

STATE LIBRARY OF N.S.W.  
MITCHELL LIBRARY

DSM/  
336.1/  
N



The Mitchell Library  
Sydney.









NEW SOUTH WALES.

---

THE

CROWN LANDS ACT OF 1884

(48 VICTORIA, No. 18)

WITH THE

REGULATIONS THEREUNDER.



By Authority :

SYDNEY : THOMAS RICHARDS, GOVERNMENT PRINTER.

1885.

[1s. Gd.]

4g 70-85



*Oz R*

NEW SOUTH WALES.

---



THE

# CROWN LANDS ACT OF 1884

(48 VICTORIA, No. 18)

WITH THE

REGULATIONS THEREUNDER.



By Authority :

SYDNEY : THOMAS RICHARDS, GOVERNMENT PRINTER.

---

1885.

[1s. 6d.]

4g 70—85



## INDEX TO THE ACT.

	Section.	Page.
Acceptance of interest or other payment no waiver ... ..	126	40
Acting chairman in absence of chairman... ..	14	7
Additional conditional purchases in Eastern and Central Divisions ...	42	14
The like in special areas .. ..	42	14
Additional conditional purchases to be subject to conditions... ..	59	20
Adjudication of Board to be final unless caveator appeals to Minister	31	12
Adjustment of payments in certain cases... ..	97	32
Alteration of plan of town or village .. ..	107	35
Annual leases for pastoral purposes .. ..	85	29
Appeal by lessees from minimum rent fixed in certain cases... ..	100	33
Applicability of conditions, &c., to the representatives of conditional purchasers .. ..	40	14
Application for conditional leases... ..	48	17
Application for conditional leases... ..	54	18
Application for Pastoral Lease by runholder .. ..	71	23
Applications to be transmitted to Local Land Board .. ..	28	11
Appointment, &c., of District Staff of Officers .. ..	16	8
Appointment of trustees .. ..	106	35
As to lapse, voidance, and forfeiture .. ..	20	9
As to priority .. ..	120	39
As to trespasses on unfenced land... ..	130	41
Case may be remitted to Board for further evidence .. ..	19	8
Cases of death, lunacy, insolvency, or judgment, debt of conditional purchaser .. ..	125	40
Caveat against reclamation and rescission .. ..	65	22
Caveats against application... ..	30	12
Certificate of Board of fulfilment of certain conditions by conditional purchaser .. ..	36	13
Certificate of fulfilment by conditional leaseholder .. ..	53	18
Certification of boundaries... ..	144	45
Closing and alienation of unnecessary roads .. ..	67	22
Commencement, short title, and division of Act .. ..	1	1
Complaint by other than authorized persons .. ..	14	7
Condition of fencing .. ..	33	12
Condition of residence .. ..	32	12
Conditions for payment of residue of purchase money .. ..	35	13
Conditional purchases without residence... ..	47	16
Consequences of neglect or default by runholder .. ..	73	24
Continuance of rights and obligations in respect of Pastoral Holdings	70	23
Contributories to cost of fencing and maintenance .. ..	141	44
Conversion of auction leases into annual leases... ..	85	29
Conversion of portions of Pastoral or Homestead Leases into Scrub Leases .. ..	88	30
Copies of documents to be evidence .. ..	127	40
Crown Land within proclaimed gold-field .. ..	45	15
Decision of Board, how given .. ..	14	7
Declaration by applicant .. ..	26	11
Declaration as to additional conditional purchases may in certain cases be made at any time .. ..	44	15
Declarations as to residence, and final declaration as to residence and fencing .. ..	34	12
Dedication of Crown Lands to public purposes... ..	104	34
Deposit to be lodged with application .. ..	26	11
Description of resumed area .. ..	77	25
Description of unmeasured and measured lands, and improved lands	25	10
Devise contract lease, security void in certain cases .. ..	121	39
Disposal of Homestead Lands after expiration, &c., of leases .. ..	83	28
Disposal of lands on expiration, &c., of pastoral leases .. ..	79	26
Duties of Land Agents .. ..	10	5

	Section.	Page.
Duties and powers of Local Land Boards under repealed Acts	... 13	6
Effect in law of transfer ... ..	... 119	38
Error in description not to invalidate purchase ... ..	... 57	19
Establishment of Divisions .. ..	... 8	5
Exemption from Pastoral or Homestead lease ... ..	... 99	32
Expenses of witnesses ... ..	... 14	6
Forfeited lands ... ..	... 136	43
Forfeiture on default of payment by conditional purchaser ... ..	... 38	13
Forfeiture when to take effect ... ..	... 136	43
Forfeitures may be declared ... ..	... 116	38
Form of measurement where land unmeasured ... ..	... 56	19
General powers and procedure of Local Land Boards... ..	... 14	6
General provisions affecting lessees and licensees ... ..	... 98	32
Governor in Council to make and proclaim Regulations ... ..	... 145	45
Grant to issue on fulfilment of conditions ... ..	... 37	13
Homestead Leases in the Western Division ... ..	... 82	27
Illegal contract a misdemeanour ... ..	... 122	39
Improvement purchases on gold-fields ... ..	... 46	15
Interpretation of terms... ..	... 4	3
Land Agent ... ..	... 10	5
Land Districts ... ..	... 9	5
Land to be marked before application ... ..	... 25	10
Land to be taken as measured ... ..	... 55	19
Leases for tramway and irrigation purposes ... ..	... 92	31
Leases for Wharfs, Jetties, &c. ... ..	... 89	30
Leases may be granted for special purposes ... ..	... 90	30
Leasing of Scrub Lands ... ..	... 87	30
Liability of conditional purchase or lease to forfeiture for misleading statement, &c. ... ..	... 135	42
Liability of lessees on non-payment of rent ... ..	... 96	32
Limitation of actions ... ..	... 129	41
Local Land Boards ... ..	... 11	6
Local Land Board to sit as in open Court ... ..	... 14	6
Local Land Board to settle claims and disputes as to fencing... ..	... 141	44
Minerals reserved in all grants ... ..	... 7	5
Minister to adjudicate as in open Court... ..	... 18	8
Minister may refer questions of law to Supreme Court ... ..	... 140	44
Minor holding conditional purchase or conditional lease liable on agreement ... ..	... 123	39
Minors and married women may hold leases in certain cases... ..	... 124	40
Modification of boundaries, &c. ... ..	... 60	20
No dealing with Crown Lands except under this Act ... ..	... 5	4
Notification of leasehold area ... ..	... 76	25
Occupation Licenses... ..	... 81	27
Orders of Local Land Board, how enforced ... ..	... 15	8
Original and additional conditional purchase, one holding ... ..	... 43	15
Parties may be heard by counsel, attorney, or agent ... ..	... 14	7
Pastoral Leases ... ..	... 78	25
Payment for improvements ... ..	... 41	14
Payment of purchase moneys ... ..	... 62	21
Penalty for unauthorized ringbarking by lessees ... ..	... 93	31
Penalties for destroying improvements ... ..	... 132	41
Penalties for trespass or for unauthorized cutting or stripping bark on Crown Lands ... ..	... 133	42
Permission to ringbark... ..	... 93	31
Power of adjustment where encroachments made on exempt lands ... ..	... 58	19
Power to compel attendance of witnesses ... ..	... 14	6
Pre-emptive leases made conditional leases ... ..	... 52	18
Preferent right to purchase out of conditional lease ... ..	... 50	17
Procedure for recovery of penalties, &c.... ..	... 139	44
Procedure on appeal to Land Court ... ..	... 17	8
Procedure by Minister on applications ... ..	... 72	23
Procedure after acceptance of plan ... ..	... 74	24
Proceedings by way of <i>scire facias</i> ... ..	... 137	43
Provision as to forfeiture on non-fulfilment of conditions of fencing and residence ... ..	... 39	14

# INDEX TO THE ACT.

v

	Section.	Page.
Provision for obtaining royalty on coal from mineral lessees ... ..	91	31
Provisions applicable to five preceding sections ... ..	68	22
Provisions as to grants, leases, &c. ... ..	6	4
Provisions facilitating division of Runs ... ..	75	24
Provisions regarding mineral conditional purchase and pre-emptive leases abolished... ..	3	2
Quorum. Chairman's votes. ... ..	12	6
Railway reserves and dedication and reservation of Crown Lands to public purposes ... ..	103	34
Receipt for deposit ... ..	27	11
Reclamation of lands by proprietor of adjoining lands—Not to interfere with navigation... ..	64	21
Reference to Land Court ... ..	14	7
Regulations for State forests and timber reserves ... ..	115	37
Rehearing ... ..	14	7
Removal of trespassers ... ..	131	41
Removal of boundary-mark to be a misdemeanour ... ..	134	42
Rent of conditional lease ... ..	49	17
Repeal of Acts ... ..	2	2
Rescission of reservation of water frontage ... ..	63	21
Reserves from sale not to take the land out of lease ... ..	108	36
Reserves for timber conservation ... ..	114	37
Residence and fencing by conditional lessee ... ..	51	17
Resumption of Scrub Lands from Leasehold ... ..	86	29
Resumption for road .. ..	110	36
Revocation of temporary reserves... ..	102	34
Right of lease may be given in evidence in actions ... ..	128	40
Road of access through leased land ... ..	111	36
Sale by auction of lands ... ..	61	20
Sales in special cases ... ..	66	22
Schedule ... ..	8	5
Signature of summonses, documents, &c. ... ..	14	8
State forests and timber reserves ... ..	112	37
Subdivision of Pastoral Lease ... ..	80	27
Subdivision of State forests ... ..	113	37
Sufficiency of general descriptions... ..	142	45
Survey of boundaries of leased areas ... ..	143	45
Survey by direction of Local Land Board ... ..	29	11
Temporary reserves from sale for sites of cities and other purposes ...	101	33
Transfer of Lease ... ..	118	38
Transfers to be in prescribed form ... ..	117	38
Travelling stock routes and camping places ... ..	109	36
Unauthorized ringbarking by persons other than lessee ... ..	94	32
Unauthorized ringbarking—proceedings before Justices ... ..	95	32
Upset prices ... ..	61	21
Vacancies ... ..	14	7
Validation of certain conditional purchases under repealed Acts ...	138	43
What areas may be purchased conditionally ... ..	24	10
What lands exempt from conditional purchase ... ..	21	9
What land open to conditional sale ... ..	22	10
What leases not to be held in combination ... ..	84	28
When dedication, &c., may be revoked and new dedication made ...	105	35
Where new road opened old to be taken as compensation ... ..	69	23
Who competent to conditionally purchase ... ..	23	10



# INDEX TO THE REGULATIONS.

## ALIENATION AND OCCUPATION OF CROWN LANDS.

	Section.	Page.
Annual Leases ... ..	135-138	64, 65
Appeals ... ..	176, 177	70
Applications to work Minerals ... ..	173, 174	68, 69
Auction and Tender... ..	139-148	65, 66
Auction Sales... ..	67-69	57
Camping-places ... ..	175	69
Coal—Royalty ... ..	173, 174	68, 69
Conditional Leases ... ..	87-100	59, 60
Conditional Purchases ... ..	27-55	52-55
Conditional Purchases—Without Residence ... ..	60	56
Division of Runs ... ..	113-115	62
Fencing ... ..	64-66	56, 57
Fencing—Schedule of Classes ... ..	.....	71

FORMS :—

1. Warrant of Distress upon an order for the payment of money ... ..	.....	83
2. Summons of a Witness ... ..	.....	84
3. Application for Conditional Purchase ... ..	.....	84
4. Declaration by Applicant for a Conditional Purchase to accompany Application ... ..	.....	85
5. Caveat against Application ... ..	.....	86
6. Confirmation or Disallowance by Local Land Board of an Application... ..	.....	86
7. Application by a Conditional Purchaser to the Local Land Board for Certificate that he has been compelled from adverse circumstances to vacate or abandon his Conditional Purchase .. ..	.....	87
8. Certificate by Local Land Board that a Conditional Purchaser has through adverse circumstances been compelled to vacate or abandon his Conditional Purchase ... ..	.....	87
9. Caveat against issue of Certificate of Conformity ... ..	.....	87
10. Certificate of Board of fulfilment of certain conditions where no caveat has been lodged against the issue thereof ... ..	.....	88
11. Certificate of Board of fulfilment of certain conditions where caveat has been lodged against the issue thereof .....	.....	88
12. Report by Board that conditions of residence and fencing have not been fulfilled ... ..	.....	88
13. Declaration by Conditional Purchaser of fulfilment of conditions at the end of three years from confirmation of application ... ..	.....	89
14. Declaration by Conditional Purchaser of fulfilment of the complete term of residence ... ..	.....	89
15. Application by Conditional Purchaser to Local Land Board for certificate of fulfilment of conditions ... ..	.....	89
16. Application for Conversion of Conditional Purchase under Act of 1861, into a Purchase under the Act of 1884, as regards payment of balance ... ..	.....	90
17. Volunteer Selection ... ..	.....	90
18. Declaration by Conditional Purchaser without residence of fulfilment of conditions at the end of three years from confirmation of application ... ..	.....	91
19. Declaration by Conditional Purchaser without residence of fulfilment of conditions at the end of five years from confirmation of application ... ..	.....	91

	Section.	Page.
Forms— <i>continued.</i>		
20. Application for the Purchase of Improved Crown Lands on Gold-fields ... ..	.....	92
21. Application for Extension of Time to complete Fencing ... ..	.....	92
22. Application for Partial Exemption from Fencing ... ..	.....	92
23. Claim for Contribution in respect of Fencing ... ..	.....	93
24. Notice by Local Land Board to Contributory of Intention to appraise Cost of Fencing, &c. ... ..	.....	93
25. Application to remit the Value of Improvements ... ..	.....	94
26. Application for a Special Purchase under the Crown Lands Act of 1884 ... ..	.....	95
27. Application by a Conditional Purchaser for the Closing and Purchase of an Unnecessary Road ... ..	.....	95
28. Caveat against Special Purchase ... ..	.....	95
29. Transfer of Conditional Purchase ... ..	.....	96
30. Transfer of Lease or Occupation License ... ..	.....	98
31. Declaration by Mortgagee to be registered as the Holder of more than one Homestead Lease ... ..	.....	98
32. Application for a Conditional Lease ... ..	.....	99
33. Application by Conditional Lessee to Local Land Board for Certificate of fulfilment of Conditions ... ..	.....	99
34. Certificate of fulfilment of Conditions by Conditional Lessee ... ..	.....	99
35. Notice by Conditional Lessee of Intention to reside on Conditionally Leased Land, instead of on Conditionally Purchased Land ... ..	.....	100
36. Application for Extension of Term of a Conditional Lease under section 50 of the "Crown Lands Act of 1884" ... ..	.....	100
37. Application for the conversion of a Pre-emptive Lease into a Conditional Lease within the Division ... ..	.....	100
38. Application by the Holder of a Conditional Lease to Conditionally Purchase the whole or part of such Conditional Lease... ..	.....	101
39. Application for a Pastoral Lease ... ..	.....	102
40. Notification to Lessee of Determination of Rent, &c. ... ..	.....	103
41. Application for Extension of a Lease ... ..	.....	104
42. Notice of Intention to Surrender a Lease ... ..	.....	104
43. Application by a Pastoral Lessee for Compensation for Land withdrawn from Lease, and for Improvements situate on such Lands ... ..	.....	104
44. Application for the Subdivision of a Pastoral Lease ... ..	.....	105
45. Application by a Run-holder to Surrender Land situate within a Resumed Area by way of exchange for other Land ... ..	.....	106
46. Application by a Run-holder to Surrender Land situate within a Resumed Area in consideration of a Refund of all Moneys paid in respect thereof ... ..	.....	107
47. Application for an Occupation License ... ..	.....	108
48. Application for Reduction of License Fee and future rent for Land withdrawn from Occupation under License and for Compensation for Improvements situate on such Land ... ..	.....	108
49. Application for a Homestead Lease ... ..	.....	109
50. Notice of Non-acceptance of Homestead Lease ... ..	.....	111
51. Application by Holder of Pastoral or Homestead Lease for Reduction of Rent, or by a Licensee for Reduction of License Fee where fixed at the minimum rate ... ..	.....	111
52. Application to Select an Annual Lease after Auction ... ..	.....	111
53. Application for Conversion of Pre-emptive Lease into Annual Lease ... ..	.....	112
54. Tender for ... ..	.....	112
55. Application for a Scrub Lease ... ..	.....	113

INDEX TO THE REGULATIONS.

ix

	Section.	Page.
Forms— <i>continued.</i>		
56. Application for Conversion of Part of a Pastoral or Homestead Lease into a Scrub Lease ... ..		113
57. Application for Special Lease ... ..		114
58. Application for Permission to Ringbark ... ..		114
59. Permission to Ringbark ... ..		114
60. Permit to Dig and Search for Gold ... ..		115
61. Application for Permit to Remove Mineral ... ..		115
62. Notice of Appeal to the Minister from decision of Local Land Board lodged with the Chairman ... ..		115
63. Notice of Appeal to the Minister from the decision of the Local Land Board to be given to the Opposite Party ... ..		116
64. Notice of Prosecution of Complaint before Local Land Board ... ..		116
65. Application for fresh Certificate in lieu of one that has been lost or destroyed ... ..		117
66. Fresh Certificate of Board of fulfilment of certain Conditions ... ..		117
67. Application for Permission to effect Improvements ... ..		118
Frontage ... ..	57-59	55, 56
Gold—Permission to Mine for ... ..	168-172	68
Homestead Leases ... ..	118-133	63, 64
Interpretation Clause ... ..	1	49
Improvement Purchases on Gold-fields ... ..	61-63	56
Land Agents—Duties ... ..	6-12	50, 51
Land Boards ... ..	3-5	50
Land Districts ... ..	3-5	50
Leasing of Scrub Lands ... ..	149-160	66, 67
License Fee ... ..	134	64
Local Land Boards ... ..	13-26	51, 52
Minerals—Application to work ... ..	173, 174	68, 69
Mining for Gold—Permission ... ..	168-172	68
Miscellaneous Provisions ... ..	178-182	70, 71
Occupation Licenses... ..	116, 117	62
Pastoral Leases ... ..	105-112	61, 62
Payment of Royalty on Coal, &c. ... ..	173, 174	68, 69
Permission to Mine for Gold ... ..	168-172	68
Preferent Purchase out of Conditional Lease ... ..	101-104	61
Reduction of Rent or License Fee ... ..	134	64
Ringbarking ... ..	164-167	67, 68
Royalty for working Minerals ... ..	173, 174	68, 69
Schedule of Classes of Fencing ... ..	.....	71
Scrub Lands ... ..	149-160	66, 67
Special Leases, other than Scrub Leases... ..	161-163	67
Special Sales ... ..	70-76	57, 58
Surrender of Purchase to facilitate Division of Run ... ..	113-115	62
Transfers ... ..	77-86	58, 59
Travelling Stock Routes and Camping-places ... ..	175	69
Under Secretary for Lands... ..	2	49
Volunteer Order Selection ... ..	56	55

STATE FORESTS AND TIMBER.

