

## No. XIII.

LANDS ACTS  
AMENDMENT.  
—

## An Act to declare and amend the Laws relating to Crown Lands. [10th August, 1875.]

Preamble.

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:—

Repeal.

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Lands Occupation Act of 1861" respectively mentioned in the Schedule to this Act shall be and the same are hereby repealed.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.

Sales in consideration  
of improvements.

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 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

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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.

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.

Improvements in respect of which sales may be made.

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.

Value of improvements to bar conditional purchase.

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 provision 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.

Conditional purchases by minors.

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.

Applications for conditional purchases 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

Made in which balance of purchase-money may be paid.

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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.

Contracts by conditional purchasers void in certain cases.

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 *bona 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 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.

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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.

Temporary  
boundaries of land  
until surveyed by  
Government.

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.

Form of measure-  
ment of portions  
selected and reserva-  
tion of roads and  
water.

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 pur-  
chase.

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 con-  
ditional purchase.

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

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.

Forfeiture of lands abandoned by selectors.

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.

Conditional purchase how to be inherited.

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.

Forfeited lands to go to lessee or become "Crown lands."

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

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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.

23. Any conditional purchaser not being under the age of twenty-one years who shall have been in *boná 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 *boná 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 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.

Additional conditional purchases may be alienated with original conditional purchase.

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.

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Adjoining mineral conditional selections may be treated as one area.

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.

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

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.

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

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.

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

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.

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

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.

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

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

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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.

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.



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Application and occupation of pre-emptive leases.

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 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 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 or pre-emptively leased.

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

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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.

41. In any case where it may seem advisable to the Minister Survey of runs 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.

## PART III.

## MISCELLANEOUS.

42. Any person driving horses cattle or sheep along any track Passage of stock. 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.

43. A copy of any application letter document or instrument Copies of document to be evidence. 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.

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Penalties for trespassing on Crown lands.

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 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."

*Nuisances Prevention.*

## SCHEDULE.

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 follow- ings 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 Occupa- tion of Crown Lands.....	{ The whole of Sections 18 19 30 and 33. The following portions of Section 12— Division 5—the first pro- viso. The whole of the 9th sub- division of Section 12.