

THE CROWN LANDS ACT, 1911.



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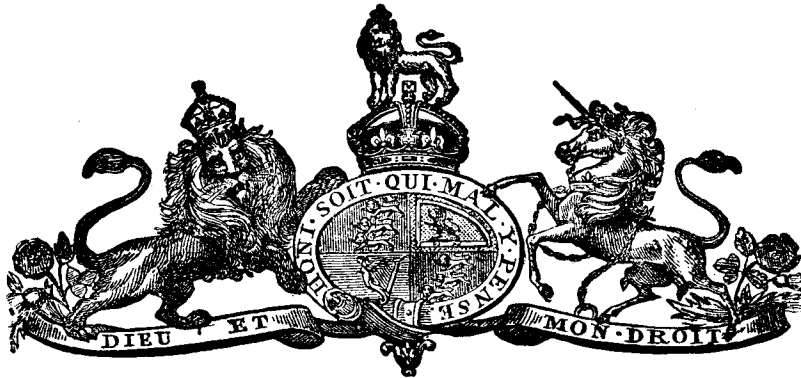
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TASMANIA



1911.

ANNO SECUNDO

GEORGII V. REGIS.

No. 64.

AN ACT to Regulate the Sale and Disposal of
the Lands of the Crown in the State of
Tasmania. [12 January, 1912.]

A.D.
1911.

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PRELIMINARY.

- 1 This Act may be cited as "The Crown Lands Act, 1911." Short title.
- 2 This Act shall come into operation and take effect on and after Commencement.
the First day of January, One thousand nine hundred and twelve.
- 3 In the construction of this Act, unless the context otherwise Interpretation.
determines—
 - "Authorised" means authorised either generally or specially in "Authorised."
writing :
 - "Business area" means the surface of any Crown land "Business area."
occupied under a business licence :
 - "Commissioner" means the Commissioner of Crown Lands "Commissioner."
for the time being, as defined by this Act :

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“ Crown lands ” or “ lands of the Crown .”	“ Crown lands ” or “ lands of the Crown ” means lands in this State which are or may become vested in the Crown, and which are not granted or lawfully contracted to be granted in fee simple ; and includes all lands which are or may be held for mining, pastoral, or other purposes under any lease, licence, or other right from the Crown :
“ Lands ” or “ land .”	“ Lands ” or “ land ” means Crown lands or Crown land :
“ Mining area ,” See 5 Ed. VII. No. 31, s. 16.	“ Mining area ” means any mining area proclaimed under this or any previous Act, and includes any area proclaimed under the Ninth Section of “ The Waste Lands Act, 1881 ,” as an area for the purposes of that Act :
“ Occupy .”	“ Occupy ” means habitually and continuously reside on :
“ Part .”	“ Part ” means part of this Act :
“ Previous Act .”	“ Previous Act ” means any Act regulating the sale and disposal of Crown lands in force prior to this Act :
“ Residence area .”	“ Residence area ” means the surface of any Crown land held under a residence licence :
“ Run .”	“ Run ” means lands leased for grazing purposes :
“ Rural lands .”	“ Rural lands ” means and comprises all lands other than town lands :
“ Substantial improvements .”	“ Substantial improvements ” means and includes dams, wells, cultivation, fencing, clearing, or draining of land, the erection of a habitable dwelling or farm or other buildings upon and permanently attached to the soil of such land :
“ Surveyor .” 9 Ed. VII. No. 45.	“ Surveyor ” means a surveyor authorised by registration under “ The Land Surveyors Act, 1909 ” :
“ Town .”	“ Town ” means a town duly proclaimed by the Governor under the provisions of this or any other Act :
“ Town lands .”	“ Town lands ” means and comprises all lands situate within any city, and all lands within a distance of Five miles from the nearest point of any part of the boundaries of any city, and all lands situate within the boundaries of any town, or which now are or hereafter may be set apart, surveyed, or laid out in lots as the site for a town :
“ Track .”	“ Track ” means and includes any track used for traffic, whether the same has been cut or made by the expenditure of public money or by private enterprise.

Mines Acts

4 Nothing in this Act contained, except where otherwise expressly provided, shall affect, alter, or repeal any law in force for the time being relating to mines and mining.

Repeal.

Schedule (1).

6 Ed. VII. No. 12.

5—(1) On and after the commencement of this Act, the Acts set forth in the Schedule (1) shall be and are hereby repealed, and the provisions of “ The Interpretation Act, 1906 ,” with regard to repeals shall apply, subject to the modifications contained in this section.

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- (2) Such repeal shall not affect any obligation imposed upon the Governor by any previous Act to expend any money set apart for the purpose of making and constructing roads, or to raise any money by the issue and sale of debentures for the purpose of making roads. A.D. 1911.
Saving.
- (3) All existing applications made for the selection of land under any Act hereby repealed shall be continued, and shall be deemed to have been made under this Act, and shall be subject to all the conditions of this Act, and be in conformity therewith. Applications continued.
- (4) Any proclamation duly made under any previous Act, and in force at the time of the commencement of this Act, shall continue in force as if it had been made under this Act, and may be altered or repealed by the Governor. Proclamations.
- (5) All officers appointed under any previous Act, and holding office at the commencement of this Act, shall, subject to the provisions of "The Public Service Act, 1905," continue in such office. Officers continued.
5^{Ed.} VII. No. 9.
- 6 This Act is divided into parts, as follow :— Division of Act into parts.
- Part I.—Powers of the Governor.
Part II.—Powers of the Commissioner.
Part III.—Selection and Purchase of Land.
Part IV.—Survey of Land Purchased on Credit.
Part V.—Sale of Land.
Part VI.—Mining Areas.
Part VII.—Sale of Land in Mining Towns.
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Part X.—Leases.
Part XI.—Licences.
Part XII.—Unlawful Possession of Lands.
Part XIII.—Construction of Roads and other Public Works.
Part XIV.—Regulations.
Part XV.—Miscellaneous.

PART I.**POWERS OF THE GOVERNOR.**

- 7 The Governor may by proclamation— Constitution of counties, &c.
- i. Constitute and define the boundaries of new counties, parishes, and towns, and distinguish each by a name :
 - ii. Declare that any county, parish, or town shall cease to exist as such :
 - iii. Extend or diminish the area of any county, parish, or town :
 - iv. Alter the boundaries or name of any county, parish, or town : May alter boundaries of counties and parishes.
 - v. Add the area taken away from one county or parish to any adjacent county or parish :

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vi. Divide any county into Two or more counties, and give each a distinguishing name.

Every such proclamation shall state the day from which the same shall take effect, and no proclamation constituting any new counties or parishes shall be published unless a list and plans of the counties or parishes intended to be constituted shall have been laid before Parliament for Thirty days.

Surveyor-General.

Conservator of Forests.

5 Edw. VII.
No. 9.

Land to be disposed of only according to Act; may be withdrawn from operation, &c., by proclamation.

Governor may prohibit felling timber, &c.

Public purposes for which land may be reserved or disposed of.

8 There may be appointed from time to time, in conformity with the provisions of "The Public Service Act, 1905"---

- I. A Surveyor-General, who shall be also Secretary for Lands :
- II. A Conservator of Forests.

9—(1) The lands of the Crown shall be disposed of in the mode prescribed and not otherwise.

(2) The Governor may at any time by proclamation withhold or withdraw any land from the operation of this Act or any part; and may, in manner aforesaid, revoke such proclamation, as to the whole or any part of the land included therein, and thereupon the land the subject of such further proclamation shall be subject to the operation of this Act, at any time to be named in such proclamation, not being less than Thirty days from the date thereof.

10 The Governor may by proclamation declare that no person, although he be duly licensed or otherwise authorised, shall cut or remove timber, or bark, or any particular description of timber or bark, from any land specified in the proclamation, or shall exercise thereon any of the powers conferred by any licence granted under this Act or any previous Act, or any regulations thereunder.

11 The Governor may by proclamation except from sale and lease, and reserve to His Majesty any Crown land for-

- I. Public roads or streets, or other internal communications, whether by land or water :
- II. Military or defence purposes :
- III. Sites for the erection of public libraries, public halls, museums, literary or scientific institutions, hospitals or almshouses for aged or infirm poor, or places for the interment of the dead :
- IV. Sites for public wharves or quays, breakwaters, or landing-places :
- V. Sites for trigonometrical stations or for other purposes connected with the survey of the State :
- VI. Places for purposes of public recreation and amusement :
- VII. The preservation of water-supply :
- VIII. Irrigation works, dams, reservoirs, aqueducts, watercourses, drains, sewers, or other works :

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ix. Sanctuaries for birds, or for acclimatisation purposes : A.D. 1911.

x. The preservation of game or fauna or flora, either native or imported :

xi. Any purpose of public safety, convenience, health, or enjoyment :

xii. For any other public purpose that he may think fit, whether similar to any of those above mentioned or not.

And the Governor may thereafter, for the purpose of giving effect to any such proclamation as aforesaid, vest for such term as he thinks fit any land so excepted and reserved for any of the purposes aforesaid, in any person. Vesting.

Provided always that any lands included in any such proclamation as aforesaid, and afterwards found to be not required or not suitable for the purposes for which they were thereby reserved, may at any time before they are vested as aforesaid be made by the Governor, by a subsequent proclamation, subject again to the provisions of this Act, or may, in like manner, be exempted by the Governor from the operation of the proclamation by which they were previously reserved, and may by such subsequent proclamation be reserved for any of the purposes aforesaid other than the purposes for which they were previously excepted from sale and lease, and reserved as aforesaid. Proviso.

12 In every instrument by which any such land is vested for any of the purposes mentioned in the last preceding section, such purpose shall be expressly stated, and such instrument shall contain a condition providing that the land shall be appropriated only to such purpose, and such other conditions, reservations, exceptions, and limitations as the Governor sees fit to impose, and subject as hereinafter mentioned, shall also contain a condition for the absolute forfeiture of the said land to His Majesty upon breach or non-observance of any such condition, reservation, exception, and limitation; and upon such forfeiture the land so forfeited shall be disposable under this Act as Crown land. Instrument vesting land to contain certain clause of forfeiture on breach of condition.

Before any such condition of forfeiture as is mentioned in this section shall take effect the Commissioner shall publish a notice in the "Gazette" requiring the person in whom such land shall be vested to show cause to the Governor, within Sixty days from the date of the publication of such notice, why such forfeiture should not take effect, and the Governor may waive such forfeiture if he is satisfied of the sufficiency of the cause shown, but not otherwise. Notice to shew cause to be gazetted.

13 The Governor may by proclamation except from sale and lease and reserve any Crown land to His Majesty for the preservation and growth of timber, and may from time to time, after Thirty days' notice given in the "Gazette," alter or revoke any such proclamation. Timber reserve.

14 The Governor may, by notice in the "Gazette," except from sale and lease, and reserve as a school allotment, any Crown land not exceeding Five acres in extent. Reserve of land for school purposes.

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Governor
not to reserve
sites of places for
public worship,
&c.

15 It shall not be lawful for the Governor to except from sale and reserve to His Majesty, or to dispose of, except by sale under this Act, any Crown lands as sites of places for public worship or for any other religious purposes.

Nothing contained in this section shall be held to apply to any lands which have before the Seventeenth day of September, One thousand eight hundred and sixty-eight, been reserved for sites of places of public worship of any religious denomination.

Certain reserva-
tions may be
revoked.

16 When any Crown land reserved for public roads, streets, or other internal communications has not been used, or is no longer required for the purpose for which it was reserved, the Governor may by proclamation revoke such reservation; but the Governor may, at any time within Sixty days after the date of such proclamation, if he sees fit, by another proclamation, withdraw and rescind the revocation as to all or part of the land; and after the expiration of the said period of Sixty days, the Commissioner, with the consent of the Governor, may sell by private contract any such land as to which the firstmentioned proclamation remains revoked to the owner of the adjoining lands at such price as the Governor may fix, but in no case shall such price be less per acre than the purchase price of such adjoining land, and if such owner declines to purchase such land, the Commissioner, with the like consent, may sell the same by public auction.

PART II.**POWERS OF THE COMMISSIONER.**

Commissioner of
Crown Lands.

17 The Minister of Lands and Works for the time being shall be the Commissioner of Crown Lands, and as such shall have the disposal of all Crown land subject to the provisions of this Act.

Bailiffs of Crown
lands.

18 The Commissioner may from time to time appoint a sufficient number of persons to be bailiffs of Crown lands.

Every such bailiff shall during his continuance in office do, on behalf of His Majesty or the Commissioner in respect of any Crown lands, all such acts for preventing intrusion, encroachment, and trespass on such land, or for levying or recovering the rent or the licence fee payable in respect thereof, or for taking and recovering possession of any allotments or lands in case of forfeiture, or for such other purposes, as may be prescribed.

Every such bailiff shall have power to seize and detain any timber, bark, wood, gravel, stone, limestone, salt, guano, shells, sand, loam, brick-earth or bricks made therefrom, or any other substance whatever which has been unlawfully removed, or which he has reasonable cause to suspect to have been unlawfully removed, from any Crown lands or any Crown reserve; and the same shall be forfeited to His Majesty upon proof to the satisfaction of a justice of the unlawful removal thereof as aforesaid.

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Every such bailiff shall have the like power and authority to do all such acts as any bailiff lawfully appointed may by law do in respect of any lands, tenements, or hereditaments of his employer. A.D. 1911.

