

No. XXI.

CROWN LANDS.

An Act to amend the “Crown Lands Act of 1884,” and to make provision in other respects for the management and disposal of the Public Lands, and for other purposes. [1st October, 1889.]

Preamble.

WHEREAS it is expedient to amend the “Crown Lands Act of 1884” and the “Crown Lands Act Further Amendment Act,” and to make further provisions with respect to the alienation, disposal, occupation, and management 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:—

Commencement and short title.

1. This Act shall come into force on the first day of December, one thousand eight hundred and eighty-nine; and may be cited as the “Crown Lands Act of 1889”; and shall be read with and form part of the “Crown Lands Act of 1884,” the “Crown Lands Titles and Reservations Validation Act of 1886,” the “Conditional Purchases and Leases Validation Act of 1887,” the “Crown Lands [Auction Sales Balances] Act of 1887,” the “Crown Lands Act Amendment Act of 1887,” and the “Crown Lands Act Further Amendment Act.”

Repeal.

2. The sections and parts of sections of the Acts mentioned in the first section hereof which are set out in the First Schedule hereto are hereby repealed to the extent there mentioned.

Substitution, &c.

3. Any section of any Act mentioned in the first section hereof in which any jurisdiction to hear appeals is conferred upon the Minister, or in which any right of appeal is conferred upon any person, shall be read as if the words “Land Court” were substituted for the word “Minister” wheresoever the same may occur; and the several alterations, substitutions, and additions set out in the Second Schedule hereto shall be made in the sections of the Principal Act mentioned therein.

Interpretation of terms.

4. In this Act, unless the context necessarily requires a different meaning, the expression:—

“Board” or “Land Board” means the Local Land Board of the District in question.

“Conditional

Crown Lands.

“Conditional purchase” excludes special purchase, or purchase by auction, or purchase by virtue of improvements.

“Governor” means the Governor, with the advice of the Executive Council.

“Land Agent” means any person duly appointed to the office of Crown Lands Agent, Assistant Crown Land Agent, or Acting Crown Land Agent.

“Land Court” means the Land Court constituted in pursuance of this Act.

“Oath” means affirmation, promise, and declaration in every case where an affirmation, promise, or declaration is by law allowed instead of an oath.

“Prescribed” means prescribed by the Principal Act or this Act, or any amending Act, or any regulation made thereunder respectively.

“Principal Act” means the “Crown Lands Act of 1884.”

“Repealed Act” means any Act repealed by the “Crown Lands Act of 1884.”

“Scrub” means any tree, undergrowth, plant, which the Governor may, by notification in the *Gazette*, declare to be scrub within the meaning of this Act.

“Series” or “the same series,” when used in connection with conditional purchases, means an original conditional purchase (whether taken up before or after the commencement of this Act, under any repealed Act, or the Principal Act, or this Act), and any additional conditional purchases, which may have been, or may be, made by virtue thereof.

5. It shall be lawful for the Minister from time to time to direct any Local Land Board to deal with any matter, question, or inquiry that has arisen, or shall arise, without regard to the Land Board District or Land District in which the land forming the subject of such matter, question, or inquiry may be situated. And the said Land Board shall have as full power and jurisdiction to deal with the matter as if the land aforesaid were situated within that Board's proper Land Board District or Land District. Provided that anything similarly done by any Local Land Board before the commencement of this Act, either from inadvertence or otherwise, shall have the same effect in law as if done by the Land Board empowered to deal therewith.

Land Boards may be authorized to deal with matters outside their own district

6. Whenever after the commencement of this Act any rent, or license fee, or the price of any Crown Land (other than of land to be sold or leased by auction, by tender, or by conditional purchase) is to be determined, or whenever this section is expressly referred to in connection with the determination of any value, an appraisalment of the same shall be made by the Local Land Board, and any such appraisalment may be appealed against in the prescribed manner. On receipt of any appraisalment, not so appealed against, the Minister shall either accept the same or, within one month, refer it to the Land Court with a statement of his reasons for so doing. The Land Court shall, both in cases of appeal and reference, determine the amount of such rent, fee or price, and the amount so determined shall be final and conclusive. Provided, however, that, if it shall appear to the Minister that further consideration or inquiry is necessary, he may return the case to such Land Court for such purpose, and the determination of the Land Court thereupon shall be final and conclusive.

Determination of rents, values, &c.

7. Notwithstanding anything in the Principal or in this Act contained, any recommendation, determination, decision, or award of any Local Land Board may be appealed against in the prescribed manner ;

Appeals.

Crown Lands.

manner; and any appeals which may not have been dealt with or completed at the commencement of this Act shall be dealt with or completed in accordance with this Act.

Land Court to
consist of three
members.

8. There shall be a Land Court, which shall be a Court of Record, and have an official seal. The said Court shall consist of three members, one of whom shall be the President, and it shall be lawful for the Governor to remove any member of such Land Court for inability or misbehaviour, provided that twenty-one days at least before the removal of such member of the Land Court he shall have notice of the intention to remove him, and he shall thereafter and before removal have the opportunity of being heard before the Governor and the Executive Council in his defence. The President and each member shall be appointed by the Governor, and shall be paid—

- (I) The President shall preside at all meetings of the Court, but in his absence through illness or other sufficient reason any member may be authorized by the Governor to temporarily act as President, who, while so acting, shall have and exercise all the powers and authorities, and be subject to all the obligations applicable to the office of President. In the absence, through illness or otherwise, of any member, the Governor may appoint any person to temporarily act as member.
- (II) Any member, who shall sit or act in any case, in which he is, or has been, directly or indirectly interested, shall be liable to a penalty not exceeding five hundred pounds.
- (III) The Land Court shall have power to hear and determine all appeals, and all matters referred to such Court by the Minister, or by a Local Land Board under the provisions of subsection (VII) of section fourteen of the Principal Act, and to make such orders for payment of costs incurred in such appeals or proceedings as such Court may think fit; and such appeals and matters shall, after the prescribed notice has been given to the parties, and at such times and places as the Land Court may appoint, be heard and determined in open Court; and the Crown may without having lodged a caveat, appeared before the Local Land Board, given notice of appeal, or taken any preliminary step other than may be prescribed by the regulations or by rules of the Land Court appear as a party in all proceedings in which its rights, interests, or revenues may be concerned, and all parties may be heard by counsel, attorney, or agent, but no fresh evidence shall be adduced before such Court, except with the sanction of such Court. In all cases in which the said Land Court shall make any order or award for the payment of money, whether as costs or otherwise, the said order or award shall, save as hereinbefore provided, be conclusive upon the parties, and have the force of a judgment of the Supreme Court at common law; and the party in whose favour any such order or award may have been finally or ultimately made may obtain a certificate of the amount due thereunder, which certificate shall be conclusive evidence of the facts therein stated, and he shall, upon production thereof to the Prothonotary, be entitled to have judgment entered up thereon, without any Judge's order to that effect, and to have execution for such amount and costs issued and enforced in the same way as may be done upon judgments at common law; provided that, in any case in which a deposit has been made by an appellant, the same shall be available in payment or part payment of any sum which he may be ordered to pay, and the surplus, if any, shall be returned.

(IV)

Crown Lands.

- (iv) If in any case it shall appear to the Land Court that any evidence tendered before such Court, or that further evidence ought to be taken before the Local Land Board, or that the case is incomplete, it may be remitted to the Board for such action as the Land Court may direct; and the Board shall take such action, and may uphold, reverse, alter, or amend its previous decision in any way that may be considered necessary. The Land Court shall have power to remit to the Board any case in which an order has been made by the Land Court with directions to the Board to enforce or carry out such order, and in any such case the Board shall be empowered and bound to act accordingly.
- (v) A majority of the members of the Land Court shall constitute a quorum. The decision of the Land Court upon any appeal shall, subject to the provisions of section six of this Act, be final and conclusive.
- (vi) Whenever any question of law shall arise in a case before the Land Court, the Land Court shall, if required in writing by any of the parties within the prescribed time and upon the prescribed conditions, or may of its own motion, state and submit a case for decision by the Supreme Court thereon, which decision shall be conclusive. Every such case shall purport to be stated under this section, and shall state the names of the persons who are parties to the appeal, reference, or other proceeding, and shall be transmitted to the Prothonotary of the Supreme Court to be dealt with as to the setting down of the case for argument, and the hearing of the same, and its return with the decision of the Supreme Court thereon, as the Judges or any two of them shall direct. The Supreme Court for the purposes of this section may consist of two Judges only, and shall have power to deal with the costs of, and incidental to, any case stated under this section as it may think fit.
- (vii) Any subpœna, summons, or other process issuing out of the Land Court shall have the same force and effect as if issued out of the Supreme Court, in any matter pending therein; and the Land Court shall have the same powers of dealing with witnesses who fail to appear when called, or refuse to answer questions, or otherwise misconduct themselves, and for repressing disorders, or punishing contempts committed in the face of the said Court, as are possessed by the Supreme Court or any Judge thereof upon the hearing of any cause or matter within the jurisdiction of the said Court. Any warrant to apprehend and to detain and bring before the Land Court, or to keep in any gaol, prison, lock-up, or other place of detention, any person liable upon the order of the Land Court to be so dealt with, shall be valid and sufficient if it be in the form appropriate thereto contained in the Third Schedule to this Act or to the effect thereof; and the Sheriff, his deputy and assistants, and all officers of the police force, and gaolers, to whom the same shall be addressed shall obey the same. Provided that no such warrant shall be issued against a person who fails to appear as a witness when called, unless it be proved to the satisfaction of the Land Court that he has been duly served with a summons or subpœna, and that payment or tender of his reasonable expenses has been made to him.
- (viii) It shall be lawful for the Governor to appoint a Registrar of the Land Court and other necessary officers, who shall be paid

Crown Lands.

paid such salaries as may from time to time be approved. The Registrar shall have the custody of the official seal of the Court and of its records, and shall sit in the Court, and keep and sign minutes of the Court's proceedings, and make reports of the Court's decision in each case to the Minister. The Registrar shall have power to seal with the official seal, and to sign and issue in the name of the Court, subpoenas, summons, certificates, orders, notices, and other documents; and the Registrar shall perform the various matters and things in respect of which powers are hereinbefore conferred upon him, or which by any regulation in that behalf made as hereinafter provided he may be ordered to do. Any duties imposed or powers conferred upon the Registrar as aforesaid may, in his absence or inability to act, be discharged or exercised by any person provisionally appointed as Deputy Registrar by the President or Acting President of the Land Court.