Agistment Areas ... ..	75-79	81, 82
Cedar Licenses ... ..	41-46	77, 78
Exemption of certain Trees from operation of Licenses ... ..	61	80
Forests ... ..	2-5	71, 72
Fuel Reserves ... ..	36-39	77
General ... ..	71, 72	81
General Regulations... ..	52-57	78, 79
Licenses—Wattle Bark ... ..	47-51	78
Exemption from operation ... ..	61	80
Quarry, Sand, and Shell ... ..	66	80
Cedar ... ..	41-46	77, 78

## INDEX TO THE REGULATIONS.

	Section.	Page.
Licenses or Permits for Sawmills, Contractors, and others employing a number of men ... ..	73, 74	81
Mining-props Permits ... ..	32-35	76
Payment of Royalty... ..	7-9	72, 73
Penalties—Seizures and Confiscations ... ..	80-90	82, 83
Permits for Quarrying, Brickmaking, and similar purposes ...	67-70	80, 81
General Sawmill ... ..	21-26	75
Free ... ..	27, 28	75
Mining-props ... ..	32-35	76
Quarry ... ..	66	80
Sawmills, &c. ... ..	73, 74	81
Quarry, Sand, and Shell Licenses — Quarry Licenses and Permits ... ..	62-66	80
Removal of Timber ... ..	58, 59	79
Reserves—Fuel ... ..	36-39	77
Timber ... ..	20-40	74-77
Village ... ..	60	79
Royalty ... ..	6	72
Sawmill Permits ... ..	21, 26	75
Sawmills—Sites ... ..	75-79	81, 82
Sites for Sawmills and Agistment Areas... ..	75-79	81, 82
State Forests... ..	2-5	71, 72
Timber for Piles ... ..	16-19	74
Timber—Removal ... ..	58, 59	79
Timber Reserves ... ..	20-40	74-77
Class A ... ..	21-28	75
General Sawmill Permits... ..	21-26	75
Tree Permits ... ..	27, 28	75
Class B ... ..	29-35	76
Mining-props Permits ... ..	32-35	76
Class C ... ..	36-40	77
Fuel Reserves ... ..	36-39	77
Reclassifying or Closing Timber Reserves ... ..	40	77
Free Permits... ..	27, 28	75
Wattle-bark Licenses ... ..	47-51	78
Wood-cutters' and Cedar Licenses ... ..	41-46	77, 78
Village Reserves, &c. ... ..	60	79



## CROWN LANDS.

An Act to regulate the Alienation Occupation and Management of Crown Lands and for other Purposes. [17 October 1884.]

48 VICTORIA,  
No. 18.

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

### PART I.

#### *Preliminary and General Provisions.*

1. This Act shall come into force on the first day of January one thousand eight hundred and eighty-five and may be cited as the "Crown Lands Act of 1884" It is divided into Seven Parts embracing the following subjects viz. :—

Commencement  
short title and  
division of Act.

PART I.—*Preliminary and General Provisions*—ss. 1-7.

PART II.—*Establishment of Divisions—Land Districts—Local Land Boards—Hearing of Appeals*—ss. 8-20.

PART III.—ALIENATION—*Conditional Purchases—Conditions and Obligations of Conditional Purchasers—Additional Conditional Purchases—Conditional and Improvement Purchases in Gold Fields—Conditional Purchases without Residence—Conditional Leaseholds—Measurement of Conditional Purchases—Auction Sales—Special Sales without Competition*—ss. 21-69.

PART IV.—OCCUPATION—*Division of Runs—Pastoral Leases—Occupation Licenses—Homestead Leases—Annual Leases for Pastoral Purposes—Special Leases—Ringbarking by Lessees—General Provisions affecting Leases Lessees and Licensees*—ss. 70-100.

PART V.—*Dedications—Reserves—Roads*—ss. 101-111.

PART VI.—*State Forests—Timber Reserves—Licenses—Permits*—ss. 112-116.

PART VII.—*Transfers—Legal Provisions—Miscellaneous Provisions*—ss. 117-145.

48 VICTORIA, No. 18. 2. The unrepealed portions of the Acts mentioned in the subjoined list are hereby repealed together with all Regulations made thereunder  
 Repeal of Acts. viz. :—

Year and number of Act.	Title of Act.
22 Vic. No. 17 ...	An Act to impose an Assessment on Runs in the Unsettled and Intermediate Districts and to increase the Rent of Lands leased for Pastoral purposes within the Settled Districts of New South Wales.
23 Vic. No. 4 ...	An Act to include the Intermediate with the Settled Districts.
25 Vic. No. 1 ...	An Act for regulating the Alienation of Crown Lands.
25 Vic. No. 2 ...	An Act for regulating the Occupation of Crown Lands.
39 Vic. No. 13 ...	An Act to declare and amend the Laws relating to Crown Lands.
42 Vic. No. 26 ...	An Act to declare the Law as to the effect of Transfers before grant of Lands conditionally purchased under the Acts regulating the Alienation of Crown Lands.
43 Vic. No. 29 ...	An Act further to amend the Lands Acts of 1861 and the Act of 1875.
43 Vic. No. 33 ...	An Act to declare the Law in respect to Lands forfeited or reverting to Her Majesty by reason of non-compliance with the conditions of purchase by the conditional purchaser.
45 Vic. No. 8 ...	An Act to regulate Ringbarking on Crown Lands and to limit claims for compensation under the fifteenth section of the "Lands Acts Further Amendment Act of 1880."
45 Vic. No. 9 ...	An Act to extend the power of correcting designs or plans of towns and villages and the limits of Suburban Lands.

But the repeal hereby enacted shall not of itself—

- (i.) Abate prejudice or affect any proceeding civil or criminal at law or in equity depending in any Court or before Arbitrators or any other Authority at the commencement of this Act—or
- (ii.) Affect any grant lease license reservation dedication proclamation appointment or notification lawfully made before the commencement of this Act—or
- (iii.) Prejudice or affect any proceeding matter or thing lawfully done or commenced or contracted to be done under the authority of any enactment or regulation hereby repealed.

And provided always that notwithstanding such repeal—

- (a) All offences penalties and forfeitures committed or incurred before the commencement of this Act may be respectively tried punished enforced and dealt with as if this Act had not been passed.
- (b) All rights accrued and obligations incurred or imposed under or by virtue of any of the said repealed enactments shall subject to any express provisions of this Act in relation thereto remain unaffected by such repeal.

3. Notwithstanding anything contained in the last preceding section—

- (i.) No application to make any additional conditional purchase of Crown Lands whatever by virtue of any holding under any of the said repealed Acts shall be entertained or dealt with otherwise than in accordance with the provisions of this Act.

Provisions regarding mineral conditional purchase and pre-emptive leases abolished.

(II.) No application to make any purchase of Crown Lands in 48 VICTORIA,  
virtue of improvements under the said Acts effected or acquired No. 18.  
after the seventeenth day of July one thousand eight hundred  
and eighty-four shall unless made for land held under a miner's  
right or business license be complied with. Provided that all  
such first-mentioned applications to purchase under the said  
repealed Acts shall be lodged with the proper officer before this  
Act comes into operation.

(III.) All lands held under pre-emptive lease on the thirty-first day  
of December one thousand eight hundred and eighty-four shall  
thereafter be deemed to be Crown Lands freed and discharged  
from such lease. And such lands shall revert to the Pastoral  
Holding if any of which they originally formed part and  
rent shall thereafter be payable therefor at the same rate as  
is charged for such holding but if there be no such holding  
then such lands if situated in the Eastern Division may be  
converted into annual leases for pastoral purposes under  
Part IV of this Act but without competition. Provided  
always that the holders of lands conditionally purchased  
under the said Acts shall be entitled to the rights conferred by  
this Act.

4. In this Act unless the context necessarily requires a different Interpretation of  
meaning the expression— terms.

“Alienee” means any person whose estate or interest is derived by  
sale mortgage or any disposition not testamentary or operating  
by devolution of law

“Crown Lands” means lands vested in Her Majesty and not per-  
manently dedicated to any public purpose or granted or law-  
fully contracted to be granted in fee simple under this Act or  
any of the Acts hereby repealed.

“City Town or Village”—A city town or village shall be such as  
shall have been declared to be so by proclamation of the  
Governor in the Gazette.

“Frontage” means abuttal on or frontage to the sea-coast or to any  
lake inlet river creek stream watercourse road or intended or  
designed road prescribed as a boundary.

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

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

“Land office day” means any day notified as such in the Gazette  
upon which Land Agents are required to attend at their Land  
Offices for the purpose of receiving applications for sale or  
lease of Crown Lands.

“Lease” includes any unexpired engagement contract or promise  
of a lease.

“Local newspaper” means a newspaper published or circulating in  
the particular district or place in reference to which the  
expression is used.

“Leasehold area” means that portion of a Pastoral Holding for  
which a Pastoral Lease may be granted under this Act.

48 VICTORIA,  
No. 18.

“Minerals” means and includes coal kerosene shale and any of the following metals or any ore containing the same viz.—Gold silver copper tin iron antimony cinnabar galena nickel cobalt platinum bismuth and manganese and any other substance which may from time to time be declared a mineral within the meaning of this Act by proclamation of the Governor published in the Gazette.

“Minister” means the Minister for Lands or other Minister charged with the administration of this Act or any part thereof.

“Prescribed” means prescribed by this Act or by any Regulation made thereunder.

“Pastoral Holding” means the area included within the continuous boundaries or reputed boundaries of any station worked or used for grazing purposes whether such station includes more than one run or includes lands held by or in the interests of the runholder otherwise than under pastoral or pre-emptive lease or not.

“Population Boundaries” includes lands within areas bounded by lines bearing north east south and west as defined by proclamation in the Gazette and distant not more than ten miles from the nearest boundary of any city town or village.

“Public purpose” means and includes in addition to any purpose specified in any section of this Act any purpose declared by the Governor by notification in the Gazette to be a public purpose within the meaning of such section.

“Regulations” means the Regulations made under the authority of this Act.

“Representatives” means the executors or administrators of the person with reference to whom the word is used and includes all persons in whom the estate or interest of such person is vested.

“Run” means Crown Land held under pastoral lease at the commencement of this Act and also any land which by the operation of this Act may have reverted or may revert to such lease.

“Runholder” means the registered lessee or the holder of any such run.

“Resumed area” means that portion of a Pastoral Holding for which a Pastoral Lease may not be granted under this Act.

“Vacant land” means land not alienated by or held under any lease or promise of lease or license from the Crown.

No dealing with  
Crown Lands  
except under this  
Act.

5. Crown Lands shall not be sold leased dedicated reserved or dealt with except under and subject to the provisions of this Act and nothing in this Act shall affect the provisions of any Act regulating Mining on Crown Lands or shall affect the prerogative of the Crown in respect to any lands reverting by escheat or forfeiture to Her Majesty otherwise than under the provisions of this Act or any Act hereby repealed.

Provisions as to  
grants leases &c.

6. The Governor on behalf of Her Majesty may grant dedicate reserve lease or make any other disposition of Crown Lands but only for some estate interest or purpose authorized by this Act and subject in

every case to its provisions. No Crown grant issued after the com- 48 VICTORIA,  
mencement of this Act shall be expressed or purport to be in trust for No. 18.  
private persons or purposes.

7. All grants of land issued under the authority of this Act shall contain a reservation of all minerals in such land and shall contain such other reservations and exceptions as may by the Governor be deemed expedient in the public interest. Provided that whenever it shall be found that land alienated under this or any of the said repealed Acts contains any mineral and such land has been alienated subject to the minerals being reserved to the Crown the Governor may permit the owner of such land to remove such mineral upon payment of such royalty and upon such conditions as may be prescribed. Provided also that the right of any holder of a conditional purchase made under sections thirteen twenty-one or twenty-two of the "Crown Lands Alienation Act of 1861" hereby repealed to convert such purchase into a conditional purchase for mining purposes in accordance with any regulations in force for the time being made under the said Act may be exercised subject to the terms and conditions contained in such regulations as if this Act had not been passed. Minerals reserved in all grants.

## PART II.

### *Establishment of Divisions—Land Districts—Local Land Boards—Hearing of Appeals.*

8. For the purposes of this Act New South Wales shall consist of Three Divisions namely:—The Eastern Division—the Central Division—and the Western Division—and the boundaries of each Division shall be as set forth in the Schedule hereto. Provided always that it shall be lawful for the Governor from time to time by proclamation in the Gazette to alter the boundary of any Division so as to avoid the severance of any existing conditional purchase or lease or other lawful holding whatsoever. And upon the publication of such proclamation the boundary as altered thereby shall be deemed to be the true boundary of the Division referred to in such proclamation. Establishment of Divisions. Schedule.

### *Land Districts.*

9. The Governor may within each Division by proclamation in the Gazette establish and define the boundaries of Land Districts and may in like manner alter the same. Land Districts.

10. The Governor may appoint a Land Agent either for each Land District or for several adjoining Land Districts who shall perform the duties imposed on him by this Act or the Regulations and the Minister may at any time in the absence of any such Agent appoint a person to act for him. And all things done by an Acting Land Agent within the scope of his authority shall be of the same efficacy as if done by the Land Agent. It shall be the duty of every Land Agent to forward to the Colonial Treasurer all moneys received by him by virtue of this Act or the Regulations in the prescribed manner and in all other respects to conform to the Regulations and to carry out the instructions given by or by direction of the Minister. Land Agent. Duties of Land Agents.

*Local Land Boards..*

48 VICTORIA,  
No. 18.  
Local Land  
Boards.

11. There shall be a Local Land Board for every Land District or for several Land Districts and the members of such Board shall not exceed three in number and shall be appointed by the Governor One of such members shall be the chairman who shall be appointed in like manner and shall be paid such salary as Parliament may sanction Every other member of the Board shall be paid such fee for each sitting as may be prescribed Any member of a Local Land Board who shall sit or act in any way as a member of such Board in any case in which he is or has been directly or indirectly interested shall be liable to a penalty not exceeding five hundred pounds.

Quorum.  
Chairman's  
votes.

12. A majority of the members of any Local Land Board shall constitute a quorum and the chairman shall if present preside at all meetings of the Board and have an original vote on any question brought before or referred to such Board Provided always that the Chairman shall have a casting vote on any question on which the votes are equal.

Duties and  
Powers of Local  
Land Boards  
under repealed  
Acts.