Every such bailiff may sue for and recover any penalty from any person liable to forfeit the same.

19 The Commissioner may at any time, even after survey fee has been paid, decline to enter into a contract, or refuse any application, for the sale and purchase of any Crown land, or withdraw any Crown land from sale— Applications to purchase may be refused in certain cases.

- i. If the land contains, or is supposed to contain, gold, minerals, diamonds, or precious stones, or is required, or likely to be required, for the purposes of any Act for the time being in force relating to mines or mining or any regulations thereunder : or
- ii. If the land selected or applied for is, in the opinion of the Commissioner, likely to be required as a timber reserve, or for obtaining timber or firewood therefrom, or for obtaining therefrom trees, bark, or other produce having a commercial value : or
- iii. If, in the opinion of the Commissioner, the cost of obtaining or constructing a road of access to the Crown lands applied for is likely to be greater than half the purchase-money of the lands applied for : or
- iv. If the Commissioner is of opinion that for any other special reason, whether similar to any of those above mentioned or not, it is advisable so to do.

Provided that the Commissioner may, nevertheless, in the case of any land to which Paragraph i. of this section applies, sell such land subject to such reservations and conditions relating to prospecting and mining, and to such other reservations and conditions as the Governor may approve, in addition to any conditions subject to which such land may have been selected or applied for or offered for sale. Proviso.

Provided, further, that in any case where the land selected or applied for comes within Paragraph ii. of this section the Commissioner may, if he thinks fit, cause the value of such timber, firewood, trees, bark, or other produce thereon to be assessed ; and upon the selector or applicant paying to him in cash, on demand, the amount of such assessed value, the Commissioner may permit the application for the land to be proceeded with, subject to the provisions of this Act.

20 All contracts for the sale of Crown lands and all leases of such lands under this Act shall be made by and with the Commissioner, and all licences shall be issued by the Commissioner, who shall be described in such cases by the name of "The Commissioner of Crown Lands," without otherwise naming him ; and every such contract, lease, or licence shall be valid and effectual notwithstanding any change in the person who is the Commissioner, and may be enforced by and against the Commissioner for the time being. Contracts, &c., to be made with Commissioner.

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Actions by and
against Com-
missioner.No action to abate
by death, &c., of
Commissioner.Commissioner
may reserve
land for public
reserves.

21—(1) All actions, suits, or other proceedings at law or in equity in respect of any contract, lease, licence, or other agreement whatsoever entered into by or with the Commissioner under this or any previous Act shall be commenced and prosecuted by or against "The Commissioner of Crown Lands" as the plaintiff or defendant therein, as the case may be, without otherwise naming him; and the Commissioner shall recover or be liable to, as the case may be, the damages and costs of any such action, suit, or other proceeding.

(2) No such action, suit, or other proceeding by or against the Commissioner shall abate or be affected by reason of the death, resignation, removal, or new appointment of the Commissioner, but the same may be continued as if no such change had taken place.

22 In any town that may hereafter be surveyed and subdivided for sale, before any lots are put up for auction, the Commissioner may except from sale any area not exceeding Twenty acres of land for recreation purposes, in One or more blocks, and such other blocks for such other public purposes as he may deem necessary.

PART III.

SELECTION AND PURCHASE OF LAND.

*Selection for Purchase.*Value and class
of land to be
fixed.Class of land
defined according
to its value.

Applications.

23 For the purposes of selection for purchase—

- i. The Surveyor-General shall, in the prescribed manner, fix the value and class of any rural land :
- ii. Rural land shall be classified in the prescribed manner as first-class, second-class, or third-class land, as the case may be :
- iii. Rural land shall be deemed to be—
 - (a) First-class land if its value is so fixed at or above One Pound per acre ;
 - (b) Second-class land if its value is so fixed at less than One Pound per acre and not less than Ten Shillings per acre ;
 - (c) Third-class land if its value is so fixed at less than Ten Shillings per acre and not less than Five Shillings per acre :
- iv. The value so fixed shall be the price of the land :
Provided that no Crown land within the area, and during the currency, of a pastoral lease shall be sold at a price less than Ten Shillings per acre :
- v. Every application—
 - (a) Shall be made in the prescribed form and manner, and a fee as prescribed shall be forwarded therewith :

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- (b) By a selector to purchase first-class land shall contain an offer to purchase the land upon credit at the price of at least One Pound per acre, subject to the land being available for purchase : A.D. 1911.
- (c) By a selector to purchase second-class or third-class land shall contain an offer to purchase the land upon credit at the value per acre to be fixed by the Surveyor-General in the prescribed manner, and shall be deemed to be made subject to the land being of the class applied for.

24—(1) Any person of the age of Eighteen years or upwards may, subject to the provisions of this Act, select and purchase under this Act— Who may select.

- i. At the price and upon the terms set forth in the Schedule (2), One lot of first-class land, not exceeding Two hundred acres nor less than Fifteen acres, provided such person is not then the holder upon credit of any land classified as first-class land (under this or any Act relating to the sale of Crown lands) or any unclassified rural land for which the whole of the purchase-money has not been paid : Schedule (2).
- ii. At the value per acre, to be fixed by the Surveyor-General in the prescribed manner, and upon the terms set forth in Subsection (2) of this section, One lot of second-class land, not exceeding Three hundred acres nor less than Thirty acres, provided such person is not then the holder upon credit of any land classified as second-class land (under this Act or any Act relating to the sale of Crown lands) for which the whole of the purchase-money has not been paid :
- iii. At the value per acre, to be fixed by the Surveyor-General in the prescribed manner, and upon the terms set forth in Subsection (2) of this section, One lot of third-class land, not exceeding Six hundred acres nor less than Sixty acres, provided such person is not then the holder upon credit of any land classified as third-class land (under this Act or any Act relating to the sale of Crown Lands) for which the whole of the purchase-money has not been paid.

(2) Upon the sale of any second-class or third-class land purchased under this section the terms of purchase shall be as follows :—A sum equal to One-third of the price shall be added thereto by way of premium for allowance of credit, and the amount of the price and the premium shall become the purchase-money of the land, and the purchaser shall pay a deposit of One-fortieth part of the purchase-money at the time of sale, and shall contract to pay, and shall pay, the residue of the purchase-money by Fourteen annual instalments, of which each of the First Two instalments shall equal in amount One-

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Regulations of additional selections.

25—(1) Every person who has selected and purchased any land (whether under this Act or any Act repealed by this Act) may make a further selection and purchase, provided that the total area of first-class, second-class, and third-class lands held by him on credit at any time under all selections shall not exceed Six hundred acres, of which not more than Two hundred acres may be first-class land, and not more than Three hundred acres may be second-class land, nor in any of the said cases consist of more than Three lots, and if such lots adjoin the total frontage on any road or stream shall not exceed the maximum frontage that would be allowed if the selections had been made in One lot.

Additional selections shall be subject to all the conditions of original selections.

(2) For the purposes of this section, if any person is the holder of unclassified rural land upon credit, and desires to make an additional selection and purchase, the unclassified rural land so held by him upon credit shall be deemed to be first-class land.

Selector not in compliance with Act under which he purchased not to be eligible to make further selection.

26 No person who holds on credit land purchased under this or any previous Act shall be eligible to make a further selection and purchase of land under this Act unless he has complied with all the conditions imposed by the Act governing and regulating the selection and purchase of the land already selected and purchased by him.

Homestead Areas.

Who may select a homestead area.

Schedule (4).

Applicant to pay part of survey fee and receive certificate.

Effect of certificate.

27 Any person of the age of Eighteen years or upwards, who is not the holder on credit of any land purchased under this or any previous Act may select and purchase, at the price and upon the terms set forth in the Schedule (4), One lot of first-class agricultural land not exceeding Fifty acres nor less than Fifteen acres, and upon the Commissioner notifying him that the land is available, and can be purchased in accordance with his application, shall be entitled to receive a certificate in the form prescribed; and such certificate shall, subject to the provisions of this Act, authorise the person obtaining it to enter upon and take possession of the land described therein, and to hold possession of, occupy, and improve such land to the exclusion of any other person or persons whomsoever, and to bring and maintain actions for trespass committed thereon.

Time allowed for taking possession.

28 Every person who has purchased land under the last preceding section shall, within Four years from the date of the certificate mentioned in the last preceding section, take, in his own person, possession of the land, and personally occupy the same; and if posses-

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sion be not taken as aforesaid, the Commissioner may cancel the certificate mentioned in the last preceding section, and thereupon the land shall, without any further proceedings, be absolutely forfeited and open to application by another person, or to other disposition, in the discretion of the Commissioner.

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Penalty for not taking possession.

29 In cases of illness vouched for by sufficient evidence to the satisfaction of the Commissioner, or in other special cases, the Commissioner may, in his discretion, by writing under his hand, grant permission to the selector to be absent from his land, without prejudice to his right therein, for such period as the Commissioner shall specify in such written permission.

In cases of illness and other special cases absence allowed.

30 The purchaser of any land under Section Twenty-seven of this Act shall occupy such land for the full term of Five years, and shall during such term of Five years effect substantial improvements on such land to the value of One Pound per acre of the whole of the land; otherwise such land, together with all improvements thereon, shall be liable to be forfeited to the Crown.

Land to be occupied and improvements effected thereon.

Contracts.

31 The Commissioner and the applicant for any land for purchase upon credit shall, after the same has been surveyed, mutually enter into a contract for the sale and purchase of such land at the price, upon the terms, and subject to the conditions contained in this Act in relation to the sale of such land.

Contract to be entered into for sale of land.

32—(1) No person shall become a purchaser of any Crown land under this part of this Act who—

Contracts by purchasers void in certain cases.

- i. Is in respect of the land which he applies to purchase, or any part thereof, a servant of or an agent or trustee for any other person: or
- ii. At the time of his application has entered into any agreement, express or implied, to admit any other person to acquire by purchase or otherwise any such land or part thereof.

(2) All contracts, agreements, and securities made, entered into, and given with the intent of evading, or which (if the same were valid) would have the effect of evading, the provisions of this section, shall be illegal and absolutely void both at law and in equity.

(3) If any person shall, in evasion of the provisions of this section, become the purchaser of any land, all the right, title, and interest of the purchaser or of his assignee having notice of such evasion, and all moneys paid in respect of such land, and the land itself, with all improvements thereon, shall, on conviction thereof under the provisions of the immediately succeeding section, and on notification to that effect in the "Gazette," be forthwith absolutely forfeited, and the said land shall again become Crown land without any further proceedings being necessary.

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Entering into
illegal contract a
misdemeanour.

33 Any person who enters into any such contract or agreement declared to be illegal and void by the last preceding section of this Act shall be guilty of a misdemeanour, and on conviction thereof be liable to be fined in any sum not exceeding One hundred Pounds or to be imprisoned for any term not exceeding Two years.

Applicant for pur-
chase must be of
the age of
Eighteen years
at least.

34 No application to select and purchase land under this part of this Act shall be received from or in the name of, or for or on behalf of, any person under the age of Eighteen years, and every applicant shall certify in his application that he is of the age of Eighteen years or upwards

If at any time prior to the selector parting with his interest in such land such statement be proved to the satisfaction of the Commissioner to be untrue, the purchase shall thereupon be void, and all moneys paid by or on account of such purchaser shall be forfeited to His Majesty, and the land shall revert to the Crown without any further proceedings being necessary.

Purchasers under
Twenty-one years
of age to be liable
upon contracts.

35 Every purchaser of Crown land between the ages of Eighteen and Twenty-one years who either personally or by his agent enters into any agreement for or in relation to the performance of any work or the rendering of any services on such purchase, or in relation thereto, or enters into any agreement for or in relation to the loan of money or the sale or purchase of any goods and chattels of any description whatsoever, or into any agreement connected with the occupation, management, or general purposes of such purchase not contrary to this Act, shall be subject to the same liabilities and have the same rights in respect of such agreement as if he were of the full age of Twenty-one years.

PART IV.**SURVEY OF LAND PURCHASED ON CREDIT.***As to First-class Land.*Applicant for first-
class land to pay
survey fee.

Terms.

36—(1) The applicant for a selection of first-class land shall pay the expense of surveying such land in the following manner; that is to say:—To the amount of the prescribed survey fee a sum of Two Shillings and Sixpence for every pound sterling or part thereof shall be added by way of interest, and the applicant shall, within the prescribed time after payment thereof has been demanded from him by or on behalf of the Commissioner, pay One-fifth of the whole amount, otherwise his application may be cancelled; and he shall pay the balance by Four equal annual payments upon the terms and as set forth in Schedule (7).

(2) The first of such annual payments shall be made within One year after the survey has been effected and the applicant has been notified that the land is available.

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(3) Any purchaser may at any time before default is made in payment of any such annual payment pay off the whole or any balance then remaining unpaid thereof, and in every such case a deduction shall be allowed in the sum added to the survey fee by way of interest proportionate to the amount then due.

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Purchaser may pay off survey fee at any time.

37 Default in payment of any such annual payment after the same has become due shall have the same operation upon the rights and privileges of the purchaser as failure to pay any instalment of the purchase-money of the land purchased by him; and in addition the whole of such annual payments then remaining unpaid shall become forthwith due and payable, and may be sued for and recovered from the applicant or purchaser, as the case may be, in any court of competent jurisdiction by the Commissioner, or any person appointed by him in that behalf, as a debt due to the Crown.

