may be given
in evidence in
actions.

25 VICTORIA, contract shall as between the parties in such action or suit have the same effect as if a lease from the Crown of such lands had been duly issued in pursuance of such promise engagement or contract to the party entitled thereunder to such lease.

Commonage pro-
clamation and
regulations.

29. The Governor with the advice aforesaid may proclaim and set apart temporarily any Crown lands for commonage purposes for the use and benefit of the landholders in any city town or village or other specified locality and may make and proclaim regulations for the management of such commonage.

Leases for
wharfs bridges
ferries and
other objects.

30. *The Governor with the advice aforesaid may grant by auction or otherwise leases of any portion of Crown lands for wharfs bridges punt-houses ferries and for the erection of machinery for saw-mills brick-making and other objects of a like nature and may determine the upset price thereof if to be let at auction or the fixed rent if to be let otherwise and may annex such conditions to the occupation thereof as shall seem fit Provided that an abstract of all such licenses or leases where not sold by auction shall be from time to time published in the Gazette.

Licenses to cut
timber and pro-
cure other
materials.

31. The Governor with the aforesaid advice may subject to any regulations to be made as hereinafter enacted authorize the issue of licenses for any term not exceeding one year to enter any Crown lands whether under lease or license or not and to cut and take therefrom any timber or to dig for and remove any gravel stone brick-earth shells or other material Provided that the fee which the Governor with the advice aforesaid may fix for such license shall be paid in advance.

Removal of
trespassers.

32. On information in writing preferred by any Commissioner of Crown Lands or other person duly authorised to any Justice of the Peace setting forth that any person is in the unlawful occupation of any Crown Land or in the occupation of any Crown Land in virtue or under colour of any lease or license although such lease or license shall have been forfeited or although the conditions thereof shall have been broken or unfulfilled or although such lease or license shall have expired or although the term for which the same shall have been granted or made shall have come to an end such Justice shall issue his summons for the appearance before any two or more Justices of the Peace at a place and time therein specified of the person so informed against And at such time and place such Justices on the appearance of such person or on due proof of the service of such summons on him or at his usual or last place of abode or business shall hear and inquire into the subject matter of such information And on being satisfied of the truth thereof either by the admission of the person informed against or on other sufficient evidence such Justices shall issue their warrant addressed to the Commissioner of Crown Lands or to any Chief or District Constable or other proper officer requiring him forthwith to dispossess and remove such person from such land and to take possession of the same on behalf of Her Majesty and the person to whom such warrant is addressed shall forthwith carry the same into execution.

Penalties for
trespassing.

33. *Any person unless lawfully claiming under any subsisting lease or license or otherwise under the Orders in Council or under this Act or under the Act twentieth Victoria numbered twenty-nine or any other Act which may be passed for the management of the Gold Fields who

shall be found occupying any Crown land or land granted reserved or 25 VICTORIA,
 dedicated for public purposes either by residing or by erecting any hut No. 2.
 or building thereon or by clearing digging up enclosing or cultivating
 any part thereof or cutting timber other than firewood not for sale
 thereon shall be liable on conviction to a penalty not exceeding five
 pounds for the first offence and not exceeding ten pounds for the
 second offence and not exceeding twenty pounds for the third or any
 subsequent offence which penalties shall be recovered before any two or
 more Justices of the Peace upon the information or complaint on oath
 of any person authorized by the Minister in that behalf Provided that
 no information shall be laid for any second or subsequent offence until
 thirty clear days shall have elapsed from the date of the previous
 conviction.

34. All actions or other proceedings against any Commissioner of Limitation of
 Crown lands or other officer acting under the provisions of this Act for actions.
 anything wrongfully done under or against the provisions of this Act
 shall be commenced within twelve months after the matter complained
 of was committed and not otherwise And notice in writing of any such
 action and of the cause thereof shall be given to the defendant one month
 at least before the commencement of the proceeding And in every such
 proceeding the defendant may plead the general issue and give this Act
 and the special matter in evidence at any trial to be had thereupon
 And no plaintiff shall recover in any such proceeding if tender of
 sufficient amends shall have been made before the same was commenced
 or if a sufficient sum of money shall have been paid into Court after such
 commencement by or on behalf of the defendant together with costs
 incurred up to that time And if a verdict shall pass for the defendant
 or the plaintiff shall become nonsuit or discontinue such proceeding or if
 upon demurrer or otherwise judgment shall be given against the plaintiff
 the defendant shall recover his full costs as between attorney and client
 and have the like remedy for the same as any defendant has by law in
 other cases.

35. Any lease or other instrument issued under this Act may be Instruments
 proved in all legal proceedings by the production of a certified copy under Act to be
 thereof signed by the officer to be authorized for that purpose under evidence.
 any Regulation made as hereinafter enacted.

36. The Governor with the advice of the Executive Council may Governor in
 make and proclaim Regulations for carrying this Act into full effect so Council to make
 as to provide for all proceedings—form of leases and other instruments and proclaim
 —and all other matters and things arising under and consistent with Regulations.
 the provisions of this Act and not herein expressly provided for And
 all such regulations shall upon publication in the Gazette be valid in
 law Provided that a copy of every such Regulation shall be laid before
 both Houses of Parliament within one month from the issue thereof if
 Parliament be then in Session or otherwise within one month after the
 commencement of the then next ensuing Session.

37. This Act may be styled and cited as the "Crown Lands Occu- Short title.
 pation Act of 1861."



LANDS ACTS AMENDMENT.

An Act to declare and amend the Laws relating to Crown Lands. [10th August, 1875.] 39 VICTORIA,
No. 13.

WHEREAS it is expedient to remove doubts which have arisen in the construction of the "Crown Lands Alienation Act of 1861" and of the "Crown Lands Occupation Act of 1861" and to amend the said Acts in certain particulars and to make further provisions in respect of the alienation and occupation of Crown Lands Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

1. The sections and parts of the "Crown Lands Alienation Act of 1861" and of the "Crown Lands Occupation Act of 1861" respectively mentioned in the schedule to this Act shall be and the same are hereby repealed.

PART I.

ALIENATION.

2. Upon application by the holder of any lease or promise of lease of Crown lands containing improvements made previously to the expiration of the term therein mentioned for the sale of any Crown land other than land within a proclaimed gold field or upon application by the improver or his assigns in authorized occupation made at any period for the sale of improved Crown Lands in proclaimed gold fields the Governor in Council may sell and grant such lands respectively to the owners of such improvements without competition in fee simple at a price as to town and suburban lands and lands on a gold field within areas reserved from conditional sale to be fixed by the Governor in Council not being less than at the rate of eight pounds per acre of town lands and two pounds ten shillings per acre of suburban lands and lands on a gold field within such reserved areas or as regards the two latter classes of land for any portion less than an acre and as to all other lands at a price to be fixed by appraisement not being less than one pound per acre Provided that the price so to be fixed as aforesaid shall be exclusive of the value of

Sales in consideration of improvements.

39 VICTORIA,
No. 13.

the improvements in respect of which such sale is made and provided also that improvements of value equal to the minimum auction prices of such lands respectively shall be sufficient for the purpose of the applications hereinbefore mentioned. Provided also that such sales shall be made in accordance with the general subdivision of the land whether town suburban or other lands and shall embrace only allotments or portions on which improvements may stand and that the area shall not for each improvement exceed half an acre for town land two acres for suburban land and land on gold fields within areas reserved from conditional sale and six hundred and forty acres for other lands. Provided also that any sales which may have been effected under the eighth section of the "Crown Lands Alienation Act of 1861" of portions exceeding two acres in virtue of improvements on gold fields not being within such reserved areas are hereby declared to be valid in law. Provided also that with reference to land sold within a gold field the same power of annulling such sale is hereby reserved to the Governor in Council as now exists under the fourteenth clause of the "Crown Lands Alienation Act of 1861" with regard to lands conditionally purchased.

Improvements
in respect of
which sales may
be made.

3. The improvement in respect of which any land may be sold and granted shall be any work or erection of a fixed character and such as would render more beneficial the occupation and use of the said land and which shall have been constructed erected placed made or maintained at the cost of the person applying to purchase in respect of any such improvements or of the person or persons either singly or continuously through whom such applicant claims and is entitled to the land whereon are such improvements. Provided that such improvements have not at any time before been used for a like purpose.

Value of
improvements
to entitle holder
to purchase.

4. No person shall be entitled under the second section of this Act to a sale or grant of lands other than town or suburban lands or lands on a gold field within areas reserved from conditional purchase unless the improvements in respect of which the sale and grant is applied for shall be of the value of forty pounds or more and shall be so situated that it shall be possible to include them within a portion or area corresponding to the value of the improvements and measured in accordance with the regulations for the time being of the Governor in Council.

Value of
improvements to
entitle holder
to purchase.

5. No improvements on any Crown lands shall exempt such lands from conditional sale or pre-emptive lease unless such improvements shall be of the value of forty pounds but subject thereto improvements on such lands shall be deemed sufficient for such exemption if they shall be of the value (to be determined by appraisal if disputed) of twenty shillings per acre.

Conditional
purchases by
minors.

6. The word "person" in the thirteenth section of the "Crown Lands Alienation Act of 1861" shall in respect to conditional purchases applied for and made previous to the passing of this Act be held to mean and include any person whether under or over the age of twenty-one years but from and after the passing of this Act such word "person" shall mean only such a person of or over the age of sixteen years. Provided always that the provisions in this section as to the construction of the said word "person" in cases of such purchases before the passing of this Act shall not be held to apply to or affect any case in which a conditional purchase by any person under the age of twenty-one years came in question either directly or indirectly in any litigation pending on the sixteenth of April one thousand eight hundred and seventy-five.

7. Every application for a conditional purchase must be tendered in person by the applicant to the Land Agent of the district. And in every case where such applicant is under the age of twenty-one years he shall state in his application that he is of the age of sixteen years or upwards. Should such statement be proved at any time thereafter to be untrue the purchase shall become void and the deposit forfeited.

39 VICTORIA,
No. 13.
Applications for
conditional pur-
chases to be
made in person.

8. Where the balance of the purchase-money of any conditional purchase made after the passing of this Act is not paid at the expiration of three years from the date of such purchase or within three months thereafter as required by the eighteenth section of the "Crown Lands Alienation Act of 1861" the conditional purchaser or his alienee shall in lieu of the payments provided for by the said eighteenth section pay within such period of three months after the expiration of the said term of three years to the Colonial Treasurer or the Land Agent of the district the sum of one shilling for each acre of such conditional purchase and thereafter between the first day of January and the first day of April in each year pay to the said Colonial Treasurer or the Land Agent aforesaid a like sum of one shilling per acre until the balance together with interest at the rate of five per centum per annum thereon shall have been paid when a grant of the fee simple shall be made to the then rightful owner. Provided that if any default be made in making such payments as are herein required the land shall become forfeited to Her Majesty and be liable to be sold by auction and all payments made in respect thereof shall be forfeited. Provided further that any such conditional purchaser may between the first day of January and the first day of April in any year make two or more such payments of one shilling per acre. Provided also that any holder of a conditional purchase under the "Crown Lands Alienation Act of 1861" at the passing of this Act may by any writing addressed to the Colonial Treasurer or the Land Agent aforesaid avail himself of the provisions of this clause as to payment of balance of purchase-money and interest thereon and shall be subject to the penalties for non-payment aforesaid.

Made in which
balance of pur-
chase-money
may be paid.

9. No person shall become the conditional purchaser of any land who is in respect of the land which he applies to purchase or any part thereof a servant of or an agent or trustee for any other person or who at the time of his application has entered into any agreement express or implied to permit any other person to acquire by purchase or otherwise the land for which he applies but all land applied for to be conditionally purchased shall be for the *bond fide* use and benefit of the applicant in his own proper person and not as the servant agent or trustee of any other person. And all contracts agreements and securities made entered into and given with the intent of violating or which if the same were valid would have the effect of violating the provisions of this section and all contracts and agreements relating to land hereafter conditionally purchased made or entered into before at or after such purchase and to take effect wholly or in part at or after the completion of the conditions required by the eighteenth section of the "Crown Lands Alienation Act of 1861" shall be and are hereby declared to be illegal and absolutely void whether at law or in equity. And if any person shall in violation of the provisions of this section become the conditional purchaser of any land all the right title and interest of the conditional purchaser or of his assignee having notice of such violation and all moneys paid in respect of such land and the land itself with all improvements

Contracts by
conditional pur-
chasers void in
certain cases.

39 VICTORIA, No. 13. thereon shall on notification to that effect in the Gazette be absolutely forfeited and the said land shall again become Crown lands open for conditional purchase or sale by auction as the case may be under the provisions of the "Crown Lands Alienation Act of 1861" and of this Act.

Entering into illegal contract misdemeanor.

10. Any person who shall enter into any such contract or agreement as is declared to be illegal by section nine of this Act shall be guilty of a misdemeanor and on conviction thereof be imprisoned and kept to hard labour for any term not exceeding two years.

Owners of conditional purchase under twenty-one years of age to be liable upon contracts.

11. Any person between the ages of sixteen and twenty-one years who after the passing of this Act shall become the owner of a conditional purchase and shall whilst such owner either personally or by agent enter into any agreement for or in relation to the performance of any work or rendering of any services on such conditional purchase or in relation thereto or shall being such owner as aforesaid enter into any agreement for or in relation to the loan of money or the sale or purchase of goods and chattels of any description whatsoever or into any agreement connected with the occupation management or general purposes of such conditional purchase not contrary to this Act shall be subject to the same liabilities and have the same rights in respect of such agreement as if he were of the full age of twenty-one years.

Temporary boundaries of land until surveyed by Government.

12. If at the time of conditional purchase hereafter made of any Crown land such land shall not have been surveyed by the Government temporary boundaries thereof commencing from some well-defined point shall be determined by the conditional purchaser who in every case where residence is required shall within three months from date of application occupy the land as his *bonâ fide* residence. And any dispute between such purchaser and any other person other than a holder in fee or his alienee claiming any interest therein respecting such boundaries shall be settled by arbitration. Provided that if such land shall not be surveyed by the Government within twelve months from the date of application the purchaser may by notice in writing to the Land Agent for the district withdraw his application and thereupon he shall be entitled to a refund of any deposit paid by him or he may have the land surveyed by any licensed surveyor for the time being authorized by the Minister to make any such survey and the expense of such survey in accordance with the scale of charges fixed or to be fixed by the Surveyor General shall be allowed to such purchaser as part payment of his purchase money.

Form of measurement of portions selected and reservation of roads and water.

13. Crown lands conditionally purchased shall if measured by the authority of the Government previously to such purchase be taken in portions as measured if not exceeding six hundred and forty acres unless the applicant shall apply to purchase a part of such portion and shall pay the cost of the survey by way of subdivision of the same and the Minister shall approve thereof. And no land shall be considered to be measured until the plans of the measurement shall have been approved of by the Surveyor General of which the signature of the said Surveyor General or the officer by him deputed on such plans shall be evidence and every conditional purchase if unmeasured and having frontage to any river creek road or intended road shall if within the First Class Settled Districts have a depth of not less than twenty chains and otherwise shall have a depth of not less than sixty chains and shall have the boundaries other than the frontage directed to the cardinal points and if having no frontage as aforesaid shall be measured in a rectangular

block and with boundaries directed to such cardinal points Provided that no frontage as aforesaid and no boundary of such rectangular block shall exceed eighty chains in a direct line Provided that should it appear to the Minister desirable the boundaries of portions having frontages may be made approximately at right angles with the frontage and may be so applied for and may be otherwise modified and the boundaries of portions having no frontages may be modified and necessary roadways and water reserves may be excluded from any measurement.