13. In addition to the matters hereinafter required or permitted to be made the subject of adjudication appraisement valuation inquiry or report by Local Land Boards it shall be the duty of every such Board and it shall have full power and authority to hear examine and report to the Minister upon—

- (i.) Any matter referred for report to such Board by the Minister which under the provisions of any Act hereby repealed might have been the subject of any claim for compensation or of arbitration appraisement inquiry or complaint.
- (ii.) Any complaint or question as to the non-fulfilment of any condition of residence or improvement by a conditional purchaser under any of the said repealed Acts.
- (iii.) Any allegation or complaint that land conditionally purchased under any of the Acts hereby repealed has been so purchased by the applicant in violation of any of the provisions thereof Provided that nothing herein contained shall refer to any land for which a certificate of completion of the conditions of residence and improvements or grant has already issued.

General powers  
and procedure  
of Local Land  
Boards.

14. For the purpose of regulating the procedure of Local Land Boards under this Act and of empowering such Boards to give full effect to the meaning and intent thereof the following provisions shall be applicable to and be carried out by such Boards—

Local Land  
Board to sit as  
in open Court.

- (i.) Every such Board shall have power to hear and determine all complaints and other matters brought before it and shall conduct all inquiries sitting as in open Court and shall take evidence on oath and its procedure while so sitting shall be the same as the procedure before a Court of Petty Sessions.

Power to  
compel attend-  
ance of  
witnesses.

- (ii.) The chairman of every such Board shall be a Justice of the Peace by virtue of his office and shall have and may exercise the like powers and authorities as are possessed by a Court of Petty Sessions to summon and compel the attendance of witnesses to give evidence on any matter before the Board and to produce all deeds and documents in their possession or under their control relating to such matter And all witness

Expenses of  
witnesses.

so summoned to attend shall be entitled to the like allowances for attendance and travelling expenses as witnesses attending a District Court are by law entitled to. 48 VICTORIA, No. 18.

- (III.) Every party to a proceeding before such Board shall have the same right to be heard by counsel attorney or agent and to enforce the attendance of witnesses before such Board and to examine such witnesses as upon summary proceedings before Justices. Parties may be heard by counsel attorney or agent.
- (IV.) The chairman shall give the decision of the Board (when unanimous) in open Court but if not unanimous the Board shall decide by vote (retiring for that purpose if it shall think fit) The decision shall then be given by the chairman as aforesaid and no member shall comment upon or question such decision Upon an appeal to the Minister as hereinafter provided any member of the Board may assign in writing such reasons for his opinion as he may deem necessary which shall be transmitted through the chairman to the Minister. Decision of Board how given.
- (V.) Any person not authorized in that behalf by the Minister desirous of prosecuting any complaint before such Board shall do so by lodging with the Land Agent a notice in the prescribed form verified by a statutory declaration setting forth the grounds of such complaint and shall at the same time deposit with such Land Agent the sum of ten pounds as security for any costs which may be awarded against him by such Board Provided that should the Board be of opinion that the sum of ten pounds will be insufficient to meet the probable expenses in any case it may demand such further sum as may be deemed necessary and should such sum not be deposited with the Land Agent within such time as the Board may specify such complaint shall not be proceeded with When the Board shall give a decision in favour of the complainant he shall be entitled to a refund of the sum so deposited and it may award such expenses for witnesses and such costs to the successful party as to it may seem reasonable and such expenses and costs shall be recoverable in the manner prescribed by the Acts regulating the procedure in Courts of Petty Sessions. Complaint by other than authorized persons.
- (VI.) The Minister may return to the Local Land Board for revision rehearing or further consideration any case or matter which to such Minister shall appear to have been improperly or insufficiently considered or determined by such Board. Rehearing.
- (VII.) The Local Land Board instead of giving any decision or adjudication in any case within the jurisdiction of such Board may after taking evidence refer such case with the evidence for decision by the Minister who shall have power to deal with the case so referred in all respects as if it had been brought before him in the first instance. Reference to Land Court.
- (VIII.) In the absence of the chairman the members present at any meeting of the Board shall appoint one of their number to act as chairman at such meeting or any adjournment thereof who shall while so acting have all the powers and authority of the chairman. The resignation removal from Acting chairman in absence of chairman.

48 VICTORIA,  
No. 18.

Signature of  
summonses  
documents &c.

Orders of Local  
Land Board how  
enforced.

Appointment &c.  
of District Staff  
of Officers.

Procedure on  
appeal to Land  
Court.

Minister to  
adjudicate as in  
open Court.

Case may be  
remitted to  
Board for further  
evidence.

office insolvency or absence from three consecutive meetings of the Board of any member of the Board without leave of the Minister shall cause a vacancy therein and the Governor may appoint a person to supply such vacancy.

(IX.) Any member of the Board may sign summonses and the chairman shall sign certificates and other documents given or issued by the Board and immediately after adjudication or decision upon any case shall forward all papers connected with the case together with any report required thereon to the Minister.

15. In any case where a Local Land Board pursuant to the provisions of this Act and subject to the provisions for appeal hereinafter provided for shall make any adjudication or award and to give effect to such adjudication or award shall make any order for the payment of money whether as compensation costs appraised value or otherwise howsoever such order shall be under the hand of the chairman and may be enforced by distress and sale of the goods and chattels of the person ordered to pay such money in manner prescribed by the regulations or the same may be recovered in a summary way before any two Justices of the Peace by the person to whom such money is ordered to be paid.

16. For every Land District the Governor may appoint a District Surveyor and such other officers as he may think necessary for the purposes of this Act. Provided always that wherever required by the Minister such officers shall perform the duties connected with their respective offices in and for any Land District in addition to that for which they have been appointed.

17. Either party to any proceeding dispute or claim before a Local Land Board and any caveator as hereinafter provided may appeal from the adjudication or decision of such Board to the Minister at any time within twenty-eight days after the same has been given by giving written notice of such appeal to the chairman of the Board and to the other party to the proceeding (if any) and depositing with such chairman the sum of ten pounds as security for the costs of the appeal. And every such notice shall state the grounds of appeal.

#### *Hearing of Appeals.*

18. The Minister shall have power to hear and determine all appeals and to make such orders for the payment of costs incurred in such appeals as he may think just. And such appeals shall be heard and determined as in open Court and the parties to such appeals may be heard by counsel attorney or agent but no fresh evidence shall be adduced except in cases of voidance or forfeiture and the decision of the Minister shall be given as in open Court and shall when recorded be filed with the proceedings in the case. The decision of the Minister upon any appeal in respect of any matter arising out of a conditional purchase or conditional leasehold shall for all the purposes of this Act be final and conclusive.

19. If in any case it shall appear to the Minister that further evidence ought to be taken the case may be remitted to the Local Land Board for that purpose and the Board may after hearing such evidence reverse alter or amend its previous decision in any way it may consider necessary.

20. Any question of lapse voidance or forfeiture whether arising under this Act or any of the said repealed Acts may be by the Minister referred to the Local Land Board and the decision thereon of the said Board after due investigation in open Court shall unless appealed from in the prescribed manner be final.

48 VICTORIA,  
No. 18.  
As to lapse  
voidance and  
forfeiture.

## PART III.

*ALIENATION—Conditional Purchases—Conditions and Obligations of Conditional Purchasers—Additional Conditional Purchases—Conditional and Improvement Purchases in Gold Fields—Conditional Purchases without Residence—Conditional Leaseholds—Measurement of Conditional Purchases—Auction Sales—Special Sales without Competition.*

21. Crown Lands belonging to any of the classes hereinafter specified shall be exempt from conditional sale under this Part—

What lands ex-  
empt from condi-  
tional purchase.

- (I.) Lands held under conditional lease except by the conditional leaseholder having a preferent right of purchase as specially provided by this Act or to which a right of conditional lease is attached if such right of lease conferred by a conditional or any additional conditional purchase made under the repealed Acts be exercised within ninety days after the commencement of this Act or at the date of application for any conditional or any additional conditional purchase under this Act.
- (II.) Lands within the Western Division unless within special areas proclaimed as hereinafter provided
- (III.) Lands comprised within Leasehold Areas notified under the provisions of Part IV.
- (IV.) Lands reserved or set apart for Town or Suburban lands or for village sites
- (V.) Lands reserved from sale or dedicated reserved or set apart for any public purpose other than as aforesaid.
- (VI.) Lands in proclaimed gold-fields within areas reserved from conditional sale
- (VII.) Lands within population areas as defined in section four
- (VIII.) Lands under lease or lawful occupation for mining purposes and lands of which a lease under any Act in force for the time being relating to mining has been applied for
- (IX.) Lands containing improvements in the nature of buildings structures or works not being fencing only and being of a permanent fixed or substantial character and such as in the opinion of the Local Land Board are necessary for the profitable occupation of the land on or adjoining or in connection with which such buildings structures or works are or were intended to be used Provided that the land so exempt from sale shall be equivalent to one acre for each pound worth of improvements by virtue of which the same is exempted and in no case shall such exemption be less than forty acres nor exceed six hundred and forty acres and the confirmation of

48 VICTORIA,  
No. 18.

the boundaries of the land so exempt shall be as prescribed Provided further that no such improvements shall be made after this Act comes into operation without the permission of the Local Land Board approved by the Minister Provided further that such last-mentioned improvements shall not prohibit conditional purchase or conditional lease within resumed areas subject to payment by the conditional purchaser or conditional leaseholder to the owner for such improvements in the manner provided (as regards fixing of value and mode of payment) by the forty-first section of this Act

And for the purposes of this section it shall be immaterial whether the proclamation dedication reservation setting apart notification lease or application herein mentioned in connection with any such lands was made under any repealed Act or under this Act or whether any such improvement was made before or after the commencement of this Act.

What land open  
to conditional  
sale.

22. All Crown Lands if not within any of the aforesaid classes of exemption shall be open to conditional sale under and subject to the provisions and conditions of this Act and where in any Act relating to the Volunteer Force reference is made to the thirteenth section of the "Crown Lands Alienation Act of 1861" such reference shall in respect to all claims to free grants of land unsatisfied at the commencement of this Act be deemed and taken to refer to Crown Lands open to conditional sale under this Act Provided that no person shall make more than one conditional purchase under this Act except by way of additional conditional purchase in virtue of an original purchase as hereinafter provided unless he shall have first received a certificate from the Local Land Board of fulfilment of all the required conditions (except payment of balance of purchase money) or that having made such conditional purchase *bona fide* and solely in his own interest he had been compelled through adverse circumstances to vacate or abandon the same.

Who competent  
to conditionally  
purchase.

23. No person under the age of sixteen years shall be a conditional purchaser of Crown Lands but any person of or above that age (if under no legal disability except that of age) may subject to the limitation as to age hereinafter contained relating to conditional purchase without residence be a conditional purchaser of such lands.

What areas may  
be purchased  
conditionally.

24. In the Eastern Division no application for a conditional purchase shall be received for less than forty or more than six hundred and forty acres and in the Central Division no such application shall be received for less than forty or more than two thousand five hundred and sixty acres Provided always that it shall be lawful for the Governor by proclamation in the Gazette to reserve and set apart from time to time in the Eastern and Central and Western Divisions not being within pastoral or homestead leases any areas of Crown Land (to be called Special Areas) within which it shall not be lawful to conditionally purchase more than one hundred and sixty acres and in such areas and at such prices (not being less than thirty shillings per acre) deposits and instalments as shall be notified in such proclamation.

Land to be  
marked before  
application.

25. When the land to be applied for as a conditional purchase is unmeasured land the intending applicant shall before lodging his application mark some corner of such land in the prescribed manner and shall in his application describe such land in such manner as to permit of its identification by the description And if the land applied for has

Description of  
unmeasured and

not a frontage it must be situated at a distance of at least sixty chains from a frontage When such land is measured land the applicant shall so describe it And whenever the land so applied for contains improvements the applicant shall state that fact in his application and shall describe the nature and position of such improvements.

48 VICTORIA,  
No. 18.  
measured lands  
and improved  
lands.

26. Every application for an original conditional purchase shall be tendered by the applicant in person and every application for an additional conditional purchase may be tendered by the applicant in person or by any duly authorized agent to the Land Agent on some land office day and with the application there shall be lodged with the Land Agent a deposit at the rate of two shillings per acre of the area applied for together with a declaration made by the applicant in the prescribed form And if any person shall make a false statement in such declaration as to any of the matters contained therein he shall forfeit all moneys paid by him in respect of the land applied for and all right and title to such land And any conveyance transfer mortgage or disposition of such land made by such person shall be null and void if taken with notice or knowledge of such false statement.

Deposit to be  
lodged with  
application.

Declaration by  
applicant.

27. The applicant who shall have duly complied with all prescribed requirements shall be entitled to a receipt from the Land Agent for the deposit paid by him but if more than one application and deposit for the same land or any part thereof be tendered to the Land Agent at the same time he shall unless all the applications but one be forthwith withdrawn proceed to determine by lot in the prescribed manner which application shall be received.

Receipt for  
deposit.

28. The Land Agent shall enter the particulars of all such applications deposits and declarations in a Register to be kept by him in the prescribed manner and shall thereupon transmit such applications to the Local Land Board together with all documents relating thereto to be dealt with as hereinafter provided A list of all such applications so transmitted to the Local Land Board shall be kept by such Land Agent in the prescribed manner and be exhibited by him for public inspection in some conspicuous part of his office. And all applications so transmitted shall be dealt with by the said Board sitting as in open Court on a day of which at least fourteen days notice shall be given in the prescribed manner.

Applications to  
be transmitted  
to Local Land  
Board.

29. Upon receipt of every such application the Local Land Board if the land applied for appears to such Board to be open to conditional purchase and has not been surveyed shall direct the district surveyor to cause a survey of such land to be made And if upon the report of such surveyor it shall appear that the land is available then the Board shall confirm the application unless a caveat be lodged as hereinafter provided but if it shall disallow the application the applicant may appeal from such disallowance to the Minister in the prescribed manner If upon report or otherwise before survey the Board shall be of opinion that the land applied for is not open to conditional purchase it may disallow the application in like manner subject to appeal as aforesaid When an application subject to appeal as aforesaid is made for a measured portion open to conditional purchase the Board shall either with or without a report confirm or disallow such application and the Board on every such confirmation shall issue a certificate thereof in the prescribed form to the applicant.

Survey by  
direction of  
Local Land  
Board.

48 VICTORIA,  
No. 18.

Caveats against  
application.

30. Any person claiming a right to land so applied for may in the prescribed manner lodge a caveat with the Local Land Board setting forth objections against the confirmation of any such application and shall at the time of lodging the same deposit with the Board the sum of ten pounds to be dealt with by the Board as hereinafter provided. And all applications in respect of which caveats have been so lodged shall be dealt with at a meeting of the Board holden after the prescribed notice thereof shall have been given to the applicant and the caveator at which meeting the Board sitting as in open Court shall hear and determine the grounds of objection set forth in the caveat and if the caveator be not present or if the Board shall consider that the objections are not sustained it may order the deposit of the caveator or any part thereof to be paid to the applicant by way of compensation or may make such other order in the premises as it may deem just. The Board may upon such terms as it may deem fit postpone the hearing of any application under caveat to some day of which the prescribed notice shall be given to the applicant and the caveator.

Adjudication of  
Board to be  
final unless  
caveator appeals  
to Minister.

31. Unless the caveator shall give the prescribed notice of appeal to the Minister and with such notice deposit the prescribed sum with the Local Land Board the adjudication of such Board shall be final and conclusive but if such notice shall have been duly given and such deposit made the appeal shall be heard and determined by the Minister.

*Conditions and obligations of Conditional Purchasers.*

Condition of  
residence.

32. Every original conditional purchaser under this Act shall within three months from the date of confirmation of his application by the Local Land Board commence and thereafter continue to reside on his conditionally purchased land for the term of five years from such date. And residence for the purpose of this Part shall be taken to mean continuous and *bona fide* living on such land as the conditional purchaser's usual home without any other habitual residence.

Condition of  
fencing.

33. Every conditional purchaser shall within two years after the date of such confirmation fence the boundaries of his conditionally purchased land with a substantial fence of any of the prescribed classes of fencing and shall maintain such fence in good repair and condition during the entire period of the term of residence hereinbefore required. Provided that upon sufficient cause the Local Land Board may on application extend the period within which the condition of fencing shall be fulfilled. And provided that the Board on the application of such purchaser may grant him an exemption from fencing any part of his land which has frontage to a permanent river creek or other natural boundary held by the Board to be sufficient.

Declarations as  
to residence and  
final declaration  
as to residence  
and fencing.