Penalty for non-payment of survey fee.

38 Any applicant for a selection of first-class land for whom the land applied for has been surveyed pursuant to the immediately preceding section, and who neglects or refuses, upon demand being made in the prescribed manner, to enter into the contract for the sale and purchase of the said land, shall be liable for the payment forthwith to the Commissioner of the balance of the expenses of survey remaining unpaid, together with interest at the rate of Five Pounds per centum per annum; and such amount may be sued for and recovered from such applicant in any court of competent jurisdiction by the Commissioner, or any person appointed by him in that behalf, as a debt due to the Crown.

Selector of first-class land to pay balance of survey fee forthwith if he neglect to sign contract.

As to Second and Third Class Land.

39 Every person who, after the commencement of this Act, as a selector, applies for second-class or third-class land under any of the provisions of this Act, shall within the prescribed time, after payment thereof has been demanded from him by or on behalf of the Commissioner, pay the prescribed expense of surveying the land applied for, otherwise his application shall be cancelled; and as soon as conveniently can be, after payment of the survey fee, the Commissioner shall cause the land applied for to be surveyed in manner prescribed; but the applicant shall have no right to require the Commissioner to enter into a contract of sale with him until the survey has been effected, and the Commissioner has notified him that the land applied for is available and can be purchased in accordance with his application.

Selectors of second-class or third-class land to pay survey fee on demand.

General.

40 As soon as conveniently can be after payment by the applicant as hereinbefore provided—

Land to be surveyed.

- i. Of One-fifth of the survey fee in the case of first-class land:
- ii. The whole of the survey fee in the case of second or third class land—

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the Commissioner shall cause the land applied for to be surveyed in the prescribed manner; but the applicant shall have no right to require the Commissioner to enter into a contract of sale with him until the survey has been effected, and the Commissioner has notified him that the land applied for is available and can be purchased in accordance with his application.

Account to be opened for payment of survey fee.

41—(1) All moneys received by the Treasurer as survey fees for land selected for purchase on credit under this Act shall be credited to "The Survey Advance Account," and all moneys used for defraying the cost of surveys of such land shall be debited to such account.

(2) All moneys credited to such account shall be paid quarterly by the Treasurer into and form part of the Public Debts Sinking Fund, and the Commissioners of the Public Debts Sinking Fund shall out of the moneys at their disposal pay to the Treasurer quarterly a sum equal to the amount standing to the debit of such account, and such Commissioners are hereby empowered to make such payments accordingly.

PART V.**SALE OF LAND.***(1.) Sale by Auction.*

Sale by auction.

42—(1) Crown lands may be sold by public auction in the manner and subject to the conditions hereinafter prescribed.

(2.) All rural lands to be offered for sale by auction shall, after survey and before sale, be classified as—

- I. First-class lands :
- II. Second-class lands :
- III. Third-class lands.

Upset price.

43 The lowest upset price of rural lands offered for sale by auction is hereby fixed at One Pound per acre for first-class land, and Ten Shillings per acre for second-class land, and Five Shillings per acre for Third-class land.

Lands to be sold by auction to be previously surveyed.

44 Save as hereinafter provided, all lands to be offered by auction shall, before sale, be surveyed and delineated in the public charts of the State, in such lots as are subsequently offered and put up for sale.

Notice of sale by auction to be published.

45 Within Three months and not less than One month next preceding the sale of any lands by auction, the Commissioner shall, by notice in the "Gazette," declare the time and place at which such sale will be held, and what are the lands to be offered for sale at such auction, and the upset prices at which they will be offered for sale; and in every such notice the lands specified therein shall be distinguished by their proper classes, in accordance with the provisions

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hereinbefore contained; and such lands, when once advertised as aforesaid, shall not be open for purchase until after the day of sale or any postponement thereof. A.D. 1911.

Lithographed or other plans of the lands intended to be sold, showing the several lots for sale, shall, Fourteen days before the day of sale, be sent by the Commissioner to the auctioneer instructed to sell, and to the police-office nearest to such lands or such place as he thinks fit for the use of intending purchasers; and every person shall, upon application, be entitled to receive a copy of such plans. Plans to be provided.

The Commissioner may withdraw from sale any lands advertised for sale at any time prior to the sale.

46 Previously to the publication of the lastmentioned notice the Commissioner shall make an estimate of what he considers should be the upset price of the lands to be specified in such notice, together with the cost of survey and of the grant deed; and the Commissioner shall submit such notice for the consideration of the Governor, who may vary such estimate, or approve thereof, and the upset prices named in such notice, when so varied or approved of, shall be the upset prices of the lands specified in such notice; and from time to time in any subsequent notice of the intended sale by auction of any lands which have been previously offered for sale by auction and not sold, the upset prices of such lands may be raised or lowered according to circumstances, in like manner as they were originally fixed; but the upset price of any land shall never be lower than the lowest upset price fixed by this Act, together with the cost of survey and of the grant deed. Upset prices, how to be ascertained

47 No lands shall be sold at auction at a lower price than the upset price of such lands so fixed and advertised in the last preceding published notice of the intended sale by auction of such lands. Land not to be sold at auction at less than advertised upset prices.

48 If and whenever any person liable for the payment of a deposit under the terms of sale fails to pay the amount thereof on the day on which the auction is held, such person shall be guilty of an offence against this Act, and upon conviction shall forfeit and pay a penalty of double the amount of such deposit in respect of which default has been made. Penalty on highest bidder not paying amount of deposit.

49 Every agreement, whether in writing or otherwise, whereby any person promises or agrees, either directly or indirectly, to give or allow any sum of money, reward, benefit, or thing to any other person in consideration of such other person's— Agreement not to bid, &c., at sale to be illegal.

- i. Not bidding at any sale by public auction under this Act: or
 - ii. Not competing at such auction: or
 - iii. Bidding to a limited amount only: or
 - iv. Withdrawing from competition at any such auction: or
 - v. Doing any other act or thing which in any way might tend to prevent free and open competition at any such auction—
- shall be wholly illegal and void.

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Penalty on person proposing to intending purchaser to bid in any particular manner, &c.

50 Whenever any person offers or proposes to any intending purchaser or lessee at any such auction—

- i. To bid in any particular manner : or
- ii. Not to bid : or
- iii. Not bid except in some particular manner : or
- iv. To bid to a certain limited extent only : or
- v. To bid for certain lands or leases only—

in consideration of such intending purchaser or lessee bidding or not bidding for any land or lease to be offered for sale at such auction, such person shall be guilty of an offence against this Act, and shall upon conviction forfeit and pay a penalty not exceeding One hundred Pounds.

Penalty on person offering to enter into illegal agreement.

51 Whenever any person offers or proposes to any intending purchaser or lessee at any such auction to enter into any agreement which would be illegal and void under this Act, or offers or proposes to make any agreement or arrangement for making which any forfeiture or penalty is provided under this Act, or makes any such offer or proposal as mentioned in the last preceding section, under, by means of, or accompanied with any threats or representations respecting the future biddings, purchases, or competition, or respecting any particular course of proceeding of such person at any such auction, he shall be guilty of an offence against this Act, and upon conviction forfeit and pay a penalty not exceeding Two hundred Pounds.

Parties to agreement compellable as witnesses.

52—(1) In any proceeding under this Act all parties to any agreement, and all persons making or receiving any offer or proposal, with or without threats, as hereinbefore described, shall be compellable to give evidence upon all matters touching or relating to such agreement, offer, or proposal.

Protection of witnesses.

(2) No information shall be laid against any person for any offence under this Act in connection with or in consequence of any agreement, offer, or proposal, if such person, being summoned as a witness, shall answer all questions that may be asked of him in relation to such agreement, offer, or proposal.

(2.) Sale by Private Contract.

Sale, grant, or lease of land to Commonwealth.

53 Where the Governor agrees with the Governor-General of the Commonwealth for the sale, grant, or lease of any Crown land to the Commonwealth, any instrument or assurance executed by the Governor for conveying, granting, or leasing the land to the Commonwealth accordingly shall, by force of this Act, be valid and effectual to vest the land in the Commonwealth, according to the tenor thereof.

Crown lands may be sold by private contract in certain cases.

54 Where any second-class Crown land, being less than Thirty acres in area, and not contiguous or adjacent to any other Crown land,



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is so situated as to make it desirable in the opinion of the Commissioner that the same should be sold, he may cause the same to be sold—

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- i. Upon the terms set forth in Schedule (3) : or
- ii. By public auction.

55—(1) Within Twenty-one days after every sale by auction of town lands, not within Five miles of any city, and within a like period after every sale by auction of rural lands, and afterwards quarterly or oftener if he thinks fit, and until the same lands are again offered for sale by auction, the Commissioner may cause a list of all such lands as were offered for sale by auction and not sold, with the upset prices at which they were offered for sale, to be gazetted, and shall prefix a notice that any person may purchase any of the said lots at such upset prices by private contract; and the Commissioner may, after the expiration of Fourteen days from the date of the first publication of such notice, sell any of such lots at the upset prices mentioned in the notice by private contract to any person who applies to purchase the same; but if more than One application is made prior to the expiration of such period of Fourteen days to purchase the same lot, such lot shall not be sold by private contract, but shall be again submitted by public auction as soon as may be after such applications are made.

Land unsold at auction may be sold by private contract.

(2) This section shall apply to any Crown lands which before the commencement of this Act have been offered for sale by auction and not sold.

PART VI.

MINING AREAS.

56—(1) The Governor may—

- i. Proclaim any Crown land a mining area :
- ii. Alter or revoke the proclamation of any mining area.

Governor may proclaim mining areas.

(2) Crown land situate within any mining area shall be sold or disposed under and be subject to the provisions of this part.

Provided, however, that any land within a mining area shall be subject nevertheless to all the provisions of "The Mining Act, 1905," and shall be available for all the purposes of such Act.

5 Ed. VII. No. 23.

57 Any person of the age of Eighteen years or upwards may select and purchase, subject to the provisions hereinafter contained, One lot of first-class land within any mining area, not exceeding One hundred acres, at a price to be fixed by the Surveyor-General in the prescribed manner : Provided that when any such Crown land within any mining area is within a distance of One mile from the nearest point in the boundary of any town, such land may be selected and purchased in lots of not less than Ten nor more than Twenty acres.

First-class land within mining areas to be open for selection.
See Sect. 80.

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Land within
mining areas
may be sold
by auction.

58—(1) Crown lands within any mining area not purchased under the provisions of the immediately preceding section may be sold by the Commissioner by public auction, and if offered for sale by auction and not sold, then by private contract, in the manner provided by Part V. of this Act.

(2) No land within a distance of One mile from the nearest point in the boundary of any town shall be sold under this section as second-class land.

Limit of area.

(3) All such land shall, previously to being submitted to public auction, be surveyed in lots of not more than One hundred acres, and, in the case of first-class lands, of not less than Ten acres, and, in the case of second-class lands, of not less than Thirty acres, and, in the case of third-class lands, of not less than Fifty acres.

(4) The upset price of land submitted to auction in any mining area shall be fixed by the Governor, and in the case of first-class land shall not be less than One Pound per acre, and in the case of second-class land shall not be less than Ten Shillings per acre, and in the case of third-class land shall not be less than Five Shillings per acre.

Residence for
Three years.

59 Any first-class land purchased under the provisions of this Act within any mining area shall be occupied by the selector or purchaser thereof, or by some member of his family, or someone employed by him or on his behalf, for at least Three years before a grant shall be issued therefor, and in default of being so occupied such land shall be liable to be forfeited to the Crown. Such occupation shall be commenced within Two years after the date of the contract of sale and purchase.

Governor may
reserve area
adjoining town
boundary as fire-
wood reserve.

60 The Governor may, on the recommendation of the Surveyor General, reserve from sale, by notice, any area outside of and adjoining any town boundary as a firewood reserve for the use of the inhabitants of the town. Such firewood shall only be cut under the authority of the Commissioner.

PART VII.

SALE OF LAND IN MINING TOWNS.

Land in mining
area may be sold.
See Sec. 82.

Proviso.

61 Any Crown land forming part of any town situate in or near a mining area may be sold by the Commissioner in the manner provided by Part V., notwithstanding that such land has been withdrawn by proclamation from the operation of this Act: Provided that any person causing any injury or damage to such land or any buildings thereon by mining thereunder shall be liable for such injury or damage to the owner of the surface of such land.

Person in occu-
pation of residence
area entitled to
purchase
privately.

62 Any person being the holder of a residence licence or business licence who shall be in lawful occupation of any residence area or business area, and who shall be the owner of buildings and permanent

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improvements upon such land of a value equal to or greater than the upset price of such area, shall be entitled to purchase such area at the upset price at any time prior to the day on which such area is to be offered for sale as advertised. A.D. 1911.

The upset price for such area shall not be less than Ten Pounds, exclusive of the value of improvements, cost of survey, and of grant deed.

The area which may be so purchased may with the consent of the Commissioner exceed One-quarter of an acre, but shall not in any case exceed One-half of an acre.

63 The owner of any buildings or improvements upon any land sold by auction under this part shall be entitled to demand and receive from the Commissioner the amount of money at which such buildings or improvements have been assessed by the Commissioner; and in the event of such owner becoming the purchaser of such land the value of such buildings or improvements, so assessed as aforesaid, shall be paid to the owner aforesaid. Owner of buildings to receive value of same.