39 VICTORIA,
No. 13.

14. No error or uncertainty in the description of land conditionally purchased whether before or after the passing of this Act shall vitiate the purchase in any case where the Minister is satisfied that the land occupied by the conditional purchaser is the land intended to be described in his application And if the Minister shall at any time notify to a conditional purchaser the description of the land purchased by him as finally approved of by such Minister such notification shall be conclusive evidence that the land therein described is the land conditionally purchased.

Error in description not to vitiate purchase.

*15. If at any time it shall be deemed expedient to proclaim a public road through any land conditionally purchased it shall be lawful for the Governor in Council by advertisement in the *Gazette* to resume so much of the land as may be required for the purpose as such public road Provided that the conditional purchaser or his alienee shall receive a refund of the purchase money paid in respect of the land so resumed as also of any amount expended thereon by way of improvements.

Roads through conditional purchase.

16. If any part of a measured portion of Crown Lands measured as aforesaid by the authority of the Government shall be improved to the extent of not less than forty pounds the residue of such measured portion if not less than forty acres shall for all purposes of conditional purchase be held to be Crown Lands and as such open to conditional purchase in the same way as other Crown Lands if the Minister shall approve such purchase and any person who shall conditionally purchase the said residue shall pay the cost of subdivision.

If part of measured portion improved residue may be conditionally purchased.

17. Crown Lands conditionally purchased which shall be proved to the satisfaction of the Minister after inquiry before a Commissioner in the manner hereinafter provided to have been abandoned by the purchaser or his alienee at any time after the expiration of three months from the date of application to purchase may by the authority of the Governor in Council be declared forfeited by notice in the *Gazette* and non-compliance with the condition of residence according to the provisions of the eighteenth section of the "Crown Lands Alienation Act of 1861" shall be held to be an abandonment. Provided that the period of three years within which the conditional purchaser or his legal alienee is required to effect improvements may be held to commence from the date of the survey of the lands applied for.

Forfeiture of lands abandoned by selectors.

*18. In the event of land conditionally purchased devolving on or becoming vested in any person by testamentary disposition or operation of law the same shall be held and enjoyed by such person as a conditional purchase subject to the provisions of the "Crown Lands Alienation Act of 1861" and this Act save and except the condition as to residence anything in the said or this Act to the contrary notwithstanding.

Conditional purchase how to be inherited.

39 VICTORIA, No. 13. 19. Any land which shall have reverted to Her Majesty or have become forfeited under the "Crown Lands Alienation Act of 1861" or this Act shall thereupon if the same be within an area under lease or promise of lease return together with any land held under pre-emptive lease in connection with such first-mentioned land to the person entitled to such area by virtue of such lease or promise of lease at the time of such reverting or forfeiture subject nevertheless to sale as by the said Acts provided.

Frontage in case of additional selection by conditional purchasers.

20. In the measurement of any additional selection or selections of land the frontage to the total area shall not exceed the extent which would be allowed to an original conditional purchase made in one block of six hundred and forty acres. Provided further that the intervention of a road not being a main road between any land originally held and any additional selection shall not invalidate such additional selection.

Holder in fee making conditional purchase to reside three years.

21. No holder in fee simple of land who shall hereafter make any conditional purchase of adjoining lands under the twenty-second section of the "Crown Lands Alienation Act of 1861" shall be entitled to a grant in fee simple of such adjoining land unless he shall at the time of making application have been resident for three years on the land so held in fee simple or shall before the expiration of three years from the date of the application have resided for three years on the said land or on the land conditionally purchased in right thereof.

Original and additional conditional purchase to be treated as one area.

22. Any land originally purchased and land purchased by way of additional selection may for all the purposes of the eighteenth section of the "Crown Lands Alienation Act of 1861" as to residence and improvements be held to be one holding and conditional purchase and upon a declaration under the Act ninth Victoria number nine being made by the person then in possession of the said lands that he or some one through whom he claims has been in continuous *bonâ fide* residence on any part of the said lands for three years previously to the time of making such declaration and has improved the said lands in any part or parts to the extent of a sum equal to the aggregate of one pound* per acre of the whole aggregate area of the said lands such person shall upon the Minister being satisfied be held to have complied with the provisions of the said eighteenth section as to residence and improvements as to the aggregate area of such lands and be entitled upon payment of the balance of the purchase moneys of the whole of such area to a grant in fee simple of the whole area of such lands.

Additional conditional purchases may be alienated with original conditional purchase.

23. Any conditional purchaser not being under the age of twenty-one years who shall have been in *bonâ fide* residence for one whole year on the land conditionally purchased by him may transfer any land conditionally purchased by him by way of additional selection together with the land in respect of which such additional selection was made notwithstanding that such additional selection may not have been held by him for such period and the said lands upon and after such alienation shall be held by the alienee thereof as one holding and conditional purchase for all purposes but, no alienee of any conditional purchase in respect of which the full term of residence shall not have been completed may so transfer until he shall have been in *bonâ fide* residence on the same for one whole year. Provided that all alienations of conditional purchases and additional selections shall be duly notified to the Land Agent of the district who shall register in a

*Reduced by clause 2 of "Lands Acts further Amendment Act of 1880," which see, p. 41.

book to be kept by him for such purpose the particulars of every alienation and shall also forward such notice and particulars to the Minister for Lands.

39 VICTORIA,
No. 13.

24. No alienation may be made of any land conditionally purchased by way of additional selection under the twenty-first and twenty-second sections of the "Crown Lands Alienation Act of 1861" as a separate and distinct parcel of land from the land by virtue of the possession of which such land shall have been so conditionally purchased unless and until all the conditions and requirements of the said Act or of this Act have been observed and performed as to such additional selection.

Additional purchases not to be transferred until conditions observed.

25. The Governor in Council may appoint any person as a Commissioner to whom shall in case of dispute or question and may in every case be referred by the Minister the claim of any conditional purchaser or his alienee to a grant under the provisions of the eighteenth section of the "Crown Lands Alienation Act of 1861" or under this Act as also every information or complaint to the Minister by any person that any conditional purchaser or his alienee is not fulfilling or has not fulfilled the conditions as to residence or improvements on the land conditionally purchased and such Commissioner shall hear in open Court and report to the Minister upon every such claim and information or complaint and shall for such purpose hear any evidence adduced touching the matters under investigation. Provided that any person not being a duly authorized officer of the Government who shall by information or complaint have occasioned any such inquiry shall prior thereto have lodged with the Land Agent the sum of ten pounds as security for any costs which may be awarded against him by the Commissioner and such Commissioner shall have the same power of summoning and compelling the attendance of witnesses and of administering oaths as are or shall be given to Justices of the Peace under any Act or Acts for the time being in force regulating proceedings on summary convictions and the said Commissioner shall proceed in the hearing of and reporting on such matters in such manner as shall be provided by any regulations in that behalf under this Act and every witness so summoned shall be entitled to the same allowance for travelling expenses as is provided by law for witnesses attending a District Court.

Power to appoint Commissioner to inquire into charges against conditional purchasers.

26. Adjoining portions of Crown Lands conditionally purchased for the purpose of mining may for all the purposes of the nineteenth section of the "Crown Lands Alienation Act of 1861" be held to be one holding and conditional purchase. And upon the Minister being satisfied that a sum of money equal to two pounds per acre of the aggregate area of the said lands has been expended in mining operations upon any part or parts of the said lands or upon any adjoining lands held and used in connection therewith the provisions of the said nineteenth section as to expenditure in mining operations shall be held to have been fulfilled in respect of the whole of such lands.

Adjoining mineral conditional selections may be treated as one area.

27. After the passing of this Act it shall be lawful for the lessee of any lands held under lease from the Crown for mineral purposes to purchase the same as mineral conditional purchases notwithstanding clause thirteen of the "Crown Lands Alienation Act of 1861" and clause eleven of the "Crown Lands Occupation Act of 1861" Provided that such lands were not at the date of the application for such lease within the population areas prescribed by the first before mentioned clause.

Conversion of mineral leases into mineral conditional purchases within population boundaries.

39 VICTORIA,

No. 13.

Mineral leases on reserves may be converted into mineral conditional purchases.

Maximum area to be purchased to be six hundred and forty acres.

Applicant for purchase at auction to pay 6d. per acre on application.

Pre-emptive right provisionally to purchase lands intended to be improved.

28. The Governor may authorize the conversion of any lease of Crown Land held for the purposes of mining for any metal or mineral other than gold into a mining conditional purchase under section nineteen of the "Crown Lands Alienation Act of 1861" notwithstanding that such land may be included within a reserve from sale made subsequently to the granting of such lease.

29. Not more than one selection of land shall be applied for by one person as a conditional purchase on the same day and the maximum area of land which any person may at one time apply for and of which he may become the conditional purchaser together with that which he may subsequently acquire by way of additional selection as also the maximum area of land to be sold by auction in any one lot shall be six hundred and forty acres Provided that nothing herein shall prevent any person who shall have fulfilled the conditions in respect to his conditional purchase or duly alienated the same from making another conditional purchase or prevent any person from purchasing any number of portions of not more than six hundred and forty acres each at auction or by virtue of improvements.

30. Every person applying to have land measured for sale by public auction shall at the time of application pay into the Treasury the sum of sixpence per acre on the area so applied for which sum shall be taken as part payment of the balance of the purchase money of the same if purchased by such applicant but if the said land be not sold when offered at auction such sum shall be forfeited and if it be sold to any other person the deposit shall be refunded Provided that if the land be not offered for sale by auction within twelve months from the date of application the applicant may claim and receive a refund of his deposit.

*31. If any person holding any Crown Lands under a lease or promise of lease for pastoral purposes shall deliver to the Land Agent of the district an application in writing for liberty by reason and in virtue of improvements intended to be made thereon to purchase any area of such land not exceeding six hundred and forty acres nor less than forty acres describing as may be required by any regulations hereunder the boundaries of the same which shall be subject to the several provisions of the "Crown Lands Alienation Act of 1861" and of this Act and setting forth the intended improvements and shall also at the same time pay to the said Land Agent a sum of money equal to one pound per acre on the area so applied for such land shall for the period of one year from the date of such application be held to be land lawfully contracted to be granted in fee simple and as such not open for conditional sale by selection or by auction and upon the completion to the satisfaction of the Minister of improvements to the value of one pound per acre on the land so applied for a grant in fee simple of such land shall issue to the person so applying or his legal alienee or representative at the appraised value Provided that if the said improvements shall not be so made twenty-five per cent. of the deposit shall be forfeited and the balance refunded and the said land shall be and become Crown land within the meaning of the "Crown Lands Alienation Act of 1861" Provided also that no such application to purchase as aforesaid shall be made for more than one square mile within each block of five miles square out of each lease or a proportionate quantity out of any holding of less area.

32. The Governor in Council may by notice in the Gazette reserve or dedicate in such manner as may seem best for the public interest any Crown Lands not exceeding sixty acres for the use and general purposes of Pastoral and Agricultural Associations and upon any such notice being published in the Gazette such land shall become and be reserved or dedicated accordingly. Provided that an abstract of any intended reservation or dedication shall be laid before both Houses of Parliament one calendar month before such reservation or dedication is made.

39 VICTORIA,
No. 13.
Governor may reserve or dedicate land for use of Pastoral or Agricultural Associations.

PART II.

OCCUPATION.

33. The Governor may in the name and on behalf of Her Majesty demise or lease any Crown lands as hereinafter enacted notwithstanding anything to the contrary thereof in the exceptions in the tenth section of the "Crown Lands Occupation Act of 1861."

Governor may grant leases.

34. Lands which may have been or which may hereafter be temporarily reserved from sale until surveyed for the preservation of water supply or otherwise under the provisions of the fourth section of the "Crown Lands Alienation Act of 1861" and forming portions of any pre-emptive lease or other pastoral leasehold shall not by reason of such reservation be deemed to have been or to be withdrawn from such pre-emptive lease or other pastoral leasehold in respect of the ordinary use of such lands by the lessee for pastoral purposes.

Reserves for water supply not to take the land out of lease.

35. The sale conditional or otherwise of any land within any lease granted under the "Crown Lands Occupation Act of 1861" in the Second Class Settled Districts or in the Unsettled Districts for pastoral purposes shall cancel so much of the same as relates to the land so sold and also to three times the area thereof adjoining thereto but as to this last-mentioned area only when and after the same shall have been duly claimed under this Act by the purchaser as a pre-emptive lease and the rent for the same shall have been paid according to the provisions of the next following section to which all conditions and liabilities attached to pre-emptive leases in the First Class Settled Districts shall apply and in the case of conditional purchase if there be no available adjoining land within such lease which a conditional purchaser can claim as for such pre-emptive lease then the effect of his conditional purchase shall be to cancel three times the area thereof out of any adjoining land under such adjoining pastoral lease in the manner hereinbefore described.

Cancellation of leases of runs or portions thereof and pre-emptive lease to purchaser.

36. Conditional purchasers or holders of land in fee simple who may be entitled under the "Crown Lands Occupation Act of 1861" to lease adjoining Crown Land by pre-emptive right may make application for such lease on a form to be prescribed by any regulation in that behalf for the time being to the Land Agent of the district the said application to be accompanied by the rent for the current year at the rate fixed by the said Act and such applicant may upon approval by the Minister enter upon and occupy such land or so much thereof as shall not already be held and occupied under any other pre-emptive lease. Provided that the same shall be taken occupied and held subject to the several conditions prescribed by the said Act and to the boundaries thereof being

Application and occupation of pre-emptive leases.

39 VICTORIA
No. 13.

defined as provided therein or by any regulations And provided also that the intervening of any road or creek shall not be a bar to the granting of such application Provided also that such improvements as as would exempt any land from conditional purchase under the "Crown Lands Alienation Act of 1861" or of this Act shall in like manner and to the same extent exempt such land from being taken or given by way of pre-emptive lease.

Upset price at
auction.

37. The upset price of any lot offered to lease by auction pursuant to the twelfth clause of the "Crown Lands Occupation Act of 1861" may be fixed at such amount not being less than one pound per section of six hundred and forty acres as may appear to the Minister to be expedient.

Leases may be
granted for
special purposes.

38. The Governor in Council may grant by auction or otherwise a lease of any portion of Crown Lands for any of the purposes hereinafter specified that is to say for wharfs bridges punt-houses ferries bathing-places landing-places saw-mills paper-mills brick-kilns lime-kilns slaughter-houses quarries tanneries or for a fishery or for sericulture or for working mineral springs for building or repairing ships or boats for obtaining guano sea-weed shells limestone loam brick earth gravel or ballast or for an inn store smithy bakery or for mail stations or similar building in a thinly-populated district or for any purpose of a like nature of an area not exceeding two hundred acres in any one case and may determine the upset price thereof if to be let at auction or the annual rent if to be let otherwise and may annex such conditions to the occupation thereof as may be deemed fit on the breach of any one of which conditions the said lease shall be forfeited and the right of the lessee to the said land shall cease Provided that such lease shall not create or give any right to a sale and grant by reason of any improvements on any part of the land under lease in any case in which the Governor in Council may declare at the time of granting the lease that no such right of purchase shall attach thereto.

