

ANNO QUINQUAGESIMO TERTIO

VICTORIAE REGINÆ.

No. I.

An Act to legalize the occupation by certain persons of part of the Newcastle Pasturage Reserve, to admit of the withdrawal from mining lease of the surface of parts of the said Reserve, and to authorize the alienation thereof. [21st June, 1889.]

NEWCASTLE
PASTURAGE
RESERVE.

WHEREAS persons have been in occupation of land known ^{Preamble} as the Newcastle Pasturage Reserve, in the county of Northumberland, parish of Newcastle, as described in the annexed Schedule, and it is desirable that provision should be made to legalize such occupation and to permit of the alienation of such 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. Any person who, on and before, the ninth of January, one thousand eight hundred and eighty-eight, was, either himself, or by a tenant, in occupation of land forming part of the Newcastle Pasturage Reserve, shall be held to have been, and to be, in legal occupation thereof, as against the Crown or any person claiming under any lease or promise of lease for mining purposes; provided, however, that such occupation shall, after the acceptance of any application made under this Act, be held to apply only to land containing improvements in the nature of a residence or place of business, the property of such person, and within an area measured to include, wholly or in part, such improvements, or land allotted under section three of this Act, in satisfaction of such application; and no land within the meaning of this Act shall be considered to be measured until the plan thereof shall have been approved by the District Surveyor and accepted by the Minister for Lands for the time being, of which approval and acceptance their respective signatures on such plan shall be *prima facie* evidence. Nothing in this section shall extend to any person who may not apply under the provisions of this Act to purchase the land occupied, or to any person who may apply, but whose application may be disallowed; but the occupation of any person whose application may be forfeited shall be held to have been legal up to the time of such forfeiture taking effect. For the purposes of this Act, the words "District Surveyor" shall mean the District Surveyor for the time being under the "Crown Lands Act of 1884," and the word "person" shall include religious, educational,

Newcastle Pasturage Reserve.

educational, or other bodies; but nothing herein shall prevent the provisions of section five of the Act twenty-fifth Victoria number one, being given effect to in any case where a promise may have been made by the then Minister for Lands, or some person authorized in that behalf, prior to the eleventh day of May, one thousand eight hundred and eighty, to dedicate land within the reserve referred to.

Application may be made to purchase.

2. Any person considering himself entitled to come under the provisions of this Act may, within three months after the passing thereof, apply to the Chairman of the Local Board (as constituted under the "Crown Lands Act of 1884"), on a form to be provided for the purpose, for permission to purchase such land within the reserve referred to, as may be occupied by him, but limited to such an area as may be measured or allotted under this Act. And such application shall, after report by the District Surveyor, be considered in open Court by the Local Land Board; and such Board shall make such a recommendation as may seem desirable; and the Minister for Lands for the time being may accept or disallow any such application wholly or in part, and with such conditions and reservations as may seem expedient, provided that no decision of the Minister shall be given effect to until approval by the Governor, with the advice of the Executive Council, who may on behalf of Her Majesty, sell and grant land in accordance with the provisions of this Act. No application shall be dealt with by the Board until the expiration of twenty-eight days after particulars thereof have been published in the *Government Gazette*, and some local newspaper, during which period any person may lodge with the Chairman of the Board objections thereto.

Substitution of other land in lieu of that occupied on a road, &c.

Price of land and payment thereof.

Overdue purchase money.

3. In any case in which the improvements on the land occupied are situated wholly or in part on any existing, reserved, or intended road, street, lane, or other thoroughfare, or land which it may be deemed inexpedient to alienate to the applicant, the Minister may allot land within the Reserve wholly or partly in lieu thereof, and may sanction the removal of any of the improvements at the expense of the person interested, and within such period as the Minister may allow, but in no case shall any compensation be allowed for any loss which the applicant may in consequence sustain.

4. The price to be paid for land alienated otherwise than by auction under this Act shall be fixed by the Local Land Board, and shall be exclusive of the value of any improvements situated thereon the property of the applicant; and for the purposes of this section the procedure shall be same as under the "Crown Lands Act of 1884" in estimating the value of land applied for under the provisions of section forty-six of that Act. Such price shall be payable in six instalments of equal amount. The first instalment shall be paid within three months after date of notice in the *Government Gazette* of the amount thereof, and a like instalment, together with interest at the rate of five per centum per annum on the balance of purchase money, shall be paid annually on the recurring date of such notice until such balance shall have been paid. Provided that the whole amount may be paid at any time before due.

5. If any applicant under section two of this Act shall fail to pay any amount due within the prescribed term, his application shall be liable to forfeiture by the Governor, with the advice of the Executive Council, and such forfeiture shall become absolute if the amount be not paid within twelve months from the due date; and after forfeiture any improvements on the land and any payment made in connection therewith shall become the property of the Crown, but nothing herein shall prevent overdue amounts being accepted within three months after the same shall have become due, and with such penalty, not exceeding ten

Newcastle Pasturage Reserve.

ten per centum, as may be determined. Forfeiture under this section shall take effect at the expiration of thirty clear days after notification thereof in the *Government Gazette*. The provisions of sections sixty-one and sixty-two of the "Crown Lands Act of 1884," and the Act fifty Victoria number thirty-nine, shall be held to apply to such land within the Newcastle Pasturage Reserve as the Minister for Lands may direct shall be submitted to sale by auction, and may not be alienated by virtue of other provisions of this Act, and for the purposes thereof such land shall be deemed to be country Crown Lands, and may be offered for sale in areas not exceeding four acres, and any improvements thereon may be held to be the property of the Crown. Any such sales shall be deemed to be authorized by, and to be subject to the provisions of, this Act.