64 Any dispute arising under this part shall, except as otherwise hereinbefore provided, be heard and determined in a summary manner by a court, consisting of a warden of mines and Two assessors to be appointed by such warden, in the manner provided by "The Mining Act, 1905"; and the decision of any Two members of such court shall be final and conclusive, and shall be binding on all parties. Disputes, how determined.
5 Ed. VII No. 23.

65 The Commissioner, or any person authorised by him, may enter upon any land held under a residence licence or business licence, or upon any leased Crown land, or upon any land held under occupation licence, for the purpose of surveying the same or for assessing the value of any buildings or improvements thereon. Power to enter leased land for survey, &c.

66—(1) The Governor may resume any portion of the surface of any Crown lands comprised in any mining lease to the extent of Seven-eighths of the area thereof for the purposes of this part, and thereupon such lands shall be available for such purposes. Leased land may be resumed.

(2) The lessee from whom such lands may be resumed shall be entitled to compensation for all buildings and improvements on such land when so resumed, but shall not be entitled to any other compensation whatsoever.

67 No person shall be entitled to purchase or occupy as a residence area or business area any portion of a public highway or road or street, or any land reserved for public purposes. Area not to comprise portion of any road, &c.

68 The issue of a grant deed by the Governor of any land purchased under this part shall be conclusive evidence that the land as described in such grant deed has been resumed by the Governor for the purposes of this part. Grant deed evidence of resumption.

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Half purchase money may be expended on public works.

69 One-half of all purchase-money received for land sold under this part shall be set apart from time to time, and paid into a special account in the Treasury, to be applied for the purpose of constructing roads, streets, bridges, drains, sewers, or waterways, or for sanitary and other purposes, in and for the town where the land so sold is situate, or in the vicinity of such land so sold if not within a town.

All expenditure or liabilities incurred before the passing of this Act in the construction of streets and public works for the benefit of residence areas to the extent of One-half of the purchase-money shall be considered to have been lawfully undertaken and paid for.

The Treasurer shall, within Fourteen days after the meeting of each session of Parliament, furnish an account of the moneys received and allocated under this section.

PART VIII.**AREAS FOR SPECIAL SETTLEMENT.**

Commissioner may withdraw area of land from the operation of this Act.

70 If the Surveyor-General at any time reports to the Commissioner that there exists an area of rural land, not being less than One thousand acres in extent, which in his opinion is first-class land suitable for agriculture, horticulture, or dairy farming purposes, the Commissioner may withdraw from selection under the provisions of this Act such area, and such further area of inferior land adjoining or contiguous to such area as he may think desirable for the purposes of this part.

Moneys may be expended for certain purposes.

71 The Commissioner may expend such moneys as may be required for all or any of the following purposes:—

- I. For subdividing the withdrawn area into blocks suitable for the purposes of this part, and for surveying such blocks:
- II. For cutting tracks, surveying, and constructing roads or tramways, to or within the withdrawn area:
- III. For fencing, clearing, burning, sowing with grass seed, and for building houses, or effecting such other improvements on the withdrawn area, or any portions thereof, as the Commissioner may think fit.

Money may be advanced out of Crown Lands Fund.

72 The Treasurer for the time being of the State may advance to the Commissioner, out of any moneys for the time being standing to the credit of the Crown Lands Fund, such moneys as may be required by the Commissioner for effecting the objects of this part in respect of any withdrawn area; and moneys so advanced shall be repaid in the manner hereinafter appearing.

Blocks to be sold by auction.

73 After the withdrawn area has been subdivided into suitable blocks, and such blocks surveyed and classified as provided by this Act, and the said roads have been wholly or in part constructed, the Com-

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missioner may submit for sale by auction, in the manner provided in part V. of this Act, the blocks so surveyed: Provided, nevertheless, that any of the blocks without having been submitted for sale by auction—

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- i. May be declared by the Commissioner by notice in the "Gazette" to be open: or
- ii. May be reserved by the Commissioner for *bona fide* immigrants into the State to the extent of One block in every Six—

Blocks unsold by auction may be sold privately.

for purchase by private contract at such price as the Commissioner may think fit, upon the terms set out in Schedule (2).

74 All moneys received by the Commissioner in respect of the purchase-money of the said blocks so sold as aforesaid shall be immediately paid by the Commissioner to the Treasurer, in or towards repayment of the moneys so advanced by the Treasurer as aforesaid, until the whole of the moneys so advanced in respect of any withdrawn area are repaid; and any balance in respect of such purchase-money shall form part of the Consolidated Revenue.

Application of purchase-money.

75 The provisions of Sections One hundred and fifty one to One hundred and fifty-three inclusive of this Act shall not apply to any lands included in, or that may have been included in, any area withdrawn and dealt with under this part.

Provisions of Sections 151 to 153 of this Act not to apply.

PART IX.

CONDITIONS OF PURCHASE.

Terms on Sale.

76 Upon the sale of any town lands under Part V. the purchaser may pay the purchase-money in cash, or if at the time of sale such purchaser declares that he is desirous of being allowed credit, credit shall be allowed upon the terms hereinafter mentioned: Provided that nothing in this Act contained shall authorise the sale of any town land on credit where the price is less than Fifteen Pounds.

Payment of purchase-money on sale by auction of town land.

77 Upon the sale of town lands, whether by auction or private contract, the terms of credit shall be as follows:—A sum equal to One-third of the price shall be added thereto by way of premium for the allowance of credit, and the amount of the price and premium together shall become the purchase-money of the land; and the purchaser shall pay a deposit of One-fourteenth of such purchase-money at the time of sale, and shall contract to pay, and shall pay, the residue of the purchase-money by Thirteen annual instalments of One-fourteenth of the purchase-money, the First instalment to be paid at the expiration of One year from the time of sale.

Terms of credit on sale by auction or private contract of town lands.

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Improvements
to be effected
before issue of
grant.

78 Every purchaser of town land upon credit under Part V. shall, within Five years from the time of sale, make substantial improvements upon such land to the value of a sum equal to the purchase-money contracted to be paid for such land, otherwise such land and any improvements thereon shall be liable to be forfeited to the Crown.

Payment of
purchase-money
on sale by auction
of first-class
land.
Schedule (5).

79—(1) Upon the sale of any first-class land, whether by auction or private contract, under Part V. or VI., the terms of purchase shall be as set forth in Schedule (5) hereto; the First instalment to be paid at the expiration of One year from the time of sale. Provided that where the area of any first-class land so sold is less than Fifteen acres, such area shall be sold for cash, and not upon credit.

Payment of
purchase-money
on first-class
land selected for
purchase.
Schedule (2).

(2) Upon the sale of any first-class land purchased under Sections Twenty-four and Fifty-seven of this Act, the terms of purchase shall be as set forth in the Schedule (2) hereto; the First instalment to be paid at the expiration of One year from the time of sale.

Payment of
purchase-money
on sale by auction
of second-class
land.
Schedule (6).

80 Upon the sale of any second-class land, whether by auction or private contract, under Parts V. or VI., the terms of purchase shall be as set forth in the Schedule (6) hereto; the first instalment to be paid at the expiration of One year from the time of sale.

Terms of
purchase of land
sold under
Part VII.

81 The terms of credit for the sale of any land purchased under Part VII. shall be as follows:—A sum equal to One-third of the price shall be added by way of premium for the allowance of credit, and the amount of the price and premium together shall become the purchase-money of the land; and the purchaser shall pay a deposit equal to One-fourteenth of such purchase-money at the time of sale, and shall contract to pay, and shall pay, the residue of the purchase-money by Thirteen annual instalments of One-fourteenth of the purchase-money, the First instalment to be paid at the expiration of One year from the time of sale.

Purchase money
in areas for
special settlement.

82 Upon the sale of any land under Part VIII. the terms of purchase shall be as set forth in Schedule (2) hereto.

Purchaser on
credit may pay
off at any time.

83 It shall be lawful for the purchaser of any land upon credit, at any time during the period of credit allowed, and before default is made in payment of any instalment of the purchase-money, to pay off the balance then remaining unpaid under the contract of sale; and in every such case a deduction shall be allowed in the sum added to the price of the land by way of premium for the allowance of credit proportionate to the then unexpired period of credit: Provided that such purchaser shall not be entitled to pay off the balance then remaining unpaid until he has complied with the conditions as to occupation and improvements upon such land imposed by this Act in his case.

Proviso.

Conditions.

Improvements to
be effected on
first-class land.

84 Before the expiration of One year from the date of the contract of sale and purchase of first-class land, the purchaser of such land shall

Crown Lands Consolidation.

begin to effect substantial improvements thereon, and shall continue in each year during the Eight consecutive years thereafter to effect substantial improvements on such land of the value of not less than Two Shillings and Sixpence per acre for every acre thereof; and in default of making such improvements such land shall be liable to be forfeited to the Crown: Provided that every purchaser having expended more than Two Shillings and Sixpence per acre in any year shall be entitled to credit against his liability in any subsequent year for such extra expenditure; and the total amount so to be expended in such improvements need not exceed the sum of One Pound for every acre of such land.

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Proviso

85 Any first-class rural land purchased on credit under the provisions of this Act (not being land purchased under Sections Twenty-seven or Fifty-seven of this Act), and any first-class land purchased on credit by auction or private contract under Part V., shall be occupied by the purchaser thereof, or by some member of his family, or by some one employed by him on his behalf, for at least Five years before a grant shall be issued therefor; and in default of being so occupied such land shall be liable to be forfeited to the Crown. Such occupation shall be commenced within Four years after the date of contract of sale and purchase: Provided that whenever any purchaser of land purchased on credit under this Act has become liable to have his land forfeited on account of his failure to comply with the conditions of occupation upon such land imposed by this Act, the Governor may suspend compliance with such conditions for any period not exceeding Five years from the date of the contract of sale and purchase, upon sufficient and satisfactory grounds being shown for such failure to occupy: Provided also that where any area of land held on credit adjoins any land occupied by the purchaser the Governor may dispense with compliance with the conditions of this Act with regard to occupation if he is of opinion that such conditions inflict unnecessary hardship on the purchaser.

Occupation on first-class land necessary.

Governor may suspend occupation in certain cases.

86 Before the expiration of One year from the date of contract of sale and purchase of any second or third class land, the purchaser of such land shall begin to effect substantial improvements thereon, and shall continue in each year during the Five consecutive years thereafter to effect substantial improvements on such land of the value of One Shilling for every acre thereof; and in default of making such improvements such land shall be liable to be forfeited to the Crown: Provided that every purchaser having expended more than One Shilling per acre in any year shall be entitled to credit against his liability in any subsequent year for such extra expenditure; and the total amount so to be expended in such improvements need not exceed Five Shillings for every acre of such land.

Improvements to be effected on second-class land.

Proviso.

87 The Governor may issue a grant for any land purchased under any previous Act, notwithstanding improvements have not been effected upon such land to the value of One Pound per acre, if the Commis-

Improvements on lands purchased under previous Acts.

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sioner is satisfied that such land, if purchased under the provisions of this Act, would have been classed as second-class land, and that the improvements effected upon such land substantially comply with the improvements required by this Act with regard to second-class land.

Governor may
postpone time for
improvements.

88 Whenever any purchaser's land is liable to forfeiture on account of his failure to make substantial improvements the Governor may postpone the time for making such improvements for any period not exceeding Two years, upon being satisfied that such purchaser has become unable to make such improvements, or that the enforcement of the forfeiture would inflict hardship upon the purchaser.

Purchaser on
credit to furnish
declaration as to
expenditure.

89—(1) Every purchaser of Crown land on credit shall, upon receiving notice, furnish to the Commissioner, in the form prescribed, a statutory declaration showing particulars—

(a) Of the improvements effected upon the land purchased by him :

(b) Of the value and cost of such improvements :

(c) As to the occupation of the purchaser or any other person on such land in any case in which occupation is required by this Act :

(d) Such other particulars as may be prescribed.

Penalty for not
furnishing
declaration.

(2) If such statutory declaration is not so furnished, or when furnished does not contain the particulars required to be shown therein, the person so making default shall be guilty of an offence against this Act, and on conviction shall be liable to a penalty not exceeding Twenty Pounds.

(3) A certificate, purporting to be under the hand of the Commissioner, that such declaration has not been furnished to him by the person liable to furnish the same, or that the declarations attached thereto are the only declarations that have been furnished to him, shall be *prima facie* evidence in all proceedings of the truth of the facts therein stated.

Estate in Land.

Purchaser not to
transfer until
grant issued.
Proviso.

90 Except as provided by this Act, it shall not be lawful for any purchaser to assign or transfer his interest in such land until a grant deed has been issued therefor by the Governor: Provided that any purchaser may, with the consent of the Commissioner in writing, transfer his interest in any such land to any person who is entitled to select land under this Act; and in every case the transfer shall be subject to the performance by the transferee of the same conditions as the purchaser was liable to perform and fulfil.

Power to
mortgage interest.

91 Every purchaser of Crown lands upon credit may, with the consent in writing of the Commissioner, mortgage his interest in the land so purchased by him.

Proviso.

Provided that no mortgagee shall be entitled to foreclose and hold any Crown land unless he is eligible under the provisions of this Act to be the holder upon credit of such land.