- (ix) All Courts of Law and Equity shall take judicial notice of the seal of the Land Court, and of the signature of the President, Acting President, Registrar, or Deputy Registrar, when attached to any document issuing out of the said Court.

Witness may be
summoned and
examined on oath

9. In any case it shall be lawful for the President or in his absence any member of the Land Court or the Chairman of any Land Board to summon and compel the attendance of any person whose evidence such Court or Board may desire to hear, and to examine him, or allow him to be examined, upon oath, and to cause his examination to be reduced to writing and signed by him, and require him to produce any document relating to the matter in question in his possession or control. No question put to any witness before the Land Court or any Land Board shall be deemed to be unlawful by reason only that the answer thereto may expose him to any forfeiture or penalty under this or the Principal or any repealed Act: Provided that no examination, or any answer thereto, shall be admissible in evidence against the witness in any criminal proceeding other than a prosecution against him for perjury, or for giving false answers, or making false declarations. If any person who has been summoned as aforesaid by the Chairman of the Local Land Board, or subpoenaed as a witness in any proceeding before such Board, and who has had payment or tender of his reasonable expenses made to him, shall neglect to appear; or if any person summoned, subpoenaed, or examined as a witness in any such proceeding refuses to be sworn or to make affirmation, promise, or declaration in lieu of an oath, or prevaricates in his evidence, or refuses to answer any lawful question, or to produce any document in his possession or control relating to the matter in question, which he has been summoned or subpoenaed to produce, or which is then in his possession or control, or to sign his examination when reduced into writing, it shall be lawful for the Chairman to commit such offender to gaol for any time not exceeding three months, or to impose on any such offender a fine not exceeding one hundred pounds; and in default of immediate payment thereof to commit the offender to gaol for any time not exceeding three months unless the fine be sooner paid. And in any of the cases aforesaid, a warrant in the form contained in the Fourth Schedule (A) hereto shall and may be issued by such Chairman, and shall be good and valid in law without any other warrant, order, or process whatsoever; and the Sheriff, his deputy, and all officers of the police force, and gaolers, to whom the same shall be addressed, shall obey the same. Where any person who has been duly summoned or subpoenaed to attend as a witness before the Local Land Board, and who has had payment

Crown Lands.

payment or tender of his reasonable expenses made to him, shall fail to appear in obedience to his summons or subpœna, the Chairman, upon proof of such person having been duly served with such summons or subpœna, and upon proof also that such person's non-appearance was without just cause or reasonable excuse, may issue a warrant in the form or to the effect of the Fourth Schedule (B) hereto to bring such person before the Local Land Board to give evidence.

10. Any Crown Lands held under any lease, other than annual lease, or than occupation license, shall, except as provided by section twenty-five of this Act, be exempt from conditional purchase or conditional lease; and any lands which in the Principal Act or this Act are specified as exempt from conditional sale shall be held to have been and to be exempt from conditional lease under sections forty-eight or fifty-four of the Principal Act or under this Act. Provided that no conditional lease, which may have been, or which may be granted in satisfaction of an application under the fifty-fourth section of the Principal Act, and no additional conditional purchase made out of such conditional lease, shall be held to have been or to be invalid by reason only of the land being situated within the boundaries of a leasehold area.

Land exempt from conditional purchase is exempt from conditional lease.

11. If it shall appear to any Land Agent that two or more applications for conditional purchases or conditional or homestead leases, tendered to him at the same time, are conflicting, he shall determine by ballot, in the prescribed manner, the priority of such applications for the purposes of this section, and shall thereafter transmit such applications to the Chairman of the Local Land Board, to be dealt with by such Board in the order of their priority determined as aforesaid, and on their respective merits in accordance with this and the Principal Act; provided that in any such case any applicant shall be at liberty, either before or immediately after the ballot, to withdraw his application, and thereupon to receive from the Land Agent a refund of any moneys paid to such agent in connection therewith. With any application made after the commencement of this Act, to purchase land conditionally, or by virtue of improvements, or for a conditional or special lease of any land, there shall be tendered a fee, in accordance with the prescribed scale, for the survey thereof.

Priority of conflicting applications to be determined by ballot.

12. The title to any conditional purchase or conditional or homestead lease applied for after the commencement of this Act shall commence from the date of application therefor, if valid, and any such application shall withdraw such of the lands therein described as may be available for the purpose from any annual lease or occupation license under which they may be held. The Land Agent shall, within one week of the receipt of any such application, notify the same through the post to the holder of any annual lease or occupation license within which the land applied for or any part thereof may be situated. And no person making any such application shall acquire any rights of impounding any stock of the lessee or licensee until the expiration of three months after the date of such application. If land be allotted in satisfaction thereof of a less area than, or in a different position from, that applied for, such of the land described as may not be allotted, or, if the application be withdrawn, the whole of the lands described therein, shall, at the date of confirmation of the application, or approval of its withdrawal, as the case may be, revert to the lease or license. In the case of a homestead lease, any similar reversion shall take effect on notification in the *Gazette*, of the approval of such lease, or of the acceptance of the applicant's refusal thereof. The rents of any such conditional or homestead leases shall be paid annually in advance not later than one day prior to a date corresponding to the date of application.

Applications for conditional purchase, conditional lease, or homestead lease.

Crown Lands.

Confirmation or
modification or
disallowance of
application.

13. Upon receipt from the Land Agent of any application for a conditional purchase or conditional lease, the Chairman of the Land Board may refer the same to the District Surveyor, and if the land therein described is unmeasured, and appears to be available, and to be capable, as applied for, of being measured in a proper form, the District Surveyor shall cause the same to be measured; but if the land is not, or is only partly, available, or if any other objection appears to exist, the District Surveyor shall so report; and the Board shall thereafter deal with the application, either by refusing it, or permitting its withdrawal, or directing the survey of such land as may be proposed to be allotted, and for this purpose may, subject to the provisions of the Principal Act and of this Act, allot land in a modified or different position from that applied for. Any allotted lands which are not described in the original application shall, so far as the withdrawal of the same and the right of impounding in respect thereof under the provisions of section twelve of this Act are concerned, be deemed to have been applied for on the date of the confirmation. When the land has been measured, if no sufficient objection exist, and the Local Land Board be satisfied that the applicant has, *bonâ fide*, applied for the land for his own sole use and benefit, either wholly or subject to the provisions of section twenty of this Act, the Board shall, in open Court, confirm such application as made or modified, subject to payment as prescribed of any necessary extra deposit. The Chairman shall within the prescribed time thereafter issue a certificate of such confirmation. The Board, in open Court, may for sufficient reason, with or without a report from the District Surveyor, and either before or after measurement of the land, disallow any application, wholly or in part. The provisions of this section shall, so far as procedure is concerned, apply to applications made before but not finally disposed of at the commencement of this Act.

Error or uncertainty
in description or
declaration not to
vitate application in
certain cases.

14. No error, uncertainty, omission, or misdescription in any application for a conditional purchase or conditional lease, made after the commencement of this Act, or in any declaration prescribed by section twenty-six of the Principal Act, or section twenty of this Act, and made in connection with any such application, shall invalidate the application in any case where the Local Land Board is satisfied that such error, omission, uncertainty, or misdescription was not wilful, and made with intent to deceive; and the Board shall have full power to authorize the correction of any error or omission in any application or declaration, so as to bring the same into conformity with the statutory requirements. The provisions of this section shall extend to applications and declarations made before, but not finally disposed of at, the commencement of this Act.

Applications may be
withdrawn after six
months.

15. If an application for a conditional purchase or conditional lease, made and not finally dealt with before the commencement of this Act, or an application made after such commencement, shall not have been confirmed within six months from the date of such application, the applicant shall on giving, within one month after the expiration of such six months, the prescribed notice of withdrawal to the Chairman, be entitled to withdraw the same and to receive a refund of moneys paid by him in respect thereof, unless the Land Board shall be of opinion that the application was not *bonâ fide* or that the delay in obtaining confirmation was improperly caused or contributed to by the applicant; and where an application cannot be granted, except subject to modification, or where other sufficient reason may, in the opinion of the Board, exist, the applicant may before or within twenty-eight days after confirmation withdraw his application, subject to the approval of such Board; provided that in any case of withdrawal the Board may deduct from the moneys deposited such amount as may be deemed

Crown Lands.

deemed necessary to defray the cost of survey and the expenses of dealing with such application. On the withdrawal, refusal, or modification of any application for a conditional purchase or conditional lease, the land ceasing to be affected thereby shall be held to have been available from the date of such application; and any application made and not disposed of before such withdrawal, refusal, or modification as aforesaid, shall be dealt with as if the prior application had not been made.

16. Where any application for a conditional purchase or conditional lease made under the Principal Act has prior to the commencement of this Act been confirmed by a Local Land Board before the land applied for was measured, such confirmation shall nevertheless be deemed to have been valid, subject, however, to such correction as to area or otherwise as may have been or may be found necessary, and the required condition of residence, if any, shall in each such case be deemed to have been duly observed during any such period as may have elapsed between the date of the application and the commencement of this Act. Nothing in the "Public Gates Act" shall be held to have prevented or to prevent the "Crown Lands Act Further Amendment Act" from having its full effect and operation, and nothing in the latter Act shall be held to have required or to require the making of any improvements on any conditional purchase or conditional lease within three years from the date of confirmation of application of a greater value than three hundred and eighty-four pounds.

Confirmation before measurement.

Explanation of Further Amendment Act.

17. Where conditional purchases (not being under section forty-seven of the Principal Act) or conditional leases adjoin so as to form one block, or are separated only by roads or creeks, and such conditional purchases or conditional leases are held by members of one family, standing in the relation of parents and children, it shall be lawful for the Land Board, upon a joint application made within the prescribed time and in the prescribed manner by the holders of the land, to exempt such holders from any condition of fencing or improvements in connection therewith further than the erection of a ring-fence of a character to be prescribed by such Board on the external boundaries of the lands so as to enclose them as one holding. The Board may, notwithstanding anything to the contrary in the Principal, or any of the amending Acts, or this Act, accept or disallow any such application, wholly or in part. Provided that such Board shall, in connection with any accepted application, fix the term (and may upon application as prescribed extend the term) within which the fence shall be erected, such term being determined as far as practicable with due regard to the respective dates of commencement of the purchases or leases. Within three months after the expiration of such term the prescribed declaration shall be made of the due fulfilment of the condition of fencing. If the ring-fence be not erected within the term allowed, each and every purchase or lease shall be liable to forfeiture by notice in the *Gazette*.