34. Every conditional purchaser shall at the end of the third year after the date of confirmation of his application or within three months thereafter make the prescribed declaration before the Land Agent of the due fulfilment up to such date of the condition of residence and of the condition of fencing required by this Act and at the end of the fifth year after the date aforesaid or within three months thereafter such conditional purchaser shall make a like declaration of the due fulfilment by him of the complete term of residence. Such declaration shall be transmitted by the Land Agent to the Local Land Board. For the purposes

of this Act and the regulations made thereunder every Land Agent 48 VICTORIA, shall during his tenure of office be deemed a Commissioner of the No. 18. Supreme Court for taking affidavits.

35. Every conditional purchaser at the end of the third year after the date of confirmation of his application or within three months thereafter shall pay to the Land Agent an instalment on his purchase at the rate of one shilling per acre and thereafter shall pay in like manner a like instalment annually during a period until the balance of seventeen shillings per acre together with interest at the rate of four per centum per annum thereon shall have been paid. After the last payment of such instalments and interest the conditions of payment required by this Act shall be deemed to have been duly fulfilled. Provided however that it shall be lawful for the conditional purchaser to pay off the whole or any portion of such instalments at any time after the expiration of five years from the date of confirmation as aforesaid if the certificate mentioned in the next following section shall have been granted to him. Provided always that any holder of a conditional purchase made before the commencement of this Act may by writing addressed to the Local Land Board apply to convert his holding so far as regards the balance unpaid of his purchase money into a holding under the conditions of payment prescribed by this section.

Conditions for payment of residue of purchase money.

36. If at the expiration of the prescribed term of residence the Local Land Board shall be satisfied after due inquiry that all conditions applicable to a conditional purchase except that of payment of the balance of instalments have been duly complied with such Board shall issue a certificate to that effect. And a like certificate may be granted by such Board upon application of the holder of any additional conditional purchase when such Board shall be satisfied after like inquiry that all conditions applicable thereto except that of payment of balance of instalments have been duly complied with such certificate shall be transferable subject to the prescribed conditions and shall be *prima facie* evidence of the title of the holder thereof to the land therein described subject to the fulfilment of the prescribed conditions of payment. No such certificate shall be issued by the Board before the expiration of thirty days from the date of publication in the Gazette of notice of its intention to issue the same within which period any person may lodge in the prescribed form and manner a caveat against such issue and every such caveat shall be disposed of by the Board before issuing such certificate in manner hereinbefore provided for dealing with caveats. Provided that the Board may after the prescribed notice in the Gazette and in the prescribed manner issue to the person entitled thereto a fresh certificate upon satisfactory proof being adduced that the original certificate issued has been lost or destroyed.

Certificate of Board of fulfilment of certain conditions by conditional purchaser.

37. Subject to the issue of such certificate and upon payment of the balance of instalments stamp duty and deed fee a grant in fee simple of the land shall be issued upon application.

Grant to issue on fulfilment of conditions.

38. In default of payment of any instalment for three months after the day when such payment shall have fallen due the conditional purchase may be declared by the Minister to be forfeited and upon such declaration being published in the Gazette the conditionally purchased land in respect of which such payment is due shall revert to Her Majesty and become Crown Lands for the purposes of this Act. And any payment made in respect of such purchase shall in such case be forfeited to Her Majesty.

Forfeiture on default of payment by conditional purchaser.

48 VICTORIA,  
No. 18.

Provision as to forfeiture on non-fulfilment of conditions of fencing and residence.

Applicability of conditions &c. to the representatives of conditional purchasers.

Payment for improvements.

Additional conditional purchases in Eastern and Central Divisions.

The like in special areas.

39. If the Local Land Board shall report to the Minister that after due inquiry held by such Board the prescribed conditions of residence or fencing have not in the opinion of such Board been duly fulfilled by any conditional purchaser or his representatives it shall be lawful for such Minister to declare the conditional purchase to be forfeited and any payment made in respect of such purchase shall in such case be forfeited to Her Majesty.

40. The conditions and obligations imposed by and all other the provisions relating to conditional purchasers contained in the last eight preceding sections shall be equally applicable and attach to persons deriving title through or under such conditional purchasers and to all persons upon whom title shall devolve or be cast by operation of law But this section shall be read subject to the provisions hereinafter contained relative to cases of death lunacy insolvency or judgment debt of a conditional purchaser.

41. In every case where land conditionally purchased under this Act contains improvements other than those described in sub-section (ix.) of section twenty-one the conditional purchaser shall pay the value of such improvements as appraised by the Local Land Board. Where such improvements belong to the Crown payment by annual instalments of one quarter of the appraised value may be made by such purchaser in the prescribed manner and at the prescribed time and where such improvements do not belong to the Crown payment shall be made in such manner and at such times as the owner thereof and the conditional purchaser shall agree upon or failing such agreement as the Local Land Board shall determine Provided always that nothing herein contained shall prevent such owner from removing any such improvements which in the opinion of the said Board are capable of removal without permanently deteriorating the value of the land on which they are if such removal is carried out within three months from the date of confirmation of application to purchase.

#### *Additional Conditional Purchases.*

42. Any holder of a conditional purchase not exceeding in the Eastern Division six hundred acres or in the Central Division two thousand five hundred and twenty acres may make additional conditional purchases of Crown Lands adjoining the original or any prior additional conditional purchase or each other provided that the original and such additional conditional purchases do not exceed in the whole six hundred and forty acres in the Eastern Division and in the Central Division two thousand five hundred and sixty acres and that all the conditions and obligations applicable to original conditional purchases be fulfilled by such holder in relation to every such additional conditional purchase except as hereinafter provided And for the purposes of this section it shall be immaterial whether the original or prior additional conditional purchases were made under any of the Acts hereby repealed or under this Act or partly under one and partly under the other Provided that additional conditional purchases may in special areas within the Eastern Central and Western Divisions be made by holders of conditional purchases such purchases original and additional not exceeding one hundred and sixty acres.

43. The area embraced by any original conditional purchase made under this Act and any additional conditional purchase made in virtue thereof may for all purposes of residence and fencing be held to be one holding and conditional purchase. But whenever the holder of lands conditionally purchased under the said repealed Acts shall exercise his right of making an additional conditional purchase under this Act in the Central Division the area of which whether taken by one or more applications together with that previously purchased under the said Acts shall exceed six hundred and forty acres then such area shall be subject to the condition of a further term of five years' residence in like manner as an original conditional purchase made under this Act. But such residence may be fulfilled on the land by virtue of which any such additional purchase may be made. Provided that no further residence than is required under the repealed Acts shall be necessary in connection with additional conditional purchases in the Eastern Division made in virtue of original conditional purchases under the said Acts.

48 VICTORIA,  
No. 18.

Original and additional conditional purchase one holding.

44. Whenever the condition of residence incident to an additional conditional purchase has been fulfilled on an original conditional purchase made under this Act then upon the fulfilment by the holder thereof of the prescribed conditions of fencing and payment he may at any time make the prescribed declarations in relation thereto. In any such case the conditions as to payment of instalments as hereinbefore provided shall apply as if the prescribed declarations had been lodged at the end of three and five years respectively from the date of confirmation of application.

Declaration as to additional conditional purchases may in certain cases be made at any time.

#### *Purchases in Gold Fields.*

45. Any Crown Land within a proclaimed gold-field which after the twenty-fifth day of May one thousand eight hundred and eighty has been sold conditionally or by auction or in virtue of improvements or otherwise as well as any such land alienated under this Act shall be subject to the following condition namely—Any person specially authorized in the prescribed manner by the Minister shall be at liberty to dig and search for gold within such land and should it be found to be auriferous the Governor may cancel wholly or in part the sale of such land and upon the notification thereof in the Gazette the proprietor shall be entitled to compensation for the value of the land as if it were not auriferous and of the improvements thereon as appraised by the Local Board and such land shall thereupon become Crown Land within the meaning of the "Mining Act 1874" or any Act amending the same and shall be reserved from sale until such reservation be revoked by the Governor. Provided that the person so specially authorized by the Minister to dig and search for gold shall on the appearance of such notification in the Gazette be deemed to be the first applicant for a claim or lease of such land or a portion thereof and the date of such application shall be reckoned from the day of publication of such notification in the Gazette but in all other respects as to area labour conditions and other matters such application shall be dealt with subject to the regulations in force for the time being authorizing the occupation of Crown Lands for gold-mining purposes.

Crown Land within proclaimed gold-field.

46. Upon application by the owner of improvements in authorized occupation by residence under any Act in force for the regulation of mining on Crown Lands of land within a proclaimed gold-field the

Improvement purchases on gold-fields.

48 VICTORIA, Governor may sell and grant such land to such owner without competition at a price to be fixed by the Local Land Board not being less than at the rate of eight pounds per acre for town lands and two pounds ten shillings per acre for suburban and other lands or two pounds ten shillings for any area less than one acre. Provided that such sales be made in accordance with the general subdivision of the land and embrace only allotments or portions on which the improvements may be and that the areas to be sold shall not exceed one quarter of an acre for town lands and one acre for suburban or other lands. Provided also that such price shall be exclusive of the value of the improvements. And for the purposes of this section improvements of value equal to the respective minimum rates hereinbefore provided for shall be sufficient. But no person shall be permitted to make a subsequent purchase within three miles of a prior purchase by him.

*Conditional Purchases without Residence.*

Conditional purchases without residence.

47. Crown Lands open to conditional purchase may be conditionally purchased as hereinbefore provided without conditions of residence but subject to the conditions of forfeiture as hereinbefore provided by any person of the age of twenty-one years or upwards subject however to the qualifications and conditions following :—

- (I.) No area purchased under this section shall be less than forty acres or shall exceed three hundred and twenty acres. And no person shall be permitted to make a second or subsequent purchase under this section except by way of additional conditional purchase which together with the original purchase shall not exceed three hundred and twenty acres.
- (II.) No person who has purchased under this section shall be permitted to make any other conditional purchase whatsoever under this Act. And no person who has made a conditional purchase under this or any of the repealed Acts shall be permitted to make or to hold a conditional purchase under this section.
- (III.) The deposit and all subsequent instalments shall be double those respectively prescribed on ordinary conditional purchases and shall be paid to the like persons and at the like periods.
- (IV.) Within twelve months after the survey of the land so purchased the boundaries thereof shall be fenced by the purchaser with a substantial fence of any of the prescribed classes of fencing. But the provisions for extension of time and exemption from fencing frontages in certain cases contained hereinbefore shall apply to conditional purchases made under this section.
- (V.) Five years after the survey of the land so purchased the purchaser shall produce to the Local Land Board evidence satisfactory to such Board that he has expended a sum not less than one pound per acre upon permanent improvements otherwise than for the boundary fencing. And upon the production of such evidence he shall be entitled to a certificate to the like effect as is hereinbefore provided.

- (vi.) The estate or interest of a purchaser under this section shall be incapable of being transferred alienated mortgaged encumbered or pledged until after the issue of such certificate by the Local Land Board but subject to the payment of instalments due on the land purchased may devolve or be transferred by operation of law. 48 VICTORIA,  
No. 18.

*Conditional Leaseholds.*

48. Any applicant for a conditional purchase or additional conditional purchase of land under this Act other than for such purchase without residence within the Eastern Division (not being within any Special area in that Division) and any applicant for a like purchase in the Central Division who desires to obtain in connection with such purchase a conditional lease of adjoining land may lodge with the Land Agent an application for such conditional lease in the prescribed form. The area to be allotted under such lease shall not exceed three times the area of the conditional purchase by virtue of which it is applied for. Provided that the conditional purchase with any additional conditional purchases shall not together with such conditional lease exceed in the Eastern Division twelve hundred and eighty acres and in the Central Division two thousand five hundred and sixty acres but such conditional lease shall in no case exceed more than three times the area of such conditionally purchased land but the Local Land Board if the area applied for under such lease be not available may allot the applicant a lesser area not being less than forty acres in any case and such conditional leasehold shall be surveyed and reported on in the prescribed manner. And the application may be confirmed or disallowed as in the case of conditional purchases. Application for  
conditional  
leases.

49. The annual rent to be paid for land conditionally leased shall be such sum not less than two-pence per acre as the Local Land Board subject to the approval of the Minister shall determine as the fair rental thereof. Rent of condi-  
tional lease.

50. On the expiration of five years from the date of the confirmation of application or within six months thereafter and upon the fulfilment by the conditional purchaser of all conditions prescribed by this Act in respect to his conditionally purchased land the conditional purchaser shall have the right of conditionally purchasing free from the condition of residence the whole of the land held by him under such conditional lease or any portion thereof not being less than forty acres but every such area so purchased shall adjoin the original or any additional conditional purchase. If the conditional purchaser does not exercise his preferent right under this section or only exercise it in part he may extend his conditional lease or so much thereof as he may not have conditionally purchased for a further period of five years without the preferent right to purchase but subject however to the same conditions as to residence as hereinbefore provided or the land covered by such preferent right or any land which shall not be conditionally purchased as aforesaid shall at the expiration of the extended term of lease become Crown Lands for the purposes of this Act. Preferent right  
to purchase out  
of conditional  
lease.

51. The conditional lessee shall within the like period and subject to the same conditions and provisions as are applicable to conditional purchasers fence the outside boundaries of such conditionally leased land Residence and  
fencing by con-  
ditional lessee.

48 VICTORIA, with a fence of the like nature as may be prescribed. Provided that it shall be sufficient for the fence to be erected on the exterior boundaries of the conditional purchase and conditional lease so as to enclose the whole area. Provided always that the conditional purchaser may fulfil his condition of residence or any part thereof upon his conditionally leased land instead of upon his conditionally purchased land if he has lodged with the Local Land Board a notice in the prescribed form of his intention so to reside.

re-emptive  
leases made con-  
ditional leases.

52. All holders of lands under pre-emptive lease on the thirty-first day of December one thousand eight hundred and eighty-four granted in virtue of conditional purchases and adjoining thereto may within ninety days after the commencement of this Act apply in the prescribed manner to convert such pre-emptive into conditional leases under this Act and subject to all the conditions and provisions therein contained relating to conditional leases except the condition of residence and preferent right of purchase and subject to the recommendation of the Local Land Board and to the approval of the Minister. Provided that the aggregate area of conditional purchases by virtue of which conditional leases may be granted under this clause shall not exceed one thousand two hundred and eighty acres held by one person being the applicant for such conditional lease and the aggregate area of such conditional leases which shall not be granted in more than two areas may be but shall not exceed three times the area of the conditional purchases by virtue of which they are granted (and in allotting such conditional lease if there be not sufficient land available to satisfy the claims of adjoining applicants the Local Land Board may subject to the approval of the Minister allot all the available land between them proportionate to the areas of the pre-emptive leases held as far as the provisions for survey as by this Act provided will permit) Provided further that the conditional purchases by virtue of the aggregate area of which a conditional lease is applied for need not be adjoining each other but they shall all be in the same land district. Provided that the provisions of this clause shall not apply to the holder of any conditional purchase the transfer of which was notified to the Land Agent subsequent to the fifteenth day of July one thousand eight hundred and eighty-four. Provided further that the pre-emptive lessee shall have a right to occupy the land embraced within his pre-emptive lease which is convertible under this section subject to the payment of the rent fixed for the conditional lease pending the disposal of his application by the Minister. Provided further that where any land by virtue of which the rights conferred by this section can be exercised is under mortgage the conditional lease may be applied for by the mortgagee or mortgagor subject to the limitation as to area herein expressed.

Certificate of fulfilment by conditional leaseholder.

53. If at the expiration of the prescribed term of residence the Local Land Board is satisfied after due inquiry that all conditions applicable to a conditional leasehold have been duly fulfilled by the holder of such leasehold the Board shall issue to such holder on application a certificate to that effect which shall be *prima facie* evidence of the right of the holder to make a conditional purchase out of his conditional leasehold as hereinbefore provided subject however to the like conditions of payment of deposit and instalments as are hereinbefore prescribed.

Application for conditional leases.

54. Any holder of a conditional purchase of land made under any of the Acts hereby repealed within the Eastern or Central Division (not being

within any Special area in that Division) who desires to obtain a similar conditional lease of land adjoining his conditional purchase shall within ninety days after the commencement of this Act lodge with the Land Agent an application for such conditional lease in the prescribed form which shall be dealt with in the same manner and be subject to the same conditions as in the case of a lease applied for by virtue of a conditional purchase made under this Act except that he shall reside for five years from the confirmation thereof upon such conditionally leased land. Provided always that residence by such conditional purchaser on his conditional purchase for five years from the confirmation of application for such conditional lease shall be held to be fulfilment of the condition of residence in respect of such conditional lease notwithstanding its being at the same time the fulfilment in part of the condition of residence on his conditional purchase.

48 VICTORIA,  
No. 18.

*Measurement of Conditional Purchases.*

55. Measured Crown Lands shall upon being conditionally purchased be taken in portions as measured but if the area applied for be less than a measured portion such portion may on approval by the Local Land Board be subdivided but in that case the applicant shall pay the cost of survey for such subdivision.