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92—(1) The Commissioner may cancel any contract for the sale and purchase of any Crown land held upon credit under this Act or any previous Act upon receiving a written request so to do from the purchaser thereof, signed and attested before a justice. The Commissioner, before exercising his power to cancel, may insist upon payment of all arrears of purchase-money and interest thereon, at the rate of Five Pounds per centum per annum.

A.D. 1911.

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Contract for purchase of land may be cancelled by request.

(2) The Commissioner shall, by notice published in the "Gazette," notify that such contract has been cancelled, whereupon all moneys paid in respect of the purchase of the land the subject of such contract shall be forfeited, and the land shall be freed from the contract of sale, and shall revert to the Crown and become disposable as Crown land under this Act.

Notice to be published.

93 In all cases where land has been sold upon credit under the provisions of this or any previous Act, if default is made in the payment of any instalment of the purchase-money, and the same is not paid within Sixty days after it has become payable, it shall be lawful at any time thereafter for the Governor, on the application of the Commissioner, to declare by notice published in the "Gazette" that the land in respect of which such default has been made is forfeited to the Crown; and thereupon the deposit and all instalments previously paid in respect of the said land shall be absolutely forfeited, and the land shall be freed from the contract of sale, and shall revert to the Crown.

On failure in payment of any instalment land may be forfeited.

94 No land shall be declared forfeited to the Crown under the immediately preceding section until Thirty days' notice of the intention of the Commissioner to have such land declared forfeited has been gazetted, and also given to the purchaser thereof in such manner and form as may be prescribed.

Notice of intention of forfeiture to be given.

95 The Commissioner may, if satisfied that the conditions of the purchase have in other respects been complied with, or that forfeiture would inflict hardship upon the purchaser, delay application to the Governor for forfeiture, and in such case the Commissioner shall charge interest at the rate of One Penny in the pound sterling or part thereof of the amount of purchase-money in arrear, for every month or part thereof during which such application for forfeiture is so delayed, commencing from the date when the payment of the instalment or part of the purchase-money first became due; but no such purchaser shall be permitted to owe more than Two instalments on such land at any one time.

Instalments in arrear to bear interest.

The Commissioner may, if a purchaser forwards payment of an overdue instalment, deduct from such instalment the amount of interest that is due, and may separate the amount forwarded, giving the purchaser credit for the interest that is due, and the balance may be taken as payment of portion of the instalment overdue.

Crown Lands Consolidation.

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Lands may
be redeemed from
forfeiture.

96 No land shall be declared forfeited to the Crown under Section Ninety-three if the purchase-money in arrear and interest thereon in accordance with the provisions of the immediately preceding section be paid, together with a fine of One Penny for every pound sterling of the amount of purchase-money in respect of which default has been made in payment, and Five Shillings to cover cost of advertising, within Thirty days from the date of the First publication of notice of the intention of the Commissioner to have such land forfeited.

Governor may
permit selectors
to complete
purchase of
portion of land.
59 Vict. No. 31,
s. 13.

97 The Governor may permit any purchaser of any One or more allotments of rural land purchased under this Act or any previous Act to complete the purchase of any allotment, or any One portion of an allotment, upon the following conditions:—

- i. That the purchaser is unable to complete the contract entered into for the purchase of the whole of the said land :
- ii. That substantial improvements have been effected upon the land purchased to the value of One Pound for every acre of the land to be retained by the purchaser :
- iii. That the purchaser pays the prescribed expense of surveying the land to be retained by him.

The allotment or portion of the land to be retained shall be selected in accordance with the regulations.

Purchase-money
to be applied
in or towards
payment for
portion of land
selected.
59 Vict. No. 31,
s. 13.

98 In any case in which any purchaser is permitted to avail himself of the provisions of the last preceding section, the Commissioner shall apply Three-fourths of the full amount of the purchase-money paid by such purchaser upon all the land contracted to be purchased in or towards the payment of the purchase-money payable in respect of the allotment or portion of such land which such purchaser is permitted to complete the purchase of.

Devolution of Land Purchased.

Interest of bank-
rupt to pass to
trustee.
34 Vict. No. 32.

99 If any purchaser of Crown land on credit becomes bankrupt or if the affairs of any such purchaser are liquidated by arrangement under "The Bankruptcy Act, 1870," before the whole price of the land purchased by him is paid, his interest in such land shall pass to his trustee under the said Act, upon such trustee producing to the Commissioner the order adjudicating such purchaser a bankrupt and the resolution of the creditors appointing such person to be trustee, or the special resolution appointing such person to be trustee under such liquidation ; and such trustee or his assignee shall hold such land subject to the performance by him of the conditions which the purchaser was liable to perform and fulfil.

Where purchaser
dies before price
of land paid, land
to be held by
executors, &c.

100 If any purchaser of Crown land dies before the whole price of the land purchased by him is paid, and all the conditions relating to such purchase are fulfilled, the said land shall be held by his trustees, executors, or administrators, as the case may be, subject to the fulfil-

Crown Lands Consolidation.

ment by them of all unfulfilled conditions, but in trust for and for the benefit of the persons rightly entitled. But a *bona fide* transfer for value lawfully made by such trustees, executors or administrators, shall be held to transfer all the interest of such purchaser, subject to the payment of any unpaid balance of purchase-money and interest, if any; and every such transfer shall be subject to the performance by the transferee of the conditions which the original purchaser was liable to perform and fulfil. A.D. 1911.

101 The interest of any purchaser of Crown land on credit may be sold by the sheriff or any other officer or person by virtue or under the authority of any writ of execution or other process of any court, or by any person under any decree or order of any court otherwise than in bankruptcy. Interest of purchaser to pass on sale by sheriff, &c.

102 The Commissioner may, if satisfied—

- i. That no will has been left by any deceased person, being the holder of Crown land purchased on credit: and
- ii. That no letters of administration of the lands or goods of such deceased person have been taken out within Six calendar months after his death: and
- iii. That the value of the estate of such deceased person is not sufficient to justify the expense of taking out such letters of administration—

Transmission without letters of administration.

cause transmission of such holding to be entered up in the records of the Department of Lands and Surveys in favour of the widow or child or children, as the case may be, of such deceased person.

The person or persons in whose favour such transmission shall be entered up shall thereupon have all the rights, powers, and liabilities in respect of such holding as he or she or they would have had if letters of administration of the estate of such deceased person had been granted to him, her, or them respectively.

103 The Commissioner may, if satisfied—

- i. That a will has been left by any deceased person, being the holder of Crown land purchased on credit: and
- ii. That no probate of such will and no letters of administration with the will annexed of the lands or goods of such person has or have been taken out within Six months after his death: and
- iii. That the value of the estate of such person is not sufficient to justify the expense of taking out such probate or letters of administration with the will annexed—

Transmission without probate.

cause transmission of such holding to be entered up in the records of the Department of Lands and Surveys in favour of the person or persons who would have been entitled upon the grant of such probate or letters of administration with the will annexed to be entered up as the proprietor or holder of such land.

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The person in whose favour such transmission shall be entered up shall thereupon have all the rights, powers, and liabilities in respect of such holding as he would have had if probate of the will or letters of administration with the will annexed of the estate of such deceased person had been granted to him.

Governor may issue grant to person entitled in equity and good conscience.

104 In any case in which any Crown land has been purchased on credit under this Act, or any previous Act, or selected under any previous Act, and the purchaser or selector, or the transferee of the purchaser or selector, has died before the whole of the purchase-money has been paid for such land, and the balance of the purchase-money has been subsequently paid by any other person herein called the "Applicant" in pursuance or on the faith of any agreement with such original purchaser or selector or transferee for the transfer of such land to the applicant, the Governor may, upon being satisfied that the applicant is entitled in equity and good conscience to a grant of the said land, convey and alienate the same to the applicant in fee simple by a deed of grant in accordance with this Act.

Proviso.

Provided that before the Governor shall issue any such deed of grant the Commissioner shall publish a notice in the "Gazette" setting forth a description of the land and the name of the person to whom it is intended to issue such deed of grant, and notifying that in default of any caveat being lodged with the Commissioner within Thirty days from the date of such notice the Governor will issue a deed of grant of such land to such person.

Grant Deed.

Land to be conveyed by grant ;

105—(1) Under and subject to the provisions contained in this Act or the regulations, the Governor is hereby authorised, in the name and on behalf of His Majesty, to convey and alienate in fee simple, or for any less estate or interest, any Crown lands.

Such conveyances or alienations shall be made by deed of grant under the hand of the Governor and the public seal of the State, and shall be in such form as may be prescribed, and being so made shall be valid and effectual to vest in possession in the grantee any such lands as aforesaid for any such estate or interest as by any such deed of grant is granted to him.

provided purchase-money first paid.

No such deed of grant shall be issued to any such purchaser until the whole of the purchase-money for any such land has been fully paid and the conditions imposed by this Act fulfilled.

(2) In the case of all lands (not being then the subject of a subsisting contract with the Crown for the alienation thereof) which remained unalienated from the Crown on the First day of July, One thousand eight hundred and sixty-two, the Governor shall cause such grant to be issued in duplicate, and delivered to the Recorder of Titles, who shall register and deal with the same in the manner provided by "The Real Property Act."

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106 The grant deed of any Crown land granted after the commencement of this Act shall contain a reservation to the Crown of the right at all times of making and constructing in or on the said land such and so many drains, sewers, and waterways for sanitary or other purposes as may be deemed expedient, and also the right of altering, amending, cleansing, or repairing such drains, sewers, and waterways.

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Reservation of
right to construct
drains, &c.

107 The grant deed of any Crown land granted after the commencement of this Act shall not include or convey property in gold, silver, copper, tin, or other metals, ore, mineral, or other substances containing metals, or gems or precious stones, or coal or mineral oil, in or upon such land, the same being reserved by the Crown.

Reservation of
gold, &c.**PART X.****LEASES.***Leases of Land for Wharves, &c.*

108—(1) The Commissioner may, with the consent of the Governor, lease to any person, on such terms and conditions and for such period not exceeding Fourteen years as the Governor sees fit—

Leases may be
made for con-
structing and
erecting or using
wharves, jetties,
patent slip,
watercourses, and
manufactories, &c.

- i. Any land bordering on a navigable river or the sea or any part thereof, and also any adjoining portion of the bed and soil of such navigable river or of the sea or any part thereof, for the purpose of constructing, using, or enjoying wharves, jetties, docks, or patent slips, or other works for the building or repair of ships or any other works of public utility or convenience, whether similar to the foregoing or not:
- ii. The right of constructing, using, enjoying, and maintaining across any Crown land or any land reserved by the Crown for the use of the public along the margin of any river or stream, watercourses for the purposes of irrigation or for conveying water to or from any mill or manufactory, or other like purpose, also the right of constructing upon any such reserve or Crown land, or in the bed of any such river or stream, such works as may be necessary for the purpose of regulating the flow of water through such watercourses, and the right of entering upon such Crown land or reserves from time to time for the purpose of maintaining and repairing such watercourses and works.

And any such lease of any portion of the bed and soil of any navigable river or of the sea, or any part thereof, shall confer a right to the exclusive use and occupation of the water covering the portion of the bed and soil leased during the continuance of such lease.

(2) The Commissioner may in like manner lease, for such period not exceeding Fourteen years as the Governor sees fit, any portion of

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Crown land, or of a Crown reserve, for the purpose of erecting thereon or working any manufactory, mill, or other such work, or for such other purposes as he may think fit.

Proviso.

(3) No lease of any land or the bed and soil of any river or sea within the limits of the jurisdiction of a marine board shall be made without the consent of such marine board.

Commissioner may lease land for railways or tramways.

109 The Commissioner may, with the consent of the Governor, lease for any period not exceeding Fourteen years, to any person applying to rent the same, any Crown land which may be required for the purpose of constructing or working any railway or tramway, at such rent and upon such conditions as the Governor may approve.

Not to interfere with right of navigation or roads, or affect navigation or roads.

110—(1) No lease shall—

- i. Be made so as to interfere with the right of access to a river or the sea or any part thereof by any person having an estate or interest in land bordering thereon or on any Crown reserve along the margin thereof: nor
- ii. Be made of any portion of the bed and soil of any navigable river or the sea or any part thereof where it would injuriously affect or interfere with navigation: nor
- iii. Extend to the obstruction or endangering of the navigation of any navigable water, or to the prejudice of any person having any vested interest in any such water: nor
- iv. Be made where it would extend to the obstruction of any road or endanger the use thereof.

Not to pollute water.

(2) No manufactory, mill, or other such work shall be erected on any Crown land or Crown reserve in the neighbourhood of any river or stream whereby the water thereof shall be polluted so as to injure or endanger the lives of any of His Majesty's subjects making use thereof, or be injurious or destructive to the fish in such river.

Leases to contain clause of forfeiture on non-completion of works.

(3) Every lease shall contain a condition for forfeiture thereof in case of non-completion of the works for the purpose of the construction of which such lease is made, within a period to be therein specified, in the event of the same not having been previously completed, or in case of the breach or non-performance of any of the conditions in such lease.

No compensation for improvements at expiration of lease.

(4) No compensation shall be given at the expiration of any lease for any improvements effected upon any land, or in or upon the bed and soil of any navigable river or the sea comprised in any such lease.

Power to resume.

(5) In case the whole or any part of the land or bed and soil of any navigable river or the sea comprised in any such lease, is at any time required for any public purposes, the same may be resumed by the Crown; and the Commissioner or any person authorised by him in that behalf may enter thereupon without suit, and upon such entry such lease shall become absolutely void.

