

Act No. 18, 1900.

NEWCASTLE
PASTURAGE
RESERVE.

An Act to consolidate the Acts relating to the
Newcastle Pasturage Reserve. [22nd September,
1900.]

BE it 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:—

Short title.

1. This Act may be cited as the "Newcastle Pasturage Reserve Act, 1900."

Repeal.

2. (1) The Acts mentioned in the First Schedule hereto are hereby repealed.

(2) All regulations made under the repealed Acts shall continue in force as if this Act had been in force when such regulations were made and they had been made hereunder; and any references in such regulations to the provisions of the Acts repealed shall be construed as references to the corresponding provisions of this Act.

3.

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3. In this Act, unless the context or subject matter otherwise indicates or requires:— Interpretation.
53 Vic. No. 1, s. 1.

“ Minister ” means the Minister for Lands.

“ Persons ” includes religious, educational, and other bodies.

“ Newcastle Pasturage Reserve ” means the land described in the Second Schedule hereto.

4. Nothing in this Act shall prevent the operation of section five of the Act twenty-fifth Victoria number one in any case where a promise has, prior to the eleventh day of May, one thousand eight hundred and eighty, been made by the Minister, or any person authorised in that behalf, to dedicate land within the Newcastle Pasturage Reserve. Proviso.
Ibid.

5. Any person whose application for land within the Newcastle Pasturage Reserve has been accepted under the provisions of the Acts hereby repealed shall, in respect of the land measured or allotted under the said Acts, be held to have been and to be in legal occupation thereof as against The Crown, or any person claiming under any lease or promise of lease for mining purposes; and any person whose application has been or is forfeited under the said Acts, or this Act, shall be deemed to have been in legal occupation up to the time of such forfeiture taking effect. Title of purchaser.
Ibid.

6. The several instalments of purchase money payable under section one of the Act fifty-nine Victoria, number eleven, and remaining unpaid at the passing of this Act, shall be paid on or before the twentieth day of November in each year, together with interest at the rate of four per centum per annum on the unpaid balance of the total sum, including interest, which remained unpaid on the twentieth day of November, one thousand eight hundred and ninety-five, until the total sum, with interest, has been paid, but any instalments may be paid at any time before they become due. Payment of instalments.
59 Vic. No. 11, s. 1.

7. Failure by any person to pay any instalment when due shall render the application for the land by such person liable to forfeiture, and such forfeiture shall take effect at the expiration of thirty clear days after notification thereof in the Gazette. Forfeiture of application.
Ibid. s. 2.

8. Sections sixty-one and sixty-two of the Crown Lands Act of 1884, and the Act fifty Victoria number thirty-nine, shall apply to such land within the Newcastle Pasturage Reserve as has not been alienated under the Acts hereby repealed, and which the Minister directs to be submitted to sale by auction. For the purposes of this section, such land shall be deemed to be country Crown lands, and may be offered for sale in areas not exceeding four acres. Any improvements on such land may be held to be the property of the Crown. Sale of lands.
53 Vic. No. 1, s. 5.

9. Notwithstanding the Act thirty-seventh Victoria number thirteen, or any provision repealed thereby, or any covenants, conditions, or provisions in any lease for mining purposes, or any promise of such lease Land may be withdrawn from mining lease.
Ibid. s. 6.

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lease granted or made in respect of any part of the Newcastle Pasturage Reserve, the Governor may, by notice published in the Gazette, withdraw from time to time from such lease or promise of lease, without compensation or abatement of rent, so much of the surface of the land demised thereby as is necessary or desirable for the purpose of giving effect to this Act; and at the expiration of three months after the date of such notice the surface of the land therein described shall cease to be included in the land so demised:

Proviso.

53 Vic. No. 1, s. 6.

Provided that during the currency of such lease or promise of lease, and after withdrawal or sale, the holder thereof shall, except as to the surface of the land, continue to have the same rights and privileges in connection with the land so withdrawn or sold, and the minerals it contains, as he had before such withdrawal or sale.

Prior reservations not to affect sales under this Act.

Ibid. s. 7.

10. Sales under this Act may be made, notwithstanding any prior reservation, proclamation, notification, or setting apart of the land made, or purporting to have been made, under any Act relating to Crown lands; and any grant made under this Act, or the Acts hereby repealed, shall operate as an extinguishment of any such reservation, proclamation, notification, or setting apart to the extent of the land included in such grant.

Reservation of minerals.

Ibid. s. 8.

11. All grants issued under this Act shall contain a reservation of all minerals and metals in the land granted, and such other reservations and exceptions as the Governor deems expedient; and any persons authorised by the Minister for Mines may, subject to regulations made by the Governor in that behalf, dig, search for, and remove any mineral or metal from such land.

Illegal occupation.

Ibid. s. 9.

12. Sections one hundred and thirty-one and one hundred and thirty-three of the Crown Lands Act of 1884 shall apply to any person in unauthorised occupation of any part of the Newcastle Pasturage Reserve whose occupation is not authorised under this Act.

Regulations.

59 Vic. No. 11.

13. The Governor may make regulations to give effect to this Act, and to regulate the transfer of land contracted to be purchased under the Acts hereby repealed and this Act, and such regulations shall take effect upon publication in the Gazette.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

Reference to Act.	Title or short title.	Extent of repeal.
53 Vic. No. 1 ...	Newcastle Pasturage Reserve Act ...	The whole unrepealed portion.
56 Vic. No. 12 ...	Newcastle Pasturage Reserve Act Amendment Act.	The whole unrepealed portion.
59 Vic. No. 11 ...	Newcastle Pasturage Acts Amendment Act of 1895.	The whole.

SECOND

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SECOND SCHEDULE.

Section 3.

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