Timber reserves.

39. The Governor in Council may make and proclaim reserves for the preservation and growth of timber and may issue leases or licenses to cut and remove such timber therefrom and over such areas thereof or any such particularly specified timber and trees as may be mentioned in any such lease or license and on such terms and conditions and subject to the payment of such rent or license fees as the Governor in Council may deem expedient.

Pastoral tenant
may remove
improvements
from land
selected for pre-
emptive lease.

* 40. In the event of the sale conditional or otherwise of any portion of land held under lease or promise of lease from the Crown for pastoral purposes or in the event of the conferring of any pre-emptive right of lease over land so held the lessee holding under such first-mentioned lease or promise of lease may separate remove and carry away from the land so sold or leased or under pre-emptive right any fencing or other improvements which may be upon or may adjoin the lands so sold or leased and which shall be capable of being separated removed and carried away from the said land and for this purpose he may either for himself personally or for his agents and servants have such right of entry on and over the lands so sold or leased as may be reasonable and required for the purpose of such removal Provided that all such improvements may be removed within three months after notice in writing has been given to such lessee of the cancellation of the

pastoral tenure either by sale or otherwise. Provided also that no improvement on the said land which shall not be so separated removed and carried away shall be destroyed damaged or disturbed by the holder of such lease or promise of lease but he shall be entitled to be paid and recover in the nearest Court of Petty Sessions from the person purchasing or obtaining a pre-emptive lease of the said land compensation for such improvement in respect of such conditional purchase and pre-emptive lease respectively such compensation to be assessed according to the value of the same to a conditional purchaser.

39 VICTORIA,
No. 13.

41. In any case where it may seem advisable to the Minister that the boundaries or any portions of the boundaries of any run or group of runs should be determined by actual survey he may give notice thereof to the lessee or lessees and of the estimated amount in money of the cost of such survey as apportioned between the several lessees and may call upon each lessee to pay his proportional part of such amount to the Colonial Treasurer to be by him held on trust and applied on account of such lessee's proportion and in default of such payment such lessee shall become liable to the same consequences as would follow default in the payment of his rent. Provided that no demand of money for such purposes shall be at a greater rate than that of twenty shillings for each mile of the boundaries appertaining to each lessee proposed to be surveyed and provided also that three calendar months' notice at least shall have been given to any such lessee before any liability to consequences for default of such payment be incurred. Provided also that there shall be refunded to each lessee his proportion (if any) of any excess of such estimated amount of cost over the actual cost when the same shall have been ascertained.

Survey of runs.

PART III.

MISCELLANEOUS.

42. Any person driving horses cattle or sheep along any track used or required for the purpose of travelling may depasture the same on any Crown lands within the distance of one-half mile of such track notwithstanding any lease of any such lands for pastoral purposes. Provided that unless prevented by rain or flood such horses or cattle shall be moved at least ten miles and such sheep at least six miles in one and the same direction within every successive period of twenty-four hours.

Passage of stock.

43. A copy of any application letter document or instrument of any kind whatsoever relating to any conditional purchase reservation dedication or right to or disposition of land under the "Crown Lands Alienation Act of 1861" or this Act and whether of the original or of any press copy thereof and of any endorsement or memorandum upon the same certified by the officer having the custody thereof to be correct shall be admissible in evidence in every case in which the original would be admissible and without proof that the person so certifying is the officer having the custody thereof if he shall state in his certificate that he has such custody.

Copies of document to evidence.

44. Any person unless lawfully claiming under any subsisting lease or license or otherwise under the "Crown Lands Occupation Act of 1861" or under this Act or under the Act thirty-seventh Victoria number

Penalties for trespassing on Crown Lands.

39 VICTORIA, thirteen or any other Act which may be passed for the better provision and regulation of mining who shall be found occupying any Crown Land or land granted reserved or dedicated for public purposes either by residing or by erecting any hut or building thereon or by clearing digging-up or enclosing or cultivating any part thereof or by cutting timber other than firewood not for sale thereon or by obtaining stone therefrom or otherwise without authority from the Government shall be liable on conviction to a penalty not exceeding five pounds for the first offence and not exceeding ten pounds for the second offence and not exceeding twenty pounds for the third or any subsequent offence which penalties shall be recovered before any two or more Justices of the Peace upon the information or complaint on oath of any Commissioner of Crown Lands or other person authorized by the Minister in that behalf Provided that no information shall be laid for any second or subsequent offence until thirty clear days shall have elapsed from the date of the previous conviction.

Removal of boundary-mark to be a misdemeanor.

45. If any person shall wilfully obliterate remove or deface any boundary-mark which may have been made or erected by the authority of the Surveyor General or by an authorized licensed surveyor or by or under the direction of any authorized officer arbitrators or umpire he shall be guilty of a misdemeanor.

Power to proclaim land districts.

46. The Governor in Council may from time to time by a notice in the *Gazette* proclaim and declare land districts and their limits and areas for all the purposes of the "Crown Lands Alienation Act of 1861" And this Act and from time to time by any such notice as aforesaid alter and vary the limits and areas of any such districts.

Governor in Council to make and proclaim regulations.

47. The Governor in Council may make and proclaim regulations for carrying this Act into full effect so as to provide for all proceedings—forms of leases and other instruments—and all other matters and things arising under and consistent with the provisions of this Act and not herein expressly provided for And all such regulations shall upon publication in the *Gazette* be valid in law Provided that a copy of every such regulation shall be laid before both Houses of Parliament within one month from the issue thereof if Parliament be then in Session or otherwise within one month after the commencement of the then next ensuing Session.

Interpretation clause.

48. The words "Governor in Council" shall mean Governor with the advice of the Executive Council.

Short title.

49. This Act may be styled and cited as the "Lands Acts Amendment Act 1875."

SCHEDULE.

39 VICTORIA,
No. 13.

No. of Act.	Title of Act.	Parts repealed.
25 Vict. No. 1.....	An Act for regulating the Alienation of Crown Lands...	{ The whole of sections 8 16 17 20 and the following words in section 18 "and the certificate of the Land Agent for the district or other proper officer."
25 Vict. No. 2.....	An Act for regulating the Occupation of Crown Lands...	{ The whole of sections 18 19 30 and 33. The following portions of sections 12— Division 5—the first proviso. The whole of the 9th sub-division of section 12.



LANDS ACTS FURTHER AMENDMENT.

An Act further to amend the Lands Acts of 1861 and ⁴³ VICTORIA,
the Act of 1875. [25 May, 1880.] No. 29.

WHEREAS it is expedient to amend the “Crown Lands Alienation Act of 1861” the “Crown Lands Occupation Act of 1861” and the “Lands Acts Amendment Act 1875” Be it therefore enacted by the Queen’s Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:— Preamble.

1. The fifteenth eighteenth thirty-first and fortieth sections of the “Lands Acts Amendment Act 1875” and the twenty-fifth section of the “Crown Lands Alienation Act of 1861” are hereby repealed Provided that such repeal shall not prejudice or affect any rights of the Crown or of any person already lawfully acquired thereunder. Repeal of enactments.

2. So much of sections one thirteen and eighteen of the “Crown Lands Alienation Act of 1861” and of section twenty-two of the “Lands Acts Amendment Act 1875” as may require that improvements upon land conditionally purchased should be of the value of one pound per acre is hereby repealed and it shall be sufficient for all the purposes of the said Acts or of this Act if such improvements upon land conditionally purchased shall be of the value of ten shillings per acre Provided that the reduction of the value of improvements shall not apply to conditional purchases which have been declared forfeited or otherwise finally dealt with except in cases where such forfeiture shall have been revoked by the authority of the Governor. Reduction of value for improvements to ten shillings per acre.

3. The holder of any conditional purchase who either by himself or those through whom he claims shall have resided upon his conditional purchase for three years and shall have made or shall hereafter make due declaration of such residence and pay or have paid the balance of his purchase money or interest or instalment thereof as by the said Acts required may make application to the Minister for an extension of the time for completion of his improvements to a further term of two years and if the Minister shall be satisfied that the several other conditions of Extension of time for improvements.

43 VICTORIA, such purchase have been duly performed and that improvements of a fixed and durable character of a value not less than six shillings per acre have been already made he shall grant such extension and on completion of the improvements to the total value of ten shillings per acre such holder shall become entitled to a grant as provided by the said Acts Provided that during such extended term the conditional purchase shall continue to be the residence *bona fide* of such holder and shall be liable to forfeiture for non-residence as during the original term of three years.

Notification to pastoral tenants,

4. When any land shall be purchased within any pastoral leasehold by any person other than the leaseholder the land agent shall within one week of the date of such purchase notify the same through the post to the pastoral tenant within whose leasehold such purchase shall have been made And no person making such purchase shall acquire any rights of impoundage as regards the stock (unless herded) the property of or depastured by the pastoral tenant upon such leasehold until fourteen days after the date of such purchase.

Time for residence and improvement.

5. In respect of any land conditionally purchased after the passing of this Act the term of five years shall be substituted for that of three years prescribed by the eighteenth section of the "Crown Lands Alienation Act of 1861" and the twenty-second section of the "Lands Acts Amendment Act 1875" for the residence of the conditional purchaser upon such land and the improvement thereof as by the said Acts and this Act required Provided that every conditional purchaser shall at the expiration of three years from the date of his conditional purchase or within three months thereafter make due declaration under the first-mentioned section that such land has been his *bona fide* residence continuously from within three months of such purchase and that fixed and durable improvements of a value not less than six shillings per acre have been made thereon and shall duly pay and thereafter continue to pay the instalments of the balance of purchase money inclusive of interest required by the eighth section of the Act secondly hereinbefore mentioned Provided also that any such land which shall at any time within five years from the purchase thereof cease to be the *bona fide* residence of the lawful holder thereof for the time being otherwise than by reason of his decease or insolvency as hereinafter provided or which shall not have been duly improved to the value of six shillings per acre within three years and of ten shillings per acre within five years after such purchase or in respect of which the payments for instalment of the purchase money and interest as hereinbefore recited shall not have been duly made shall be liable to forfeiture as in the said Acts respectively provided.

The like as to mining conditional purchases.

6. The Minister may extend to five years the term within which the expenditure of two pounds per acre on mining operations other than gold-mining shall be completed upon any conditional purchase under the nineteenth section of the "Crown Lands Alienation Act of 1861" on being satisfied that at the end of three years from the date of the purchase not less than twenty-four shillings per acre has been expended thereon in mining operations other than for gold.

Limitation of transfers.

7. Except as hereinafter provided no conditional purchase made after the passing of this Act shall be transferable until the conditional purchaser shall have resided thereon for five years from the date of such purchase but if an additional conditional purchase the same may be

transferred in conjunction with the original purchase after the expiration of the said five years from the date of such original purchase Provided that nothing contained in this section shall apply to mineral conditional purchases.

43 VICTORIA,
No. 29.

8. Whenever it shall appear to the Minister desirable portions of Crown Lands may be measured across any frontage road or intended frontage road and may be so applied for by any conditional purchaser and notwithstanding anything in the thirteenth section of the "Lands Acts Amendment Act, 1875" the Minister if it shall appear desirable may extend the length or breadth of the boundaries of any rectangular block beyond eighty chains and necessary roadways and sites for and sources of water supply and for stations for trigonometrical survey may be excluded from any measurement.

Modification of
boundaries &c.

9. Every purchaser of Crown Lands and every holder of a lease or license shall be entitled to a road of access and also to free ingress and egress thereby to and from the lands held by him through and over any Crown Lands whether under lease or not if no access to the lands held by him by means of a reserved or proclaimed road or track shall be provided: Provided that such road shall not interfere with any buildings garden stock or drafting yards belonging to such lessee and shall in every case follow such a direction and be so marked as to occasion as little damage or inconvenience to the lessee as may be possible Provided that the Minister shall have power to close roads provided for in this clause upon giving three months notice to that effect in the Gazette.

Road of access
through leased
land.

10. The acceptance by or on behalf of the Crown of any purchase money or part thereof in respect of any conditional purchase or of interest money or any balance thereof or of rent or other payment under any lease or license shall not be held to have operated or to operate hereafter as a waiver by the Crown of any forfeiture accruing by reason of the breach of any condition precedent or subsequent annexed by law to the estate or interest of a conditional purchaser lessee or licensee But nothing herein contained shall affect any proceedings instituted in any Court before the commencement of this Act or any case where it shall be proved that the Crown through the Minister or any authorized officer has had full knowledge by notice or otherwise of the breach of any such condition before the acceptance of such money interest rent or other payment.

No waiver by
acceptance of
interest pur-
chase money or
rent.

Proviso.

11. Crown Land which after having been conditionally purchased may have reverted to Her Majesty or may have been forfeited shall not be open to be again purchased conditionally or otherwise until after the expiration of thirty days after such reversion or forfeiture shall have been duly notified in the Gazette And no improvements effected during the said thirty days on such reverted or forfeited lands shall constitute a title to purchase the same as improved lands Provided that no such land shall revert to the run until after the expiration of thirty days anything in law to the contrary notwithstanding.

Forfeited
selections.

12. Whenever the temporary reservation of any lands shall be revoked by the Governor the land upon which any improvements not less than twenty shillings per acre in value are made may notwithstanding their existence be conditionally purchased And should an application be made to conditionally purchase such land so improved

Improvements
upon reserves
declared to be
of no effect.

43 VICTORIA, No. 29. the applicant must state in his application that he is willing to purchase the improvements and pay for them the amount fixed by appraisalment and shall at the time of making the application pay a deposit of ten per cent. upon the supposed value of such improvements and shall pay the balance within three months of the notification in the Gazette of the amount fixed in such appraisalment or forfeit his conditional purchase and such improvements shall be held to be part of the improvements required to be made in conformity with the provisions of the second section of this Act or may be sold by public auction and the estimated value of such improvements shall in that case be added to the upset price and be paid into the Consolidated Revenue or the land may be retained for public purposes Provided that nothing in this clause shall prevent the Governor from selling by appraisalment any improved reserved land the improvements upon which were made before the reservation thereof or before the first day of July one thousand eight hundred and seventy-six Provided also that no temporary reservation of any such lands shall be revoked until after survey by way of subdivision thereof.

Limitation as to improvements.

13. After the passing of this Act no land shall be sold to any pastoral lessee under the second clause of the "Lands Acts Amendment Act 1875" in virtue of improvements upon his run unless the Minister shall be satisfied that such improvements are of a fixed and durable character erected constructed or effected *bond fide* for the working and beneficial occupation of the run for pastoral purposes and that the alienation of such lands is not likely to prejudice or affect injuriously the value of adjacent Crown Land And the Minister may in any case fix a higher minimum price than that provided by the said clause and the land may be sold at such price without appraisalment unless the Minister shall deem an appraisalment advisable And the total area to be sold in any run in virtue of improvements hereafter applied for shall not exceed one twenty-fifth part of the total area of such run on the first January one thousand eight hundred and seventy-eight or the commencement thereafter of the term of lease unless in the case of any run out of which purchases in virtue of improvements have not already been made to the extent of double the one twenty-fifth part aforesaid and in such cases up to double such twenty-fifth part in all of the area of the run Provided that the area to be sold in virtue of improvements as aforesaid shall be taken up in blocks not exceeding four in number Provided that land purchased in virtue of improvements having a frontage shall be measured in a rectangular form with a depth of not less than sixty chains.

