

CROWN LANDS PURCHASES AND LEASES VALIDATION ACT.

Act No. 12, 1915.

An Act to validate certain original and additional conditional purchases, conditional purchase leases, a certain conditional lease, a certain settlement lease, and a sale by auction; to vest certain lands in certain persons; and for purposes consequent thereon or incidental thereto. [Assented to, 22nd February, 1915.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Crown Lands Purchases and Leases Validation Act, 1915."

2. The conditional purchase applied for on the twenty-eighth day of April, one thousand eight hundred and eighty-seven, by John Sharp, of forty acres, parish of Falnash, county of Roxburgh, therein described, shall be deemed to have related to portion forty-five of the said parish and county; and the confirmation of such application by the local land board on the twenty-seventh day of July, one thousand eight hundred and eighty-seven, shall, notwithstanding the terms thereof, be deemed to have related to the said portion forty-five; and such application shall be deemed to have been duly made and confirmed as aforesaid, notwithstanding that the land in the said portion was within a population area, and notwithstanding the decision, order, or direction of any court or land board.

3.

George V,
No. 12.

Conditional
purchase by
Joseph
Hunter.

Conditional
purchase
leases
mentioned in
Schedule One.

Settlement
lease to
Michael
Joseph
Gallery.

Additional
conditional
purchases of
Mary Kane.

3. The conditional purchase, at the rate of one pound ten shillings per acre, made by Joseph Hunter on the sixth day of January, one thousand eight hundred and eighty-seven, of portion thirty-seven of sixty-four acres, parish of Comlaroi, county of Fitzroy, being part of special area number seven, proclaimed twenty-sixth day of June, one thousand eight hundred and eighty-six, shall be deemed to have been duly made, although the price fixed in the said proclamation was three pounds per acre.

4. The fact that the land comprised in the application for any of the conditional purchase leases mentioned in Schedule One to this Act includes land which at the time of such application was appropriated for the purpose of the construction of the Lismore to Murwillumbah railway line shall not operate to affect the validity or effect of such application or any confirmation of the same, or any lease granted or to be granted in pursuance thereof.

5. The formal lease to Michael Joseph Gallery, executed by the Governor on the nineteenth day of September, one thousand eight hundred and ninety-six, in pursuance of an application for a settlement lease of land described in such lease, that is to say, two thousand six hundred acres, being portion four, parish of Billaboo South, within settlement lease area number eighty-five, is declared to be a good and valid lease, subject to the terms contained therein or annexed by law thereto, notwithstanding the decision, order, or direction of any court or land board.

6. The following additional conditional purchases, which purported to have been made by Mary Kane in virtue of an original conditional purchase of one hundred acres made by her former husband, John Quinlan, on the twenty-eighth day of July, one thousand eight hundred and sixty-two, and who died intestate on the twenty-eighth day of March, one thousand eight hundred and sixty-three, leaving him surviving John Quinlan, his heir at law, namely, thirty-seven and three-quarter acres and forty acres respectively applied for on the sixth day of May, one thousand eight hundred and seventy-five; forty acres, applied for on the eleventh day of November, one thousand eight hundred and seventy-five; forty acres, applied

applied for on the third day of April, one thousand eight hundred and eighty-four; and ninety-six and one-half acres, applied for on the fifth day of September, one thousand eight hundred and eighty-nine, shall be deemed to have been and to be as valid as if the said original conditional purchase was, at the respective times of the making of the additional conditional purchases, held by the said Mary Kane.

7. The sale by auction to Elizabeth Feehan of the portion of land described in Schedule Two to this Act is declared to have been and to be valid, notwithstanding that such land formed part of the land described in the Schedule to the Act 44 Victoria No. 19. And the land is hereby vested in the said Elizabeth Feehan for an estate in fee-simple, free from any trusts or conditions affecting the same, other than trusts and conditions created or imposed by the said Elizabeth Feehan.