6. Notwithstanding the provisions of the Act thirty-seven Victoria number thirteen, or any provisions repealed thereby, or any covenants, conditions, or provisions in any lease for mining purposes, or any promise of such lease granted or made in respect of any land comprised in the Newcastle Pasturage Reserve, it shall be lawful for the Governor, with the advice of the Executive Council, by notice published in the *Government Gazette*, to withdraw from time to time from such lease or promise of lease, without compensation or abatement of rent, so much of the surface of the land demised thereby as may be necessary or desirable for the purpose of giving effect to this Act, and at the expiration of three months after the date of such notice the surface of the land therein described shall cease to be included in the land so demised. Provided, however, that during the currency of any such lease or promise thereof, and after withdrawal or sale as herein provided, the holder thereof shall continue to have the same rights and privileges in connection with the land so withdrawn or sold and the minerals it may contain other than the surface of such land as he may have possessed prior to such withdrawal or sale by virtue of such lease or promise thereof.

7. Nothing in any Crown Lands Act shall be held to prevent this Act from being given effect to; and any sales may be made hereunder, notwithstanding any prior reservation, proclamation, notification, or setting apart of the land made or purporting to have been made by virtue thereof. Any grant made by virtue of this Act shall operate as an extinguishment of any such reservation, notification, proclamation, or setting apart to the extent of the land included in the grant, and so much of any design or proclamation of the town and suburban lands of Lambton and New Lambton, within the boundaries of the Newcastle Pasturage Reserve, made, under any Crown Lands Act, prior to the passing of this Act, shall be held to be wholly cancelled.

8. All grants issued under the authority of this Act shall contain a reservation of all minerals and metals in such land, and shall contain such other reservations and exceptions as may be by the Governor, with the advice of the Executive Council, be deemed expedient; and any persons who may be so authorized by the Minister for Mines for the time-being, may dig and search and remove any mineral or metal from the land, subject to such regulations as may be made in that behalf by the Governor, with the advice aforesaid.

9. The provisions of sections one hundred and thirty-one and one hundred and thirty-three of the "Crown Lands Act of 1884" shall apply to any person in unauthorized occupation of land within the Newcastle Pasturage Reserve whose occupation may not be legalized under this Act.

10. This Act may be cited as the "Newcastle Pasturage Reserve Act."

Land may be withdrawn from mining lease.

Prior reservations not to prevent sales under this Act.

Reservation of minerals and metals.

Persons in illegal occupation.

SCHEDULE.

Newcastle Pasturage Reserve.

County of Northumberland, parish of Newcastle, area about one thousand six hundred (1,600) acres: Commencing on the south boundary of J. Platt's two thousand acres, at the north-east corner of portion number one hundred and forty-one, A. A. P. Tighe's fifty acres; and bounded thence on part of the north by part of that south boundary east to the north-west corner of portion number ninety-six, G. Dent's sixty acres; thence on parts of the east and north by the west and south boundaries of that sixty acres south and east to the south-east corner of the portion; thence again on the east by a line partly forming the west boundaries of portions number one hundred and thirty-five of thirty-five acres, number one hundred and thirty-six of thirty-nine acres, number two hundred and eighty-one of four acres, number two hundred and seven of five acres one rood fourteen perches, number two hundred and eight of three acres three roods three perches, and number two hundred and nine of one acre two roods thirty-three perches south to a point west of the south-west corner of portion number two hundred and ten of two acres two perches; thence again on part of the north by a line partly forming the south boundaries of that portion and portions number two hundred and eleven of three acres five perches, number two hundred and twelve of four acres one rood thirty-three perches, number two hundred and thirteen of four acres one rood thirteen perches, and number two hundred and twenty-four of one acre one rood east to the south-west corner of portion number one hundred and thirty-eight of thirty-eight acres thirty-two perches; thence on parts of the west and north by the west and north boundaries of that portion north and east to the west boundary of the Australian Agricultural Company's two thousand acres; thence on the remainder of the east by part of the west boundary of that two thousand acres south to the north boundary of James Mitchell's nine hundred and fifty acres; thence on part of the south by part of the north boundary of that nine hundred and fifty acres and the north boundary of portion number seven, Thomas Adam's fifty-four acres, west to the east boundary of portion number three hundred and thirty-seven, Waratah Coal Company's two hundred and twenty-nine and a half acres; thence on part of the west by part of the east boundary of that portion north to its north-east corner; thence on the remainder of the south by the north boundary of that portion and the north boundary of portion number two hundred and ninety-seven, Stephen Foyle's one hundred and fifty-eight and a half acres west to the east boundary of portion number one hundred and sixty-seven, Morehead and Young's three hundred and twenty acres; and thence on the remainder of the west by part of the east boundary of that portion and the east boundaries of portions number twenty-three, Morehead and Young's three hundred and twenty acres, number five, Waratah Coal Company's one hundred and ninety-five and a quarter acres, and number one hundred and forty-one, A. A. P. Tighe's fifty acres aforesaid north to the point of commencement, but exclusive of portion number two hundred and sixty, Waratah Coal Company's forty acres, portion number two hundred and sixty-one, Morehead and Young's ten acres two roods, and the Scottish Australian Mining Company's allotments, numbers one, two, three and four of section thirteen, Lambton.