One or more conditional purchases may be enclosed by ring-fence.

18. Notwithstanding anything to the contrary in section twenty-four or forty-two of the Principal Act, it shall be lawful for the Governor, subject to the general provisions of section twenty-four as aforesaid, to proclaim by notice in the *Gazette*, and set apart, from time to time, special areas, which it shall be lawful to conditionally purchase in such areas as may be notified in the proclamation, not exceeding three hundred and twenty acres in the Eastern, or six hundred and forty acres in the Central or Western Division. It shall also be lawful for the Governor, by notification in the *Government Gazette*, to proclaim and set apart as special areas any lands within the suburban or population boundaries or population areas of any cities, towns,

Conditional purchases in special areas.

Special areas within suburban or population boundaries.

Crown Lands.

towns, or villages, and such lands (without cancellation or revocation of such boundaries or areas) shall, notwithstanding anything to the contrary in the Principal Act, be open to conditional purchase on or after such dates, and in such areas, and subject to the payment of such prices, deposits, and instalments, and subject to the fulfilment of such conditions as to residence, improvements, fencing, or otherwise, as may be specified in the proclamation. Any conditions so set forth shall have the force of law, and any breach thereof shall render the conditional purchase liable to forfeiture in accordance with this Act or the Principal Act. The Governor may at any time revoke or modify any proclamation, before or after the commencement of this Act, of any special area, or of any conditions applicable thereto, and any such revocation or modification shall take effect on proclamation in the *Gazette*. Before any special areas are declared to be open for conditional purchase the same shall be surveyed, and shall, subject to the provisions of section twenty-seven of this Act, be taken in portions as measured.

Application for additional conditional purchase may be made prior to confirmation of original.

19. Any application for an additional conditional purchase may be made before, at, or after the confirmation of the application relating to the original conditional purchase, or any additional conditional purchase of the same series. In order to exempt from conditional purchase or conditional lease the land described in any conditional lease application, it shall not be necessary for that application to be lodged at the same time as the application for the conditional purchase by virtue of which it may be made; provided that no right to conditionally lease land under section forty-eight of the Principal Act or under this Act shall be held to attach to land until application for the conditional lease shall be made. The provisions of this section shall extend to conditional purchase and conditional lease applications made, but not finally dealt with before the commencement of this Act.

Application for conditional purchase may be made by mortgagor.

20. When the transferee of any land conditionally purchased before or after the commencement of this Act, or in the case of a corporation, company, or partnership, being such transferee, any officer of such corporation or company, or any officer or member of such company or partnership, has made, or shall make, a statutory declaration showing that the transferee holds such land by way of mortgage or security only, the owner (subject to such mortgage or security) of the said land, or such transferee, may make an application in the prescribed manner for an additional conditional purchase or conditional lease to be registered in the name of the transferee, subject to the conditions of the additional conditional purchase or conditional lease being fulfilled by the aforesaid owner. With any such application by the owner as aforesaid the written consent of the transferee shall be tendered to the Land Agent. Any land purchased or leased under this section shall be subject to the same equity of redemption as the land, by virtue of which the same may be purchased or leased. Nothing in section twenty-six of the Principal Act shall be held to prevent the declaration therein referred to in connection with an additional conditional purchase being made, in such form as shall be prescribed, by a duly authorized agent of the applicant; but if such agent shall wilfully make a false statement in such declaration, he shall be liable to the penalties in that behalf made and provided; and the forfeitures provided in that section shall be held to have been incurred by the person for whom such agent shall have acted. Where a conditional purchase is held absolutely by a corporation, company, or partnership, any application for an additional conditional purchase or for any conditional lease or any prescribed declaration in respect thereof may be made by any officer of such corporation or company or officer or member of such company or partnership duly authorized for the purpose.

Crown Lands.

21. In the case of conditional purchases and homestead leases applied for since the commencement of the Principal Act the required term of residence shall not be held to have extended or to extend beyond five years from the date of the application for such purchase or lease, anything in the Principal Act to the contrary notwithstanding; provided that residence has been or shall be commenced within three months from confirmation of the conditional purchase application, or within ninety days from the notification of approval of the lease, and continued in either case until the expiration of the said term. Any holder of a conditional purchase or conditional lease, the application for which may have been confirmed before the twenty-fourth day of July, one thousand eight hundred and eighty-eight, may within two years from the date of confirmation of such application apply under the provisions of section two of the "Crown Lands Act Further Amendment Act," for permission to substitute improvements in lieu of fencing. Holders of conditional leases under the fifty-second section of the Principal Act shall, within two years from the commencement of this Act, or within such extended term as may be granted by the Local Land Board upon application as prescribed, fence the boundaries of the land held thereunder, or may within the two years aforesaid make an application under section four of the "Crown Lands Act Further Amendment Act" to substitute other improvements in lieu of fencing; the period prescribed by the last-mentioned Act for the making or completion of such improvements shall be computed from the commencement of this Act. The mere fact that forfeiture of a conditional purchase has before or after the commencement of this Act been notified shall not bar the issue of the certificate of abandonment referred to in section twenty-two of the Principal Act.

Term for residence on conditional purchases or homestead leases to expire five years from date of application.

22. The periods within which any fencing or other improvements required by the Principal Act, or the "Crown Lands Act Further Amendment Act," or this Act, in connection with any conditional purchase or conditional lease applied for after the commencement of this Act shall be completed, and within which the declarations required in connection with such purchase shall be made, shall be computed from the date of the confirmation of the application; a first instalment of balance of purchase money shall be paid at the expiration of three years from the date of such application, and a like instalment shall thereafter be paid annually until the balance of seventeen shillings per acre, together with interest at the rate of four per centum per annum, shall have been paid. Notwithstanding anything to the contrary in the Principal Act or in this Act contained, the final declaration on any conditional purchase may be made after the completion of all the required conditions (except payment of balance), and the balance may be paid in full before the expiration of five years from the date of confirmation of application if the certificate provided for by section thirty-six of the Principal Act (which may be issued at any time after completion of such conditions) shall have been granted. Any Land Agent shall, by virtue, and during his tenure of office be deemed for the purposes of the Principal Act, or this Act, or the "Crown Lands Act Further Amendment Act," or the "Registration of Deeds Act" to have been, and to be, a Commissioner of the Supreme Court for taking affidavits; but the declarations required by any of the three first-mentioned Acts may be made before the Land Agent or any Justice of the Peace or Commissioner for taking affidavits for the Colony of New South Wales.

Fencing or improvements to be made within periods computed from date of confirmation.

23. In any case where a conditional purchase or conditional lease may have been or may be brought under the provisions of section fourteen of the "Crown Lands Act Further Amendment Act," the Land Board on application as prescribed by the holder of the land may,

Exemption from improvement conditions.

Crown Lands.

Fencing between adjoining or adjacent holdings.

may, notwithstanding anything to the contrary in that Act, exempt him from making improvements in addition to the fencing erected or to be erected on the land. And in all cases of dispute in reference to the erection, completion, or repair of fencing, or to contributions towards the cost or maintenance of fencing upon or between adjoining lands or lands on opposite sides of roads or creeks, the Board shall on application as prescribed by any party concerned, determine, subject to appeal, all questions in dispute and make any order necessary or incident to the settlement thereof; and any such order shall be a sufficient authority and justification for entering upon any of the said lands, and doing such acts as may be necessary for carrying the same into effect. The provisions of section eleven of the "Crown Lands Act Further Amendment Act" shall be deemed to extend to cases where a fence, although not erected upon the actual boundary-line of any conditional purchase or conditional lease, is in the opinion of the Local Land Board, subject to appeal, a sufficient boundary-fence. The provisions of this section and of section one hundred and forty-one of the Principal Act shall be deemed to apply to fences whether erected before or after the commencement of that Act, and to fences which may under sections eleven or fourteen of the "Crown Lands Act Further Amendment Act" have been or may be made or treated as boundary-fences.

Suspension of conditions in case of illness, drought, flood, or other sufficient cause.

24. If the holder of any conditional purchase or conditional or homestead lease applied for before or after the commencement of this Act, shall through illness, drought, flood, or other sufficient cause be prevented from fulfilling any conditions of residence, fencing, or improvements attaching thereto, the Local Land Board may, on application as prescribed, and after inquiry in open Court, suspend for a specified period not exceeding six months any or all of such conditions. On the expiration of such specified period the holder shall (if a condition of residence attaches to the purchase or lease) commence and continue to reside thereon for a period which (when taken with the period during which he may have resided thereon since the date of his obligation to do so) shall complete the full term prescribed by the Principal or this or any repealed Act, and shall, during the term extended as aforesaid or otherwise, complete any other conditions, subject upon default in either case to forfeiture. Within three months after the expiration of such term the conditional purchaser shall make a declaration as to fulfilment of conditions. Nothing in the Principal or this Act shall be held to prevent or to have prevented a Local Land Board from extending for more than one year the term for the erection of fencing in respect of any conditional purchase or conditional or homestead lease.

Conversion of conditional leases into additional conditional purchases.

25. The holder of any conditional lease in respect of which no forfeiture shall have been incurred, may at any time apply for the whole or part of the land comprised under such lease as an additional conditional purchase or purchases, subject to all the provisions of the Principal Act and this Act as to the making of applications, available land, area, deposits, measurement, and all other conditions applicable to ordinary additional conditional purchases other than the condition of residence (except that nothing in the Principal Act shall be held to render any such additional conditional purchase invalid by reason only that the land may be situated in the Western Division); provided that the land so purchased shall not, with any conditional purchases of the same series, exceed one thousand two hundred and eighty acres in the Eastern, or two thousand five hundred and sixty acres in the Central or Western Division: And in all such cases the remaining area of such conditional lease may be held at a proportionate part of the rental thereof, although such lease may, when taken with the

Crown Lands.

the land conditionally purchased, exceed one thousand two hundred and eighty acres in the Eastern, and two thousand five hundred and sixty acres in the Central or Western Division. A refund of the rental shall not be granted, until after confirmation of the application for the additional conditional purchase, but, when granted, shall be calculated from the date of such application. Notwithstanding anything to the contrary in the Principal Act, no condition of residence shall be held to have attached or to attach to any land conditionally leased under sections forty-eight, fifty-two, or fifty-four of that Act; and, subject to payment of rent and fulfilment of any prescribed conditions, all conditional leases, whether granted before or after the commencement of this Act, shall have a term of fifteen years from the respective dates of their commencement.