Land to be taken  
as measured.

56. All land conditionally purchased if unmeasured and having a frontage shall subject to the provisions hereinafter contained have a depth of not less than sixty chains for any area not exceeding one hundred and eighty acres and for any larger area shall have a depth of not less than twice the frontage and shall have the boundaries other than the frontage directed to the cardinal points but if having no frontage shall be measured either as a square or a rectangular block of which the sides including each right angle shall not exceed the proportion of two to one. And no land shall be considered to be measured until the plan of the measurement shall have been approved of by the district surveyor or an officer duly authorized in that behalf of which approval his signature on such plan shall be *prima facie* evidence.

Form of  
measurement  
where land un-  
measured.

57. No error or uncertainty in the description of land conditionally purchased either before or after the passing of this Act shall invalidate the purchase in any case where the Local Land Board is satisfied that the land occupied by the conditional purchaser is the land intended to be described in his application. And if the Board shall notify to a conditional purchaser the description of the land purchased by him as finally approved by the Board such notification shall be conclusive evidence that the land therein described is the land conditionally purchased.

Error in descrip-  
tion not to invali-  
date purchase.

58. In any case where any portion of land purchased is found to encroach upon or be included within an area reserved or exempt from sale or to encroach upon or be included within other land purchased the title of the holder of or the claim of the applicant for any such purchase shall not be prejudiced or affected further than to the extent of the encroachment on or inclusion within such area if the residue be not less than forty acres.

Power of adjust-  
ment where  
encroachments  
made on exempt  
lands.

48 VICTORIA,  
No. 18.

Additional conditional purchases to be subject to conditions.

59. All additional conditional purchases shall in respect of measurement and frontage be subject to the conditions and provisions following viz.—

- (I.) Every such purchase when the area applied for does not with the original purchase exceed one hundred and eighty acres shall have a depth of not less than sixty chains but where the area applied for as an additional purchase together with the original purchase or with any prior additional conditional purchase amounts to or exceeds one hundred and eighty acres then such additional conditional purchase shall be measured in combination with the original and any prior additional conditional purchase in such a manner as to give a figure having a depth of not less than twice the frontage thereof or as nearly as may be practicable of such dimensions.
- (II.) Where additionally purchased lands have no frontage each portion so purchased shall be measured so as to form in combination with any prior purchase or purchases either a square or a rectangular block as hereinbefore described. And all succeeding purchases shall be measured in a like manner.
- (III.) The intervention of any road not being a frontage or intended frontage road between an original conditional purchase and any additional conditional purchase or conditional lease applied for under this Part shall not be an objection to the measurement of the land so applied for and in every such case the additional purchase or purchases or conditional lease shall be measured as herein provided. But if such road be a frontage or intended frontage road no additional conditional purchase or conditional lease shall be allowed for land not on the same side as the purchase or purchases by virtue of which such additional conditional purchase or conditional lease is applied for unless all the available land on that side has been exhausted then such additional conditional purchase or purchases or conditional lease may be measured on the opposite side of such road or intended road and with frontage thereto.

Modification of boundaries &c.

60. Notwithstanding any of the provisions of this Act whenever it shall appear desirable to the Local Land Board or the Minister Crown Lands may be measured across any frontage road or intended or designed frontage road and the boundaries of portions having frontages may be made approximately at right angles with the frontage and may be so applied for and may be otherwise modified although such modification may have the effect of altering the frontage or depth of any portion or the direction of any other boundaries thereof as hereinbefore prescribed and the boundaries of portions having no frontages may be modified in like manner and necessary roadways trigonometrical stations and sites for and sources of water supply may be excluded from any measurement.

#### *Auction Sales.*

Sale by auction of lands.

61. Crown Lands not exceeding in the aggregate for the whole Colony two hundred thousand acres in any one year may be sold by public auction at such places in the Land district in which the lands are situated and at such times as the Minister shall direct and notify in the Gazette not less than two months nor more than three months before

the day of sale And the upset prices per acre shall not be lower than 48 VICTORIA, for Town lands eight pounds—Suburban lands two pounds ten shillings No. 18. —other lands one pound five shillings But such upset prices may be Upset prices. respectively fixed at any higher amounts and the value of improvements if any may be added thereto and if it should appear that such improvements were made under misapprehension or for other sufficient reason the Governor may remit or refund the value thereof to the improver or his representatives Town lands shall not be sold under this section in areas exceeding one half acre Suburban lands shall not be sold in areas exceeding twenty acres and Country lands shall not be sold in areas exceeding six hundred and forty acres.

62. A deposit of not less than one quarter of the purchase money for all lands sold by auction shall subject to the provisions of the last preceding section be paid by the purchaser at the time of sale In case the purchaser fails to pay the deposit the land may be again offered by the Land Agent who shall not accept any bid by the person so failing to pay And unless the remainder of such purchase money be paid within three months thereafter the sale and contract may be declared void and the deposit forfeited Provided that the Minister may authorize the payment after the expiration of such period of the balance of the purchase money together with a fine of ten per cent. thereon.

Payment of  
purchase  
moneys.

*Special Sales without competition.*

63. The Governor may authorize the rescission of any reservation of water frontage on the sea-coast or to any bay inlet harbour or navigable river or of land adjoining such frontage contained in any Crown grant either wholly or to such extent and subject to such conditions and restrictions as he shall think fit. The land the subject of such rescission on payment in the prescribed manner of the fair value thereof to be determined by the Minister within the Metropolitan Land District and elsewhere by the Local Land Board being not less than the minimum upset price per acre of the class of land as hereinbefore set forth in regard to auction sales may be granted to the owner of the land contained in such Crown grant Provided that nothing in this section shall empower the Governor to grant any land used as a public thoroughfare or any land set apart and dedicated for any public purpose Provided also that notice for four consecutive weeks shall be given in the Gazette and some local newspaper if any before the issuing of such grant and that the applicant shall pay all costs of survey reports notification and deed fee incurred in dealing with any application under this section.

Rescission of  
reservation of  
water frontage.

64. The Governor may on his application authorize any proprietor in fee simple of land having frontage to the sea or to any tidal water or to any lake to reclaim any land adjoining thereto and lying beyond or below high-water mark and on completion of such reclamation to the satisfaction of the Minister within the Metropolitan Land District and elsewhere of the Local Land Board and payment in the prescribed manner of the fair value of the land so reclaimed to be appraised by the said Board on the basis of one-half of the net market value thereof ascertained after deduction of the cost of reclamation the land so reclaimed shall be granted to such proprietor Provided always that no such reclamation shall be authorized which may interrupt or interfere with navigation

Reclamation of  
lands by pro-  
prietor of ad-  
joining lands.

Not to interfere  
with navigation.

48 VICTORIA, No. 18. and provided also that the application to reclaim such land shall be published in the Gazette and some local newspaper if any for four consecutive weeks before such authority for reclamation shall be given and that the applicant shall pay all costs of survey reports notification and deed fee incurred in dealing with his application.

Caveat against reclamation and rescission.

65. At any time before the expiration of the four weeks in the last two sections mentioned any person feeling aggrieved may in the prescribed manner lodge a caveat with the Minister or Local Land Board (as the case may be) setting forth objections against the authorization of any such rescission or reclamation as aforesaid and shall at the time of lodging the same deposit therewith the prescribed sum and all such applications shall be dealt with as hereinbefore provided in reference to other caveats.

Sales in special cases.

66. Crown Lands to which no way of access is attainable or which are insufficient in area for conditional sale or are situated between granted land and a street or road which forms or should form the way of approach to such granted land or are encroached on by buildings erected on granted land may be sold after recommendation by the Minister or the Local Land Board as the case may be to the proprietor or proprietors in fee simple of adjacent lands at a price to be determined by the Minister after report by the Local Land Board being not less than the minimum upset price per acre of the class of land as hereinbefore set forth Purchasers under this section shall in addition to the price of the land applied for pay the cost of survey report and deed fee incurred in dealing with such applications.

Closing and alienation of unnecessary roads.

67. Whenever the proprietor in fee simple of land adjoining a road reserved exclusively for access to such land which is not required for public use or convenience applies to the Minister to close such road or whenever any road proclaimed through any land renders unnecessary a reserved or other road bounding or traversing that or any neighbouring land the Governor may declare by notification in the Gazette under the hand of the Minister and in a local newspaper that such reserved or boundary road will be closed unless valid objections are offered and at any period not less than three months after the publication of such notice the road may be closed and the land granted to the owner or owners of adjoining lands in fair proportions or in accordance with any agreement made by such owners And the value of such land to be determined by the Local Land Board shall be paid for the same as well as all costs of survey report and deed fee incurred in dealing with such application If any road which is found to be unnecessary pass through any conditional purchase it may be closed in like manner and the area of such closed road may be added to the conditional purchase subject however to the like conditions of payment of deposit and instalments as are applicable to conditionally purchased land and also to the payment by the conditional purchaser of all costs and charges in connection with the resumption and annexure of such land.

Provisions applicable to five preceding sections.

68. On the approval of any application to purchase made under any of the last five preceding sections such approval shall be notified in the Gazette And if within three months after such notification the applicant shall fail to pay the full amount of purchase money together with the deed fee and all costs demanded for survey and reports incurred in connection with the land applied for the right to purchase such land may

be treated by the Minister as having lapsed and the land itself may be sold by auction or reserved or otherwise disposed of pursuant to the provisions of this Act. 48 VICTORIA, No. 18.

69. In any case where the opening of a new road or the diversion of an existing road through alienated land renders unnecessary any existing road through such land such road or any part thereof may be granted in full or part satisfaction to the owner of the land traversed by it or if the road so rendered unnecessary be a boundary road it may be granted in like manner or an equivalent area of adjoining Crown Land if available may be granted to such owner in lieu of the new or diverted road. Where new road opened old to be taken as compensation.

## PART IV.

OCCUPATION—*Division of Runs—Pastoral Leases—Occupation Licenses—Homestead Leases—Annual Leases for Pastoral Purposes—Special Leases—Ringbarking by Lessees—General Provision affecting Lessees and Licensees.*

70. All Pastoral Holdings shall subject to the provisions of this Act and until brought thereunder by notification in Gazette of their division or being otherwise dealt with as hereinafter provided continue to be subject to the same rights of occupation by runholders and to the same terms and conditions of occupation as before the commencement of this Act. Continuance of rights and obligations in respect of Pastoral Holdings.

71. Every runholder shall within one hundred and twenty days after the commencement of this Act lodge with the Minister a written application for a Pastoral Lease in the prescribed form of whichever portion of his run may be converted into a Leasehold area under this Part and with such application shall furnish a plan of his Pastoral Holding on the prescribed scale showing to the best of his knowledge and ability the boundaries and area of such holding together with all ranges water-courses lakes or other natural features within such boundaries and shall also mark on such plan the position of all lands held or occupied by him under any tenure other than Pastoral Lease and of all improvements upon such holding made by him or of which he claims to be the owner and shall furnish in the prescribed form a statement of the average grazing capabilities of the holding the nature and value of the improvements thereon together with any other information required by the Minister and the runholder shall divide by a line or lines the entire area of all Crown Lands situated within such Pastoral Holding into two parts as nearly equal in area as practicable and after receipt of the plan mentioned the Governor may by notice in the Gazette reserve temporarily from conditional sale any land within such Pastoral Holding divided as aforesaid pending a determination of which part shall be converted into a resumed area. Application for Pastoral Lease by runholder.

72. When the same portion of land appears to be included within different Pastoral Holdings the Minister shall decide upon a line or lines which shall be the boundary as between such holdings so as to determine the position of such land for the purposes of this Act The Minister may accept any application for a Pastoral Lease as sufficient or he may call upon any runholder to amend or supplement any application plan or document and every runholder who shall refuse or neglect Procedure by Minister on applications.

48 VICTORIA, No. 18. to supply such further information as may be required within such time as the Minister shall prescribe may be deemed not to have made the application required by this Part.

Consequences of neglect or default by runholder.

73. If any runholder shall fail or neglect to make such application or shall in any way fail to comply with any of the requirements of the preceding sections of this Part he shall not be entitled to a Pastoral Lease of the leasehold area of his run unless he shall satisfy the Minister that such failure was not due to any wilful negligence on his part.

Procedure after acceptance of plan.

74. After receipt by the Minister of any application he shall cause to be marked upon the plan of the Pastoral Holding all portions of alienated land not already shown thereon within such holding and shall thereafter notify to the runholder which part is to be the resumed area and which the Pastoral lease but the Minister if not satisfied with any proposed division may require the same to be amended by the runholder until it becomes satisfactory to him and upon failure of the runholder to make any such division the Minister may determine the dividing line or lines and deal with such holding under the provisions in this Act.

Provisions facilitating division of runs.

75. In order to facilitate the division of runs for the purposes of this Part the following provisions shall take effect viz.—

- (i.) The division may be a line or lines or a natural feature or a frontage or any combination of the same.
- (ii.) It shall be lawful for the Governor to accept a surrender from the runholder of any portion of land of which he at the passing of this Act holds a grant or is entitled to demand a grant which is situated within the resumed area and to assure to him by way of exchange for the land so surrendered an equal area within the leasehold area and for this purpose the Governor may make grants of all lands so exchanged. Provided however that the runholder shall apply for such exchange of land within one year from the settlement of the division of the run.
- (iii.) It shall be lawful for the Governor to accept a surrender from the runholder of any portion of land within the resumed area acquired by purchase from the Crown up to the passing of this Act whether with or without conditions and held by such runholder and in consideration thereof to refund to him out of moneys available for that purpose a sum not exceeding the whole amount paid to the Consolidated Revenue in respect of the land so surrendered. It shall also be lawful for the Governor to accept the surrender from the holder of any conditional purchase in the Western Division upon the like terms of refund and compensation for improvements as hereinafter provided. Provided however that the offer of the surrender of such land shall be made within one year from the settlement of the division of the run.
- (iv.) If it shall appear to the Minister that by reason of insufficient area of any run held as one holding on the twenty-fifth day of June one thousand eight hundred and eighty-four a division is not expedient the Governor may proclaim the whole area thereof a leasehold area.

- (v.) Every runholder and holder of a conditional purchase whose surrender has been accepted under this section shall be entitled to compensation for improvements on land surrendered to be determined by the Minister after appraisalment by the Local Board.
- (vi.) All lands surrendered to Her Majesty under this section shall become Crown Lands subject to the provisions of this Act.

48 VICTORIA,  
No. 18.

76. When the division of the run shall have been determined by the Minister as hereinbefore provided a notification thereof shall be published in the Gazette and the runholder shall thereupon become entitled to a Pastoral Lease of the leasehold area provided that until the rent thereof be determined he shall continue to pay the same rent as before the division of such runs and when the rent shall be determined as hereinafter provided he shall for the time elapsed pay the difference between the rent paid and the rent determined.

Notification of  
leasehold area.

77. Whether the notification of the resumed area shall have been published or not the runholder shall have the right to occupy such area for grazing purposes subject to the provisions hereinafter contained relative to occupation licenses.

Description of  
resumed area.

#### *Pastoral Leases.*

78. The Governor may grant Pastoral Leases of leasehold areas subject to the provisions following—

Pastoral leases.

- (I.) In the Western Division every such lease shall be for the term of fifteen years—in the Central Division for the term of ten years—and in the Eastern Division for the term of five years and every such lease in the Western Division shall commence at the date of determination of the existing lease or if more than one lease be held by the same runholder then at a date calculated with due regard to the mean date of determination of such leases.
- (II.) The rent shall in all cases commence from the date of the notification of the division of the Pastoral Holding and be determined by the Minister after appraisalment by the Local Land Board which shall conduct all appraisements in the prescribed manner. The yearly rent in the Western Division shall not be less than one penny per acre in the Central Division not less than three half-pence per acre and in the Eastern Division not less than one penny per acre.
- (III.) In the Western Division the rent so determined shall apply to the first period of five years of the lease and such rent shall be increased by one-fourth for the next period of five years and for the residue of the term by one-half. In the Central Division the rent so determined shall apply to the first period of five years of the lease and such rent for the residue of the term shall be increased by one-fourth. In the Eastern Division the rent so determined shall apply to the whole term of the lease.