Pre-emptive leases.

14. Notwithstanding anything to the contrary contained in the thirty-fifth section of the "Lands Acts Amendment Act of 1875" whenever a conditional purchaser of Crown Lands situated within a pastoral lease shall apply for a pre-emptive lease in virtue of his conditional purchase and it shall appear that there is not sufficient adjoining land within such pastoral lease to admit of the cancellation therefrom of the area mentioned in the said section it shall be lawful for the Minister to approve of the withdrawal for the purpose of pre-emptive lease of any adjoining land out of any adjoining pastoral lease but not until all the available adjoining land within the original pastoral lease shall have first been exhausted.

15. In the event of the sale conditional or otherwise of any portion of land held under lease or promise of lease from the Crown for pastoral purposes or in the event of the conferring of any pre-emptive right of lease over land so held the lessee holding under such first-mentioned lease or promise of lease may separate remove and carry away from the land so sold or leased or under pre-emptive right any fencing or other improvements which may be upon or may adjoin the lands so sold or leased (and which shall be capable of being separated removed and carried away from the said land) and for this purpose he may either for himself personally or for his agents and servants have such right of entry on and over the lands so sold or leased as may be reasonable and required for the purpose of such removal Provided that all such improvements may be removed within three months after notice in writing has been given to such lessee of the cancellation of the pastoral tenure either by sale or otherwise Provided also that no improvement on the said land which shall not be or which is not capable of being so separated removed and carried away shall be destroyed damaged or disturbed by the holder of such lease or promise of lease but he shall be entitled to be paid and recover in the nearest Court of Petty Sessions from the person purchasing or obtaining a pre-emptive lease of the said land compensation for such improvement in respect of such conditional purchase and pre-emptive lease respectively such compensation to be assessed according to the value of the same to a conditional purchaser.

43 VICTORIA,
No. 29.

Pastoral tenant may remove improvements from land selected or pre-emptively lease d

16. Whenever it shall become necessary or desirable that any price rent value or sum of money should be fixed or ascertained by appraisal under the hereinbefore recited Acts or this Act such appraisal shall be made by one or more appraisers appointed by the Minister charged with such appraisal anything in the said Acts to the contrary notwithstanding and every appraisal so made shall unless altered or vetoed by such Minister after the receipt of a report and recommendation from three such appraisers be binding final and conclusive as if made by appraisers or an umpire appointed in the manner in the said Acts provided and all the provisions of the said Acts as to an appraisal by a single appraiser shall apply to such appraisal and every appraiser so appointed shall have the like powers except as to awarding costs.

Appointment of appraisers.

17. No appraisal made for the purpose of determining the rent upon renewal of any existing lease of Crown Lands shall be at a lower rate than one pound per section of six hundred and forty acres but in the case of any appraisal of a run made for the first and second leases thereof the appraisal may be at a rate lower than one pound but not lower than ten shillings per section.

Minimum rent of runs.

18. When any portion of Crown Lands not being forfeited or vacated runs shall have become vacant or abandoned or shall have been withdrawn from the pastoral lease for the site of a town or village or for any other purpose it shall be lawful for the Minister to let such land by public auction on an annual license at a minimum upset price of not less than one pound per section.

Lands may be let by public auction in certain cases.

19. For the purpose of the thirty-eighth section of the "Lands Acts Amendment Act of 1875" relative to the leasing of Crown Lands for the erection of wharfs or jetties Crown Lands shall mean any land under the sea or land under the waters of any harbour bay lake river creek or navigable stream Provided always that no such lease shall be made of land adjoining the frontage of any proprietor who is within the

Leasing of lands for erection of wharfs and jetties.

43 VICTORIA, No. 29. meaning of the ninth section of the "Crown Lands Alienation Act of 1861" except to or with the consent of such proprietor Provided also that no such lease shall be made which shall be calculated in any way to interrupt or interfere with the right of navigation or with the rights or interests of proprietors of land having frontages adjoining to the land so proposed to be leased And provided also that the intention to grant a lease of such land shall have been previously announced in the Gazette for four consecutive weeks before such lease is granted.

Meaning of words "the then last census."

20. The words contained in section thirteen of the "Crown Lands Alienation Act of 1861" "the then last census" shall mean the then last census published by the authority of the Government.

No sale of land reserved until reservation revoked.

21. Crown Lands temporarily reserved from sale under the provisions of the "Crown Lands Alienation Act of 1861" shall not be sold or otherwise disposed of before the expiration of thirty days after such reservation shall be revoked by the Governor by a notice published in the Gazette.

Alteration of plan of town or village.

22. It shall be lawful for the Governor to correct or alter the design or plan of any town or village and the limits of any suburban lands attached thereto in any case where the site of such town or village has been notified under the "Crown Lands Alienation Act of 1861" or shall be notified under this Act Provided that notice of the intention so to correct or alter such design plan or limits shall be published in the Gazette and in a local newspaper (if any) and that no such correction or alteration shall be carried into effect until the expiration of three months from such notification And provided further that every such correction or alteration shall be notified in the Gazette and that an abstract thereof shall be laid before Parliament within thirty days after such notification if Parliament be then in session and if not then within thirty days after the commencement of the then next session.

Devolution of conditional purchase.

23. If any conditional purchaser of Crown Land shall die before the fulfilment of all the conditions hereinbefore prescribed his conditional purchase shall be held by his devisee executors or administrators or his or their assigns as the case may be subject to the fulfilment by them of all unfulfilled conditions except the condition of residence but in trust for and for the benefit of the persons rightfully entitled And any sale transfer or other disposition whatsoever of the estate right title or interest of any such conditional purchaser by an official assignee or other lawful authority upon the insolvency of such purchaser or by a Sheriff or Registrar of a District Court or any other person by virtue or under the authority of any writ of execution or other process of any Court or by the trustees of any deed of assignment for the benefit of creditors or by any person under any decree or order of any Court shall pass to a purchaser or to any other person only such estate right title or interest as the conditional purchaser himself was entitled to at the date of sequestration writ process decree order or assignment respectively and subject to all conditions of a conditional purchaser remaining unfulfilled at such date.

Restriction upon second conditional purchases.

24. Except under the nineteenth twenty-first and twenty-second sections of the "Crown Lands Alienation Act of 1861" no person who after the passing of this Act has made a conditional purchase shall be capable of making another within five years of the date of such purchase.

25. Any Crown Lands put up for sale by public auction and not sold may be again put up in like manner Provided that all lands other than town or suburban so put up and not sold shall be open for sale at the upset price or in case the land so put up is sold at the upset price or a higher price and the purchaser fails to comply with the provisions of the twenty-sixth section of the "Crown Lands Alienation Act of 1861" the Governor in Council may declare such sale and contract void and upon a notification to that effect in the Gazette the land so sold shall be open for sale at the price for which it was purchased Provided also that the Minister or an officer authorized by him may withdraw any such lands from selection and may again submit them to public auction.

43 VICTORIA,
No. 29.
Lands put up
and not sold.

26. In any case where the opening of a new road or the diversion of an existing road through alienated land shall have rendered unnecessary any existing road through the same land such existing road or any part thereof may with his consent be granted in full or part satisfaction to the owner of the land or if the road so rendered unnecessary be a boundary road it may be granted in like manner in lieu of the new or diverted road.

Where new road
opened old to be
taken as
compensation.

27. If at any time it shall be deemed expedient to open a road through any land conditionally purchased it shall be lawful for the Governor in Council by notice in the Gazette to resume so much of the land as may be required for the purpose as such road Provided that the several provisions of the Act Fourth William Fourth number eleven shall apply to any land so resumed as in the case of ordinary freehold land.

Resumption for
road.

28. Notwithstanding anything contained in section two of the "Lands Acts Amendment Act of 1875" in reference to sales in consideration of improvements of lands on proclaimed gold fields within areas reserved from conditional sale no person shall be entitled to make more than one of such purchases unless the second or any subsequent purchase shall be distant more than three miles from each other

Improvement
purchases on
Gold Fields.

29. Any Crown Land within a proclaimed gold field which may after the passing of this Act be sold by auction or in virtue of improvements or otherwise shall be subject to the following provisions—Any person specially authorized by the Minister in that behalf shall be at liberty to dig and search for gold within such land and should the same be found to contain auriferous deposits it shall be in the power of the Governor in Council to annul the sale and thereupon the purchaser or his alienee shall be entitled to compensation for the value other than auriferous of the land and improvements such value to be determined by appraisalment.

Crown Land
within pro-
claimed gold
field.

30. The Governor in Council may make and proclaim Regulations not inconsistent with the provisions of this Act for carrying this Act into full effect so as to provide for all proceedings matters and things arising under this Act and not herein expressly provided for And all such Regulations shall upon publication in the Gazette be valid in law Provided that a copy of every such Regulation shall be laid before both Houses of Parliament within one month from the issue thereof if Parliament be then in session or otherwise within one month after the commencement of the then next ensuing session.

Governor in
Council may
make Regula-
tions.

31. This Act may be cited for all purposes as the "Lands Acts further Amendment Act 1880" and shall be read with and as forming part of the said firstly hereinbefore cited Acts.

Short title.

Crown Lands Alienation Act of 1861, Crown Lands Occupation Act of 1861, Lands Acts Amendment Act of 1875, and Lands Acts Further Amendment Act of 1880.

REGULATIONS.

[Published in the Government Gazette of the 29th May, 1880.]

ALIENATION—PART I.

CHAPTER I.

PURCHASES WITHOUT COMPETITION—PURCHASE OF IMPROVED LANDS.

Applications.

1. Applications to purchase without competition lands on which improvements may exist should be in the form marked A hereto appended, and must be made to the Crown Lands Agent for the district, and during the currency of the lease or promise of lease under which the lands are held. For lands on proclaimed Gold-fields within areas reserved from conditional sale, applicants must be in authorized occupation of the portions sought to be purchased: but no person shall be entitled to make more than one of such purchases, unless the second, or any subsequent purchase, shall be distant more than three miles from each other.

Character and value of improvements.

2. The improvements must be the property of the applicant, must in all cases be of a fixed, and durable character, must not have been previously used in support of a similar application, and must be so situated as to admit of measurement into portions corresponding with their value as hereinafter provided. Such value must be at least equal to £8 per acre on town lands, £2 per acre on suburban lands, and £1 per acre on other lands. The improvements in respect to applications made by pastoral lessees must be such as, in the opinion of the Minister, have been effected *bona fide* for the working and beneficial occupation of the land for pastoral purposes, and must not be less than £40 in value.

Improvements on reserved or conditionally purchased land.

3. No improvements made during the currency of conditional purchases, which may have lapsed or become forfeited, or been withdrawn on account of non-survey, or effected during the thirty days following the notification in the Government Gazette of the forfeiture, or the reversion to Her Majesty of such conditional purchases, shall confer a claim to purchase in virtue thereof. Improvements made during the existence of reserves from sale shall not confer a right of purchase, nor shall those made by lessees upon reserves from lease, or from conditional sale; but reserved lands, properly and sufficiently improved, as required by the foregoing regulation, prior to reservation, or prior to the 1st July, 1876, may be sold in right of improvements.

Area and Form of Measurement.

4. Every such purchase must be made in accordance with the general subdivision of the land, whether town, suburban, or other land; and the right of purchase is limited to the allotments or portions containing the improvements, and to an area corresponding to the value thereof, and not exceeding half an acre of town land, 2 acres of suburban land, or land on a Gold-field within areas reserved from conditional sale, and not less than 40 or more than 640 acres of other land. Lands which have been measured by the authority of the Government must be taken in portions as measured, and if unmeasured shall be subject to the same general rules as to depth and proportion of frontage as are applicable to conditional purchases, but lands having a frontage shall be measured in a rectangular form, with a depth of not less than 60 chains. The total area to be sold in any run shall not exceed one twenty-fifth part of the total area of such run on the 1st January, 1878, or the commencement thereafter of the term of lease, unless in the case of any run out of which purchases in virtue of improvements have not already been made to the extent of double the one twenty-fifth part aforesaid, and in such cases up to double such twenty-fifth part in all of the area of the run. And the area so to be sold shall be taken up in blocks not exceeding four in number.

Price.

5. The minimum prices at which lands may be sold are—£8 per acre of town lands, £2 10s. per acre, or for any portion less than an acre, of suburban lands, or lands on proclaimed Gold-fields within areas reserved from conditional sale, and £1 per acre of other lands. The price of town and suburban lands, and lands on proclaimed Gold-fields within such reserved areas, shall be fixed by the Governor in Council. Other lands may be sold at the minimum price, or the Minister may, without an appraisement, fix a higher price, or he may have the price determined by appraisement should he deem it advisable.

Lands in Proclaimed Gold Fields.

6. Any person specially authorized by the Minister in that behalf shall be at liberty to dig and search for gold within lands in proclaimed Gold-fields, hereafter sold in right of improvements; and should the same be found to contain auriferous deposits, it shall be in the power of the Governor in Council to annul the sale, and thereupon the purchaser or his alienee shall be entitled to compensation for the sale other than auriferous of the land and improvements, such value to be determined by appraisement.

Alienation not to affect injuriously adjacent Crown Lands.

7. No land, the alienation of which is likely to prejudice or affect injuriously the value of adjacent Crown Land shall be sold to a pastoral lessee.

Payment of Purchase Money.

8. If the purchase be approved, such approval will be notified in the Government Gazette, and the applicant will be called upon to pay the purchase money and deed fee into the Colonial Treasury. Should such payment not be made within three months thereafter, the claimant will be liable to a penalty equivalent to 10 per centum of the amount; and should the full price, including the penalty, not be paid within six months from the date of such notice, the claim to purchase may be treated as lapsed, and the land may be brought to sale by auction.

MISCELLANEOUS SPECIAL ALIENATIONS.

Applications.

9. Applications from the owners in fee of adjacent land, in the following classes of cases, should be in the form marked B hereto appended, viz. :—

For the reclamation and purchase of land below high-water-mark.

For the closing and purchasing of unnecessary roads.

For the purchase of lands to which no way of access may exist, or which may be of insufficient area for conditional or auction sale, and cases of similar character.

For the rescission of reservation of water frontage.

Plan and particulars required.

10. A plan must be forwarded, showing with accuracy the land applied for, the position of adjoining land of the applicant or other proprietors, and all other particulars necessary to illustrate the intention of the applicant and the effects of compliance with the application.

Deposit.

11. Every application must be accompanied by a receipt showing that a deposit of £5 on account thereof has been lodged in the Colonial Treasury, which will form part of the purchase money if the application be complied with, but will be returned if it should be refused. But should the application not be proceeded with by the applicant when called upon, this deposit will be forfeited.

Notification of approval.

12. If the application be approved, such approval will be notified in the Gazette, and the purchase money and deed fee must be paid into the Treasury, in accordance with the conditions hereinbefore set forth with regard to the purchase of improved lands. In cases of reclamation the issue of the deed will be suspended until the reclamation has been completed to the satisfaction of the Government.

APPRAISEMENTS.

Appointment of Appraisers.

13. Whenever it shall become necessary or desirable to hold an appraisal, it shall be conducted in manner hereinafter mentioned (that is to say),—

The Minister will appoint one or more appraisers. The appointment shall be made in writing, shall be delivered to the appraiser or appraisers, and attached to the appraisal when made; and such appraisal shall, unless altered or vetoed by the Minister after the receipt of a report and recommendation from three such appraisers, be binding, final and conclusive upon all persons and to all intents and purposes whatsoever.