26. Any applicant for, or holder of, land conditionally purchased since the commencement of the Principal Act (not being under section forty-seven thereof) may obtain a conditional lease, or additional conditional leases, to comprise an area not exceeding three times the area of such land, provided that the total area of land conditionally purchased and conditionally leased shall not exceed one thousand two hundred and eighty acres in the Eastern, and two thousand five hundred and sixty acres in the Central Division. In estimating the area which may be conditionally purchased and conditionally leased, all conditional purchases of the same series, and all land held by conditional lease by virtue of such conditional purchases shall be included, and the land which may be leased shall adjoin the land so conditionally purchased or conditionally leased. With any application for a conditional lease after the commencement of this Act a deposit of twopence per acre of the area applied for shall be paid to the Land Agent. Applications for conditional leases or additional conditional leases under this Act shall be made in the prescribed manner, and shall be dealt with as if the same had been made under the forty-eighth section of the Principal Act, and any conditional lease granted in pursuance thereof shall be deemed to have been granted under the said section, and the provisions of that Act shall, unless otherwise provided in this Act, apply to conditional leases granted after the commencement of this Act. All conditional purchases of the same series, and all conditional leases granted in virtue thereof, shall, for all purposes of residence, fencing, or improvement, be deemed to be one holding.

Conditional lease may be applied for not exceeding three times the area of the conditionally purchased land.

27. Measured Crown Land, upon being applied for as a conditional purchase or conditional lease, shall be taken in portions as measured, and if the area applied for or any part thereof is part of a measured portion, such portion may on approval by the Local Land Board be subdivided, and the applicant shall pay the cost of survey for such subdivision, provided that in either case the limitations and provisions as to form of measurement of unmeasured land hereinafter contained shall, as far as practicable, be held to apply to applications for measured land. For the purposes of this section land measured originally for conditional lease under the fifty-second section of the Principal Act may be held by the Local Land Board to be measured or unmeasured :—

Measurement of land applied for under conditional purchase or conditional lease.

- (1) No land shall be considered to be measured until the plan of the measurement shall have been approved by the District Surveyor, or an officer duly authorized by the Minister in that behalf, of which approval the signature of the District Surveyor, or such duly authorized officer on such plan shall be *prima facie* evidence. Provided that, where lands have been measured in pursuance of the provisions of the Principal Act, or any Act repealed thereby, and the plan of such measurement

Crown Lands.

measurement has been approved or accepted by the then Surveyor-General, or some other officer, such lands shall, for the purpose of the Principal Act or this Act or any repealed Act, be considered measured lands.

(II) Any land applied for as an original conditional purchase if unmeasured and having no frontage shall be measured in the form of a rectangle, the length of which shall not exceed twice the width; and if having frontage shall be measured with a breadth of frontage not exceeding one-half of the depth, and all such measurements shall have the boundaries, other than the frontage, directed to the cardinal points. And any additional conditional purchase or conditional lease shall not, together or in combination with any original or previous additional conditional purchase or lease, have a greater breadth of frontage or length than as hereinbefore provided for an original conditional purchase of an area equal to the aggregate area of such original and additional conditional purchases or conditional leases; but whenever it shall appear necessary or desirable, the Local Land Board may alter or modify the boundaries of any land applied for, or direct a measurement of the land as applied for, notwithstanding that such measurement may exceed the limitations or provisions of this section.

(III) The intervention of any road, not being a frontage or intended frontage road, between an original conditional purchase and any additional conditional purchase or conditional lease shall not be an objection to the measurement of the land applied for, and in every such case the additional purchase or purchases or conditional lease shall be measured as herein provided. But no additional conditional purchase or conditional lease shall be allowed of land not on the same side of any frontage road or water-course or other prescribed frontage as the purchase or purchases, by virtue of which such additional conditional purchase or conditional lease is applied for, unless all the available land on that side has been exhausted. In the latter case such additional conditional purchase or purchases or conditional lease may be measured on the opposite side of such frontage as hereinbefore provided.

No minimum rents except for special leases.

28. Notwithstanding anything to the contrary in the Principal Act, there shall not be any fixed minimum rental or fee for any lease (other than a special lease) or license granted before the commencement of this Act, and brought under the provisions hereof, or granted after such commencement: Provided that conditional leases and homestead leases applied for after the commencement of this Act shall respectively be subject to provisional rentals of twopence and one penny per acre pending determination of the rent in accordance with this Act.

Rents of leases to be subject to reappraisal.
Extension of term of leases in the Western Division.

29. All leases granted after the commencement of this Act shall be granted subject to the provisions hereof as amending the Principal Act. The holder of any pastoral or homestead or conditional lease granted before the commencement of this Act (other than of a pastoral lease in the Eastern Division) may bring his lease under the provisions hereof by making an application to the Minister within ninety days of such commencement. If no such application be made the lease shall continue to be dealt with as regards the rent thereof, and the term thereof shall, except in the case of conditional leases, remain as if this Act had not been passed. Subject to application as aforesaid, and to the due fulfilment of any conditions attaching thereto, pastoral or homestead

Crown Lands.

homestead leases in the Western Division shall be for terms of twenty-one years; such term being, in the case of a lease granted before the commencement of this Act, computed from the end of that year of the lease which may be current at the commencement of this Act; and in the case of a lease granted after the commencement of this Act, from the commencement of the lease. The term of twenty-one years shall in either case be divided into three periods each of seven years. The terms of pastoral leases in the Central and Eastern Divisions, save as hereinafter provided, shall not be affected or altered by this Act. The determination of the rent for any of the leases hereinbefore referred to, and of license fees for resumed areas in the Central or Western Division shall be subject to the following provisions:—

- (a) Subject to the provisions of section eighty-one of the Principal Act the Minister shall direct, upon application in the prescribed manner within ninety days from the commencement of this Act by the licensee of any resumed area in the Western or Central Division, that a reappraisement shall be made of the same; and in the case of a pastoral or homestead lease in the Western Division, the rent shall be separately determined or redetermined for each seven year-period of such lease.
- (b) In the case of a pastoral lease in the Central Division, so much of the first period thereof as, after the end of that year of the lease which may be current at the commencement of this Act, may then remain to run, shall for the purposes of this Act be joined with the second period thereof, and the rent shall be redetermined for such combined period.
- (c) In the case of a conditional lease granted after the commencement of this Act, the rent shall be determined for the whole term of the lease. And in the case of a conditional lease granted before the commencement of this Act, and brought under the provisions of this section, the rent shall be determined for such part of the term of the lease as may remain to run after the end of the year of the lease current at the commencement of this Act.

Provided always that nothing hereinbefore contained shall be construed to permit the redetermination of any rent or license fee which, under the provisions of the Principal Act, shall become or shall have become due for such part of a term as may precede or have preceded the end of that year of the lease or license which may be current at the commencement of this Act. And further provided that, pending determination, or redetermination, the lessee or licensee shall in every case continue to pay the provisional or the previous rent or fee; but when such determination shall have been made he shall be entitled to a refund of any sums paid in excess, or shall pay within the prescribed time any difference due to the Crown between the provisional or previous rent or fee and the rent or fee as determined or redetermined. And upon the application of any homestead or any pastoral lessee the Minister shall cause to be issued to him a lease for the land held by him, which lease shall be in the form prescribed, and shall be subject to a fee of twenty shillings.

30. Lands reserved from sale for towns or villages shall not be deemed by virtue of such reservations to be withdrawn from pastoral or homestead lease; but the proclamation of cities, towns, and villages, and the definition of the limits of suburban lands to be attached thereto, shall be held to withdraw and to have withdrawn such lands from any lease or license within the boundaries of which they may be situated from the date of such proclamation.

31. The holder of any pastoral lease may surrender his lease after having given the Minister not less than twelve months notice of his intention so to do, and such notice shall specify the date on which the surrender is intended to take effect.

32.

Effect of proclamation of cities, towns, &c.

Pastoral lease may be surrendered.

Crown Lands.

Reserve from lease
reverts on revocation
to pastoral leasehold.

32. Upon the forfeiture of any conditional or other purchase, or forfeiture or surrender of any conditional or other lease, or upon the revocation of any reserve from lease or license situated wholly within the external boundaries of any pastoral or homestead lease or occupation license, the land comprised therein shall (subject to the power of the Governor or the Minister to waive or reverse such forfeiture, or to cancel or modify such revocation) be added to the land under lease or license, and be included under such lease or license, and from the date of forfeiture taking or having taken effect or the notification in the *Gazette* of the revocation of the reserve, rent or license fee shall be payable for such unimproved lands at the same rate per acre as for the rest of the lease or license; and in respect of any land which may contain improvements the rent or license fee shall be determined in accordance with the provisions of section six of this Act. Any such forfeited or surrendered lands, situated wholly within the external boundaries of any reserve from sale, or lease or license, or reserve from conditional purchase, or of any population area, or special area, or suburban lands, or gold-field, shall be added to and form part of the same whether held under lease or license or not, and no specific notification of such reservation or addition as aforesaid shall be held to be necessary under the Principal Act or this Act; provided that where lands reserved or set apart as aforesaid are held under lease or license, any lands so added shall be also included under the lease or license, subject to payment as hereinbefore provided. The non-payment within the prescribed time of any sums due as aforesaid shall involve the forfeiture of the lease or license. In any case where any forfeited or other lands have been or shall be reserved from sale and from lease or license, under one notification for any public purpose, it shall be lawful for the Governor, by notification in the *Gazette*, to revoke any such reservation, or to limit, vary, or modify the same in respect of its extent, character, or effect.

Holder of pastoral
lease in the Eastern
Division to have
preferent right to
occupation license.