Proviso for compensation on resumption.

Provided that before any such entry shall be made as aforesaid compensation shall be made by the Commissioner to the lessee for all permanent works or improvements which such lessee may have erected

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or made on the land or bed and soil of any navigable river or the sea A.D. 1911.
so resumed, and such compensation shall be ascertained by valuation
in such manner as may be prescribed.

Leases for Grazing Purposes.

111—(1) The Commissioner may, with the consent of the Governor, Leases of lands
by notice in the "Gazette," describing with all practicable precision for grazing
the extent, locality, and boundaries of the runs to be let, with the upset purposes.
rental affixed to each run, offer to sell by public auction, for any period
not exceeding Fourteen years, to any person bidding the highest
rental for the same, leases of lands of the Crown for grazing purposes,
on a day to be named in such notice, not being less than Thirty
days after the first publication of the said notice.

(2) The upset annual rent to be paid for every such run shall be Rent to be deter-
fixed and determined by the Commissioner, having regard to the class mined by the
and situation of the land, and the number of sheep or cattle which the Commissioner.
Commissioner considers such run to be capable of carrying; but in no
case shall the upset annual rent be fixed at less than Five Shillings per
Hundred acres.

(3) Notwithstanding anything hereinbefore contained, the Commis-
sioner may cause a list of all such lands as may have been exposed to
rental by auction and not disposed of, with the amount of rent fixed as the
upset price for the same respectively, to be gazetted, with a notice
that any person who applies before a day to be named in such notice
to rent any such land by private contract, may receive a lease to
occupy the same for grazing purposes at the rent fixed as the upset
price in such notice: Provided that if more than One application is Proviso.
received (before the time named) to rent the same run, such run shall
not be let by private contract, but shall be put up for rental by auction
as soon thereafter as may be.

(4) Such runs may remain open for rental by private contract for
One year, and at the expiration of that period may be again put up by
auction.

112—(1) The highest bidder for any run shall be entitled to receive Highest bidder to
a lease of the same for grazing purposes for the period fixed, not be entitled to
exceeding the number of years allowed by this Act, provided he pays lease.
by way of deposit an amount equal to One-half of such annual rental
at the time of such auction. Such deposit shall be credited to such
bidder as rent.

(2) If there is no bidder at such auction the Commissioner may
reduce the amount of rent, and the run may be again exposed to
auction after notice of the same has been given in manner hereinbefore
provided, and so from time to time until the lease for the said run is
sold.

113 If and whenever any person liable for the payment of any Penalty on
such deposit fails to pay the amount thereof on the day on which highest bidder
such auction is held, such person shall be guilty of an offence against not paying
amount of rent.

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this Act, and upon conviction shall forfeit and pay a penalty of double the amount of such deposit in respect of which default has been made.

Lessee may fell timber for building or fencing.

114 Any lessee of Crown land for grazing purposes may, unless the lease contains a provision to the contrary, fell, for building or fencing purposes in connection with the demised land, any timber growing on such land or on any unoccupied Crown land adjacent thereto.

Lessee may determine lease.

115 Every lessee of Crown land for grazing purposes under this or any previous Act whose rent is not in arrear may determine his lease by giving at least Six months' notice in writing to the Commissioner, on any of the half-yearly days appointed for the payment of the rent reserved by such lease, of an intention so to do, and upon payment of the rent for the half-year succeeding such notice; and upon the expiration of such notice and such payment the lease shall determine.

Improvements made upon run by lessee to be paid for by incoming lessee.

116—(1) Upon the expiration by effluxion of time of leases of Crown land for grazing purposes, the Commissioner shall, when offering leases of such lands for sale with the upset rental affixed to each run, specify the amount which the Commissioner considers the fair and reasonable value of all improvements erected or constructed upon the run.

(2) The person who becomes entitled to receive a lease of such land shall pay in cash at the time of sale to the Commissioner, or person appointed by him, the amount so fixed as the value of such improvements; and in default of such payment the run shall be forthwith again put up for auction.

(3) The Commissioner, upon being satisfied by the outgoing lessee that such improvements or any portion thereof were erected or constructed by such lessee, or are his property by purchase or otherwise, may pay to him the whole amount received or so much thereof as shall represent the value of his improvements, but so that the sum paid to any such outgoing lessee shall not exceed the amount received by the Commissioner from the incoming lessee as hereinbefore provided.

Other Leases.

Pastoral leases.

117 The Commissioner may, with the consent of the Governor, grant to any person who is the holder of a temporary licence for any period not exceeding Fourteen years, on such terms and conditions as the Governor sees fit, a special lease, called "a pastoral lease," of the land held under such temporary licence: Provided that this section shall only apply to lands within a mining area, and that no pastoral lease granted therein shall exceed Five hundred acres.

Leases of land covered with button-grass, &c.

118 The Commissioner may, with the consent of the Governor, lease to any person for any period not exceeding Twenty-one years, on such terms and conditions as the Governor sees fit, any Crown land covered with button-grass, river-grass, or rushes, at a rental which shall



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not be less than One Pound Five Shillings for every Thousand acres, provided that the lessee shall covenant to improve the area leased to the extent of Two Pounds Ten Shillings per Thousand acres per year from the date of the lease. A.D. 1911.

119 The Commissioner may, with the consent of the Governor, lease to any person for any period not exceeding Twenty-one years, on such terms and conditions as the Governor sees fit, any Crown land at an altitude of not less than One thousand eight hundred feet, at a rental which shall not be less than Two Pounds Ten Shillings for every Thousand acres, provided that the lessee shall covenant to improve the area leased to the extent of Five Pounds per Thousand acres per year from the date of the lease.

Commissioner may lease Crown land of an altitude of not less than One thousand eight hundred feet for period not exceeding Twenty-one years.

120 The Commissioner may, with the consent of the Governor, lease to any person, on such terms and subject to such conditions as the Governor sees fit, and for any period not exceeding Twenty-one years, any portion, not exceeding One thousand five hundred acres, of Crown land (including Crown land which may have been proclaimed by the Governor a timber reserve under this Act) for the purpose of obtaining timber or firewood therefrom: Provided that no such lease shall be granted of a greater area than One hundred acres for the taking of timber or firewood within Five miles of any town situated in or near any mining area.

Timber leases may be granted.

Provisions Applicable to All Leases.

121 The rent reserved by every lease of Crown land shall be payable half-yearly in advance on the First day of April and the First day of October in each year. Rent to be paid half-yearly.

If any lease commences or is determined during any half-year, then a proportionate part only of such rent shall be paid by the lessee.

Every such lease shall be determinable on non-payment of the rent within One month after the same has become due.

122 In every case where the rent reserved by any lease shall not be paid within One month from the date when such rent becomes due, the Commissioner shall charge such lessee interest at the rate of Five Pounds per centum per annum on the amount of the unpaid rent. If rent not paid interest shall be charged.

123 The rent reserved by every such lease and the said interest may be recovered in like manner as any other rent is recoverable by law; and, in case the same is levied by distress, an order of the Commissioner shall be a sufficient warrant and authority to distrain. How rent is recoverable.

124 Any lease, and the interest of any lessee therein, may be transferred by writing attested by a justice, and in such form as may be prescribed: Provided that no transfer shall be recognised until all rent then due shall be paid. Interest of lessee may be transferred.

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Registration of transfer.

125 Every such transfer shall be registered at the office of the Commissioner; and until registration has been made such transfer shall have no effect or operation, and no interest either at law or in equity shall be deemed to have passed thereby.

Condition in lease.

126 Every lease shall contain a condition for the payment of the rent at the times hereinbefore mentioned, and such other conditions and provisions not inconsistent with this Act as may be prescribed.

Commissioner may forfeit and revoke lease on violation of conditions.

127 If at any time while any such lease is in force it is shown to the satisfaction of the Commissioner that any condition of such lease has been violated, the Commissioner may without taking any further proceedings forfeit and revoke such lease, and may dispose of the land to which such lease applied as if such lease had never been issued; and the lessee, and his executors, administrators, and assigns, shall be taken to have forfeited all right, title, and interest under such lease, and to be, as against His Majesty and the Commissioner, or any person claiming under His Majesty or the Commissioner, a mere trespasser or mere trespassers.

Reservation of mines.

128 All leases shall contain a reservation of all mines and minerals in the land comprised therein, and shall contain such other reservations and exceptions as may be prescribed, including a reservation of the right of access for the purpose of searching for or working any mines or minerals in any part of the land.

Land may be resumed by the Commissioner.

129—(1) No lease shall be deemed to prevent any land leased, or any part thereof, from being resumed by the Commissioner for the purpose of being alienated or dealt with under this Act or any other Act for other than the purposes for which the same was leased, provided that the Commissioner shall give to the lessee Six months' notice of his intention to resume such land or part thereof, and upon the expiration of the said notice such lease shall become void as to the said land, or part thereof, as the case may be: Provided that when any such land, or any part thereof, is so resumed as aforesaid, compensation shall be made by the Commissioner to the lessee of such land for all fences, buildings, and permanent improvements which such lessee may have erected or made on the land so resumed, such compensation to be ascertained by valuation in such manner as may be prescribed.

Proviso.

Compensation for improvements.

(2) Whenever any land resumed under this section is sold under this Act, the amount of the compensation made by the Commissioner for such fences, buildings, and permanent improvements shall be paid by the purchaser in addition to the purchase-money of such land, and such amount shall be paid in cash at the time of sale.

(3) Whenever any land leased, or part thereof, has been resumed for alienation and not sold, the Commissioner may let the said land, or portion thereof, for any period not exceeding Twelve months: Provided that the lessee from whom it is resumed shall have the first right to the offer of same.

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130 In case the value of any land leased is diminished by reason of any portion thereof being resumed under this or any other Act, the the Commissioner shall determine the amount of rent to be paid in future in respect of the residue of such land.

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Provision in case part of land leased is resumed.

PART XI.**LICENCES.***Timber Licences, &c.*

131—(1) The Commissioner may grant to any person licences for the following purposes, on such terms and conditions as may be prescribed—

Licences may be granted to fell timber, to remove gravel and stone, &c.

- i. For felling, cutting, splitting, or removing the timber, or any particular description of timber, or firewood, or bark growing on any Crown lands :
- ii. To remove gravel, clay, or stone from any Crown lands or from any Crown reserve, or to make bricks or pottery, or burn charcoal, or quarry stone, sand, clay, shells, or marl thereon, and to remove the same :
- iii. To shoot or hunt upon any Crown lands :
- iv. To cut or obtain and remove the common grass-tree (*Xanthorrhæa*) on or from any Crown lands, or from any Crown reserve, or any specified areas thereof :
- v. To cut or obtain and remove eucalyptus leaves on or from Crown lands :
- vi. For any other purpose which the Governor may approve, whether similar to the foregoing or not.

(2) Every such licence shall specify the particular locality in which it is to be in force; and no such licence shall in any case extend to land surveyed for sale or for which any application to purchase has been approved, and for which the survey fee or any part thereof has been paid, or which the Commissioner may consider should be specially excepted from the operation of such licence.

Locality of licence to be specified.

Temporary Licences.

132 The Commissioner may grant to any person a licence, in this Act referred to as a "temporary licence," to take possession of and hold, for any time not exceeding Twelve months from the date thereof, of any Crown lands for such purposes and on such terms and conditions as may be prescribed.

Temporary licences.

Occupation, Residence, and Business Licences.

133—(1) The Commissioner may cause documents, called respectively—

Occupation licences to be issued.

- i. Occupation licences :
- ii. Residence licences :
- iii. Business licences—

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to be issued, in such form and subject to such conditions as may be prescribed, to any person of the full age of Twenty-one years or upwards applying for the same, upon payment of the fee hereinafter provided.

(2) Every such licence shall describe the position and area of the land to be occupied thereunder.

(3) No person shall at any time hold more than One licence of each kind.

Holder of
occupation
licence may
take possession.

134 Any holder of an occupation licence shall, subject to the provisions of this Act and the regulations, be entitled, except as against His Majesty, to take possession of and occupy the surface of any Crown land within any mining area not exceeding One-quarter of an acre, and not withdrawn from the operation of this Act or this part.

Holder of
residence
licence may
take possession.

135 Any holder of a residence licence shall, subject to the provisions of this Act and the regulations, be entitled, except as against His Majesty, to take possession of and occupy for residence, as a domicile only, the surface of any Crown land, not exceeding One-quarter of an acre, within any town situate within a mining area, and which has been surveyed and been declared by notice under the hand of the Commissioner and gazetted to be available for the purpose of residence.

Holder of
business
licence
may take
possession.

136 Any holder of a business licence shall, subject to the provisions of this Act and the regulations, be entitled, except as against His Majesty, to take possession of and occupy for business purposes, for any period not exceeding One year, the surface of any Crown land situate within any mining area, not exceeding One-quarter of an acre, and which has not been withdrawn from the operation of this Act or this part.

Licences to
expire on Thirty-
first December
in each year.

137 Every occupation, residence, or business licence shall expire on the Thirty-first day of December in the year in which it shall have been issued, unless sooner determined in accordance with the provisions of this Act.

Fees payable
under this Act.

138 The following fees shall be payable in each and every year, namely :—

- i. For an occupation licence, the sum of Five Shillings :
- ii. For a residence licence, the sum of Ten Shillings :
- iii. For a business licence, the sum of Twenty Shillings.