In case of death or failure to act by appraisers.

14. In case such appraisers or any of them die or become incapable to act before the making of their appraisal, or fail to make their appraisal within sixty days after their appointment or within such extended time (if any) not exceeding thirty days as shall have been duly appointed by them for that purpose, the matters referred to them shall be again referred to appraisal as if no former reference had been made.

Appraisers to give notice of time and place appointed for appraisal.

15. The appraiser or appraisers shall appoint a time and place for holding a Court of Appraisal at some convenient place in the district, and shall give not less than fourteen (14) days' notice in writing thereof to all parties interested.

Appraisement to be conducted in open Court.

16. The appraisement shall be made in open Court, and upon due inquiry and consideration of any evidence, documentary or otherwise, which may be laid before the appraiser or appraisers by the claimant, or which may have been produced at their own instance or at the instance of the Government; and the appraiser or appraisers may examine the parties as witnesses on oath.

Appraisement to be transmitted to the Minister for Lands.

17. Every appraisement or award shall be in writing, and shall be transmitted to the Minister and deposited in his office.

CHAPTER II.

CONDITIONAL PURCHASES.

Purchases Conditional on Residence and Improvements.

Applications.

1. Applications for conditional purchase of unimproved land shall be in the form marked C hereto appended, and shall be tendered in person by the applicant to the Land Agent of the district, between the hours of 10 a.m. and 4 p.m. on any Thursday not being a General Holiday. Not more than one application will be received on the same day from the same applicant.

Purchases to be for benefit of Applicant. Penalty for evasion.

2. Conditional purchases must be for the exclusive use and benefit of the applicant, and cannot be made as the servant, agent, or trustee, of any other person. Any contract or agreement for obtaining land by evasion of the law in this respect is void, and the land will be forfeited; and any persons who may enter into any such contract or agreement will be guilty of a misdemeanour, and the land will be forfeited.

Minors.

3. No person under the age of sixteen years can conditionally purchase Crown Land; and every applicant who may be under the age of twenty-one years will be required to state in his application his age on his last birthday and the date thereof.

Exclusion of certain lands.

4. The following classes of lands are excluded from ordinary conditional purchase:—Town lands; suburban lands; lands within proclaimed Gold Fields; lands under lease for mining purposes to any person other than the applicant; lands within areas bounded by lines bearing north, east, south, and west, and distant 10 miles from the outside boundary of any city or town containing according to the then last published Census 10,000 inhabitants, or 5 miles from the outside boundary of any town containing 5,000 inhabitants, or 3 miles from the outside boundary of any town containing 1,000 inhabitants, or 2 miles from the outside boundary of any town or village containing 100 inhabitants; lands reserved for the site of any town or village, or for the supply of water, or reserved for sale for any public purpose; and lands containing improvements of a value not less than £40, admitting of being measured in conformity with the Regulations into a block not less than 40 acres, or any greater area, improved to the extent of ~~*ten shillings~~ *one pound* per acre in the aggregate.

Area of selection and deposit on application.

5. Applications must not be for less than 40 acres nor more than 640 acres, and the applicant will be required to pay to the Land Agent at the time of application a deposit of *five shillings* per acre upon the land applied for.

* See Additional Regulations in *Government Gazette*, No. 275, of 14 July, 1880.

Conflicting applications.

6. Should more than one application and deposit for the same land, or any part thereof, be tendered at the same time, the Land Agent shall, unless all applications save one be withdrawn, forthwith determine, in the manner following, which application shall be accepted:—The Land Agent shall write on tickets of equal size the names of the several applicants, which tickets shall be placed (by the parties, should they desire to do so) in the box supplied to the Land Agent for the purpose; and the Land Agent shall, without looking, and in the presence of the parties draw one ticket from the box, and the application to be accepted shall be that of the applicant whose name may be on the ticket so drawn, and the deposits paid by the remaining applicants shall forthwith be returned.

Notification to pastoral tenant.

7. The Land Agent shall within one week of any conditional purchase notify the same through the post to the pastoral tenant (if any) within whose leasehold such purchase shall have been made.

Interference by selections with each other.

8. Should it be found, subsequently to the selection, that the same land has been selected, wholly or in part, by different persons, the claimant whose application was first tendered to the Land Agent, in due form, with the prescribed deposit, shall be considered the purchaser. Should the applications be found to have been tendered simultaneously, a day may be fixed, of which sufficient notice shall be given by the Land Agent to the respective applicants, and the right to the land shall then be determined by lot, as provided in the last preceding section. In either case the deposit paid by the unsuccessful applicants shall be returned.

Boundaries.

9. Every application must contain such a description of the land selected as may admit of its ready identification; and if at the time of such conditional purchase the land shall not have been surveyed by the Government, temporary boundaries commencing from some well-defined point shall be determined by the conditional purchaser; and any dispute respecting such boundaries, between such purchaser and any person other than a holder in fee, may be settled by arbitration. If such land shall not be surveyed by the Government within twelve months from the date of application, the conditional purchaser may, by notice in writing to the Land Agent for the district, withdraw his application, and thereupon he shall be entitled to the return of any deposit paid by him; or he may have the land surveyed by any licensed surveyor authorized to make such surveys; and the expenses of such survey, in accordance with the scale of charges fixed by the Surveyor General, shall be allowed to such purchaser as part payment of his purchase money. No survey so made will, however, be recognized unless the plan thereof shall be duly transmitted to the Surveyor General within six months, and approved by him.

Form of measurement.

10. Crown Lands conditionally purchased shall, if measured by the authority of the Government previously to such purchase, be taken in portions as measured not exceeding 640 acres; but part of a measured portion may be taken subject to the approval of the Minister for Lands, and the payment by the selector at the time of application of the cost of subdivision. Unmeasured lands having frontage to any river, creek, road, or intended road, shall, if within the First Class Settled Districts, have a depth of not less than 20 chains, and otherwise shall have a depth of not less than 60 chains, and shall

have their boundaries, other than the frontages, directed to the cardinal points by compass; and if having no frontages as aforesaid, shall be measured in rectangular blocks, and with boundaries directed to such cardinal points, but no frontage or boundary shall exceed 80 chains in a direct line. Should it seem to the Minister to be expedient, the boundaries of portions having frontages may be made approximately at right angles with, or measured across the frontage, and otherwise modified, and the boundaries of portions having no frontages may be modified, and necessary roadways and water reserves excluded from the measurement.

Occupation of selections.

11. Conditional purchasers must, within three months after the time of purchase, occupy the lands selected as their *bonâ fide* places of residence.

Payment of balance or instalment.

12. At or within three months after the expiration of three years from the date of any conditional purchase made heretofore, the balance of the purchase money, being 15s. per acre, or an instalment of such balance, at the rate of 1s. per acre, must be tendered (or forwarded through the Land Agent of the district) to the Colonial Treasurer, together with a declaration in Form D hereto appended, setting forth that the same has been resided upon continuously as required by law by the conditional purchaser or his lawful alienee, and that improvements have been made thereon to the value of not less than *ten* shillings per acre. Should, however, the land have been improved to the extent of *six* shillings per acre and duly resided upon, the holder may apply for an extension of the time for making the improvements to a further term of two years, and in such case, on completion thereof, a further declaration in the like form must be forwarded to the Land Agent setting forth that the land has been continuously resided upon by the holder, and improved to the value of in all *ten* shillings per acre.

13. Declaration in Form D hereto appended must in like manner be forwarded within three months after the expiration of *three* years from the date of any conditional purchase hereafter made, accompanied by an instalment of one shilling per acre of the balance of purchase money, and setting forth that the land has been resided upon continuously by the conditional purchaser, and that improvements have been made thereon to the value of not less than *six* shillings per acre. A further declaration in the like form must be forwarded to the Land Agent at the expiration of five years from the date of purchase, setting forth that the land has been continuously resided upon by the conditional purchaser, and improved to the value of, in all, *ten* shillings per acre.

Certificate of completion of conditions.

14. On the Minister being satisfied, after due inquiry, that the conditions of any conditional purchase have been duly completed by the purchaser, he will cause a notification to that effect to be forwarded to the holder of the conditional purchase for the time being. Until such a certificate has been issued no conditional purchase will be considered finally accepted by the Government, nor will the tender or acceptance of any interest or instalment or other payment on account of the balance of purchase money be held to have the effect of such acceptance.

Deferred payment of balance.

15. In the case of conditional purchases made prior to the 10th August, 1875, the payment of the balance of purchase money may be deferred from year to year, should interest thereon in advance at the rate of £5 per cent.

per annum be paid to the Colonial Treasurer or Land Agent during the first quarter of each year. Payments at the rate of one shilling, or any multiple of one shilling, per acre, will at the same time, at the option of the purchaser, be received on account of the balance due, and a corresponding reduction made in future payments of interest; or the holder of any such purchase may, by notice to the Land Agent, bring his holding under the provisions of the law applicable to the payment of the balance by instalments, as hereinafter set forth.

Deferred payment on purchases after 10th August, 1875.

16. In the case of conditional purchases made after the 10th August, 1875, the balance of the purchase money when not paid at the expiration of the first three years shall be paid by annual instalments of one shilling per acre, inclusive of interest at the rate of £5 per cent. per annum, which instalments must be paid to the Colonial Treasurer, or Land Agent for the district, between the 1st January and 1st April in each year. Any conditional purchaser may pay at the same time two or more such instalments.

Default.

17. Any conditional purchaser who may make default in the conditions of his purchase whether as to residence and improvement, the transmission of declaration of the payment of balance or instalment thereof, or interest thereupon, will forfeit his deposit and any other sums which he may have paid, and the land conditionally purchased will revert or become forfeited to Her Majesty, and liable to be sold by auction, or again conditionally purchased on the expiration of thirty days after such reversion or forfeiture shall have been notified in the *Gazette*.

Conditional purchaser not at liberty to select other land except as an additional purchase.

18. No person who is now the holder of an original conditional purchase (except for mining purposes) upon which the conditions of residence and improvement have not been completed will be at liberty to make another conditional purchase, except as an addition as hereinafter provided to such original, unless he shall have duly alienated or abandoned the same, and shall have given due notice of such alienation or abandonment to the Land Agent for the district. No person who shall hereafter make any such original conditional purchase will be at liberty to make another within five years thereafter.

Transfer.

19. The holder of any incomplete conditional purchase made prior to the date of these Regulations, who may have resided for twelve months upon his selection may transfer the same to any person not being a married woman or a minor under the age of sixteen years, by giving notice to the Land Agent of the district, in the form marked H hereto appended.* Every such notice must be in duplicate, and signed in the presence of the Land Agent, a Magistrate, or a Commissioner of the Supreme Court. Forms of transfer (including a copy on parchment for registration under the Act 42 Victoria No. 26) may be obtained at each Land Office on payment of a fee of ten shillings sterling, which will be inclusive of the cost of registration in the General Office for the registration of Deeds; and no transfer of a conditional purchase will be recognized unless notified as hereby required. Every such notice (and copy) shall be forthwith forwarded by the Land Agent to the Department of Lands in Sydney for registration.

* See Additional Regulations, *Government Gazette*, No. 275, of 14 July, 1880.

20. Conditional purchases made hereafter will not be transferable until five years from the date in each case of the original conditional purchase, and completion of the conditions of residence and improvements. Purchases upon which the conditions have been completed may be transferred in like manner at any time.

Conditional Purchase in Gold Fields.

Applications.

21. Applications for the conditional purchase of unimproved lands within proclaimed Gold-fields, and not being within areas excepted by special proclamation nor occupied for gold-mining purposes, shall be tendered to the Land Agent of the district, in the form marked C hereto appended.

Conditions.

22. Such purchases will be subject to all the conditions set forth in the foregoing sections 1 to 20 inclusive, and to the additional conditions described in the next following clause, viz. :—

Special conditions.

23. Persons specially authorized by the Minister for Lands shall be at liberty, at any period, to dig and search for gold within the land selected; and should it be found to contain auriferous deposits, the sale may be annulled by the Governor and Executive Council, on compensation, to be determined by appraisalment, for the value other than auriferous of the lands and improvements being paid to the conditional purchaser or his alienee.

Additional Conditional Purchases.

Applications.

24. Applications for additional conditional purchases of lands shall be addressed to the Land Agent of the district, in the form marked E hereto appended, but describing the proposed additional purchase by reference to that previously made, of which the area should be stated and all other particulars given, to admit of immediate identification.

Position of purchase.

25. Additional purchases must adjoin the original conditional purchase or each other, and must not exceed (with the area originally conditionally purchased) 640 acres.

Conditions and transfer.

26. Additional purchases shall be subject to all the conditions, save those of occupation and residence, provided for by the foregoing sections 1 to 20 inclusive, but shall for all such purposes be treated as forming with the original one conditional purchase. No additional selection may be transferred apart from the original until the conditions of residence and improvement applicable to the whole shall have been duly completed; but on completion of such conditions as hereinbefore provided the original and any additional purchases may be transferred together or separately in portions as respectively measured. No person will be entitled on transferring part of his holding to select other land in lieu thereof with the view of making up the total area to 640 acres.

Conditional Purchases in virtue of granted Land.

Applications.

27. Applications for conditional purchases of Crown Lands adjacent to lands granted in fee-simple in areas not exceeding 600 acres, and resided on by the applicant, shall be tendered to the Land Agent of the district, in the form marked E hereto appended, and describing the proposed conditional purchase by reference to the land in possession of the applicant.

Position of purchase.

28. The conditional purchase shall adjoin the land in possession of the applicant, and shall contain not more than may amount with that land to 640 acres.

Conditions.

29. The purchase shall be subject to all the conditions provided by the foregoing sections 1 to 20 inclusively of these Regulations, except that it will be sufficient that the purchaser should have resided for five years upon his freehold at the time of application, or should thereafter complete five years residence thereon, or on the land conditionally purchased, including the term for which he may have resided previously to the date of application.

Inquiries before a Commissioner.

Notice of inquiry.

30. Whenever by reason of any dispute or question as to the fulfilment of the conditions of a conditional purchase it shall become necessary or expedient to refer the claim of the purchaser to a Commissioner for inquiry, the Minister for Lands will cause due notice thereof to be transmitted to the conditional purchaser by letter addressed to his last known residence, but the non-receipt of any such letter will not prevent the inquiry proceeding.

Inquiry—Time and place and notice.

31. The inquiry shall be held at the Land Office of the district, or, with the approval of the Minister for Lands, some other convenient place, and the Commissioner shall cause due notice of the time and place appointed for the purpose to be served upon the selector, or posted in some conspicuous place upon the selection, and also to be served upon the complainant (if any) at least seven days before the time so appointed.

Inquiry to be upon oath.

32. Every inquiry shall be upon oath, which the Commissioner is empowered to administer, and shall be conducted in open Court, and in the presence of the selector should he desire to be present, and of the complainant if any; and each party shall be allowed to examine witnesses and to cross-examine the witnesses produced by the other party. If, after due notice as aforesaid, any selector or complainant should fail to be present, the inquiry may proceed *ex parte*; but the Commissioner shall use every exertion to ascertain the true facts of the case, and report the same for the information of the Minister for Lands. The inquiry may, when necessary, be adjourned from day to day.