33. After the expiration of any pastoral lease in the Eastern Division, granted under the Principal Act, the lands theretofore subject to any such lease shall become and be dealt with as a resumed area; and the Governor may, in pursuance of the eighty-first section of that Act, issue licenses to occupy the same, subject to all the conditions in the said Act and this Act contained relating thereto, provided that any appraisalment of the license fee shall be made in accordance with this Act. The holder of any such expiring lease may, not less than six months before its expiration, apply for a license to occupy the Crown Lands theretofore held by him under such lease; and after expiration of the lease as aforesaid the same shall be granted to him, and shall commence from the date of such expiration; provided that at the time of making the application all arrears of the rent of such pastoral lease shall have been paid up, and within three months thereafter there shall be lodged with the Colonial Treasurer, as provisional license fee, a sum calculated at the same rate per section of six hundred and forty acres of the estimated area as may be payable for the area originally resumed, if the applicant shall occupy the same, but if not, then at the rate of two pounds per section, and the said provisional license fee shall continue to be payable until an appraisalment shall have been made and the license fee fixed thereunder duly notified; after an appraisalment of the license fee shall have been made the difference between the provisional license fee and the fee so appraised shall be paid to or by the licensee in the prescribed manner, subject, in default of his paying any deficiency, to a forfeiture of the license. If application and payment of the provisional license fee shall not have been made as aforesaid, the right to occupy the said lands may be disposed of by auction or tender, or the lands may be otherwise

Crown Lands.

otherwise dealt with under the provisions of the Principal Act and this Act. Crown Lands not held under lease or license, and not reserved from lease or license, shall be open to annual lease in the prescribed manner, and the first applicant shall have a right to an annual lease of the land applied for (subject to modification by the Board) on payment of such rent as the Land Board shall determine as provided by this Act. Any such annual lease shall commence from the date of allotment or approval by the Board, and shall be subject to the provisions of section eighty-five of the Principal Act: Provided that no such application made after any of the land applied for shall have been notified in the *Gazette* for lease by auction or tender shall prevent the land from being let as so notified.

34. After the commencement of this Act the area which may ^{Homestead leases.} be granted and held under a homestead lease shall not, except as provided in section thirty-two hereof, exceed ten thousand two hundred and forty acres, and shall not, subject to the provisions hereinafter contained, be less than two thousand five hundred and sixty acres; and any applicant for or holder of a homestead lease, whether applied for before or after the commencement of this Act, may in virtue thereof obtain additional homestead leases adjoining the land comprised in the original or any prior additional homestead lease, provided that the total area of such original and additional leases shall not exceed the maximum area allowed by this section. Applications for additional homestead leases shall be made in the prescribed manner, and shall not be received for less areas than two thousand five hundred and sixty acres, unless such an area is not available or cannot be taken up without causing the aforesaid maximum area to be exceeded; in no case, however, shall an application for an additional homestead lease of less than six hundred and forty acres be received. The term and periods of any additional homestead lease shall determine at the same respective dates as the term and periods of the original homestead lease, and the surrender or the forfeiture (otherwise than for non-payment of rent) of the original shall involve the forfeiture or surrender of all additional leases; and no additional homestead lease shall be granted in virtue of an original homestead lease which has not been granted subject to or brought under the provisions of this Act. And any original and additional homestead leases may for all purposes of residence and fencing be held to be one homestead lease; but no additional homestead lease shall be transferred apart from the original, or *vice versa*, unless and until the prescribed condition of residence has been fulfilled. Nothing in this or the Principal Act shall prevent any homestead lease being transferred by way of mortgage or security, at the risk of the transferee, before the expiration of the prescribed term of residence subject to the conditions of the lease being fulfilled by the owner, subject to such mortgage or security. The provisions of section one hundred and twenty-five of the Principal Act shall be held to extend to homestead leases; and notwithstanding anything in that Act, notice by an applicant of his non-acceptance of any homestead lease, applied for before or after the commencement of this Act, shall not entitle him to a refund of deposit, unless, in the opinion of the Minister, the land approved to be leased differs materially in form or situation from that applied for; and if the applicant shall have occupied or made use of any land by virtue of his application, the Minister may refuse to accept any such notice of non-acceptance: Provided that the acceptance by the Minister of any such notice shall take effect on notification in the *Gazette*. Any allotted lands which are not described in the original application shall for the purposes of withdrawal and right of impounding in respect of the same under the provisions of section twelve of this Act,

^{General provisions as to homestead leases.}

Crown Lands.

Act, be deemed to have been applied for on the date of notification in the *Gazette* of approval of the lease. Nothing in the Principal Act shall be held to prevent the Local Land Board from granting an exemption from fencing any natural or other boundary of land held under homestead lease. The lease may be surrendered on giving the Minister not less than twelve months notice; and if any rent due thereon be not paid within the prescribed time, or if any condition attaching thereto be not fulfilled, any homestead lease shall be liable to forfeiture; and forfeiture shall take effect thirty days after notification thereof in the *Gazette*. And on any determination of any homestead lease, the land comprised therein may be leased as a homestead lease by auction or tender, or otherwise disposed of, in accordance with the provisions of the Principal and this Act. The holder of a homestead lease shall, after the commencement of this Act, reside continuously thereon for six months of each year of the prescribed term of residence, and shall, prior to the date of commencement of residence during any year, notify the Local Land Board to that effect; and such notice shall specify the date from which he intends to reside. Notwithstanding anything to the contrary in section one hundred and twenty-four of the Principal Act, any minor of or above the age of sixteen years (and not being a female) may be a homestead lessee, and shall be subject to the liabilities and have the rights provided in section one hundred and twenty-three of that Act, which section shall be held to extend to the holders of homestead leases.

Scrub-lands may be
declared and leased.

35. The Minister may, upon the recommendation of the Local Land Board, by notification in the *Gazette*, declare any Crown Lands wholly or partly covered by scrub or noxious undergrowth to be scrub-lands; and may, on the recommendation of the Local Land Board, and notwithstanding anything in the "Prickly Pear Act" contained, grant leases of such lands on application, or sell the same by auction or tender at such times and places and under such conditions and for such terms not exceeding twenty-one years as he may deem desirable. Lands so declared to be scrub-lands shall not until leased in accordance with this section be withdrawn from any lease or license under which they may at the time be held; and no scrub-lease of lands within the outside boundaries of land held under pastoral lease or homestead lease shall be granted to any person but the holder of such pastoral or homestead lease, in which case such scrub-lease shall not be for a longer term than the unexpired term of such pastoral or homestead lease, and the term of a scrub lease may be divided into such periods as the Minister shall fix, and the rent for the second or any succeeding period shall be determined in accordance with section six of this Act. And the Minister, notwithstanding anything in this Act or in the Principal Act contained, may, on the recommendation of the Local Land Board, either before or after granting any such scrub-lease, cause the rental of the remainder of the land held under pastoral or homestead lease to be reappraised and redetermined. Provided that no pastoral or homestead lessee shall hold or cause to be held on his behalf, or in his interest, any scrub-lease, except within the land held under lease by himself. The applicant for any scrub-lease shall pay the cost of survey thereof, or in the event of his withdrawing his application, all costs of survey, reports, or inquiry incurred in dealing therewith. And all such leases of scrub-lands and any scrub-leases granted after the commencement of this Act in pursuance of applications made under the Principal Act shall be subject to the general provisions here following—

- (1) Every such lease shall, if granted in pursuance of an application or by tender, commence from the date of the notification in the *Gazette* of the Minister's approval of the application or acceptance

Crown Lands.

- acceptance of the tender ; and, if sold at auction, shall commence from the date of sale. And the land held thereunder shall (subject to the provision for withdrawal contained in section seventy-eight, subsection (vii) of the Principal Act, which shall be held to apply to scrub-leases) during the whole currency thereof be unavailable for purchase or lease.
- (ii) Rent for the first year of the lease shall together with the cost of survey, be paid within one month from the date of the notice in the *Gazette* specifying the amount thereof ; and the rent shall for succeeding years be paid annually in advance on or before the last day of the current year of the lease.
 - (iii) Every holder of a scrub-lease shall, as conditions of his lease, be required to take all such steps as the Local Land Board shall from time to time, subject to appeal, direct, for the purpose of destroying such scrub as may be specified in his lease or promise of lease, in and upon the land under scrub-lease, or in and upon any land within the boundaries of the lease, or in and upon any reserves or roads within such boundaries ; and when so destroyed to keep such land free from the same ; and shall commence to destroy the same within three months after the commencement of the lease. And if rent thereon shall not be paid within the time allowed, or if in the opinion of the Minister, after report by the Local Land Board, subject to appeal, the holder shall have failed to comply with any condition of his lease, the Minister may, by notification in the *Gazette*, declare such lease to be forfeited ; and all improvements on such lands shall be the property of the Crown.
 - (iv) Any land held under scrub-lease shall, on the forfeiture or surrender thereof, be added to the lands held under lease or license within the boundaries of which it may be situated, and rent therefor shall be payable at such rate per acre as may be determined by the Local Land Board, and shall form part of the rent payable for such lease or license, which shall be liable to forfeiture if the rent for the added lands be not paid as prescribed.
 - (v) If a pastoral lease or homestead lease be held in conjunction with a scrub lease, neither of such leases shall be transferred separately.

36. The Minister may, upon the recommendation of the Local Land Board, lease by auction any Crown Lands not being under pastoral or conditional lease, which may be usually covered with snow for a part of each year and unfit for continuous use or occupation. Such land shall be leased in areas of not less than one thousand two hundred and eighty or more than ten thousand two hundred and forty acres, and during the currency of the lease shall be exempt from sale or other lease under the provisions of the Principal Act or this Act. Every such lease shall commence from the day of sale, and shall withdraw the land from any annual lease or license under which it may be held, and rent therefor shall be paid annually in advance not later than the last day of each year of the lease, subject in default to forfeiture, by notice in the *Gazette*. No right of impounding any stock of the outgoing licensee or lessee shall vest in the holder of a lease under this section until one month after the commencement of such lease. The prescribed fee for the survey of the land and the first year's rent shall be paid by the purchaser at the time of sale, and upon default the lease may there and then be reoffered for sale. The lease shall have a term of seven years, and at the expiration thereof the lessee shall have a right of extension for a term of three years,

Leasing of snow
lands.

subject

subject to the payment of such annual rental as may be determined in accordance with the provisions of this Act, provided that he shall have notified to the Minister at least twelve months prior to the expiration of such term his intention of claiming such extension; and the Minister may determine any such lease by giving the lessee notice to that effect not later than one year prior to the date on which the term shall expire. Provided further that not more than two of any such leases shall be held by, or in the interest of, one person.

Leases of inferior
lands.