48 VICTORIA,  
No. 18.

- (IV.) Pastoral Lessees shall have a right at the expiration of their leases to an extension thereof for the term of five years subject to the payment of such annual rent as the Minister after appraisalment by the Local Land Board shall determine not being less than the rent paid for the last past five years of the currency of such lease. Provided always that no extension shall be given to any such lessee if the Minister shall have notified in the Gazette two years prior to the expiration of the original lease that no such extension shall be given.
- (V.) Whenever the rent of a Pastoral Lease shall be determined notice thereof shall be published in the Gazette and shall be notified to the runholder in the prescribed manner and if within the time and according to the manner prescribed the runholder shall fail to pay into the Treasury the amount notified to be due under such lease his right thereto shall be liable to forfeiture.
- (VI.) The holder of a Pastoral Lease may surrender his lease at the end of any term of five years if he shall have given the Minister not less than three months' notice of his intention to surrender the same.
- (VII.) The Governor may withdraw from lease any land required for any public purpose including for the purposes of settlement for towns and villages and upon publication in the Gazette of such withdrawal the lessee shall be entitled to such compensation in respect of the land so withdrawn for the unexpired term of such lease and for improvements lawfully made by such lessee upon the land so withdrawn from lease as may be determined by the Minister after appraisalment by the Local Land Board.
- (VIII.) The Governor may cancel wholly or in part any reserve within a leasehold area and upon the notification in the Gazette of such cancellation the land described therein shall be added to the leasehold area and payment of rent from the date of such cancellation shall be made for such area at the same rate per acre as for the rest of the Pastoral Lease provided it has not already been included in the rent of such Pastoral Lease together with such additional rent for any improvements thereon as may be determined by the Minister after appraisalment by the Local Land Board.
- (IX.) If it be determined to grant the extension hereinbefore provided of any Pastoral Lease the lessee shall be informed by notice in the Gazette not less than nine months before the expiration of his lease of the terms and conditions under which the new lease will be granted and if on or before the thirtieth day of September next ensuing he shall pay to the Treasury the rent so notified he shall be entitled to such lease.

Disposal of  
lands on expira-  
tion &c. of pas-  
toral leases.

79. Upon the expiration forfeiture or surrender of any Pastoral Lease the lands comprised therein or any portion thereof may be relet or may be subdivided and let by auction or tender as a Pastoral Lease or may be declared in the Gazette by the Governor to be a resumed area. Provided that all improvements on the land at the date of the expiration forfeiture or surrender shall become the property of Her Majesty without payment of compensation therefor.

80. A Pastoral Lease may be subdivided upon application by the lessee to the Minister who may approve of the line of subdivision or may himself determine such line.

48 VICTORIA,  
No. 18.  
Subdivision of  
pastoral lease.

*Occupation Licenses.*

81. Subject to the provisions hereinafter contained the Governor may issue Occupation Licenses And such licenses shall entitle the licensees to occupy for grazing purposes a resumed area or vacant lands or any portion thereof—

Occupation  
licenses.

- (I.) The runholder shall be entitled to an Occupation License of the resumed area if he shall have applied for such license at the time of making his application for a Pastoral Lease and shall have deposited with the Colonial Treasurer a sum equal to two pounds per section of six hundred and forty acres of the estimated area on account of the first year's license fee and upon approval by the Minister he shall pay the difference between the sum paid into the Treasury and the license fee appraised as hereinafter provided and during the currency of such license shall pay such annual license fee per section as aforesaid as shall be determined by the Minister after appraisalment by the Local Land Board Provided that the Minister may at any time direct a fresh appraisalment to be made and may require the licensee to pay his annual license fee on the basis of such fresh appraisalment after the expiration of any current year during the continuance of the license.
- (II.) Licenses shall be in force from the first day of January to the thirty-first day of December in each year and the rates of license fees shall be published in the Gazette and if within sixty days thereafter such fees be not paid into the Treasury by the licensee the Minister may refuse to renew such license.
- (III.) The right to Occupation Licenses for any portions of resumed areas or vacant lands which have not been applied for by the runholder or which have been forfeited or surrendered may be disposed of by auction or tender in the prescribed manner.
- (IV.) Upon the granting of any lease or the sale of any land under Occupation License the licensee's right of occupation to the extent of such portion shall thereupon cease but he shall be entitled to a refund of so much of the license fee paid in advance and to reduction in future rent as shall be proportionate to the area so withdrawn and from the date of withdrawal and shall be entitled to be paid such compensation for improvements on any portion so withdrawn as the Minister may determine after appraisalment by the Local Land Board.

*Homestead Leases.*

82. In the Western Division the Governor may grant Homestead Leases within resumed areas or vacant lands subject to the provisions following:—

Homestead  
Leases in the  
Western  
Division.

- (I.) The area of a Homestead Lease shall not exceed ten thousand two hundred and forty acres nor be less than five thousand seven hundred and sixty acres and shall be granted for a term of fifteen years with the same right of extension as hereinbefore provided for Pastoral Leases.

48 VICTORIA,  
No. 18.

- (II.) Applications for Homestead Leases may be made in the prescribed manner upon any Land Office day and with such application there shall be lodged a sum equal to one penny per acre for the area proposed to be leased. Provided that applications for such leases may after report by the Local Land Board be by the Minister refused or the position and boundaries thereof may be altered varied or modified and where more than one applicant shall apply for the same land or for any portion thereof on the same day the right of lease shall be determined in the prescribed manner and all provisions as to rent and otherwise under which Pastoral Leases in the Western Division may be issued forfeited surrendered extended or otherwise dealt with shall apply to such Homestead Leases.
- (III.) Every applicant for a Homestead Lease shall after the survey of the land subject to the provisions of the preceding sub-section and to the payment in the prescribed manner of the value of the improvements upon the land to be determined by the Local Land Board enter into occupation thereof within ninety days after the notification in the Gazette of the approval of the issue of a lease. Provided that within two years after such entry he shall fence the outside boundaries of such land by a fence of the prescribed character. But for sufficient cause shown the time for completing such fencing may be extended by the Local Land Board. Should the Minister recommend the issue of a lease in a form other than as applied for the applicant may within the period before mentioned notify in writing to the Local Land Board his intention of not accepting it and he shall thereupon be entitled to a refund of the deposit paid but in default of any notice of such intention or of occupation within the time specified for either purpose the deposit shall be forfeited. In the event of the non-acceptance of the lease the land shall revert to the holding from which it was taken until leased under this Part.
- (iv.) The holder of a Homestead Lease shall reside upon the leased land for at least six months during each of the first five years of his lease.

Disposal of  
Homestead lands  
after expiration  
&c. of leases.

83. On the expiration forfeiture or surrender of a Homestead Lease the land comprised therein may again be leased as a Homestead Lease by auction or tender but the outgoing tenant shall not be entitled to compensation for improvements.

What leases  
not to be held in  
combination.

84. No holder of a Pastoral Lease shall during the currency thereof hold or cause to be held on his behalf or in his interest a Homestead Lease nor shall the holder of a Homestead Lease during the currency thereof hold or cause to be held on his behalf or in his interest a Pastoral Lease nor shall any person hold or cause to be held on his behalf or in his interest more than one Homestead Lease under penalty in every such case of forfeiture of every lease held by him or on his behalf or in his interest and any rent paid thereon. And for the purpose of this section every owner or part owner of any lease shall be deemed to be a holder thereof. Provided that any *bonâ fide* mortgagee for value may on application to the Minister be registered as the holder of more than one Homestead Lease subject to such Regulations as may be made in that behalf although such mortgagee is the registered holder of one or more Pastoral Leases.

*Annual Leases for Pastoral purposes.*48 VICTORIA,  
No. 18.Annual leases  
for Pastoral  
purposes.

85. The Governor may lease Crown Lands whether reserved from sale or otherwise by auction or tender in areas not exceeding one thousand nine hundred and twenty acres whenever such lands are not by this Act specially exempted from being so leased or are not under Pastoral Homestead or Conditional Lease. Such leases shall be subject to the provisions following:—

- (I.) Every such lease shall be for the then current year and shall expire on the thirty-first day of December.
- (II.) The minimum upset annual rental shall not be less than two pounds for every six hundred and forty acres or lesser area. The amount bid at auction shall be the annual rental of the lease and shall be paid at the time of sale but should the sale be effected between the first day of July and the thirty-first day of December only half the year's rent will be required to be paid at the time of sale.
- (III.) Such leases may be renewed subject to the payment of the rent as aforesaid. The Minister may at any time upon giving three months notice prior to the expiration of any year for which rent has been paid in advance increase such rent by any sum not exceeding twenty-five per cent.
- (IV.) The rent of all renewed leases shall be paid on or before the thirtieth day of September in each year for the ensuing year and in the prescribed manner and time to the Colonial Treasurer or Land Agent. And if such rent be not paid the lease will be liable to forfeiture and sale at auction or by tender.
- (V.) Any lease bid for but the price of which shall not be forthwith paid may be again offered for sale at auction.
- (VI.) A lease of any land which may have been offered for sale at auction and not bid for may be obtained on application to the Land Agent of the district and payment of the upset price or may be again submitted to auction unless the land shall have been previously otherwise dealt with.
- (VII.) Crown Lands may be put up to lease at auction at the Lands Office of the district or let by tender either on application or otherwise but no such sale of leases or letting by tender shall take place without one month's notice thereof having been given in the Gazette.
- (VIII.) A lease under this section shall not exempt the land leased from sale or Special or Conditional Lease.
- (IX.) Annual Auction Leases held under the Acts hereby repealed and situated within the Eastern or Central Division may be converted in the manner prescribed into leases under and subject to the provisions of this section but if the rent already paid for such auction lease is above the minimum prescribed by sub-section (II.) hereof it shall not be reduced.

Conversion of  
auction leases  
into annual  
leases.*Special Leases.*

86. The Minister on the recommendation of the Local Land Board may declare any Crown Lands wholly or partly covered by scrub or other noxious undergrowth to be Scrub Lands.

Resumption of  
Scrub Lands  
from Leasehold.

48 VICTORIA,  
No. 18.

Leasing of Scrub  
Lands.

87. Scrub Lands may be leased in areas not exceeding ten thousand two hundred and forty acres nor less than six hundred and forty acres and for a term not exceeding fifteen years to any person subject to such conditions as to clearing and destruction of scrub as may be defined by Regulations at an annual rental of not less than two shillings and six-pence per section of six hundred and forty acres for the first five years five shillings for the next five years and one pound for the last five years Provided that it shall be lawful for the Minister on the recommendation of the Local Land Board to forego the rent for any period not exceeding five years. Every lessee of any portion of scrub lands shall within the time and according to the manner prescribed pay the rent as determined by the Minister after appraisalment by the Local Land Board into the Treasury And shall at the time and in the manner prescribed satisfy the Local Land Board that he has commenced and is continuing to fulfil the conditions of his lease as to the clearing and destruction of scrub on the leased land—and if any lessee shall fail to pay his rent or to satisfy the said Board as aforesaid the Minister on the recommendation of the said Board may declare his lease to be forfeited.

Conversion of  
portions of Pas-  
toral or Home-  
stead Leases  
into Scrub  
Leases.

88. It shall be lawful for any Pastoral or Homestead Lessee whose leased land contains scrub or other noxious undergrowth to apply in the prescribed manner to the Minister for the conversion of the portion of land under lease containing such scrub or undergrowth into a lease of Scrub Lands under the last preceding section for any term not exceeding fifteen years And if the Local Land Board shall recommend such conversion the Governor may resume from the lease such portion of land as the said Board shall consider desirable and may grant a lease thereof to the applicant under the said section Provided that the lessee shall be entitled to a proportionate abatement or refund of any rent paid by him under his Pastoral or Homestead Lease for the unexpired portion of any year for which he has paid rent in advance Provided further that any applicant for a Scrub Lease under this or the next preceding section shall pay for the survey thereof Provided however that no Pastoral or Homestead Lessee shall be granted a lease of such Scrub Land other than within the land held under lease by himself.

Leases for  
wharfs jetties  
&c.

89. Land situated under the sea or under the waters of any harbour bay lake river creek estuary or navigable stream shall be deemed to be Crown Lands for the purposes of this section and may be leased by the Governor on such conditions and for such term not exceeding fifteen years as he may think fit for the erection of wharfs jetties piers or floating docks No such lease shall be made of such Crown Land fronting any land held in fee simple except to or with the consent of the proprietor thereof and no such lease shall be made for the erection of any wharf jetty pier or floating dock which would interfere with navigation or with the rights of adjoining proprietors and the intention to make a lease of such land shall be notified in the Gazette for four consecutive weeks and not less than four times in some local newspaper if any before the lease is issued.

Leases may be  
granted for  
special purposes.

90. The Governor may lease by auction or otherwise for a term not exceeding fifteen years and in areas not exceeding in any case three hundred and twenty acres Crown Lands for any of the purposes hereinafter specified that is to say for dams—tanks—irrigation works—wharfs—bridges—punt-houses—ferries—bathing-places—landing-places—saw-mills—brick-kilns—lime-kilns—slaughter-houses—tanneries—wool-

washing establishments—quarries—fisheries—building or repairing ships or boats—tramway purposes—obtaining guano—shells—limestone—loam—brickearth—gravel—or ballast—or for an inn—store—smithy—bakery—or mail station in sparsely populated districts—or for any purpose declared by the Governor by proclamation in the Gazette to be a purpose within this section and may determine the upset rent thereof if let at auction or the annual rent if let otherwise not being in either case less than ten pounds per annum and may annex to any such lease such conditions reservations and provisions as he may deem fit Provided that leases may be granted at a less rental to contractors of public works for purposes connected with the construction of such works during the term of contract If it should appear to the satisfaction of the Governor that the land comprised in any such lease is not used and occupied *bona fide* for the purpose for which the same has been made or that default has been made in any condition he may declare such lease forfeited together with any improvements erected on the land and any rent paid in respect thereof.

48 VICTORIA  
No. 18.

91. The Governor shall notwithstanding the provisions of the "Mining Act of 1874" impose a royalty of not less than sixpence per ton on coal raised from land which may be hereafter leased And such royalty shall be in addition to or in substitution of any rent payable by such lessee under the said Act but shall not affect or prejudice any other condition of the lease And for the purpose of giving effect to the provisions of this section the Governor may make regulations prescribing the time and manner of payment of such royalty and the manner of enforcing such payment.

Provision for  
obtaining  
royalty on coal  
from mineral  
lessees.

92. Subject to such conditions as may be prescribed the Governor may make leases of Crown Lands not exceeding three chains in width but without limit of length for irrigation works or for forming and maintaining tramways and crossings and other necessary approaches and works in connection therewith. And notice of every application for a lease under this section and of the purpose for which it is proposed to be made shall be published in the Gazette for at least four consecutive weeks before the issue of such lease.

Leases for  
tramway and  
irrigation pur-  
poses.

#### *Ringbarking by Lessees.*

93. Every lessee of Crown Lands desiring to ringbark trees upon his leasehold land shall obtain a permission to do so from the Local Land Board and in his application in the prescribed form addressed to the Land Agent shall describe the boundaries and area of the land upon which he proposes to ringbark and in regard to any land not comprised within a timber or forest reserve the Board may in their discretion refuse or grant permission for the same after such inquiry and upon such conditions as to them may seem necessary And any lessee who shall without such permission ringbark trees on a leasehold or shall cause or knowingly permit or suffer the same to be done shall on conviction before any two Justices of the Peace at the Court of Petty Sessions nearest to such leasehold be liable for the first offence to a penalty of not less than one shilling nor more than ten shillings for each tree so ringbarked and for a second or subsequent offence be liable to a like penalty and to the forfeiture of his lease.

Permission to  
ringbark.

Penalty for  
unauthorized  
ringbarking by  
lessees.

48 VICTORIA,  
No. 18.

Unauthorized  
ringbarking by  
persons other  
than lessee.

94. Whosoever shall ringbark trees or strip bark from trees on Crown Lands without holding such permission or in violation of any condition thereof or without a written authority under the hand of the lessee of such Crown Lands shall on conviction as aforesaid be liable to a penalty for each tree ringbarked or stripped of not less than one shilling nor more than ten shillings.

Unauthorized  
ringbarking—  
proceedings be-  
fore Justices .

95. Every information for an offence under any of the two preceding sections shall be laid by some officer of police or person specially authorized by the Minister. And if at the hearing of such information any question shall arise whether any person holds a valid permission to ringbark the burden of proof thereof shall be on the person who claims to hold such permission.

*General Provisions affecting Leases Lessees and Licensees.*

Liability of  
lessees on non-  
payment  
rent.

96. Every lease shall be liable to forfeiture if any rent be not paid within the prescribed period or upon breach of any condition annexed to such lease but forfeiture for non-payment of rent may be prevented by payment thereof with an additional sum equal to five per cent. of the amount of rent due within three months of the due date thereof or of ten per cent. of such amount within six months of such date but no forfeiture shall operate to extinguish any debt to the Crown in respect of such rent.

Adjustment of  
payments in cer-  
tain cases.

97. Any sums paid as rent for runs under the provisions of the Acts hereby repealed upon unexpired portions of existing leases shall be credited towards payment of rent or license fee under the provisions of this Act and such sums shall be available for the purposes of refunds under the provisions hereinbefore contained.

General pro-  
visions affecting  
lessees and  
licensees.