Provided that when any residence or business licence is applied for after the Thirtieth day of June in any year, the fee payable for the same for the remaining portion of the year shall be Five Shillings for a residence licence, and Ten Shillings for a business licence.

Holder of
licences may
erect buildings.

139 Every occupation, residence, or business licence shall, subject to the provisions of this Act and of the regulations, entitle the holder

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thereof, during the continuance of such licence, to put up any building or other erection, and to remove the same at any time before, but not after, the expiration of such licence. A.D. 1911.

The property in such land shall be deemed a chattel interest.

140 The holder of any occupation licence shall not be entitled to receive any compensation in respect of any building or other erection put up by him upon the land held under such licence. Holder of occupation licence not entitled to compensation.

141 Where any person being the holder of any occupation licence or business licence desires to take possession under such licence of any portion of Crown land already leased under the provisions of any Act relating to mining, he shall, before doing so, obtain permission in writing for that purpose from a warden of mines, who shall notify the lessee of his intention to grant such permission, and shall call upon the lessee to show cause (if any) why such permission should not be granted, and, if demanded within Thirty days from the date of such permission, such person shall pay compensation to the lessee of such land for the loss or inconvenience (if any) such lessee may incur by such occupation; and such compensation, if not agreed upon by the parties, shall be settled by a warden of mines, whose decision shall be final. Holders of licence may take possession of leased land.

142 The Commissioner may at any time, upon giving not less than Three months' notice by writing under his hand to the holder of any occupation licence, cancel such licence, and at the expiration of time specified in such notice the holder of such licence shall give up possession of and quit the land held under such licence. Power to cancel occupation licence.

143 The holder of any residence licence or business licence may transfer the same to any person, not debarred under this Act, by endorsement thereon signed by him in the presence of and attested by a witness; and another licence shall be granted by the Commissioner to the person named in such endorsement upon production and surrender of such licence so endorsed, and upon a payment of a fee of Two Shillings and Sixpence; and every such lastmentioned licence shall be dated of the date and at the place of issuing thereof, and shall be in force for the then unexpired period of the licence, as aforesaid. Licence may be transferred.

General.

144 The Commissioner may decline to issue any licence if in his opinion the land to be occupied thereunder is likely to be required for sale or for other purposes. Commissioner may decline to issue licence.

145 The holder of any licence issued under this Act shall produce the same upon demand to any constable or to any bailiff of Crown lands, or to any person duly authorised by the Commissioner to demand the same; and if any such person shall not produce the same when demanded Holders of licence to produce same.

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he shall be deemed to be unlicensed and guilty of an offence against this Act, and upon conviction shall be liable to forfeit and pay a penalty not exceeding Five Pounds.

PART XII.**UNLAWFUL POSSESSION OF LANDS.**

Penalty for un-
authorised
possession of or
depasturing on
Crown land.

146 If any person is found in unauthorised possession or occupation of or using any Crown land, or depastures without authority in that behalf any cattle or sheep or other animals on any Crown land, he shall be liable, on conviction thereof, to the penalties following; that is to say:—For the First offence to forfeit and pay a sum not exceeding Five Pounds; for the Second offence, after an interval of Fourteen clear days from the date of the previous conviction, to forfeit and pay a sum not exceeding Twenty Pounds; and for any subsequent offence, after a like interval, to forfeit and pay a sum not exceeding Fifty Pounds; but no proceedings to recover any such penalty may be taken except by a bailiff of Crown lands authorised in that behalf by the Commissioner.

Penalty for other
trespasses on
Crown land.

147 If without lawful authority any person cuts, digs, or takes, or employs any other person to cut, dig, or take, from any Crown land or Crown reserve any timber, gravel, stone, limestone, salt, guano, shells, sand, loam, or brick-earth or bricks made therefrom, or any other substance whatever, or strips or removes bark from any tree growing or being thereon, every such person shall, in addition to any punishment or penalty provided by any law now or hereafter in force, on conviction for any such offence forfeit and pay a penalty not exceeding Ten Pounds.

Penalty on
persons cutting
timber contrary
to proclamation.

148 If any person, contrary to any proclamation, or not being duly licensed or otherwise authorised so to do, cut or removes upon or from any land therein mentioned any timber or bark, or any particular description of timber mentioned in any such proclamation, he shall, in addition to any punishment or penalty provided by any law now or hereafter in force, on conviction for every such offence forfeit and pay a penalty not exceeding Ten Pounds.

Summary remedy
for dispossessing
persons in unlaw-
ful occupation of
Crown land, &c.

149 Where any person obstructs the Commissioner or any person authorised by him in that behalf in resuming any land or entering thereupon, or remains in the unlawful possession of such land, or where any person is in the unlawful possession of any Crown lands and has not quitted the same upon being required by the Commissioner so to do, or has erected any fence or other thing upon such land and has not taken down and removed the

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same upon being required by the Commissioner so to do within a reasonable time to be fixed by the Commissioner, it shall be lawful for the Commissioner, with the consent of the Governor, to issue under his hand a warrant addressed to a bailiff of Crown lands requiring him, in His Majesty's name, forthwith to dispossess and remove every such person from any such land, and to repossess the same in the name of His Majesty, or to take down and level any such erection. A.D. 1911.

It shall be the duty of the bailiff to carry such warrant into execution according to the tenor and exigency thereof, and all constables shall, on being required so to do by such bailiff, aid and assist in the execution of such warrant.

No action shall be maintainable against such bailiff for anything done by him in accordance with the tenor or exigency of the warrant which may be lawfully necessary for carrying the same into execution; but in case any such warrant is issued unlawfully, an action on the case may be brought against the Commissioner.

150 Any person who unlawfully obstructs the Commissioner, or any person by him authorised in that behalf, in resuming any Crown land, or making any such entry as aforesaid, or who obstructs the bailiff or any person assisting in the execution of any such warrant, shall upon conviction for every such offence forfeit a penalty not exceeding Fifty Pounds. Any person obstructing Commissioner or bailiff liable to penalty.

No such conviction shall be removable by *certiorari* or otherwise into the Supreme Court.

PART XIII.**CONSTRUCTION OF ROADS AND OTHER PUBLIC WORKS.**

151 So soon as Five hundred acres of first-class land have been purchased under Parts III., V., or VI., in not less than Five lots adjoining or within a short distance of each other, the Governor shall, for the purpose of surveying and making roads, bridges, or drains in the vicinity of the lands so sold, raise a sum equal to Ten Shillings per acre for every acre so taken up, by the issue and sale of debentures chargeable on the Consolidated Revenue; and all the provisions of the Act 20 Victoriae, No. 9, shall apply to the debentures to be issued in pursuance of this Act. Crown Lands Fund.

152 The Governor may raise, in the manner provided in the last preceding section, a sum of money not exceeding Five Shillings for every acre of second-class land and Two Shillings and Six Pence for every acre of third-class land sold, for the purpose of making roads, bridges, drains, or such other works as the Governor may approve, in the vicinity of any land sold under this Act. Money to be raised for making roads.

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Power to raise money for streets and other improvements in towns.

153 So soon as land has been sold within any town, not within a mining area, under this or any previous Act, the Governor, for the purpose of making streets, roads, or other improvements in the vicinity of the lands so sold, may raise a sum equal to Ten Shillings for every pound of the purchase price of such land, by the issue and sale of debentures chargeable to the Consolidated Revenue.

Expenditure of money raised under similar provisions of previous Act.

154 Notwithstanding anything contained in any previous Act, the Governor may expend any sums which may be raised under the provisions of such previous Act, similar to the Three immediately preceding sections, in any works the Governor approves; and any expenditure prior to the commencement of this Act out of the moneys so raised in any works the Governor has approved or may approve is hereby validated.

Appropriation of half purchase-money.

155 One-half of all purchase-money received on and after the date of this Act for land sold or selected under this Act, other than in any city, and other than for land sold under Part VII. of this Act, shall be set apart from time to time, and paid into "The Public Debts Sinking Fund," and shall be applied in manner mentioned in "The Public Debts Sinking Fund Act, 1881."

45 Vict. No. 15.

Purchase of land for constructing roads, &c.

156—(1) For the purpose of constructing and completing roads, bridges, tramways, jetties, wharves, drains, and sewers, or for any other purpose under this Act, it shall be lawful for the Commissioner to purchase, acquire, and take, under and in the mode prescribed by "The Lands Resumption Act, 1910," such land as he deems necessary.

1 Geo. V. No. 11.

(2) "The Lands Resumption Act, 1910," shall be incorporated with this part, and the expression "Minister" in that Act shall include the Commissioner.

The powers exercisable under Section Twenty-five of "The Lands Resumption Act, 1910," may be exercised on or in relation to any land whether adjacent to the land purchased, acquired, or taken, or not.

Money required by said Act may be raised by inscribed stock.
59 Vict. No. 6.

157 Whenever the Governor is authorised by this Act to raise any money by the issue and sale of debentures for the purposes of this Act, it shall be lawful for the State Treasurer to borrow and receive all such money in the manner provided by "The Local Inscribed Stock Act, 1895."

Power to resume land sold on credit for roads, &c., upon payment therefor.

158 Whenever after the commencement of this Act Crown land is disposed of the Commissioner may resume, at any time from the date of the contract of sale of such land (whether the whole of the purchase-money of such land shall have been paid or not), such portions of the said land as he deems necessary for roads, railways, tramways, water-races, or any other work of public utility, or for any purpose connected therewith, provided the owner for the time being is refunded the original purchase price of the land so

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resumed, and is paid the value of all buildings and permanent improvements (if any) on the land so resumed, such value to be ascertained in such manner as the Governor may by regulation prescribe. A.D. 1911

Any person having in his possession, custody, or control, the title deeds of the said land shall, upon being required so to do, produce them to the Commissioner without making any charge therefor, for the purpose of having recorded thereon the resumption of such land; and any such person who refuses or neglects to so produce the said title deeds shall be guilty of an offence against this Act, and shall upon conviction forfeit and pay a penalty not exceeding Twenty Pounds.

159 Whenever any deviation or alteration is made in any road which passes through land contracted to be alienated in fee simple from the Crown (whether before or after the commencement of this Act), and for which the grant deed has not been issued, and by reason of such deviation or alteration the old road or part thereof is, in the opinion of the Commissioner, rendered useless or unnecessary for road purposes, the Commissioner may, with the approval of the Governor, close such old road or such part thereof as the case may be, and may dispose of the same to the owner of the said land upon such terms and conditions as to price or otherwise as the said Commissioner thinks reasonable and proper. Power to close old road and deal with same where rendered useless by deviation.

PART XIV.**REGULATIONS.**

160—(1) The Governor may make and issue regulations for all or any of the following purposes:— Regulations.

- I. For defining the duties of surveyors, and of controlling all surveys made by them under this Act:
- II. For fixing the expense of making surveys under this Act:
- III. For the care, protection, and management of all public reserves and of all places of public recreation which are reserved to His Majesty, and of which the care and control are not by law vested in some local body, and for the preservation of good order and decency therein:
- IV. For defining the duties and powers of the Conservator of Forests, and for regulating and controlling the cutting of timber on Crown lands:
- V. For prescribing the forms of all applications, licences, leases, mortgages, contracts, and other documents contemplated by this Act or found to be necessary to give effect to its provisions:
- VI. For defining and fixing the fees and charges to be paid in respect of all applications, licences, leases, mortgages, contracts, and other documents as aforesaid, and in respect of transfers or devolutions of interest in land under this Act, and the registration of transmission by death or under

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- the laws relating to bankruptcy or otherwise, and for the preparation of grant deeds :
- vii. For prescribing the manner of classification of rural lands :
 - viii. For regulating the traffic upon any track passing through any Crown lands :
 - ix. For the destruction of native tigers, and prescribing rewards therefor :
 - x. Regulating the felling or cutting of trees in the vicinity of any track, river, or stream, or prohibiting the felling or cutting of trees so that the same fall along or across any track as aforesaid, or into any river or stream, or obstruct free passage along any track, river, or stream :
 - xi. As to any matter in connection with which the expression "prescribed" is used in this Act, or in respect to any purpose for which regulations are contemplated by this Act :
 - xii. Generally respecting all other matters and things necessary for the more effectually carrying into effect the objects and purposes of this Act :
 - xiii. Prescribing penalties not exceeding Twenty Pounds or a continuing penalty not exceeding One Pound per diem for a contravention of any regulation.

(2) Any person who, after being warned by any bailiff of Crown lands or any constable, offends against any regulation made under this section for the care, protection, and management of public reserves and of places of public recreation, and for the preservation of good order and decency therein, may be forthwith apprehended by such bailiff or constable, and taken before some justice, to be dealt with according to law. Every such regulation shall be posted in some conspicuous spot in every place to which the same is applicable.

PART XV.

MISCELLANEOUS.

Lands alienated to be subject to resumption for mining.

1 Geo. V. No. 11.

161 All lands selected or alienated under the provisions of this or any previous Act may be resumed for all or any of the purposes included in the term "mining purposes" as defined by "The Mining Act, 1905," by His Majesty on paying compensation to the selector, grantee, or purchaser thereof for the value, other than that of gold or other metals or minerals contained in such land, of the lands and improvements so resumed in the manner prescribed by "The Lands Resumption Act, 1910."

Lands of the Crown to be alienated as regards surface.