37. The Minister may, after report by the Local Land Board, lease by auction or tender for a period not exceeding twenty years such vacant lands in the Eastern, Western, or Central Division as, in consequence of their inferior character, or isolated positions, may not have been held under any tenure, or having been held have been abandoned, subject to the following provisions—

- (I) Such leases shall be subject to such conditions as may be specified in the *Gazette* notice offering the land on lease.
- (II) No such lease shall be sold by auction, nor shall any tender be accepted, until after the expiration of thirty days from the date of such notice, but when sold or granted shall commence from the date of sale or notification of acceptance of tender as the case may be.
- (III) The upset rental shall be determined by the Minister after report by the Local Land Board.
- (IV) The amount bid at auction, or offered by an accepted tender shall be the annual rental of the lease; and shall be paid, if the lease be sold at auction at the time of such sale, but if upon tender, within sixty days after the notification in the *Gazette* requiring payment thereof. If the rent be not paid within the time allowed, the lease and any amounts paid may be forfeited by notice in the *Gazette*. And any lease sold at auction, the price bid for which shall not forthwith be paid, may there and then be reoffered for sale.
- (V) Tenders shall be made in the form prescribed; and shall describe the land applied for in terms of the notice calling for tenders; and shall be accompanied by a receipt showing that a sum of two pounds has been paid to the Land Agent or Treasury as a deposit thereon. Such deposit paid by a person, whose tender may be accepted, shall be credited on account of the first year's rent, and the rent for the ensuing year shall in all cases be paid on or before a date corresponding to the date of commencement of the lease.
- (VI) A lease of any such land which may have been offered at auction and not bid for may be obtained on application to the Land Agent, and upon payment of the required upset rent in accordance with subsection (III) of this section; or the lease may be again submitted to auction unless the land shall have been previously otherwise dealt with.
- (VII) Upon application being made by any person for the submission of land to lease under this section the Minister may demand such amounts as may seem necessary to cover the expenses of report in connection therewith.
- (VIII) If the Minister shall be satisfied, after inspection by an authorized officer and report by the Local Land Board, that the holder of any such lease has failed or is failing to fulfil any condition of his lease, such lease, together with any amounts paid, may by notification in the *Gazette* be forfeited.

Annual leases.

38. The Minister may at any time cancel any annual lease, by giving not less than three months notice in the *Gazette* or otherwise of his intention to do so, such notice to terminate at the end of the then current year.

Crown Lands.

39. The Governor may, by notification in the *Gazette*, reserve any land therein described from being sold or let upon lease or license in such particular manner as may be specified in such notification; and the land shall thereupon be temporarily reserved and exempt from sale or lease or license accordingly, and, unless expressly otherwise declared, shall not be reserved or exempt from sale or lease generally. Provided that the Minister may, by notification in the *Gazette*, revoke or modify any such reserve or any reserve made before the commencement of this Act, and such revocation or modification shall, in respect of any reserve from sale, take effect in accordance with section one hundred and two of the Principal Act, and, in respect of any reserve from lease or license, at the date of the notification as aforesaid. No dedication or reservation made before or after the commencement of this Act shall be held to have been or to be invalid by reason of the land being already reserved at the date of such dedication or reservation, or by reason of the revocation of any other reservation including wholly or in part the same land.

Reserves from lease
or license.

40. Notwithstanding anything contained in section four of the Principal Act population areas may be defined with boundaries other than lines directed to the cardinal points, and shall be held to be and to have been revocable under section one hundred and two of that Act; and lands held under lease or license, cities, towns, villages, and suburban lands attached thereto, or measured portions, which may be situated within any Division or Land District, or partly within two Divisions or two or more Land Districts, may, by proclamation in the *Gazette*, be declared to be wholly within any one Division or Land District; and upon such proclamation the boundaries of such Divisions or Land Districts shall be deemed to be sufficiently altered and defined for the purposes of sections eight and nine of that Act.

Population areas, &c.

41. The provisions of section one hundred and five of the Principal Act shall be held to apply and to have applied to Crown Lands which shall have been or shall be dedicated and granted by the Crown, and to any lands which, after grant by the Crown, shall have been or shall be resumed, purchased, or otherwise acquired by the Crown, and dedicated or granted for any purpose. And upon revocation under the provisions of the said section as amended herein, of any dedication, or grant and dedication, the lands shall forthwith be vested in Her Majesty, her heirs and successors, and shall become Crown Lands within the meaning of the said Principal Act and of this Act.

Revocation of grants
and dedications.

42. If at any time it shall be deemed expedient to open a road, canal, or cutting for irrigation purposes, through any land conditionally purchased or conditionally or otherwise leased or held in fee simple, it shall be lawful for the Governor by notification in the *Gazette* to resume so much of the land as may be required for the purpose, and in the like manner at any time to proclaim the same: Provided that no such resumption shall be made until the expiration of one month from notice in the *Gazette* and in one or more newspapers published or circulated in the Land District wherein is situated the land as well as notice by letter to the reputed proprietors or occupiers of the said land addressed to their last known abode or place of business of the intention to resume, during which time any person feeling aggrieved may address to the Minister any objection he may have thereto. Subject to the provisions herein contained, a refund shall be granted of any moneys paid on account of the land so resumed; but in any case where the resumed land shall have been held in fee simple, or be a conditional purchase or conditional lease, the value thereof shall be appraised by the Local Land Board, subject to appeal and the provisions of the sixth section hereof; and such value, or if any land shall be granted in part satisfaction as herein provided, the difference between

Resumption for
road.

Crown Lands.

Where new road
opened old to be
taken as compensa-
tion.

between such value and the value of the granted land to be appraised in the like manner shall be paid by the Crown. Where the opening of a new road, or the diversion of an existing road, renders unnecessary an existing road through the land from which the resumption may have been made, such last-mentioned road, or any part thereof, may be leased or granted in full or part satisfaction to the owner of the land traversed by the new road, or if the road so rendered unnecessary be a boundary-road, it may be leased or granted in like manner, or an equivalent area of adjoining Crown Land, if available, may be leased or granted to such owner in lieu of the new or diverted road. And any road so leased or granted in satisfaction as aforesaid shall be freed and discharged from any rights of the public as to the same. No land shall be resumed under the provisions of this section which may be situated within two hundred yards of any dwelling-house if attached thereto and used in connection therewith, as a yard, garden, orchard, plantation, park or avenue, unless the owner of such lands consent to the same being so resumed, or the purposes of the resumption cannot be otherwise secured. Any surveyor or other person duly authorized in that behalf may, for all purposes of this section, enter upon any lands proposed or liable to be resumed thereunder, and do all things necessary thereon without obstruction or resistance.

Extension of pastoral
and homestead leases.

43. Upon application being made in the prescribed manner by the holder of any homestead lease or of any pastoral lease in the Central or Western Division for an extension of such lease, the Land Board shall hold an inquiry as to all permanent improvements existing upon the land held thereunder, exclusive of all improvements forfeited or belonging to the Crown. Provided that such application shall be lodged within ninety days prior to the commencement of the last two years of the current lease, and shall be accompanied by a deposit of twenty pounds to cover the expenses of dealing therewith. The Board shall before the commencement of the last year of such lease find and report—

- (I) The value of such improvements.
- (II) Whether or not they have been made *bonâ fide* and with intent to increase the carrying capacity, benefit, or profit of the land for pastoral purposes.
- (III) Whether or not the land has been materially benefited thereby.
- (IV) Whether or not in consideration of such improvements an extension of the term of the lease should be granted, and if so, for what term.

The Board shall thereupon make a recommendation to the Minister, who may either accept the same or refer it to the Land Court. The procedure in connection with any such reference shall, *mutatis mutandis*, be the same as that prescribed by section six of this Act in connection with appraisements. The Land Court may, on any appeal or reference in the premises, sustain, vary, or reverse any finding or recommendation of the Board, and its final or ultimate recommendation shall be carried into effect by the Minister. No extension for more than five years shall be recommended or granted of any pastoral lease in the Central Division, or for more than seven years of a homestead or pastoral lease in the Western Division; and nothing in this or the Principal Act shall be construed to permit any second, further, or other extension than is provided in this section. The lease shall, during any such extended term, be held upon the same conditions, and at the same rate of rental as prior to the extension; and pending notice in the *Gazette* either of approval or refusal of any extension the previous lease shall be held to continue. Upon the expiration (by effluxion of time or otherwise) of the term or extended term of any homestead lease, or of any pastoral lease in the Central or Western Division

Crown Lands.

Division, all improvements on the land theretofore held under such lease, whether made before or after the commencement of the Principal Act, shall become the property of the Crown, and no compensation shall be payable therefor to the outgoing lessee; provided, however, that if an extension of any pastoral lease in the Central Division shall not be applied for, or, if applied for, shall not be granted, or if the application shall have been withdrawn within thirty days from the date of the publication of the report of the said Board, the holder of such lease shall, upon application within the prescribed time, accompanied by such provisional license fee as is required by section thirty-three of this Act, and subject to the general provisions of that section, be entitled to a preferential occupation license of the land theretofore held under lease, and if such license be obtained, any improvements on the land, other than such as may have been forfeited or forfeitable to or vested in the Crown, shall be dealt with under the provisions of section forty-four of this Act, in the same manner as improvements on lands in the Eastern Division held under occupation license in pursuance of section thirty-three of this Act. Upon the expiration of the term, or extended term, of any pastoral lease, the lands comprised thereunder, if not subject to and applied for under preferential occupation license, may be offered by auction or tender under occupation license, or otherwise dealt with as vacant lands. Lands held under any such pastoral lease which may have been or which may be forfeited or surrendered may be relet under pastoral lease by auction or tender, for the unexpired portion of the forfeited or surrendered term, upon such conditions as to periods of appraisement of rent or otherwise as may be determined by the Minister, or may be offered by auction or tender under occupation license or otherwise dealt with as vacant lands. After forfeiture or surrender of any pastoral lease as aforesaid, the lands shall not be deemed to be Crown Lands, and shall not be available as such until after notification in the *Gazette* that the same may be so dealt with.