98. The following provisions shall govern all leases and licenses granted under this Act and the holders of such leases or licenses namely—

- (I.) No lease or license other than special leases shall confer any right to remove material from the leased land or to sublet such land for other than grazing purposes or to prevent the entry and removal of material by authorized persons.
- (II.) Lessees and licensees may take from land under lease or license to them not comprised within a timber or forest reserve such timber and other material for building and other purposes upon the land under lease or license as may be required by them as tenants or licensees respectively.
- (III.) No lessee or licensee shall prevent other persons duly authorized in that behalf either from cutting or removing timber or material for building or other purposes or from searching for any mineral within the land under lease or license. Provided that nothing in this sub-section shall apply to a Conditional Lease as regards the taking or removal of timber or other material for building purposes.

Exemption from  
Pastoral or  
Homestead  
Lease.

99. The following classes of lands shall be exempt from Pastoral Lease and Homestead Lease :—

- (a) Town and suburban lands and lands reserved or set apart by notice in the Gazette for towns or villages or suburban settlements.

- (b) Lands under lease or lawful occupation for mining purposes. 48 VICTORIA,  
 (c) Lands dedicated to any public purpose. No. 18.  
 (d) Lands temporarily reserved from sale for commonage.  
 (e) Lands reserved from lease under any of the hereby repealed Acts until the reservation thereof shall have been revoked under the provisions of this Act.

100. If any holder of a Pastoral or Homestead Lease whose rent in accordance with the provisions hereinbefore contained has been fixed at the prescribed minimum rate shall consider that by reason of the inferior grazing capabilities of the land embraced in the lease such rent is an excessive rental for such land such lessee may in the prescribed manner apply to the Local Land Board for a reduction of such minimum rate. And if upon due inquiry such Board shall be of opinion that the said rate is excessive it may recommend the Minister to reduce the same or if not of such opinion may recommend that the said rate be retained. On receipt of any such recommendation together with any further report from the said Board which the Minister may require he shall determine the matter of the application and fix the fair annual rental of the land for all purposes of this Act which shall upon notification in the Gazette be the rental payable under this Act in respect of such land. But no such reduction shall operate for a longer period than the unexpired portion of the five-year term then current as hereinbefore provided. Provided also that no such lessee shall be entitled to make any such application for reduction of such minimum rate unless he shall have duly paid the rent fixed for the current year pursuant to the provisions hereinbefore contained but such lessee shall be entitled to a refund of the amount paid by him in excess of any reduced amount so notified as aforesaid. Provided lastly that notwithstanding any such reduction so made the Minister may on the expiration of the said five-year term for which such reduction shall have been made direct that the rental shall for the residue of the term of the lease or for the next period of five years of such lease be restored to the prescribed minimum rate or be subject to appraisalment by the Local Land Board and in either case such direction shall be notified to the lessee in the prescribed manner. A return of all rents if any reduced under this section shall be laid before Parliament within fourteen days after the commencement of each session. The several provisions of this section shall equally apply to all occupation licenses and their holders and to the license fees paid or made payable in respect thereof.

Appeal by lessees from minimum rent fixed in certain cases.

## PART V.

### *Dedications—Reserves—Roads.*

101. The Governor may by notice in the Gazette declare what portions of Crown Lands shall be reserved and set apart as sites for cities towns or villages and may define the limits of the suburban lands to be attached thereto and to any existing city town or village and may in like manner declare what portions of Crown Lands shall be temporarily reserved from sale pending survey or determination by him of the portion to be set apart for any public purpose or for commonage or for population areas and all lands so declared shall be reserved accordingly until

Temporary reserves from sale for sites of cities and other purposes.

48 VICTORIA, No. 18. revoked or altered in like manner Within one month after such declaration should Parliament be then in session and otherwise within one month after the commencement of the next ensuing session of Parliament there shall be laid before both houses of Parliament an abstract of all such reservations And the Governor may reserve from conditional sale any Crown Lands within a gold-field under the meaning and operation of any Act in force for the regulation of mining on Crown Lands and the expression public purpose shall be taken to include any purpose for mining for or removal of minerals.

Revocation of temporary reserves.

102. Crown Lands temporarily reserved from sale under this Act shall not be sold before the expiration of sixty days after the reservation thereof shall have been revoked Provided that improvements effected subsequently to the first day of July one thousand eight hundred and seventy-six on any land reserved from sale shall on the revocation of such reservation or withdrawal of the land from lease become the property of the Crown and may be dealt with in accordance with the provisions of this Act. Provided further that the Governor may by notice in the Gazette declare that any land exempt from conditional purchase under the repealed Acts on account of the population of any city town or village shall not be so exempt or he may in like manner increase reduce or modify the boundaries of the area so exempt.

Railway reserves and dedication and reservation of Crown Lands to public purposes.

103. The Governor by proclamation in the Gazette may reserve temporarily from sale any Crown Lands within one mile on either side of any railway now or hereafter to be made or projected and in the proclamation revoking the same or the reservation of any land within similar limits made under the hereby repealed Acts may prescribe the price terms and conditions on which such land may thereafter be sold and the areas of the portions and if deemed necessary by proclamation may vary such price terms conditions and areas the price not being less in any case than the minimum nor the area more than the maximum as fixed by this Act for town suburban or country land as the case may be.

Dedication of Crown Lands to public purposes.

104. The Governor may by notice in the Gazette reserve or dedicate Crown Lands in such manner as may seem best for the public interest for any railway or railway station—public road canal or other means of internal communication—public quay or landing-place—public reservoir aqueduct or watercourse—the preservation of water supply—any purpose of defence—hospital asylum or infirmary public market or slaughter-house—college school mechanics' institute public library museum or other institution for public instruction or amusement—town-hall court-house or gaol—permanent common—public health or recreation convenience or enjoyment—cricket ground—or racecourse—interment of the dead—use and general purposes of pastoral and agricultural associations—public baths—or for any other public purpose And upon any such notice being published in the Gazette such lands shall become and be reserved or dedicated accordingly and may at any time thereafter be granted for such purposes in fee-simple An abstract of any intended reservation or dedication under this section shall be laid before both Houses of Parliament one calendar month before such reservation or dedication is made And subject to the provisions in the next following section all lands heretofore or hereafter permanently reserved for any of the purposes aforesaid shall be deemed to be set apart and dedicated accordingly and every conveyance alienation or disposition thereof except

for the purpose for which such reservation shall have been made shall be absolutely void as well against Her Majesty as all persons whomsoever. 48 VICTORIA, No. 18.

105. In any case in which the Governor shall be of opinion that the purposes for which any dedication or reservation of Crown Lands heretofore or hereafter to be made have failed wholly or in part or that there is any doubt or uncertainty as to such purposes or that the trusts annexed to any land dedicated or reserved under this Act or any of the Acts hereby repealed have failed or cannot reasonably be carried out or that it is expedient in the public interest to resume the whole of the land so dedicated or reserved or to make an exchange of any portion of any such land for other land of equivalent value or nearly so to be dedicated or reserved on similar trusts or for like purposes then and in every such case the Governor may direct a notice under the hand of the Minister to be published in the Gazette which notice shall set forth the mode in which it is proposed to deal with the dedication reservation or land in question (hereinafter termed "Proposals") a copy of which notice shall be laid before both Houses of Parliament within ten days of the publication thereof in the Gazette if Parliament be sitting and if not then within ten days after the beginning of the next ensuing session. If Parliament shall within one month declare by resolution that it does not assent to the proposals set forth in such notice no further action shall be taken in the matter. If no such resolution be passed then after the termination of thirty clear days from the date when the notice was laid before Parliament it shall be lawful for the Governor to direct the proposals so notified to be carried out and the same shall be carried out accordingly and for that purpose the Governor may revoke by proclamation in the Gazette any such dedication or reservation wholly or in part and make any new dedication or reservation sanctioned by such proposals and issue such grants and execute such exchanges deeds assurances and instruments as the circumstances of each case may require.

When dedication &c. may be revoked and new dedication made

106. The Governor may appoint trustees not being less in any case than three in number to be charged with the care and management of lands already or hereafter dedicated reserved or resumed under the provisions of the "Lands for Public Purposes Acquisition Act" for the recreation convenience health or enjoyment of the inhabitants of any city town or district or for any other public purpose whatsoever or of lands which have been heretofore or hereafter purchased or acquired by the Government for any such purposes and may confer such estate in such lands and accompanied by such powers and with such conditions as he may think fit and as may be included in any grant issued to such trustees. And the Governor may from time to time remove any trustee or trustees whether appointed under this Act or otherwise and fill any vacancies which may occur by reason of such removal or by death or resignation but every such appointment shall only take effect upon notification in the Gazette and may make rules and regulations enforceable by penalties not to exceed in any case twenty pounds for the management and control of any land reserved or dedicated for any of the public purposes hereinbefore mentioned without placing such land in trust which rules and regulations upon notification in the Gazette shall have the full force of law.

Appointment of trustees.

107. It shall be lawful for the Governor to correct or alter the name design or plan of any city town or village and the limits of any suburban

Alteration of plan of town or village.

48 VICTORIA,  
No. 18.

lands attached thereto or to wholly cancel any such design or plan and whether such city town village or lands were dedicated or set apart under this or any repealed Act or Orders in Council And notice of the intention so to correct alter or cancel such design plan or limits shall be published in the Gazette and in the local newspapers and no such correction alteration or cancellation shall be carried into effect until the expiration of three months from such notification And every such correction or alteration or cancellation shall be notified in the Gazette and an abstract thereof laid before Parliament within thirty days after such notification if Parliament be then in session and if not then within thirty days after the commencement of the then next session.

Reserves from  
sale not to take  
the land out of  
lease.

108. Crown Lands within any leasehold now or hereafter temporarily reserved from sale under the provisions of any Act hereby repealed or this Act shall not be deemed to have been or to be withdrawn thereby from such leasehold in respect of the ordinary use of such lands for the purposes of the lease or to be exempted from re-letting on the termination of the existing lease and the Governor may withdraw from lease or license any land required as sites for town and villages or for any public purpose.

Travelling stock  
routes and camp-  
ing places.

109. The Governor may by notification in the Gazette define and set apart routes not exceeding one mile in width through any leasehold or any land held under occupation license for the passage of stock travelling pursuant to the provisions contained in the fifteenth section of the Act forty-first Victoria number nineteen or any Act amending the same and may also define and set apart camping places for travelling stock not in any case exceeding one square mile Such routes and camping places shall be determined in the first instance by the Local Land Board and the lessee or licensee of any lands within which such routes or camping places are situate shall not be entitled to impound any stock travelling as aforesaid or to maintain any action for trespass in respect thereof while such stock shall keep within the boundaries of the said routes or camping places And a reduction of the rent or license fee by reason of setting apart such routes or camping places may be made by the Minister upon the recommendation of the Local Land Board.

Resumption for  
road.

110. If at any time it shall be deemed expedient to open a road through any land conditionally purchased it shall be lawful for the Governor by notice in the Gazette to resume so much of the land as may be required for the purpose of such road And the several provisions of the Act Fourth William the Fourth number eleven shall apply to any land so resumed as in the case of ordinary freehold land.

Road of access  
through leased  
land.

111. Every purchaser of Crown Lands and every holder of a lease or license shall be entitled to a road of access and also to free ingress and egress thereby to and from the lands held by him to the nearest reserved or proclaimed road through and over any Crown Lands whether under lease or not if no access to the lands held by him by means of a reserved or proclaimed road or track shall be provided And such road shall not interfere with any buildings garden stock or drafting yards belonging to such lessee or licensee and shall in every case follow such a direction and be so marked as to occasion as little damage or inconvenience to the lessee as may be possible. And the Minister shall have power to close any such road upon giving three months notice to that effect in the Gazette.

## PART VI.

48 VICTORIA,  
No. 18.*State Forests—Timber Reserves—Licenses—Permits.*

112. It shall be lawful for the Governor by notification in the Gazette to proclaim any areas of Crown Lands therein described to be State Forests and in like manner to reserve from sale any such areas as Timber reserves for the purpose in each case of preserving under regulations in that behalf to be made by the Governor the growth and succession of timber trees and of preventing as far as practicable the destruction and exhaustion of such State forests.

State forests and  
timber reserves.

113. State forests may be subdivided into such blocks as the Minister may think fit For the purpose of carrying out such subdivision all existing Forest and Timber reserves may be reserved from sale lease or otherwise as the Minister may think proper until so subdivided.

Subdivision of  
State forests.

114. Any State forest or any portion thereof may by notification in the Gazette be dedicated or reserved for a specified period by the Governor for the conservation of timber and upon publication of such notification such forest or portion thereof shall not during the term of reservation be open to timber or other licenses or permits under the provisions of this Act.

Reserves  
for timber  
conservation.

115. It shall be lawful for the Governor to frame regulations for the issue of licenses or rights to cut and remove timber on State forests and also for the issue of permits to cut and remove timber from Timber reserves and also for the issue of wood-cutters' licenses and of licenses and permits to dig for and remove from State forests Timber reserves or Crown Lands whether under lease or not any gravel stone clay shells or other materials subject to the following provisions—

Regulations for  
State forests and  
timber reserves.

- (I.) The rights or licenses to cut timber on a State forest shall be for one or more specified blocks in such forest and may be sold by auction at such place as may be determined by the Minister or by tender as the Minister may think fit
- (II.) Such rights or licenses in State forests shall be for a term not exceeding one year unless in special cases the Minister may think fit to extend such term but no such extended term shall exceed three years
- (III.) The upset rent shall be not less than ten pounds per annum for each block of six hundred and forty acres and a proportionate amount for each one hundred and sixty acres in excess of that area And every holder of a right to cut timber shall in addition to his rent pay such royalty according to the class of timber cut at such times and places and subject to such conditions as may be fixed by the Regulations
- (IV.) Permits to cut and remove timber on Timber reserves may be issued for a year or any less term not being less than one month at an annual fee of not less than six pounds and a proportionate fee for shorter terms Such permits may also be issued for any specified number of trees at a rate to be fixed by Regulations for each tree General permits may also be issued for the supply of saw-mills for any term not exceeding one year at an annual rate of six pounds and subject to a royalty according to the scale fixed by the Regulations

48 VICTORIA,  
No. 18.

- (v.) Licenses may be issued to cut piles or props to be used for mining purposes for the erection of jetties wharfs and for other purposes on such terms and conditions as may be fixed by the Regulations
- (vi.) All fees or sums of money except royalty payable in respect of any rights to cut timber or in respect of licenses or permits shall be payable in advance

And such Regulations may prescribe the forms and conditions to be contained in any such right license or permit and may fix the rents or fees to be payable by the holder of any license or permit where-soever the same shall not have been fixed by this Act and may provide for the forfeiture of any rights licenses or permits for the enforcement of rents royalties or fees for the removal of felled timber for the licensing of sites for saw-mills and the agistment of stock for the limitation of girth of trees to be felled for the issue of wattle bark permits for the marking of logs of felled trees for the seizure and sale of timber cut without authority or upon which the royalty has not been paid and for defining the power and privileges conferred by rights licenses and permits And such Regulations may also provide for the imposition of penalties and fines for the infringement or violation of any such regulation made under the authority of this Act but no such penalty shall exceed the sum of twenty pounds exclusive of the value of the material taken or destroyed.

Forfeitures may  
be declared.

116. The breach of any condition or obligation or the failure to perform any act or matter specified in any such right license or permit issued under the authority of this Act shall have the effect of forfeiting such right license or permit upon a declaration of forfeiture by the Minister.

## PART VII.

### *Transfers—Legal Provisions—Miscellaneous Provisions.*

Transfers to be  
in prescribed  
form.

117. Conditional purchases together with any additional conditional purchases made in virtue thereof may be transferred in the prescribed manner after completion of residence if any required Provided that original conditional purchases and additional conditional purchases made in virtue thereof shall not be transferred separately until all the conditions applicable to the whole area except that of payment of balance of purchase money or of instalments thereof shall have been duly fulfilled And all transfers shall be notified to the Land Agent in such form as may be prescribed.

Transfer of  
Lease.

118. The holder of a Pastoral Homestead or Conditional Lease may transfer his right of lease in the prescribed manner but the holder of a Homestead lease shall have no power to transfer the same until he shall have fulfilled the condition of residence and a Conditional lease shall not be transferred except with the land in virtue of which it was granted.

Effect in law of  
transfer.

