

No. XXXIV.

An Act to Validate certain Conditional Purchases and Leases. [18th May, 1887.]

Preamble.

WHEREAS it has been held that lands conditionally purchased under the "Crown Lands Alienation Act of 1861" the "Lands Acts Amendment Act of 1875" and the "Lands Acts further Amendment Act 1880" which by reason of non-compliance with the conditions had become forfeited together with the pre-emptive leases granted under the said Acts or conditional leases granted under the "Crown Lands Act of 1884" [hereinafter termed the Principal Act] were open to subsequent conditional purchase and conditional lease under the last-mentioned Act although prior to the notification of forfeiture such lands were included within the boundaries of leasehold areas. And whereas it has been decided by the Supreme Court that such lands can not be again conditionally purchased under the Principal Act inasmuch as the same are exempt from

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from conditional purchase under section twenty-one sub-section (III) thereof. And whereas doubts have arisen as to the validity of conditional leases granted in certain cases under section fifty-two of the Principal Act and as to whether applications for conditional leases under the fifty-fourth section of the Principal Act made prior to the division of a run could be legally granted out of the leasehold area. And whereas it is expedient that conditional purchases and conditional leases of lands the title to which might be affected by the said decision or for other reasons herein mentioned should be validated as hereinafter provided. 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. Notwithstanding anything in section twenty-one sub-section (III) of the Principal Act where any land conditionally purchased under the Acts in force prior to the passing of such Principal Act is situated wholly or partly within the boundaries of a leasehold area notified under section seventy-six of the said Act and such land has after the date of notification of such area been forfeited for some breach of conditions no conditional purchase of such land heretofore made under the Principal Act shall be deemed to have been invalid by reason only that the whole or some portion of such land was situated within the boundaries of such leasehold area. And for the purposes of this section the expression "land conditionally purchased" shall be held to include all land held in virtue of such land and forfeited therewith.

2. No conditional lease of Crown Land heretofore applied for under the forty-eighth section of the Principal Act shall be held in any of the cases hereinafter specified to have been invalid by reason only that the land as and when applied for was situated wholly or partly within the boundaries of any leasehold area—that is to say—

- (i) Where the land applied for as a conditional lease was at the date of application included wholly or partly in a conditional purchase which had been forfeited after the date of the notification of the leasehold area within the boundaries of which such conditional purchase was situated.
- (ii) Where the land applied for as a conditional lease was at the date of application included wholly or partly in a conditional lease which had been forfeited after the date of the notification of the leasehold area within the boundaries of which such conditional lease was situated.
- (iii) Where the land applied for as a conditional lease was at the date of application included wholly or partly in a pre-emptive lease to which a right of conversion into a conditional lease attached and was lawfully claimed but which pre-emptive lease had been forfeited after the date of the notification of the leasehold area within the boundaries of which such pre-emptive lease was situated.

3. No conditional lease applied for under the fifty-second section of the Principal Act shall be held to have been invalid by reason only that the land comprised within such lease was not available for pre-emptive lease at the date of the grant thereof or for conditional lease in the form applied for or as granted but in every such case the lease as now or hereafter surveyed and charted and approved of by the Minister for Lands or any modification thereof to be so approved shall be deemed to be and to have been the land lawfully available for such lease.

4. No application for a conditional lease applied for under the fifty-fourth section of the Principal Act shall be held to have been invalid

Validation of conditional purchases in certain cases.

Validation of certain leases under sec. 48 of Principal Act.

Where lease was in conditional purchase forfeited after notification of leasehold area.

Where lease was in conditional lease so forfeited.

Where lease was within pre-emptive lease so forfeited.

Validation of certain leases under sec. 52 of Principal Act.

As to applications under sec. 54 of Principal Act.

Supreme Court (sixth Judge).

invalid by reason only that the land applied for had prior to such application being finally dealt with been included within a leasehold area or the boundaries of such leasehold area.

Saving clause.

5. Nothing in this Act shall affect any cause of action in respect of which proceedings have been commenced in any Court prior to the first day of January in the year one thousand eight hundred and eighty-seven.

Short title.

6. This Act may be cited as the "Conditional Purchases and Leases Validation Act of 1887."