41. Any improvements made upon any lands the purchase or lease or license of which has become forfeited, surrendered, or has expired, before or after the commencement of this Act, or have been made under colour of any application which may have been or which may be forfeited, disallowed, or withdrawn, shall (except as provided in section forty-six of this Act) be the property of the Crown. No Crown Land shall be exempt from conditional or other purchase or from any lease or license by reason only that it contains improvements, but the purchaser or lessee shall pay for such improvements at their value. No improvements to bar conditional purchase, lease, &c., subject to payment of their value. Provided that when any land containing improvements shall be let under annual lease or occupation license the lessee or licensee shall not be called upon to purchase such improvements, but may be charged rent or license fee for the use thereof, to be ascertained by auction or tender, or in manner herein provided for the determination of their value. Where the improvements belong to the Crown, their value shall be appraised by the Land Board, subject to appeal, and shall be paid for within such periods and in such amounts as such Board or the Land Court shall determine, but where the improvements do not belong to the Crown, their capital or annual value shall be paid by agreement between the parties, or failing such agreement (and on application by either party in the prescribed manner, accompanied by a deposit of ten pounds to cover the cost of dealing therewith), as appraised by the Land Board, and within such periods and in such amounts as the Board shall determine, subject to appeal under this Act. Improvements within the meaning of this section may include fencing, but shall be such as in the opinion of the Board are of a permanent, fixed, and substantial character, and necessary

Crown Lands.

necessary for the profitable occupation of the land; and before the determination of the value thereof, such of them as are of a removable nature, may, with the permission of the Board, be removed by the owner, who, upon permission being granted, shall have full power by himself or his agents to enter upon the land within such period as the Board may allow, and to do all things necessary to effect their removal. The value of any improvements on land sold at auction shall be added to the upset price, and when not the property of the Crown shall be refunded to the owner. In cases where improvements may have been, or may be made through misapprehension as to the boundaries of land, or for any sufficiently reasonable cause, and the land containing them has been, or shall be purchased or held under lease or license by the owner of such improvements, it shall be lawful for the Minister, after report by the Land Board, to remit the value to such owner. In any case in which the purchaser or lessee of land containing improvements has failed, or shall fail, to pay for them within the period allowed, his purchase or lease shall (together with all moneys paid in connection therewith) be liable to forfeiture by notice in the *Gazette*. Nothing in this Act shall be construed to vest in the Crown any improvements upon land held under a pastoral lease in the Eastern Division, which having expired by effluxion of time shall, under the provisions of section thirty-three of this Act, be converted into an occupation license if the said improvements shall not at the date of such expiration have been forfeited or forfeitable to or vested in the Crown. No lease or license which may be renewed or extended shall whilst any renewal or extension continues be deemed to have expired within the meaning of this section.

Protection of artesian wells.

45. Upon application in the prescribed manner (accompanied by a deposit of ten pounds to cover the expenses in dealing therewith) for permission to bore and search for water in any land in the Western Division, held by the applicant under occupation license or annual lease, the Minister may, by notice in the *Gazette*, set apart an area not exceeding ten thousand two hundred and forty acres in one block on the resumed area. Upon publication of such notice the land therein described shall be held to be temporarily exempt from sale or lease under this or the Principal Act to other than the applicant, but shall not be withdrawn from the occupation license or annual lease; and within sixty days after such notice the applicant shall commence to bore and search for water on such land, and shall forward to the Chairman of the Land Board by registered letter notice verified by statutory declaration of his having done so; and the work of boring and searching as aforesaid shall be continued until water be found, or until it appear to the Minister that the work cannot be pursued with reasonable hope of success or profit. Within fourteen days after the discovery of water, the licensee or lessee shall, by registered letter, notify the fact to the Chairman of the Local Land Board, and the said licensee or lessee shall, on approval by the Governor, become entitled to a lease for such a term as may be determined, not exceeding the unexpired term of the current pastoral lease of the leasehold area of the pastoral holding; and the rental of such area shall be at the rate then payable upon the land held under such occupation license or annual lease. If the applicant shall fail to forward any prescribed notice, or if the Minister shall consider that the application has not been made *bond fide*, or that reasonable efforts have not been or are not being made to discover water, or that any water discovered is not sufficiently permanent, or that the quantity is not sufficiently great, he may withdraw the notice aforesaid, or the Governor may cancel the lease, and upon publication in the *Gazette* of notice of such withdrawal, or cancellation, the temporary exemption from sale or lease of such land, and the lease thereof, shall be held to be annulled

Crown Lands.

annulled. Provided that not more than one such area shall be leased under the provision of this section out of each sixty-four thousand acres of an occupation license, and not more than three such areas shall be leased hereunder in respect of one and the same occupation license. Provided further that upon approval of the Minister all artesian wells heretofore made may be brought under the provisions of this clause on application within ninety days after the commencement of this Act.

46. It shall be lawful for the Governor to accept from the holder of any pastoral lease a surrender of any portion of land which may be situated within the leasehold or resumed area, and of which he holds a grant, or is entitled to demand a grant, and to assure to him, by way of exchange for the land so surrendered, an equal area within the leasehold area. After the acceptance of such surrender, the land shall, upon proclamation in the *Gazette*, and not before, become Crown Land for the purposes of the Principal Act or of this Act, and may, by notice in the *Gazette*, be added to any adjacent land held under lease or license, subject to the provisions of section thirty-two of this Act, and any improvements thereon shall, notwithstanding the surrender, remain the property of the surrenderor, subject to the provisions of section forty-four of this Act. The lessee shall pay all costs and fees incurred in respect of the surrender and exchange of such land. Provided that, if the land applied for by way of exchange is measured land, and is, in the aggregate, less than forty acres in excess of the land surrendered, such excess area may be granted to the lessee at a price to be determined in accordance with section six of this Act. And the Governor may acquire, for the purpose of access or approaches to any natural water, tank, or dam, or for a road, or travelling stock route, or camping reserve, or watering-place, or for any like purpose any land of any tenure, either by way of purchase or by granting in fee simple, or for any less estate, any Crown Land of equal value in exchange for such land. And any land so acquired shall thereupon be deemed to be reserved from sale and lease, and may, on revocation of the reserve be dealt with, in accordance with the Principal or this Act. The Local Land Board shall inquire into, and report upon any application or proposal for the exchange or purchase of any land under the provisions of this section, and the value of any land acquired or granted thereunder shall be determined in accordance with section six of this Act. And the Governor may make all grants of lands exchanged for the purposes of this section.

47. Any married woman who shall, under an order for judicial separation made by any Court of competent jurisdiction, be living apart from her husband, may, out of moneys belonging to her for her separate use, purchase or lease land, conditionally or otherwise; and such land shall form part of her separate estate, and she shall have the same powers of dealing with, and disposing of the same, both at law and in equity, as if she were a *femme sole*, and her husband shall not be entitled to any interest in such land as tenant by the curtesy or *jure mariti*. Except as aforesaid a married woman shall not be entitled to lease or conditionally purchase Crown Land under the Principal Act or this Act. Provided that nothing herein contained shall disentitle a married woman from holding any purchase or lease which may have devolved upon her under the will or intestacy of any deceased holder; and further provided that if any conditional purchase has been or shall be made by an unmarried woman, and she shall afterwards marry she may continue to hold the same, and may make any additional conditional purchase or conditional lease during her coverture by virtue of any such conditional purchase or purchases. But if she shall have married, or shall marry, prior to the completion of the term of residence required for her conditional purchase it shall be a sufficient compliance

Surrender and
exchange of land, &c.

Rights of married
women and minors.

Crown Lands.

compliance with the Principal Act or this Act (so far as residence is concerned) if she shall have resided or shall reside, for the remainder of such term, either upon her conditional purchase or upon any conditional purchase held by her husband, for which his term of residence may not at the time have been completed; or the husband may complete any term of residence required for his conditional purchase upon any conditional purchase held by his wife for which her term of residence may not at the time have been completed. In either case notice as prescribed shall be forwarded to the Chairman of the Land Board of the conditional purchaser's intention so to reside. Provided also, that in all cases where a minor shall have conditionally purchased land adjoining land held as a conditional purchase or conditional lease by the parent or parents of such minor, such minor may, up to the age of twenty-one years if a male, or twenty-four years if a female and unmarried, continue to reside with his or her parents on such adjoining land, on making a declaration in the prescribed form to the Local Land Board of the intention of such minor so to reside; and such residence, if continuous and *bonâ fide*, shall be deemed to be a fulfilment of the conditions of residence within the meaning of the Principal Act and of this Act. For the purposes of this section the word "adjoining" shall be deemed to include lands separated by roads or creeks or by conditional purchases or leases held by any child of the same parent.

Residential lease may be granted to holder of miner's right or mineral license.

48. It shall be lawful for the Governor, on the recommendation of the Warden of any gold-field, to grant leases for periods not exceeding fifteen years of areas not exceeding ten acres of Crown Land within gold and mineral fields to any holder of a miner's right or mineral license for the purpose of *bonâ fide* residence, upon such terms and conditions as to rent, cost of survey, term of lease, erection of fences and buildings, and upon such other provisions for the protection of the public interest as may be prescribed.

Suits by the Crown for recovery of rents, &c.

49. It shall be lawful for the Minister for Lands to bring under that name, and as nominal plaintiff on behalf of the Crown, any suit or action for the recovery of arrears of rent or of any other sums which under any repealed Act or the Principal Act or any Amending Act or this Act may be due to the Crown. And no such suit or action shall be prejudiced or abate or require amendment merely because after the commencement thereof the Minister who brought the same may have gone out of office or because another Minister may have been appointed, or the office may for the time being be vacant: Provided that costs may be given for or against such plaintiff in the same way as in any ordinary suit or action. And it shall be lawful for the Minister for the purpose of recovering arrears of rent due to the Crown, to exercise by any duly authorized agent such powers of distress as are now given by law to any landlord.

Acts of Surveyor-General to be done by officer authorized in that behalf.

50. When in this or the Principal or any other Act it is provided that certain acts or things shall or may be done, or directions shall or may be given by the Surveyor-General, such acts or things, may be done and such directions may be given by any officer duly authorized by the Minister in that behalf.

Action under previous Acts not to be interfered with.

51. The alteration, remission, or abrogation by this Act of any conditions with respect to any application, purchase, or lease shall not, unless otherwise expressly declared, necessitate the alteration or reversal of any action taken, prior to the commencement of this Act, in pursuance of the Principal Act or any repealed Act.

Survey of leasehold and resumed area and settlement of disputed boundaries.

52. The Minister may direct the survey of the boundaries or portions of the boundaries of any land held under pastoral lease or occupation license; and if such survey be made at the request of the lessee or licensee, may demand from the lessee or licensee the whole or any part of the cost thereof; and, in default of payment of such sum within

Crown Lands.

within sixty days after notification of the demand in the Gazette, such lessee or licensee shall become liable to the same penalties as attach to non-payment of his rent or license fee. And if at any inquiry or proceeding before a Local Land Board concerning any application to purchase or lease Crown Lands, any question or dispute shall arise as to the extent or boundary or boundaries of any land comprised in any lease or license, it shall be competent for such Board thereupon to inquire into the matter and recommend for the approval of the Minister (subject to appeal) any adjustment of such boundary or boundaries which may appear reasonable; or such adjustment of boundaries may, subject to the ultimate approval of the Minister, be determined by agreement between the parties; and for this purpose, the description of any land applied for as aforesaid may be modified to conform with the boundary or boundaries so determined; and any such boundary or boundaries approved by the Minister as aforesaid shall, for the purposes of the Principal Act or this Act or of any repealed Act, be held to be the boundary or boundaries of such pastoral lease or occupation license or other lands applied for. And the Minister may refer to the Local Land Board for inquiry any question, or dispute, which may have arisen, or may arise, in respect of the boundaries of any land held under lease or license, and the Board shall in due course deal therewith; provided that in any case the Board may make such order as it may deem fit touching the cost of such inquiry, and of any survey which may be deemed necessary, which shall be borne by such persons and in such proportions as the Board may direct.