Declaration and deposit.

33. No complaint other than a report from an authorized officer of the Government, against a conditional purchaser, of non-residence or other breach of the conditions of his selection, will be entertained unless verified by a statutory declaration, and unless it shall in the opinion of the Minister for Lands disclose such circumstances as to constitute a *prima facie* case for inquiry.

Every such complaint must also be accompanied by a receipt showing that the sum of £10 has been paid to the Land Agent of the district as security for any costs that may be awarded against the complainant by the Commissioner, in the event of the complaint proving to have been unfounded.

Transmission and refund of deposit.

34. Land Agents will forward all sums so received by them to the Colonial Treasury with other collections ; but on the conclusion of any inquiry the amount so deposited, less such costs (if any) as aforesaid, will be refunded.

Summons of witnesses—Expenses.

35. Parties requiring summonses for the attendance of witnesses may obtain the same on application to the Commissioner appointed to hold the inquiry ; but, except in the case of witnesses summoned at the instance of any such officer as aforesaid, will be required themselves to pay the expenses of such witnesses at the same rates as for attendance at a District Court.

Conditional Purchases for Mining Purposes.

Applications.

36. Applications for conditional purchase for the purposes of mining (other than gold-mining) of unimproved lands, or of lands held by the applicant under any lease from the Crown for mining purposes, shall be addressed to the Land Agent of the district in the form marked C hereto appended.

Conditions.

37. Such purchases shall be subject to all the conditions set forth in the foregoing sections 1 to 10, 14, 15, 17, 19 and 20 of these Regulations inclusively ; but the deposit to accompany the application shall be 10s. per acre, the full price of the land being £2 per acre ; and instead of the conditions of residence and improvement applicable to ordinary conditional purchases, will be conditional on an average expenditure of £2 per acre in mining operations (other than gold-mining) being incurred upon the land within three years. The term allowed for improvements may be extended by the Minister to five years on his being satisfied that at the end of three years from the date of the purchase not less than twenty-four shillings per acre has been expended in mining operations other than for gold, and provided that the balance of purchase money or interest thereon shall have been duly paid.

Special conditions.

38. On or before the expiration of three years from the date of purchase, or within three months thereafter, the balance of the purchase money may be tendered at the office of the Colonial Treasurer together with a declaration in the form marked F hereto appended, by the conditional purchaser or his alienee, or some other competent person, countersigned by the Minister for Lands or an officer authorized by him ; and a grant in fee simple will thereupon be made without reservation of minerals other than gold, notwithstanding the period of three years required in other cases shall not have expired. A grant may also be made in like manner of any portion, not being less than 40 acres, of a larger portion originally selected for purchase, upon its being shown that an expenditure has been incurred in such mining operations as aforesaid of an average sum of not less than £5 per acre on the land so to be granted ; and in that case the purchase of the remainder of the land selected shall be rescinded, and any deposit paid thereon applied towards satisfying the balance of purchase money of the land granted. But if the Minister for Lands shall be dissatisfied with any such declaration of expenditure, he will cause the fact

of the expenditure required to authorize a grant to be referred to arbitration under the Crown Lands Alienation Act of 1861, and the issue of a grant will in that case be deferred pending the result of such arbitration.

Adjoining purchases may be united.

39. Adjoining portions conditionally purchased for mining purposes may if held by the same owners or partners be treated as one holding and conditional purchase as regards the conditions and expenditure thereupon.

Conversion of selections into conditional purchases for mining purposes.

40. Any conditional purchaser of Crown Lands under clauses 13, 21, or 22 of the Crown Lands Alienation Act of 1861, or his lawful alienee, who may be desirous of converting his purchase into a conditional purchase for mining purposes shall be at liberty to do so, on application in the form marked G hereto appended, to the Land Agent of the district, and payment to him of five shillings per acre, being the difference between the rate of deposit on the respective selections: Provided that, at the time of such proposed conversion, the original selection was not forfeited, or liable to be forfeited, for any breach of the conditions thereof.

CHAPTER III.

AUCTION SALES.

Sale by Auction and Selection after Auction.

Auction sale only of certain lands.

1. Excepting as hereinbefore provided, unimproved town and suburban lands will be sold by auction only. Country land will be measured and brought to auction on application as hereinafter mentioned, or otherwise as may be deemed expedient.

Area of lots.

2. Lands will be brought to auction sale at the Land Offices, or other convenient places appointed by the Minister for Lands, in the districts in which they are situated, after advertisement of not less than one nor more than three months in the Government Gazette and in lots not exceeding in any case 640 acres.

Upset prices.

3. The upset prices of lands brought to auction sale shall be determined by the Minister for Lands, but shall not be less than—for town lands, £8; for suburban lands, £2; and for other lands, £1 per acre.

Applications.

4. Applications for the auction sale of lands should be addressed to the Minister for Lands, and must define, as clearly as may be practicable, the position and extent of the lands applied for; and each application must be accompanied by a receipt showing that a sum at the rate of sixpence per acre upon the area applied for has been paid into the Colonial Treasury. This deposit will form part of the purchase money if the land should be purchased by the applicant, but will be forfeited in the event of the land not being sold. Should, however, the land not be brought to auction within twelve months, or should it be sold to any other person, the deposit will be refunded.

Deposit at sale.

5. A deposit of 25 per centum of the purchase money of all lands sold by auction shall be paid by the purchaser at the time of sale; and should such deposit not be paid, the Land Agent shall again forthwith put up the land, and shall not accept any bid by the person who may have so failed to pay.

Payment of balance of price.

6. The balance of the purchase money, together with the deed fee, shall be paid to the Colonial Treasurer, or to the Land Agent of the district, within three months of the day of sale; and should the purchaser fail so to pay, the sale shall be void and the deposit paid shall be forfeited.

Selection of Crown Lands submitted to auction and not sold.

7. Lands other than town or suburban lands put up for sale by public auction, and not sold, may, if not withdrawn from selection by the Minister or authorized officer, be purchased without competition at the upset price; or, in case of a higher price having been offered for the same, and the sale not having been completed by payment within the prescribed time of the balance of the purchase money, then at such higher price provided that land so bid for shall not be thus open to purchase until after notification in the Government Gazette that the Governor in Council has declared such sale and contract void and the deposit paid thereon forfeited; and applications for such selection must be tendered, with the price of land, to the Land Agent of the district, in the form hereto appended marked I. Such applications may be made on any day in the week except Thursday.

Sale of land within proclaimed Gold-field.

8. Any persons specially authorized by the Minister shall at any period be at liberty to dig and search for gold within any land hereafter sold by auction, or purchased after auction (in terms of the preceding regulation), within a proclaimed Gold-field; and should the land be found to contain auriferous deposits, it shall be in the power of the Governor in Council to annul the sale, and thereupon the purchaser or his alienee shall be entitled to compensation for the value, other than auriferous, of the land and improvements, such value to be determined by appraisement.

CHAPTER IV.

* COMMONAGES.

Definition of Commoners.

1. Where a Common may be granted, all freeholders and householders within boundaries which may be defined by notice in the Gazette shall be entitled to use the Common; and such boundaries in the case of Town Commons will ordinarily be those within which Crown Lands are not open to lease under the Crown Lands Occupation Act of 1861.

Reservation in grants.

2. Grants of Commons will reserve the right of pasturage of horses and cattle in use by travellers, teamsters, and carriers for three days at any one time, or for such longer period as floods or other unforeseen natural causes may render unavoidable.

Municipal Trustees.

3. Where, at the time a grant of a Common is made, a Municipality includes the lands notified as above, the Municipal Council shall be the Trustees of the Common.

Other Trustees.

4 Where no Municipality may exist the Trustees shall be five in number, and will in the first instance and pending the selection of Trustees under the Commons Regulation Act of 1873, be appointed by the Governor with the advice of the Executive Council.

Temporary Commonage.

5. Crown Lands not reserved for or dedicated to any other purpose within the limits within which lands adjacent to any town are not open to pastoral lease, will ordinarily be devoted to temporary commonage, and placed, with any lands already set apart for that purpose, in the charge of the Trustees (if any) of the permanent Common in the same locality. Temporary commonage may, wholly or in part, at any time be exempted by the Government, for sale, lease, or other purposes; and shall be open to the pasturage of horses and cattle in use by travellers, teamsters, and carriers, for three days at any one time, or for such longer period as floods or other unforeseen natural causes may render unavoidable.

CHAPTER V.

MISCELLANEOUS.

Deed fees and delivery.

1. On lands purchased from the Crown a fee of £1 shall be payable on each deed of grant, and no deed shall be delivered until the stated fee shall have been paid. Deeds will be delivered at the Registrar General's Office, Sydney, to the grantee, or to any person holding his written order, duly attested by a Notary Public, Commissioner of the Supreme Court, or Justice of the Peace; or, on the application of the grantee, will be transmitted to any Land Agent for delivery.

Maps.

2. Maps affording information as to the position of Crown Lands open for sale will be furnished to the Land Agents in duplicate; and one copy will be periodically returned to the Surveyor General, in order that new sales and reserves may be entered thereon.

Land Agents.

3. Land Agents will, on all occasions, during office hours, afford information and assistance in filling up forms of application, and otherwise, free of charge, to persons desiring to purchase. Any alterations or erasures should be verified by the initials of the Land Agent.

OCCUPATION—PART II.

CHAPTER I.

PRE-EMPTIVE LEASES.

First class settled districts.

1. Holders of land in fee simple whether granted, purchased, or conditionally purchased, may lease by pre-emption Crown Lands adjoining their respective

holdings to the extent of three times the area thereof, if there be so much vacant land available, at an annual rental at the rate of two pounds per section of six hundred and forty acres, but not less than one pound for any area up to 320 acres : Provided that such lands shall be taken where practicable in a block of rectangular form, of which the external lines shall be directed to the cardinal points by compass except in such cases as it is found that existing lease boundaries, alienated or reserved land, or other obstacles, render such a course inadvisable or impracticable.

Land open to lease.

2. The leasehold will include only such Crown Land as may be open to, and not already under pre-emptive lease, or notified as a reserve, or improved to the value of £40 or upwards, admitting of being measured in conformity with the Regulations into a block not less than 40 acres, or any greater area improved to the extent of *10s. one pound an acre, and shall not give any exclusive right to water necessary for the beneficial occupation of adjoining lands.

Mode of application.

3. Such leases may be obtained by application, on any day in the week except Thursday, in the form K, hereto appended, to the Land Agent of the District, and payment of the rent for the current year, or one-half the amount thereof if applied for between 1st July and 31st December, and on the same being approved by the Minister for Lands, which will be duly notified in the Government Gazette the applicant will be entitled forthwith to enter upon and occupy the land.

Only one lease to be granted.

4. Whenever any pre-emptive lease has been once granted in virtue of any portion or portions of land conferring upon the holders thereof the right of pre-emptive lease no second or further pre-emptive lease shall be granted in virtue of the same portion or portions, notwithstanding that the pre-emptive lease so granted may have been alienated by the Crown, or become forfeited, or been transferred by the holder thereof.

Transfer of leases.

5. All pre-leases must be transferred simultaneously with the transfer of the conditional purchases, freeholds, or other holding in virtue of which such pre-leases have been applied for or granted, by giving notice to the local Land Agent in the form marked L, hereto appended.

Payment of rent.

6. The rent of all leases will be payable annually, in advance, to the local Land Agent, or at the Treasury, Sydney, between the 1st and 30th September of the year preceding that for which payment is made. Failure to pay the rent within that period will subject the lessee to the addition of a fine of 10 per cent. on the overdue rent, and if the rent and fine thus incurred should remain unpaid on the 31st December, the lease will be liable to forfeiture and sale at auction. Leases so sold will be held subject to all the conditions hereinafter provided with respect to auction leases.

7. With regard to leases applied for between the 1st July and 31st December, and granted during the first half-year of the ensuing year, the balance of rent for such ensuing year must be paid within two months from the date of the notification of the approval of the lease, otherwise a similar penalty to that before mentioned will be incurred ; and at the expiration of a further period of one month, if the overdue rent and penalty is not paid, the lease will be liable to forfeiture and sale at auction.

* See Additional Regulations, *Government Gazette*, No. 275, of 14 July, 1880.

8. With respect to any leases granted during the month of September (being the period prescribed for the renewal of leases for the ensuing year), or previous to the 31st December, the rent for the following year must be paid within two months of the notification of the approval of such leases in the Government Gazette, subject to the penalties specified in the foregoing Regulations.

PRE-EMPTIVE LEASES.

Second class settled and unsettled districts.

9. Holders of land in fee-simple, whether granted, purchased, or conditionally purchased, in the Second Class Settled or Unsettled Districts, shall be entitled to lease adjoining Crown Lands on the same terms and conditions, including forfeiture and sale by auction, as are hereinafter specified with respect to the leasing of land in the First Class Settled Districts, and notwithstanding that any such land may form part of a run under lease for pastoral purposes, or may in the case of being claimed by virtue of a conditional purchase, form part of an adjoining run, but no portion of any run so adjoining will be granted as a lease until all the available land within the pastoral lease in which the conditional purchase is situated shall have first been exhausted.

AUCTION LEASES.

10. Leases of lands may be put up for lease at auction, at the Land Office of the district, either on application or otherwise, but no such sale of leases shall take place without one month's notice thereof having been given in the Government Gazette.

Period of leases.

11. Every such lease shall be for the then current year, and shall expire on the 31st day of December but may be renewed for the ensuing year by payment, to the Colonial Treasurer or to the Land Agent of the District, between the 1st and 30th September, of the rent for such ensuing year. Failure to renew as specified will render the lessee liable to the penalties prescribed by clause 7 of these Regulations with respect to pre-emptive leases.

Leases bid for but not paid for.

12. Any lease bid for, but the price of which may not be forthwith paid, shall thereupon be again offered for sale at auction.

Selection of leases not bid for.

13. The lease of any land which may have been offered for sale at auction and not bid for may be obtained on payment of the upset price to the Land Agent of the district.

CHAPTER II.

Administrative Arrangements.

1. The business relating to the Occupation of Crown Lands under this and the following chapters III, IV, V, and VI inclusive, has been placed under the administrative control of the Minister for Mines.

Leases of Runs.

Conditions of renewal.

2. Existing leases or promises of lease for five years of runs of Crown Lands, may only be renewed from time to time on their expiration, subject to all the conditions applicable to such leases when granted originally under the Crown Lands Occupation Act of 1861, as modified by the Lands Acts Amendment Act of 1875, the Lands Acts Further Amendment Act, 1880, or by these Regulations.

Issue of formal leases. Definition of boundaries.

3. Formal leases may be obtained on application, of any runs the boundaries of which have been determined by approved survey, or may have been found upon examination sufficiently defined to indicate the lands with certainty and consistently with the rights of the claimants of adjoining lands. Claimants of leases must afford any explanations or assistance that may be required by such officers as may be employed to estimate the extent and pastoral capabilities and appraise the rent of the runs, or in defining their boundaries; and if it should appear to the Government in any case that the claimant has refused or failed to afford such explanations, the officer will be instructed to define, and, where necessary, mark the boundaries, on such information as he may be able to obtain.

Survey of runs.