8. The additional conditional purchase of portion seventy-eight of forty acres, parish of Cowan, county of Northumberland, made on the twenty-eighth day of September, one thousand eight hundred and eighty-two, by John Toomey, junior, shall be deemed to have been duly made by the said John Toomey on his own behalf, notwithstanding anything inconsistent therewith in the application, or in any document issued in pursuance thereof, and notwithstanding anything therein which would otherwise render such application, or any confirmation thereof, invalid in law.

9. The part of the reserve from sale for travelling stock number four hundred and twenty which is within measured portion fifteen, parish of Chambigne, county of Fitzroy, which reserve was as to the said part revoked by Gazette notice of the eleventh day of May, one thousand nine hundred and ten, is hereby vested in Charles Frederick Tindal for an estate in fee simple.

10. On the twenty-sixth day of March, one thousand eight hundred and ninety-six, John McGill De Britt, being then an alien, applied for an original conditional purchase of eighty-one acres and a conditional lease of two hundred and forty and three-quarter acres, being respectively portion eighty-two and portion seventy-three, parish Weedallion, county Bland, land district of Young. The applications were confirmed by the local land board

on

George V, on the thirtieth day of July, one thousand eight hundred and ninety-six. The said John McGill De Britt failed to become naturalized within five years after making the said applications as required by section forty-one of the Crown Lands Act of 1895, and, therefore, the lands became forfeited. On the said John McGill De Britt subsequently becoming naturalized, the Minister for Lands, upon the recommendation of the local land board, waived the forfeiture which had been incurred, and as all other conditions had been complied with, the final certificate of conformity in respect of the conditional purchase was issued on the twenty-seventh day of November, one thousand nine hundred and six.

In a suit arising out of an application by the said John McGill De Britt on the seventh day of October, one thousand nine hundred and nine, for an additional conditional purchase in virtue of the said conditional purchase—such application being in conflict with an application made by Thomas Francis James Carr—the High Court, on appeal, has held that having regard to the terms of said section forty-one of the Crown Lands Act of 1895 the Minister for Lands had not the power to waive the said forfeiture.

The said original conditional purchase and conditional lease are hereby declared to have been and to be valid and effectual in law: Provided that nothing herein shall affect any proceedings either at law or in equity instituted before the passing of this Act.

Conditional purchase by
James Bennett.

11. The fact that part (thirty acres) of the land described in the application, dated the twenty-eighth day of March, one thousand eight hundred and seventy-two, by James Bennett for the conditional purchase of forty acres—being portion twenty-nine, parish of Lampten, county of King—was not then available for conditional purchase, having been included in Crown grant to Alexander Turner, dated the fifteenth day of September, one thousand eight hundred and fifty-three, shall not operate to affect the validity or effect of such application or conditional purchase, the aforesaid grant having been surrendered to the Crown on the sixteenth day of April, one thousand nine hundred and twelve.

SCHEDULES.

George V,
No. 12.

SCHEDULE ONE.

Section 4.

Name of applicant.	Date of application.	No. of portion.	Parish	Area.
George Irwin Wilson ...	19 April, 1906	147	Mooball	250 1
Forster Forrester ...	21 June, 1906	85	Dunbible	235 2
George Walter Fairweather	21 June, 1906	149	Mooball	186 3

SCHEDULE TWO.

Section 2.

Thirty acres, county of Saint Vincent, parish of Boyle, portion eighteen: Commencing on the western side of the road of variable width from Braidwood to Jembaicumbene, at the north-eastern corner of portion seventeen of thirty acres three roods; and bounded thence on the east by that road dividing it from portion nineteen of forty-eight acres bearing north six degrees thirty-one minutes west ten chains eighteen links; on the north by a road one chain wide dividing it from portion two hundred and eighty of fifty-nine acres three roods bearing westerly twenty-nine chains twenty-one links; on the west by a road one chain wide dividing it from part of portion one of forty acres bearing southerly ten chains nine links; and on the south by the northern boundary of portion seventeen aforesaid bearing north eighty-nine degrees fifty-five minutes east thirty chains twenty-four links, to the point of commencement.

NEWCASTLE