162—(1) All lands of the Crown which are sold or in any manner alienated from the Crown, or in respect of which a lease or licence to hold or occupy the same for other than the purpose of mining, or winning, getting, or working metals or minerals is issued, shall be sold or otherwise alienated, leased, or licensed as aforesaid only as regards the surface, and down to such depth below the surface, being not less than Fifty feet, as the Governor may by any order-in-council direct.

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(2) Nothing in this section, or in any such order-in-council contained, shall be deemed or taken to restrict the right of the owner, lessee, or licensee of the surface to sink wells for water, and to the use and enjoyment of any wells and springs which may at any time be upon such land, and which supply water for domestic, farming, agricultural, manufacturing, or irrigation purposes; and every such owner, lessee, and licensee shall have such rights with respect to such wells and springs as though he held or occupied such land without any limitation as to depth.

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Savings as to wells and springs.

163 All land abutting on any permanent river or stream which in the opinion of the Commissioner has an average daily flow of not less than a quarter of a million gallons shall be reserved from sale to the extent of at least Fifty feet wide on each bank of such river or stream.

Reservation of land abutting on streams.

164—(1) In every case where land selected or purchased is declared to be liable to forfeiture to the Crown for any cause other than failure to pay any instalment or part of any purchase-money, the provisions of this section shall apply.

Notice of intended forfeiture to be given wherel and declared liable to forfeiture.

(2) No forfeiture in any such case shall be declared until after a notice in writing of the intention of the Commissioner to have the land declared forfeited has been served on the purchaser, either personally or by posting it addressed to him at the holding.

The notice shall specify the alleged cause of forfeiture, and shall call upon the purchaser to show cause against the forfeiture before a judge of the Supreme Court within Sixty days from the service of the notice.

Any person feeling aggrieved and disputing the forfeiture may, within the time specified in the said notice, appeal by summons to a judge of the Supreme Court, otherwise the Commissioner may proceed with the forfeiture.

Procedure.

(3) A judge of the Supreme Court sitting in chambers is hereby empowered to hear and summarily determine and settle any dispute concerning the liability to forfeiture; and the decision of such judge shall be final.

Disputes may be settled by judge in chambers.

The judge may make such order as he may deem to be just and the circumstances of the case shall require; and may make such order as to costs as he may think fit.

It shall be lawful for the judges of the said Court to make such rules from time to time as they see fit for regulating the mode of deciding any such dispute, and for prescribing the forms to be used.

Judges to make rules.

(4) If no appeal is made as aforesaid, or if upon appeal the liability to forfeiture is confirmed by the judge, the Commissioner may cancel the purchase in question, and may thereupon insert a notice in the "Gazette" declaring the forfeiture.

165 In case any grant, contract, lease, licence, or other agreement whatsoever under this or any previous Act becomes void or is determined, or in case any land granted or disposed of in any manner

Upon forfeiture, &c., land to revert to Crown.

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under this or any previous Act reverts or becomes forfeited to the Crown, the land comprised in any such grant, contract, lease, licence, or agreement, or so forfeited, shall immediately be disposable under this Act as Crown land; and the Commissioner, or any person authorised by him, may, with the consent of the Governor, enter upon any such land without suit.

No waiver by acceptance of interest, purchase-money, or rent.

166 The acceptance by or on behalf of the Crown of any purchase-money, or part thereof, due with respect to any Crown land, or of interest on the balance thereof, or of rent or other payment under any lease or licence, shall not be held to have operated or to operate hereafter as a waiver by the Crown of any forfeiture accruing by reason of the breach of any condition precedent or subsequent annexed by law to the estate or interest of a purchaser, lessee, or licensee.

Error in written description.

167 No error, inaccuracy, or uncertainty in the written description of land granted, purchased, or leased under this or any previous Act shall vitiate the purchase, licence, or lease in any case where the Governor shall be satisfied that the land occupied by the purchaser, licensee, or lessee is substantially the land intended to be applied for by such purchaser, licensee, or lessee; and whenever it may become necessary to adjust the boundaries of any such land, the Surveyor-General shall on such adjustment certify as to the correct boundaries and area, of such land, or any portion thereof; and for every such certificate there shall be paid and taken such fee as shall be prescribed.

Survey boundaries to be deemed the true boundaries.

168 The survey boundaries of any parcel of land marked on the ground at the time of the Crown survey thereof, and shown by survey posts, pegs, trenches, or other survey marks, shall, as to any such parcel of land heretofore or hereafter granted or demised by the Crown, be and be deemed to have been the true boundaries of such parcel of land, whether such boundaries upon admeasurement are or are not found to be of the same dimensions, or to include the same area, as the boundaries or description of such parcel given in the Crown grant or Crown lease thereof.

Grants and leases to be deemed to comprise land included within the survey boundaries.

169 Every Crown grant and Crown lease purporting to convey or demise a parcel of land, whether describing it by a distinguishing number, a letter, or by metes and bounds, or otherwise, shall be deemed to convey or demise the land included within the survey boundaries of such parcel of land marked on the ground in the Crown survey thereof, notwithstanding any discrepancy between the dimensions of such survey boundaries, or the area they include, and the dimensions or area expressed in such grant or lease or shown in any plan used in connection with the alienation by the Crown of such parcel of land: Provided that nothing in this and the last preceding section shall apply to any such parcel of land where an actual patent mistake or error can be shown to the satisfaction of the Commissioner to have been made, and any such patent mistake or error may be corrected by endorsement by the Governor upon such grant or lease.

Proviso.

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- 170** No deed or other instrument made by, to, or with His Majesty or the Commissioner for the purchase, conveyance, or transfer of any land taken under this Act or "The Lands Resumption Act, 1910," for any public work or any public purpose, shall be subject to any stamp duty now or hereafter imposed by any Act, or to the payment of any fees payable to the Government of the State, except such fees and charges as may be prescribed by regulations made under this Act. A.D. 1911.
Instruments not liable to stamp duty.
- 171** Every person who wilfully removes, alters, defaces, injures, or destroys any surveyor's pegs, or any land-mark, or, with the intent of misleading any person, imitates any surveyor's mark, shall on conviction for every such offence forfeit and pay a penalty of not less than Ten Pounds and not exceeding Fifty Pounds: Provided that the Surveyor-General, or such person as he may appoint, may, by writing, authorise any person to remove, alter, deface, injure, or destroy any such surveyor's peg or land-mark. Penalty on persons injuring surveyor's marks.
- 172** Every person who wilfully obstructs any track or reserved road, such track or road not being under the care, control, and management of any municipal council, so as to prevent the free passage of any person, carriage, or other vehicle, or stock, shall on conviction forfeit and pay a penalty not exceeding Ten Pounds; and it shall be lawful for any bailiff of Crown lands to remove, take down, or level any obstruction caused by any person to any such track or road. Penalty for obstructing roads.
- 173** Every person who, by reason of any provision of this or any previous Act, is required to sign any lease, agreement, contract, declaration, or other document for the purposes of such Act, and who fails, neglects, or refuses to sign the same when called upon so to do by notice under the hand of the Commissioner, or any person authorised by him in that behalf, within the space of Sixty days from the date of such notice, shall on conviction forfeit and pay a sum not exceeding Ten Pounds, but such failure, neglect, or refusal aforesaid shall not exempt any such person from liability to pay any rent, fee, or other money which would be due or payable by him if such lease, agreement, contract, declaration, or other document had been signed. Penalty for neglect or refusal to sign lease, contract, &c.
- 174** All offences against the provisions of this Act or the regulations, and all penalties imposed or made payable by this Act or the regulations, may be prosecuted and recovered in a summary way by and before a police magistrate or any Two or more justices in the mode prescribed by "The Magistrates Summary Procedure Act," the provisions of which Act shall apply. Recovery of penalties.
- 175** All fines and penalties received by any person by virtue of this Act shall, save as aforesaid, be paid into the Treasury and form part of the Consolidated Revenue. Appropriation of penalties.
- 176** Every notice published in the "Gazette" declaring a forfeiture or cancellation shall be taken to be evidence that the land purchased, or the lease, licence, contract, or agreement therein mentioned, Cancellation.

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was legally forfeited or cancelled, as stated in the said notice, and the land purchased or included in such lease, licence, contract, or agreement may be dealt with in all respects as if such purchase had never been made, or such lease, licence, contract, or agreement had never been granted or entered into.

Protection of officers &c.

177 No action shall lie against any officer or any other person for anything done in pursuance of this Act or any previous Act unless notice in writing of such action and the cause thereof is given to the defendant as provided by the Act 63 Victoriæ, No. 36.

SCHEDULES

(1.)

ACTS TO BE REPEALED.

<i>Date and No. of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
3, Ed. VII. No. 39	"The Crown Lands Act, 1903"	The whole Act
5 Ed. VII. No. 31	"The Crown Lands Amendment Act, 1905"	The whole Act
7 Ed. VII. No. 48	"The Crown Lands Amendment Act, 1907"	The whole Act

(2.)

Purchase price	£	s.	d.
	100	0	0
Add one-third for credit	33	6	8
Purchase-money	£133	6	8

	£	s.	d.
Cash at time of purchase	0	16	8
1st year	1	5	0
2nd year	1	5	0
3rd year	5	0	0
4th year	5	0	0
5th year	5	0	0
6th year	5	0	0
7th year	7	10	0
8th year	7	10	0
9th year	7	10	0
10th year	7	10	0
11th year	10	0	0
12th year	10	0	0
13th year	10	0	0
14th year	10	0	0
15th year	10	0	0
16th year	10	0	0
17th year	10	0	0
18th year	10	0	0
	£133	6	8

And in like proportion for any greater or smaller amount of purchase-money.

Secs. 24 and 57.
First-class land
selected.

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(3.)

(EXAMPLE.)

	£	s.	d.
Purchase price	50	0	0
Add one-third for credit	16	13	4
Purchase-money	£66	13	4

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Section 24.
Second-class and
third-class land
selected.

	£	s.	d.
Cash at time of purchase, one-fortieth of purchase price	1	13	4
1st year, one twenty-sixth of residue	2	10	0
2nd year, ditto	2	10	0
3rd year, one-thirteenth of such residue	5	0	0
4th year, ditto	5	0	0
5th year, ditto	5	0	0
6th year, ditto	5	0	0
7th year, ditto	5	0	0
8th year, ditto	5	0	0
9th year, ditto	5	0	0
10th year, ditto	5	0	0
11th year, ditto	5	0	0
12th year, ditto	5	0	0
13th year, ditto	5	0	0
14th year, ditto	5	0	0
	£66	13	4

And in like proportion for any greater or smaller amount of purchase-money.

(4.)

	£	s.	d.
50 acres at £1 per acre	50	0	0
Add one-third for credit	16	13	4
Purchase-money	£66	13	4

Sec. 27.
Homestead areas.

	s.	d.	£	s.	d.
Cash at time of purchase.....	0	2	0	8	4
1st year				Nil.	
2nd year				Nil.	
3rd year				Nil.	
4th year	0	10	2	1	8
5th year	0	10	2	1	8
6th year	0	10	2	1	8
7th year	2	0	5	0	0
8th year	2	0	5	0	0
9th year	2	0	5	0	0
10th year	2	0	5	0	0
11th year	2	0	5	0	0
12th year	2	0	5	0	0
13th year	2	0	5	0	0
14th year	2	0	5	0	0
15th year	2	0	5	0	0
16th year	2	0	5	0	0
17th year	2	0	5	0	0
18th year	2	0	5	0	0
			£66	13	4

And in like proportion for any smaller area than 50 acres.

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(5.)

Sec. 79.
Land by auction.

	£	s.	d.
Purchase price	100	0	0
Add one-third for credit	33	6	8
Purchase-money	£133	6	8

	£	s.	d.
Cash at time of purchase—One-fortieth of purchase-money	3	6	8
1st year	9	5	8
2nd year	9	5	8
3rd year	9	5	8
4th year	9	5	8
5th year	9	5	8
6th year	9	5	8
7th year	9	5	8
8th year	9	5	8
9th year	9	5	8
10th year	9	5	8
11th year	9	5	8
12th year	9	5	8
13th year	9	5	8
14th year	9	6	4
£133	6	8	

And in like proportion for any greater or smaller amount of purchase-money.

(6.)

Sec. 80.
Second-class land by auction.

	£	s.	d.
Purchase price	50	0	0
Add one-third for credit	16	13	4
Purchase-money	£66	13	4

	£	s.	d.
Cash at time of purchase—One-fortieth of purchase-money	1	13	4
1st year	4	12	10
2nd year	4	12	10
3rd year	4	12	10
4th year	4	12	10
5th year	4	12	10
6th year	4	12	10
7th year	4	12	10
8th year	4	12	10
9th year	4	12	10
10th year	4	12	10
11th year	4	12	10
12th year	4	12	10
13th year	4	12	10
14th year	4	13	2
£66	13	4	

And in like proportion for any greater or smaller amount of purchase-money.

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(7.)

	£	s.	d.
Survey fee for 100 acres	11	0	0
Interest at 2s. 6d. in the Pound	1	7	6
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	£12	7	6

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Sec. 36.
Survey fee

REPAYMENTS.

	£	s.	d.
One-fifth on demand	2	9	6
1st year	2	9	6
2nd year	2	9	6
3rd year	2	9	6
4th year	2	9	6
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	£12	7	6

And in like proportion for any greater or smaller amount of survey fees.