4. Any claimant who may desire to have his run or any boundary thereof surveyed should make application for the issue of instructions to some authorized licensed surveyor to perform the survey at the applicant's own cost. Such surveys must be conducted under the direction and control of the Surveyor General, and no survey will be considered entitled to recognition unless so performed, and unless a plan thereof shall have been furnished, conforming to the requirements of the Survey Department. In every such case, before issuing a lease, the Government will require to be satisfied that the boundaries are described with due regard to the rights of the Crown and of claimants of adjoining lands.

Surveys required by the Minister.

5. In any case in which the Minister may require the boundaries or any boundary of a run to be surveyed at the cost of the claimant of a lease, a computation will be made of the expense, not exceeding twenty shillings per mile, of such survey, or so much thereof as may be chargeable to such claimant, who will be required forthwith to pay the same into the Colonial Treasury. Any default in such payment will have the same effect as the non-payment of the rent of the run.

Disputed claims.

6. Any disputed or overlapping claims to leases that may be found to exist, not already arranged or decided by competent authority, and not involving other interests than those of the respective claimants, will, unless where the Minister may be satisfied that either claimant has a clear right to the land in dispute, be referred to arbitration, pursuant to the 23rd clause of the Crown Lands Occupation Act of 1861.

Issue of leases.

7. Pastoral leases will be issued to the lessees from the Crown Lands Occupation Branch of the Department of Mines.

Fee. Registration.

8. A fee of £1 will be chargeable upon each lease to include the fee for enrolment in the Office of the Registrar General.

*Annual Rent.**Periods of payment.*

9. The rent of all runs is payable annually, in advance, at the Colonial Treasury, in Sydney, on or before the 31st December of the year preceding that for which payment is made. Failure to pay the rent on the appointed day will subject the lessee to the addition of a fine of 8 per cent. on the

overdue rent during the first three months that the payment may be in arrear, and of 10 per cent. if more than three months, and to the forfeiture of the lease if the rent and fines thus incurred should remain unpaid for six months after the rent day.

Moneys will be received on account.

10. Sums of money will be received at the Treasury from holders of runs who may be desirous of lodging funds to meet payments falling due.

Appraisalment of Runs.

Appointment of Appraisers.

11. On the appointment, on or before the expiration of the term of any lease, or promise of lease, in force for the time being, of an appraiser by the Minister, due notice of such appointment will be given to the lessee or claimant of a lease. Such notice will be forwarded to the usual place of residence of the lessee or claimant, if known to the officer charged with the service of the notice; or, if unknown to him, will be delivered at the run about to be appraised.

Duties of Appraisers.

12. The appraiser or appraisers, when appointed, shall, in all cases before entering on the appraisalment, make an inspection of the run and an estimate of its extent and of its capability for pastoral purposes in a natural state; which estimate, with a statement of the nature and value of the improvements, distinguishing those made by the pastoral lessee from any which may have been effected on any conditionally purchased or other land which may have reverted to the holding of the quantity of land withdrawn from the original leasehold (if any) by sale, reservation, or otherwise, and of any other circumstances whereby the pastoral value of the run in an unimproved state may have been increased or diminished, shall be appended to the appraisalment when made.

Appraisalment.

13. The appraisalment will not include any land which may have been withdrawn from lease by sale or otherwise, unless a notice of the cancellation of such withdrawal shall have been published in the Government Gazette prior to the appraisalment; but any land, part of the original holding, which may by the forfeiture or lapsing of any conditional purchase or pre-emptive lease, or by the cancellation of a reserve wholly or in part, revert to a run must be duly taken into account in determining the fair annual value of the whole run.

Court of Appraisalment.

14. The appraiser or appraisers, having made the declaration prescribed by law, shall appoint a time and place for holding a Court of Appraisalment at some convenient place in the district, and shall give not less than seven days' notice in writing thereof to the parties interested.

Appraisalment in open Court.

15. The appraisalment shall be made in open Court, and upon due inquiry and consideration of any evidence, documentary or otherwise, which may be laid before the appraiser or appraisers by the claimant of a lease, or at the instance of the Government, or which may have been produced at their own instance.

Estimation of capabilities of Runs.

16. In determining by appraisement the fair annual value of a run for pastoral purposes, which must not be fixed at a lower rate than £1 per section of 640 acres (except for the first or second leases of a run for which the rate must not be less than ten shillings), the appraiser or appraisers are not to take into account any improvements which may have been effected at the cost of the claimant of the lease, or any person through whom he may derive his right or claim, whether by the construction of dams or reservoirs for water, by fencing or laying down artificial grasses, by buildings or otherwise. The appraised annual value must, however, in all cases be so computed as to represent every advantage or source of profit, including facility of access to market, which the run may afford for the grazing or stock, whether sheep, cattle, or horses, whether such advantages have been availed of to their full extent or not, and must take into account any increased value arising from the general progress of settlement, or from any improvements effected otherwise than at the cost of such lessee; and the annual value so arrived at must be that which the appraiser or appraisers believe, without reference to any rent previously paid, to be the fair market rental value in average seasons for pastoral purposes of the lands comprised in such runs in an unimproved state.

Appeal and Veto by Minister.

17. The Minister may refer any appraisement for the report and recommendation of three appraisers, and may thereafter alter or veto the same.

Fresh appraisements.

18. If in any case it shall be made to appear that subsequently to the determination, by appraisement, of the fair annual value of a run, such value has been materially diminished by reason of the sale, or withdrawal from lease, or otherwise, of any of the land included in the appraisement, or increased by any land which may have been sold or leased or reserved reverting to the run, or on its being ascertained that the area has been erroneously estimated at the time of appraisement, a fresh appraisement may be made.

*Transfers.**Mode of application.*

19. Holders of runs of which the leases have not issued may have their rights of lease transferred, by an application, in the form N hereto appended, and bearing the signature of the person entitled to the lease, attested by a Magistrate, a Notary Public, or a Commissioner of the Supreme Court. On such application being recorded, the applicant will be debarred from all further claim to the lease, the right to which will thenceforth become vested in the transferee.

Runs of insolvents, or parties absent or deceased.

20. In the event of the person entitled to the lease dying, or being declared insolvent, or being absent from the Colony, the application for transfer may be made by his legal representative, or the representative of his estate, but must be accompanied by a certificate from the Crown Solicitor of the applicant's power to effect the desired transfer.

Runs under lease.

21. After the issue of the leases, it will be competent for the holders thereof to assign and transfer the same to such persons, and in such manner and form as they may respectively think proper: Provided, however, that the operative

words "transfer and assign" be used, and that no transfer shall be recognized by the Government until the same shall have been recorded in the General Office for the Registration of Deeds in Sydney, and notified in the form N hereto appended.

Transfers to carry all rights of the transferer.

22. Every transfer of a run will carry with it all rights of the transferer in connection therewith.

Separate applications.

23. A separate application must be made for the transfer of each run.

Fees.

24. A fee of £2 sterling must in every case be paid to the Chief Officer for the Occupation of Lands prior to the transfer being completed.

Dues in arrear.

25. No run will be transferred in respect to which any dues of the Crown are in arrear.

SUBDIVISION OF RUNS.

Runs may be subdivided.

26. Holders of runs may be allowed, previously to the issue of the leases, to subdivide their runs in portions of not less extent than will be sufficient for the maintenance of 4,000 sheep or their equivalent in cattle, and to obtain separate leases for the same, subject to the following conditions:—

Measurement.

27. The measurement (where necessary) of the boundary-lines shall be made at the cost of the applicant, under the direction of the Surveyor General.

Boundaries may be modified.

28. The Government will reserve to itself the right, in every case, of modifying the boundaries proposed for the subdivision, so far as it may be necessary to render them conformable to these Regulations.

Form of subdivision.

29. Every subdivision must be in a compact block of rectangular form, subject to such deviations as the general features of the country, the adoption of natural boundaries, and the shape of the run to be divided, may require.

Water supply.

30. The subdivision must be made so as to secure to each of the reduced runs a fair and adequate share of the water necessary for the beneficial use of the pasturage.

CHAPTER III.

NEW RUNS.

Tenders for runs.

1. Sealed tenders for runs may be deposited, by the tenderers or their agents, in a box to be kept for that purpose at the office of the Minister for Mines; and any tenders which may be transmitted by post will, immediately on their receipt, be placed therein unopened. The tender box shall be opened by the Board of Officers appointed for that purpose, at noon, on the first

Tuesday of every month, and no tender shall be deposited on that day after that hour. All tenders found in the box shall be recorded by the Board.

Disposal of tenders.

2. If there be only one tender for any run, the tenderer shall be entitled to the lease. If there be two or more tenders for the same run opened at the same time, the lease shall be granted to the person whose tender shall contain the offer of the highest premium ; but if no one tender be higher than all the others, a fresh day shall be named, on which the persons making the highest tenders shall be at liberty to send in fresh tenders, which shall be dealt with as hereinbefore provided. Should two or more tenders embrace a portion of the same land, the common boundary may be determined by mutual consent, or by arbitration under the Crown Lands Occupation Act of 1861 ; but should such boundary not be determined within three months of the date of a notice in the Gazette, informing the parties of the conflict of their tenders, the whole of the lands tendered for may be leased by auction sale.

Forms of tender.

3. Tendere shall be made in the form marked O hereto appended. Tendere must be sealed, and indorsed "Tender for Run," and a separate tender must be made for each run.

Descriptions in tender.

4. Every tender shall contain a clear description of the boundaries of the run applied for, and the marks or natural features by which such boundaries are indicated, and also an estimate of its area and pastoral capabilities.

Deposit on tendere.

5. Every tender must be accompanied, under the same envelope, by a receipt showing that the sum of £2 10s. has been deposited in the Colonial Treasury ; and in the event of the ultimate acceptance of the tender, the tenderer shall receive credit for the amount of such deposit in the first year's rent ; and in the event of the tender being rejected, the amount shall be returned to the tenderer.

Area and capabilities of runs.

6. A run shall in ordinary cases consist of not more than 25 square miles ; but should that area, in the opinion of the officer appointed to report on the tender, be insufficient in average seasons for the pasturage of 4,000 sheep or 800 cattle, the run may be enlarged to whatever area, not exceeding 100 square miles, may be necessary for that purpose.

Direction of boundaries in tender.

7. The Minister may cause the boundaries proposed in any tender to be modified so as to make the run a compact block of rectangular form, subject, however, to such deviations as the general features of the country and the adoption of natural boundaries may require, and subject also to the exclusion of water necessary to the beneficial occupation of adjoining lands.

Tenderere must point out their boundaries.

8. Tenderere for runs must be prepared to point out, on being called upon to do so by the officer employed to report on their tendere, the runs for which they have applied, and the boundaries thereof ; and any tenderer who may fail therein will render his tender liable to be summarily rejected.

Notification of acceptance.

9. Any tender which may be accepted will be notified in the Gazette, and the tenderer will be required to pay his rent and premium (if any) computed for the period from the commencement of the current quarter to the 31st December ensuing, together with the assessment for the year, within sixty days from the date of such notification, under a penalty of the forfeiture of his deposit and of any interest in the lease, and such lease will thereupon be offered for sale by auction.

No right of occupation until rent is paid.

10. Until the first year's rent shall have been paid, the applicant will acquire no right whatever to the occupation of the land tendered for.

Runs to be occupied and stocked.

11. New runs must be occupied and stocked with not less than 200 cattle, or 1,000 sheep, within six months, or in the event of its being necessary to provide water by artificial means within eighteen months, of the notification of the acceptance of the tender, otherwise the run will be forfeited and may be leased by auction.

Tenure of runs at fixed rent and assessment pending appraisalment.

12. The runs may be held from year to year, subject to a rent of £10 per annum, payable in accordance with section 9 of these Regulations, and to assessment under the Increased Assessment and Rent Act of 1858, until an appraisalment shall be made of the fair annual value thereof for pastoral purposes, whereupon the holdings shall be converted into leases under the preceding sections and the runs shall cease to be liable to such assessment as aforesaid.

CHAPTER IV.

Forfeited or Vacated Runs.

Sale by auction.

1. Leases of runs that may have been forfeited or vacated will be from time to time offered for sale by auction.

Minimum upset rental.

2. Each run will be put up at a minimum upset rental, in accordance with the 17th clause of the Crown Lands Occupation Act of 1861, and the lease will be sold to the person who may offer the highest premium for the purchase thereof.

Deposit.

3. The purchaser will be required to pay down, at the time of sale, a deposit equivalent to 25 per centum of the premium (if any) offered for the lease, together with the upset rent for the year, to be computed from the commencement of the current quarter to the 31st December ensuing, in default of which the auctioneer shall again forthwith put up the lease, and shall not accept any bid from the person so making default.

Balance.

4. The balance of the purchase money for the lease shall be paid into the Colonial Treasury in Sydney within three months of the day of sale, and in default of such payment the sale shall become void and the amounts paid by way of deposit shall be forfeited.

Balance unsold.

5. Runs, of which the leases may remain unsold, after having been twice offered for sale by auction, may be obtained on lease at the rent at which they shall have been last offered, on application to the Chief Officer for the Occupation of Lands, and payment of the rent from the commencement of the current quarter to the 31st December ensuing, unless in any case in which it may be considered expedient that the run should again be offered to lease at auction.

Notice of sales in Gazette.

6. All sales of such leases which may be offered at auction will be notified in the Gazette at least one month before the time appointed for such sale.

CHAPTER V.

Leases for Special Objects.

Mode of application.

1. Persons who may be desirous of leasing portions of land for any of the special purposes contemplated by the 38th clause of the Lands Acts Amendment Act of 1875 and the 19th clause of the Lands Acts Further Amendment Act 1880, may make their applications to the Minister for Mines,—setting forth respectively the position and extent of the portions they are desirous of leasing, the objects for which a lease is desired, the rent offered, and such other information as may tend to facilitate the disposal of their application.

Disposal of Applications.

2. All such applications will be duly inquired into, and dealt with upon their merits, as may be deemed expedient by the Government; and in the event of any application being complied with the intention to grant the lease will be announced in the Gazette for four consecutive weeks and the applicant will be duly apprised of the conditions on which a lease will be granted and of the rent which he will be required to pay. Such leases will be for terms not exceeding five years.

Payment of rent.

3. The rent must, for the first year, be lodged in the Treasury within three months from the publication in the Gazette of a notice to that effect; and for any subsequent year, on or before 31st December of the year preceding, otherwise the lease will be forfeited and may be brought to sale by auction or otherwise disposed of.

CHAPTER VI.

TRESPASSES ON CROWN LANDS.

Removal and penalties on conviction summarily.

1. Any person who may be found in the unauthorized occupation of any Crown Land may, under the 32nd clause of the Crown Lands Occupation Act of 1861, and the 44th clause of the Land Acts Amendment Act, 1875, be summarily removed therefrom, or fined on conviction before two Justices of the Peace, on the information of any Commissioner of Crown Lands or other person authorized by the Minister.

Manner of prosecution.

2. Whenever the land intruded upon is not under lease or promise of lease, it will be the duty of the proper officer to prosecute the trespasser; but on its being made to appear by the lessee, or lawful holder of any land, that any portion of his holding has been intruded upon by an unauthorized person, such lessee will be empowered to prefer an information against the intruder.

Disputed boundaries.

3. In cases of disputed possession between the authorized holders of adjoining lands, the Government will not under ordinary circumstances interfere, unless the claims to leases should be found to conflict, in which case the dispute will be referred to arbitration, as hereinbefore provided.

Form A.