53. Whenever in this Act the word "prescribed" is used in connection with any matter referred to in the context, and whenever, in any section of this Act, "regulations" are mentioned in connection with any such matter the Governor may in every such case frame regulations for the purpose of giving effect to the provisions of such section. And, for the purpose of carrying this Act into full effect generally, the Governor may make regulations, which shall, upon being published in the *Gazette*, be good and valid in law; and for the purpose of regulating proceedings before the Land Court, it shall be lawful for the Governor to make rules for the time and mode of procedure, and for the general practice of such Court, which shall, upon being published in the *Gazette*, be binding upon such Court, and upon the parties to any proceedings therein as the rules of the Court of Equity are binding upon that Court and the parties suing therein. Provided that a copy of all such regulations and rules shall be laid before both Houses of Parliament within fourteen days from the publication thereof if Parliament be then in Session, or otherwise within fourteen days after the commencement of the next ensuing Session.

Power to make
regulations and rules.

Crown Lands.

FIRST SCHEDULE.

Title of Act.	No. of Section.	Extent of Repeal.
The Crown Lands Act of 1884...	Section 18	The whole.
The Crown Lands Act of 1884...	Section 19	The whole.
The Crown Lands Act of 1884...	Section 21	Subsection (ix), except the words "And for the purposes of this section it shall be immaterial whether the proclamation, dedication, reservation, setting apart, notification, lease, or application herein mentioned in connection with any such lands was made under any repealed Act or under this Act"
The Crown Lands Act of 1884...	Section 27	The words "but if more than one application and deposit for the same land, or any part thereof, be tendered to the Land Agent at the same time, he shall, unless all the applications but one be forthwith withdrawn, proceed to determine by lot in the prescribed manner which application shall be received"
The Crown Lands Act of 1884...	Section 29	The whole.
The Crown Lands Act of 1884...	Section 41	The whole.
The Crown Lands Act of 1884...	Section 49	The whole.
The Crown Lands Act of 1884...	Section 50	The whole.
The Crown Lands Act of 1884...	Section 53	The whole.
The Crown Lands Act of 1884...	Section 55	The whole.
The Crown Lands Act of 1884...	Section 56	The whole.
The Crown Lands Act of 1884...	Section 59	The whole.
The Crown Lands Act of 1884...	Section 69	The whole.
The Crown Lands Act of 1884...	Section 78	Subsection (viii).
The Crown Lands Act of 1884...	Section 79	The whole.
The Crown Lands Act of 1884...	Section 82	The whole of subsection (i).
The Crown Lands Act of 1884...	Section 83	The whole.
The Crown Lands Act of 1884...	Section 86	The whole.
The Crown Lands Act of 1884...	Section 87	The whole.
The Crown Lands Act of 1884...	Section 88	The whole.
The Crown Lands Act of 1884...	Section 100	The whole.
The Crown Lands Act of 1884...	Section 102	The words "Provided further that the Governor may, by notice in the <i>Gazette</i> , declare that any land exempt from conditional purchase under the repealed Acts on account of the population of any city, town, or village shall not be so exempt, or he may in like manner increase, reduce, or modify the boundaries of the area so exempt."
The Crown Lands Act of 1884...	Section 110	The whole.
The Crown Lands Act of 1884...	Section 135	The words "Provided also that the Governor may, by notice in the <i>Gazette</i> , reserve such forfeited land from sale or lease or may annex it to the holding (if any) within the boundaries of which it may be situated at the time of forfeiture, and in such case rent therefor shall be payable thereafter at the same rate as is charged for the holding to which it is annexed"
The Crown Lands Act of 1884...	Section 140	The whole.
The Crown Lands Act Further Amendment Act.	Section 12	The whole.

Crown Lands.

SECOND SCHEDULE.

- Section 13. The words "or the Land Court" are added after the word "Minister."
- Section 14, subsection (vi). The words "Land Court" are substituted for the word "Minister."
- Section 14, subsection (vii). The words "Land Court which" are substituted for the words "Minister who" and the word "it" is substituted for "him"
- Section 14, subsection (ix). The words "or the Land Court" are added after the word "Minister."
- Section 25. The words "reasonable distance" are substituted for the words "distance of at least sixty chains"
- Section 30. The words "and within the prescribed time" are added after the words "in the prescribed manner."
- Section 35. The words "Land Agent" are substituted for the words "Local Land Board."
- Section 39. The words "or the Land Court" are added after the words "Local Land Board."
- Section 39. The words "or are not being" are added after the word "been"; the words "or lessee" are added after the word "purchaser"; the words "or lease" are added after the word "purchase."
- Section 43. The words "or improvements" are added after the word "fencing."
- Section 47, subsection (iii). The word "price" is added after the word "deposit."
- Section 93. The words "or licensee" are added after the word "lessee"; and the words "or land held under license" are added after the words "leasehold land."
- Section 94. The words "or licensee" are added after the word "lessee."
- Section 109. The words "in the prescribed manner" are substituted for the words "by the Minister upon the recommendation of the Local Land Board."
- Section 115. The words "or permits" are added after the first word "rights"; the words "live or dead" are added after the word "remove"; and the words "or timber or other reserves, or Crown Lands, whether held under lease or license or not" are substituted for the words "and also for the issue of permits to cut and remove timber from timber reserves, and also for the issue of wood-cutters' licenses."
- Section 125. The words "with the approval of the Local Land Board" are omitted.
- Section 131. The words "or use" are added after the word "occupation."
- Section 133. The words "or using" are added after the word "occupying"; and the words "or other structure" are added after the word "building."
- Section 133. The words "or removing" are added after the word "cutting"; the words "or driving piles" are added after the words "obtaining stone therefrom"; the words "or remove" are added after the word "strip"; and the words "or removed" are added after the word "stripped."

THIRD SCHEDULE.

In the Land Court of New South Wales.

To the Sheriff of New South Wales, his deputy and assistants, and to all officers of the Police Force of New South Wales [and to the keeper of the gaol, prison, or lock-up at].

It having this day appeared to the Land Court sitting at that A.B. of having been duly served with a subpoena or summons to attend and give evidence before the said Court in the matter of [here state the nature of the proceedings], and having had tender or payment of his reasonable expenses duly made to him has failed to appear when called. These are therefore to command you forthwith to apprehend the said A.B. and to detain him in custody and bring him before the said Court to abide the further order of the said Court.

Given under my hand this day of at aforesaid.

C.D., President.

(or) E.F., Acting-President.

(or)

Crown Lands.

(or) It having this day appeared to the Land Court sitting at _____ that A.B. of _____ has on the hearing of a certain matter [*here state the nature of the proceedings*] refused to make oath or affirmation before the said Court (or) to answer a certain question (or) to produce a certain document within his possession or control (or) to sign his examination reduced into writing (or) &c., &c., being lawfully required by the said Court so to do, and such refusal being without lawful cause or excuse (or) that A.B. of _____ has obstructed the business of the said Court (or) has committed a contempt in face of the said Court (or) &c., &c. These are therefore to command you the said Sheriff and all the said officers as aforesaid to apprehend the said A.B., and to detain and convey him to the said gaol, &c., and to deliver him to the said keeper thereof, together with this warrant; and you the said keeper to receive him into your custody in the said gaol, &c., and him there safely to keep until the said A.B. shall have signified to the Land Court his submission to make the said oath or affirmation (or) &c., and the further order of the said Court in the premises shall have been made known to you under my hand (or) until the term of _____ days from the date hereof shall have expired (or) until a fine of £ _____ shall have been paid (or) until the said A.B. shall have been otherwise discharged in due course of law.

Given under my hand this _____ day of _____ at _____ aforesaid.

C.D., President.

(or) E.F., Acting-President.

FOURTH SCHEDULE.

(A.)

In the matter of the "Crown Lands Act of 1884" and the "Crown Lands Act of 1889."

To the Sheriff of New South Wales, his deputy and assistants, and to all officers of the Police Force of New South Wales, and to the keeper of the gaol, prison, or lock-up at _____.

THESE are to command you the said Sheriff and all officers as aforesaid to apprehend A.B. of _____ and to convey him to the said gaol, &c., and to deliver him to the said keeper, together with this warrant; and you the said keeper to receive him into your custody in the said gaol, &c., and him there safely to keep for the term of _____ [or unless the sum of _____ shall be sooner paid], I, the undersigned, chairman of the Local Land Board, sitting at _____, having now here adjudged the said A.B. [to pay a fine of _____ and in default of immediate payment thereof] to be imprisoned for the said term, for that he the said A.B. [*here state the offence to the following effect as the case may require*] having been duly served with a summons or subpoena to attend and give evidence before the said Board in the matter of [*here state the nature of the proceedings*], and having had payment or tender of his reasonable expenses duly made to him has neglected to appear, such neglect having been without just cause or reasonable excuse (or) having been duly summoned or subpoenaed (or) examined as a witness on the hearing of a certain matter [*here state the nature of the proceedings*] has refused to make oath, affirmation, promise, or declaration in lieu of an oath before the said Board (or) has refused to answer a certain lawful question, that is to say [*here state the nature of the question*] (or) has refused to produce a certain document within his possession or control, that is to say [*here state the nature of the document*] (or) to sign his examination reduced into writing, &c., &c., being lawfully required by me the said Chairman so to do, and such refusal being without lawful cause or excuse (or) has prevaricated in his evidence.

Given under my hand this _____ day of _____ 18 _____ at _____ aforesaid.

C.D., Chairman of the

Local Land Board.

(B.)

(Consolidated Fund) Appropriation.

(B.)

In the matter of the "Crown Lands Act of 1884" and the "Crown Lands Act of 1889."

To the Sheriff of New South Wales, his deputy and assistants, and to all officers of the Police Force of New South Wales.

WHEREAS it has this day appeared to me, the Chairman of the Local Land Board, sitting at that A.B. of having been duly served with a subpoena or summons to attend and give evidence before the said Board in the matter of [*here state the nature of the proceedings*], and having had tender or payment of his reasonable expenses duly made to him has failed to appear when called, these are to command you forthwith to apprehend the said A.B. and to detain him in custody and bring him before the said Board to give evidence in the said matter.

Given under my hand this day of at aforesaid.
C. D., Chairman of the Local Land Board.