Application for the purchase of improved Crown Land.

Received by me this _____ day of _____ 18
 Crown Lands Agent
 at _____
 (Address)
 (Date) _____ 18

Sir,
 Having* the following improvements which are now my property,
 and which I value at the amounts set opposite thereto respectively :—
 † _____ £ s. d.

I have the honor to apply that I may be permitted to purchase, without competition, under the 2nd clause of the Lands Acts Amendment Act of 1875, the Crown Lands on which they stand.

The land applied for is situated on ‡ _____ and is held by me §
 I have, &c., _____ (Signature.)
 The Crown Lands Agent.

<i>Description of Land.</i>				
Town of	allotment	section	county of	parish
of	portion	acres	roods	perches.

* Here state "effected" or "become the proprietor of."

† State the character and separate value of the improvements.

‡ State Run, Pre-lease, or Gold Field.

§ State as a pastoral or other lease, or under Miner's Right or Business License, and in latter cases state number, date, and place of issue of same.

|| When the land is unmeasured, here add the name of the river, creek, or road on which the land is situated, and distance and direction from nearest measured portion, of which state area and original purchaser or grantee, or distance and direction from nearest crossing-place of creek or confluence of creek, or river, or other determinate point.

Form B.

Application for Special Purchase under Section

(Address)
 (Date) _____ 18

Sir,
 I have the honor to apply, pursuant to the _____ clause of the Crown Lands
 Alienation Act of 1861, for the ¶ _____ of the land hereunder described.

¶ Insert here—

"For the reclamation and purchase of land below high-water-mark"; or,

"For the closing and purchase of an unnecessary road"; or,

"For the rescission of reservation of water frontage"; or,

"For the purchase of land to which no way of access exists, &c., &c., as the case may be.

Appended hereto is a plan, illustrative of this application, together with a receipt showing that the sum of £5 has been deposited in the Treasury on account thereof.

I have, &c.,

(Signature of Applicant)

The Minister for Lands.

Description of Land applied for.

RECEIVED the above-mentioned sum of £5 on account of the foregoing Application.

Colonial Treasury,
Sydney, 18

For the Colonial Treasurer.

Form C.

[Alienation Act, sections 13, 14, and 19.]

Application for the conditional purchase, without competition, of unimproved Crown Land.

District of _____ No. _____ of 18 _____

Application by [here give name in full; if a minor it should be so stated, with age last birthday, and date thereof, and if a female, whether a spinster or widow] for the conditional purchase, without competition, of _____ acres _____ roods unimproved Crown Land.

RECEIVED by me, with a deposit of £ _____ this day of _____ 18 _____ at _____ o'clock.

Agent for the Sale of Crown Lands at _____

Sir,

18

I am desirous of purchasing, without competition, under the Crown Lands Alienation Act of 1861, the portion of unimproved Crown Land hereunder described, containing _____ acres _____ roods; and I herewith tender the sum of £ _____ being a deposit at the rate of (if an ordinary conditional purchase five shillings, if for mining purposes, ten shillings) per acre on the area for which I apply.

I am, Sir,

Your obedient Servant,

(Signature)

(Address and nearest Post Town)

To the Agent for the
Sale of Crown Lands, at _____

DESCRIPTION.

County of _____ parish of _____ acres [add here the name of river, creek, or road on which the land is situated, also its distance and direction from the nearest portion of private property, of which state the area and the original purchaser or grantee, or distance and direction from nearest crossing-place of creek, or confluence of creeks or rivers, or other determinate point].

Form D.

[Alienation Act.]

Declaration of Conditional Purchaser under the 18th section of the Crown Lands Alienation Act of 1861.

C.P., No. 6

{

}

I [state christian name and surname in full], of [_____], do solemnly and sincerely declare that I am the lawful owner, by conditional purchase under the _____ section of the Crown Lands Alienation Act of 1861, of the land hereunder described, and that

improvements consisting of [*state nature of improvements*] and to the value of £ [*state value, not being less than at the rate of ten shillings per acre of the conditional purchase*] have been made on such land ;* and I declare further, that the said land has been the *bona fide* residence, continuously, of [*insert myself or*] [*state names in full of each holder, if any, besides the original purchaser and present occupant*] from the period of selection and first occupation to the present date (and that no alienation of the land has been made by any of the abovenamed holders, until after the residence thereon of such holder for a period of one whole year). [*To be omitted if there has been no transfer.*] And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled “ *An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales and to substitute declarations in lieu thereof and for the suppression of voluntary and extra-judicial oaths and affidavits.*”

(Signature of)
Declarant.)

Taken and declared, at this day of 18 before me—

[*Can only be attested by a Magistrate, Notary Public, or a Commissioner of the Supreme Court for taking Affidavits, who must set forth his title in full after his name.*]

DESCRIPTION.
County of _____ parish of _____ being conditional purchase
No. of 18 in the district of _____ made on the 18

* The words referring to residence may be omitted from Declarations upon additional Conditional Purchases.

Form E.

[Alienation Act—Sections 21 and 22.]

Application by † _____ for the Conditional Purchase, without competition, of _____
_____ acres _____ roods unimproved Crown Lands, under section 21
or 22 of the Lands Alienation Act of 1861.

RECEIVED by me, with a deposit of £ this day of 18 at o'clock.

Number of Applications made under 22nd Clause.	Land Agent's Number.	Date of previous Conditional Purchases.	Area of each Conditional Purchase.

Agent for the Sale of Crown Lands at 18

Sir,
I am desirous of purchasing, without competition, under the 21st or 22nd section of the Crown Lands Alienation Act of 1861, the portion of unimproved Crown Land hereunder described, containing _____ acres _____ roods, which adjoins my conditional purchase or freehold property of _____ acres _____ roods, upon which I am now residing (or upon which I have resided for _____ years); and I herewith tender the sum of £ _____ being a deposit at the rate of five shillings (5s.) per acre on the area for which I apply.

This is the selection made by me in virtue of my Conditional Purchase (or freehold) of _____ acres.

I am, &c.,
Your obedient Servant,

(Signature)
(Address and nearest Post Town)

To the Agent for the Sale of Crown Lands at

Freehold (if any) contains per Deed.	Month.	Year.
C.P.	1	
2 &c.		
Total area applied for including freehold (if any) and last Conditional Purchase	_____ acres.	

DESCRIPTION.

County _____ parish of _____ acres. ‡

† Here give applicant's name in full.
‡ Add here the name of river, creek, or road on which the land is situated; also its distance and direction from the nearest portion of private property, of which state the area and the original purchaser or grantee, or distance and direction from the nearest crossing-place of creek or confluence of creeks or rivers, or other determinate point.

Form F.

[Alienation Act, 1861.]

Declaration of Conditional Purchaser for Mining purposes.

I [state Christian and surname in full], of [] do solemnly and sincerely declare that I am the lawful owner, by conditional purchase, of the land hereunder described, and that an expenditure equal to £2 [should it be intended to complete the purchase of a part only of the original selection £5 must be substituted for £2] per acre for the area of the land has been made on mining operations other than gold mining on the land, and since the selection in [state date of conditional purchase]; and I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled, "An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales and to substitute declarations in lieu thereof and for the suppression of voluntary and extra-judicial oaths and affidavits."

DESCRIPTION.

County of parish of acres, on being (part of) conditional mining
 purchase No. of 18 in the District of
 Taken and declared at this day of 18 before me.

Form G.

[Alienation Act, 1861.]

Form of application for conversion of Conditional Purchase into Mining Purchase.

Sir,

I am desirous of converting the undermentioned conditional purchase, under clause of the Crown Lands Alienation Act of 1861, into a conditional purchase for purposes of mining other than gold mining, under clause 19 of same Act; and I hereby tender a further deposit at the rate of five shillings per acre thereupon.

Name of original selector
 Date of original selection
 County of parish of
 acres, situated at

The Land Agent for the District of

Form H.

[Alienation Act—Sections 13, 14, 19, 21, and 22.]

Notification of alienation of conditional purchase under the Crown Lands Alienation Act of 1861.

Notification of alienation of conditional purchase by in the District of
 I HEREBY notify to you, as the Agent for the Sale of Crown Lands for the district of
 that I have (*after a residence thereon of at least twelve months) this day
 alienated to of the acres of land, situated in the county of
 parish of which I selected at as a conditional purchase, under the
 section of the Crown Lands Alienation Act of 1861, on the 18* (as also the
 following additional purchases to be inserted with particulars thereof if necessary.)

(Signature of }
 the Alienator) }
 (State Post Town) of

Dated at this 18

To the Agent for the Sale of Crown Lands at

I HAVE duly registered the above notification of alienation in the records of this office.

District of Land Office, 18 Agent for the Sale of Crown Lands.

* If the full term of residence has been completed in the original conditional purchase, or if for mining purposes, these words should be omitted.

Form H.

[Alienation Act—Sections 13, 14, 19, 21, and 22.]

Notification of alienation of conditional purchase under the Crown Lands Alienation Act of 1861.

Notification of alienation of conditional purchase by _____ in the district of _____

I HEREBY notify to you, as the Agent for the Sale of Crown Lands for the District of _____ that I have (*after a residence thereon of at least twelve months) in consideration of the sum of _____ this day alienated to _____ of _____ the _____ acres of land, situated in the county of _____ parish of _____ which I selected at _____ as a conditional purchase, under the _____ section of the Crown Lands Alienation Act of 1861, on the _____ 18 *(as also the following additional purchases to be inserted with particulars thereof if necessary).

(Signature of)
the Alienator }
(State Post Town) of

Dated at _____ this _____ 188 .
To the Agent for the Sale of Crown Lands at _____

I HAVE duly registered the above notification of alienation in the records of this office.
Fee of _____ paid, including 7s. 6d. for Registration Fee.

Agent for the Sale of Crown Lands.

District of _____ Land Office, _____ 188 .

* If the full term of residence has been completed in the original conditional purchase, or if for mining purposes, these words should be omitted.

RECEIVED into the Office of the Registrar General, at Sydney, this _____ day of _____
A.D. 188 at _____ o'clock in the _____ noon, from _____ of _____ a copy of
the above transfer verified by _____ and numbered _____ Book

Registrar.

Form I.

[Alienation Act, 1861.]

Application to select Crown Lands.

No. _____ of 18 _____

Application by _____ to select Crown Lands.

RECEIVED this _____ day of _____ 18 _____ with price of lot and deed fee, at
o'clock, by _____ Land Agent for _____ District.

Sir,
I hereby tender the sum of _____ pounds _____ shillings and _____ pence, as the price by selection (and deed fee) of the Crown Lands hereunder described :—

Place of sale
Date on which last proclaimed
Date on which last offered for sale
Lot at last sale
County
Parish or place
Number of portion
Extent of the lot
Price of the lot
Fee on the deed.....

I am, &c.,

The Crown Lands Agent,
District of _____

Form M.

[Occupation Act, 1861.]

Tender for a lease of a new Run of Crown Lands.

Second Class Settled or Unsettled Districts.

IN accordance with the provisions of the Crown Lands Occupation Act of 1861, and of the Regulations made in pursuance thereof ["I" or "We," as the case may be. Insert names at full length] of [state residence and nearest Post Town] do hereby propose to take a lease of the Crown Lands known as _____ in the district of _____ which lands are particularly described in the Schedule annexed to this tender.

2. And in consideration of such lease ["I am," or "We are," as the case may be] willing, and hereby offer to pay yearly, in advance, the rent of the said Crown Lands, as the same may be determined by appraisalment under the said Act.

3. And ["I," or "We," as the case may be] do agree, that in the event of this tender being accepted, and of such acceptance being notified in the Gazette ["I," or "We," as the case may be] will, within sixty days after such notification, pay into the hands of the Colonial Treasurer, at Sydney, as and for the first year's rent of the said run, and pending such appraisalment as aforesaid, the sum of ten pounds, together with the sum of twenty pounds, being the assessment payable under the Increased Assessment and Rent Act of 1858; and also the sum of _____ sterling, by way of premium for the said lease; that is to say:—

	£	s.	d.
Rent, pending appraisalment	10	0	0
Assessment, pending appraisalment.....	20	0	0
Additional yearly payment, offered by way of premium (if any)			
Total.....	£ _____		

And in default of such payments I agree to forfeit my deposit on this tender.

Given under _____ hand, this _____ day of _____ A.D. 18
 (Signature of applicant.)

To the Honorable
 The Minister for Lands, Sydney.

SCHEDULE REFERRED TO IN THE FOREGOING TENDER.

Pastoral District and General Locality.	Name of Run.	Estimated Area in Square Miles.	Estimated Pastoral Capability.		Description of the boundaries of the Run, and the marks or natural features by which such boundaries are indicated. — (N. B. — This description must be clear, detailed, and specific.)
			Cattle. (Alone.)	Sheep. (Alone.)	
			or		
			Cattle and	Sheep.	

DEPOSIT SCHEDULE.

certify that the sum of two pounds ten shillings sterling has this day been paid into the Colonial Treasury, by or on behalf of _____ as the deposit on a tender for a Run.

Colonial Treasury, Sydney,
 18

Form N.*Notification of transfer of pastoral lease.*

I hereby notify to you that I have assigned and transferred to _____ of
all my right title and interest in the run known as _____ in the district of _____
and I hereby relinquish in favor of the said _____ all and singular the rights,
privileges, and advantages which now belong or may hereafter accrue to me as the
holder of a lease or promise of lease of the said run for the time being.

Witness my hand at _____ this _____ day of _____ A.D. 18 _____

To the Chief Officer for the Occupation of Lands, Sydney.

[From the Government Gazette of the 27th May, 1881.]

Department of Lands, Sydney, 27th May, 1881.

It is hereby notified for general information that His Excellency the Governor, with the advice of the Executive Council, has been pleased to amend sections 24 and 26, Alienation, Part I., Chapter II., of the Regulations under the Lands Acts Further Amendment Act of 1880, with respect to additional Conditional Purchases, as follows :—

24. Applications for additional Conditional Purchases of lands shall be made to the Land Agent of the District, between the hours of 10 a.m. and 4 p.m., on any Thursday, not being a general holiday, on the form E hereto appended, but describing the proposed additional purchase by reference to that previously made, of which the area should be stated, and all other particulars given, to admit of immediate identification. Not more than one application will be received on the same day from the same applicant.

26. Additional Purchases shall be subject to all the conditions, save those of occupation and residence, provided for by the foregoing sections 2 to 20 inclusive, but shall, for all such purposes, be treated as forming, with the original, one Conditional Purchase ; no additional Selection may be transferred apart from the original until the conditions of residence and improvement applicable to the whole shall have been duly completed ; but on completion of such conditions as hereinbefore provided, the original and any additional purchases may be transferred together or separately in portions as respectively measured. No person will be entitled, on transferring part of his holding, to select other land in lieu thereof, with the view of making up the total area to 640 acres.

[C. S. 81-20,565]

JAMES HOSKINS.

Date shows when this volume was taken.

All books not in use for instruction or research are limited to four weeks to all borrowers.

Periodicals of a general character should be returned as soon as possible ; when needed beyond two weeks a special request should be made.

Limited borrowers are allowed five volumes for two weeks, with renewal privileges, when a book is not needed by others.

Books not needed during recess periods should be returned to the library, or arrangements made for their return during borrower's absence, if wanted.

Books needed by more than one person are placed on the reserve list.