119. Every transfer of land conditionally purchased if made by a person not under legal disability shall subject to the provisions and conditions of this Act be deemed to pass to the transferee the whole estate and interest whether at law or in equity of the

transferor of such land as effectually to all intents and purposes as if a conveyance or assignment under seal of such estate and interest to such transferee had been duly executed by such transferor but this enactment shall be subject to the conditions following namely :—

49 VICTORIA,  
No. 18.

- (I.) The equities of all persons claiming any estate or interest in any such land by matter prior to the date of execution of any such transfer shall not be affected by this section but shall be capable of assertion and enforcement as if this Act had not been passed.
- (II.) No transfer shall have the effect hereinbefore expressed unless such transfer has been made executed and lodged in accordance with the regulations.
- (III.) No such transfer shall prejudice or affect any conveyance or assignment or any other assurance under seal relating to land conditionally purchased if such conveyance assignment or assurance shall have been previously registered as by law required in the office of the General Registry of Deeds in Sydney.

120. The effect given to duly registered deeds and instruments affecting lands hereditaments and other property by the eleventh section of the Registration Act seventh Victoria number sixteen shall be deemed to be annexed and to be incident to all transfers within the meaning of this Act if duly registered under the said Registration Act after the prescribed registration or record thereof in the Books of the Department of Lands shall have been duly effected.

As to priority.

*Legal Provisions.*

121. Every devise contract lease agreement or security made entered into or given before at or after the date of any application to make a conditional purchase conditional lease or homestead lease with the intent or having the effect of enabling any person other than the applicant to acquire by purchase or otherwise the land applied for shall be illegal and absolutely void both at law and in equity.

Devise contract  
lease security  
void in certain  
cases.

122. If any person knowingly and with intent to defeat or evade or commit any fraud upon the provisions or purposes of this Act shall induce or make use of any other person to make any conditional purchase or to execute any will or to enter into any contract lease or agreement declared by this Act to be illegal or to become the purchaser lessee or licensee of any land otherwise than for the use benefit and advantage of such purchaser lessee or licensee the person so offending shall be guilty of a misdemeanour and shall be liable to be imprisoned and kept to hard labour for any term not exceeding two years and not less than three months.

Illegal contract  
misdemeanour.

123. Any person between the ages of sixteen and twenty-one years who after the passing of this Act shall become the owner of a conditional purchase or conditional lease and shall during his ownership either personally or by an agent enter into any agreement for or in relation to the performance of any work or rendering of any services on such conditional purchase or lease or in relation thereto or to the loan of money or the sale or purchase of goods and chattels of any description whatsoever or shall in like manner enter into any agreement connected

Minor holding  
conditional purchase or conditional lease liable on agreement.

48 VICTORIA, with the occupation management or general purposes of such conditional  
No. 18. purchase or lease not being in violation of the provisions of 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.

Minors and married women may hold leases in certain cases.

124. No minor shall be capable of accepting or holding any lease or license under this Act except in so far as a minor not less than sixteen years of age is permitted to hold a conditional lease by virtue of a conditional purchase or by way of inheritance nor shall any married woman be capable of holding any such lease or license except as separate estate by virtue of any law in force protecting the property of married women.

Cases of death lunacy insolvency or judgment debt of conditional purchaser.

125. If any conditional purchaser under this Act shall die or be declared a lunatic before the fulfilment of the prescribed conditions of residence and fencing his conditional purchase may with the approval of the Local Land Board together with any conditional lease or right of conditional lease attached thereto (if any) be held by his representatives or their assigns subject to the fulfilment by them of all unfulfilled conditions except the condition of residence but in trust for and for the benefit of the persons rightfully entitled. And any sale transfer or other disposition whatsoever of the estate right title or interest of any conditional purchaser by an official assignee or other lawful authority upon the insolvency of such purchaser or by a Sheriff or Registrar of a District Court or any other person by virtue of or under the authority of any writ of execution or other process of any Court or by the trustees of any deed of assignment for the benefit of creditors or by any person under any decree or order of any Court shall pass to a purchaser or to any other person only such estate right title or interest as the conditional purchaser himself was entitled to at the date of sequestration writ process decree order or assignment respectively and subject to all conditions remaining unfulfilled at such date. The provisions of this section shall apply to conditional purchasers under any of the said repealed Acts who shall hold or be entitled to make application for a conditional lease.

Acceptance of interest or other payment no waiver.

126. The acceptance by or on behalf of the Crown of any purchase money or part thereof in respect of any conditional purchase or of interest or rent or other payment under any lease shall not be held to operate hereafter as a waiver by the Crown of any forfeiture accruing by reason of the breach of any condition annexed by law to the estate or interest of a conditional purchaser or of a lessee or licensee.

Copies of documents to be evidence.

127. A copy of any application letter document or instrument of any kind whatsoever relating to any purchase reservation dedication lease plan or right to or disposition of land under any Act hereby repealed or this Act and whether of the original or of any press copy thereof and of any indorsement or memorandum upon the same certified by the officer having the custody thereof to be correct shall be admissible in evidence in every case in which the original would be admissible and without proof that the person so certifying is the officer having the custody thereof if he shall state in his certificate that he has such custody.

Right of lease may be given in evidence in actions.

128. In any action or suit brought to recover possession or to recover damages for trespass upon or otherwise in relation to any Crown Lands of which no lease from the Crown shall have issued it shall be lawful for any party thereto to plead and put in evidence any promise engagement or contract from or with the Crown or its agents lawfully authorized in that behalf and such promise engagement or contract shall as between

the parties and subject to the provisions of this Act have the same effect 48 VICTORIA,  
as if a lease from the Crown of such lands had been duly issued in pur- No. 18.  
suance of such promise engagement or contract to the party entitled  
thereunder and any receipt by or on behalf of the Colonial Treasurer for  
rent of such lands for the year then current shall according to the tenor  
thereof be *prima facie* evidence that the party therein named is the  
holder of the lease or promise of lease thereof for the time being.

129. All actions or other proceedings against any officer acting under the provisions of this Act for anything wrongfully done under or against the provisions of this Act or any of the said repealed Acts shall be commenced within twelve months after the matter complained of was committed and not otherwise. And notice in writing of any such action and of the cause thereof shall be given to the defendant one month at least before the commencement of the proceeding. And in every such proceeding the defendant may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon. And no plaintiff shall recover in any such proceeding if tender of sufficient amends shall have been made before the same was commenced or if a sufficient sum of money shall have been paid into Court after such commencement by or on behalf of the defendant together with costs incurred up to that time. And if a verdict shall pass for the defendant or the plaintiff shall become nonsuit or discontinue such proceeding or if upon demurrer or otherwise judgment shall be given against the plaintiff the defendant shall recover his costs and have the like remedy for the same as any defendant has by law in other cases. Limitation of actions.

130. No person occupying land under a conditional purchase or conditional or homestead lease shall be entitled to bring any action for trespass (other than a wilful trespass) on such land until he shall have fenced such land pursuant to the provisions of this Act. As to trespasses on unfenced land.

131. On information in writing preferred in that behalf by any person duly authorized to any Justice of the Peace setting forth that any person is in the unlawful occupation of any Crown Land or in the occupation of any Crown Land in virtue or under colour of any purchase lease or license although such purchase lease or license shall have been forfeited or otherwise made void or although the conditions thereof shall have been broken or unfulfilled or although such lease or license shall have expired such Justice shall issue his summons for the appearance of the person so informed against before two or more Justices of the Peace at the nearest Court of Petty Sessions to such Crown Land at a time to be specified in such summons. And at such time and place such Court on the appearance of such person or on due proof of the service of such summons on him or at his usual or last known place of abode or business shall hear and inquire into the subject matter of such information. And on being satisfied of the truth thereof either by the admission of the person informed against or on other sufficient evidence such Justices shall issue their warrant addressed to any officer duly authorized in that behalf requiring him forthwith to dispossess and remove such person or any buildings from such land and to take possession of the same on behalf of Her Majesty and the person to whom such warrant is addressed shall forthwith carry the same into execution. Removal of trespassers.

132. If any person wilfully destroys or damages any dam tank well excavation boring or other work lawfully constructed sunk or made or in course of lawful construction sinking or making for the purpose of Penalties for destroying improvements.

48 VICTORIA,  
No. 18.

impounding or supplying water on any land whether alienated by or under lease or license from the Crown under this Act or any Act hereby repealed such person shall be guilty of felony and be liable to penal servitude for any term not exceeding ten years or to imprisonment with or without hard labour for any term not exceeding three years And if any person wilfully destroys or damages any fencing or improvement other than those before mentioned lawfully constructed or made by any holder of a conditional purchase lease or license whether under this Act or any Act hereby repealed (which lawfulness the Court shall have power to determine) such person shall be liable to a penalty not exceeding fifty pounds or to be imprisoned with or without hard labour for any term not exceeding six months and to pay in addition such fine by way of compensation to the person injured as the Court may order.

Penalties for  
trespass or for  
unauthorized  
cutting or strip-  
ping bark on  
Crown Lands.

133. Any person unless lawfully claiming under any subsisting lease or license or otherwise under any Act hereby repealed or under this Act or under any Act in force for the regulation of mining who shall be found occupying any Crown Land or land granted reserved or dedicated for public purposes either by residing or by erecting any hut or building thereon or by clearing digging up or enclosing or cultivating any part thereof or by cutting timber other than firewood not for sale thereon or by obtaining stone therefrom or otherwise or who shall strip or cause to be stripped the bark of any tree thereon shall be liable on conviction to a penalty not exceeding five pounds for the first offence and not exceeding ten pounds for the second offence and not exceeding twenty pounds for the third or any subsequent offence Provided that it shall not be lawful for the holder of any leasehold under this Act to obstruct any Government Surveyor or other authorized person from entering upon such leasehold whenever such Surveyor or authorized person may require to do so.

Removal of  
boundary-mark  
to be a misde-  
meanour.

134. If any person shall unlawfully and wilfully obliterate remove or deface any boundary or survey mark or any land-mark or beacon made or erected by the authority of the Surveyor General or by or under the direction of any authorized Government officer such person shall be guilty of a misdemeanour.

Liability of con-  
ditional purchase  
or lease to for-  
feiture for mis-  
leading state-  
ment &c.

135. If it be proved by inquiry before the Local Land Board that any statement in writing or any statutory declaration or evidence on oath has been made or given for the purpose of misleading any officer authority or person in the exercise of his duty or office under this Act or that any such statement declaration or evidence wilfully misrepresents facts or that any fraudulent attempt has been made to prove that the conditions of this Act have been complied with then and in any such case the Minister may declare any conditional purchase or leasehold in connection with which such statement declaration or evidence was made or given to be forfeited together with all moneys paid on account of or in connection with such conditional purchase or lease Provided that no forfeiture shall be held to affect any transferee unless declared within twelve months after the issue of the certificate hereinbefore provided by the Local Board Provided also that the Governor may by notice in the Gazette reserve such forfeited land from sale or lease or may annex it to the holding (if any) within the boundaries of which it may be situated at the time of forfeiture and in such case rent therefor shall be payable thereafter at the same rate as is charged for the holding to which it is annexed.

136. Every forfeiture of land conditionally purchased whether under this Act or any of the said repealed Acts shall be deemed to operate as a forfeiture of all additional conditional purchases held in virtue of such first-mentioned lands as well as of all conditional leases or rights attached to the lands so forfeited and whenever any land shall be forfeited under this Act such land shall become Crown Land and may be dealt with as such but no forfeiture of any purchase or lease under this Act or any Act hereby repealed shall take effect until the expiration of thirty clear days after notification of such forfeiture in the Gazette.

48 VICTORIA,  
No. 18.

Forfeited lands.

Forfeiture when  
to take effect.

137. Every grant and registration copy of such grant issued under this Act or under any Act hereby repealed shall for the purpose of enabling the Crown to proceed by way of *scire facias* for the repeal of any such grant issued improvidently or inadvertently or in violation of the provisions of any such Act as aforesaid be deemed to be a record of the Supreme Court notwithstanding anything in the Real Property Act or any Act amending the same to the contrary.

Proceeding by  
way of *scire  
facias*.

138. No conditional or additional conditional purchase made under any of the Acts hereby repealed shall be held to be void by reason only of the application therefor having been tendered by an agent or of more than one such application having been made by the same applicant on the same day or of the land having been applied for by a conditional purchaser not residing at the time of the application on the land by virtue of which an additional conditional purchase was made but nothing herein shall be construed to relieve such conditional purchaser from fulfilment of the complete term of residence required by law. And no conditional purchase shall be held to be void by reason only of any applicant having through erroneous or insufficient marking or definition or description been allowed to conditionally purchase land extending into or within a different Crown Lands District from that in which the same was applied for or by reason of the same having been measured with a greater frontage than eighty chains or a less depth than twenty chains or sixty chains as in the said Acts respectively prescribed provided that such measurement shall have been duly accepted thereunder. And in any case in which the land applied for was not open to conditional purchase but the applicant shall have resided upon and made improvements on such land without question by any authorized person for not less than one year after his conditional purchase then and in all such cases the Governor upon the recommendation of the Minister may notify in the Gazette once a fortnight for three months the particulars of such conditional purchase and it shall thereafter be lawful for the Governor on the like recommendation to declare by proclamation in the Gazette such conditional purchase to be valid and such conditional purchase shall thereupon become and be a valid conditional purchase but subject to the fulfilment by the holder thereof of all conditions required by law. And no pre-emptive lease which may have been granted under the repealed Acts and which may be converted into a conditional lease under this Act shall be void or invalid by reason only that it was situated wholly or in part within the area of any previously forfeited pre-emptive lease. Provided that no validation as herein mentioned shall take effect in any case where the illegality was wilfully committed or if a conflicting interest has arisen or if the case has been finally disposed of in a lawful manner.

Validation of  
certain condi-  
tional purchases  
under repealed  
Acts.

48 VICTORIA,  
No. 18.  
Procedure for  
recovery of  
penalties &c.

139. Whenever by any section of this Act or by any Regulation made thereunder any person is made liable to a penalty or to pay any sum of money whether as compensation or in any other way and the mode of recovering such penalty or sum is not therein described such penalty or sum may be recovered before any two or more Justices of the Peace in Petty Sessions in accordance with the Acts in force for the time being regulating summary proceedings before Justices. And all sums of money ordered by any such Court to be paid and all costs and expenses awarded by such Court may be recovered and enforced by distress and sale of the goods and chattels of the person ordered to pay the same and in default of sufficient distress such person shall be liable to be imprisoned with or without hard labour for any term not exceeding three months unless such money costs or expenses be sooner paid.

Minister may  
refer questions  
of law to  
Supreme Court.

140. Whenever any question of law shall have arisen before a Land Board in a case transmitted on appeal to the Minister or shall be before the Minister on any such appeal it shall be lawful for him to state and submit a Case for decision by the Supreme Court thereon which decision shall be conclusive. Every such case shall purport to be stated under this section and shall state the names of the persons who are parties to the appeal and be transmitted by the Minister under his hand to the Prothonotary of the Court to be dealt with as to the setting down of the Case for argument and the hearing of the same and its return with the decision of the Court thereon as the Judges or any two of them shall direct. The Court for the purposes of this section may consist of two Judges only.

#### *Miscellaneous Provisions.*

Contributories to  
cost of fencing  
and maintenance

141. Fencing within the meaning of this Act shall be deemed an improvement common to the land on either side of the line of such fencing and whenever land adjoining that which forms a conditional purchase or lease or a homestead lease has been or shall be alienated or leased by the Crown conditionally or otherwise the person who shall fence his land may demand and enforce from the purchaser or lessee of such adjoining land or his alienee a contribution towards the cost of such fencing to the extent of one half of the appraised value thereof but so far only as such fencing marks a common boundary-line. And while such fencing is maintained in good repair and condition by such person every owner lessee or occupant of adjoining lands shall be and remain liable as a contributory towards the cost of so maintaining such fence to the extent of one half of the estimated cost thereof. The Local Land Board shall have power to hear and determine all disputes and claims as to fencing between conditional purchasers and contributors and to appraise all values and estimate all costs and determine the kinds of fencing to be erected within the meaning and for the purposes of this section. And the adjudication of the Board shall in all cases be final and conclusive unless an appeal therefrom to the Minister shall be lodged by either party in the manner prescribed. No holder of an annual lease under this Act and no holder of any lease having less than five years to run shall be liable as a contributory under this section towards the original cost of fencing but shall be liable as a contributory towards the cost of maintaining such fencing.

Local Land  
Board to settle  
claims and dis-  
putes as to  
fencing.

142. For the purposes of any lease or licence granted under this Act 48 VICTORIA,  
 except a conditional lease it shall be sufficient if the land and the No. 18.  
 boundaries thereof be defined by a general description and no such lease Sufficiency of  
 or license shall be void by reason of the imperfection of any such descrip- general  
 tion if the land therein described is defined with reasonable certainty. descriptions.

143. The Minister may direct a survey of the boundaries of any Survey of  
 pastoral or homestead lease and upon such survey being made may boundaries of  
 demand from the lessee towards defraying the cost of such survey pay- leased areas.  
 ment of any sum not exceeding twenty shillings for each linear mile of  
 the boundary so surveyed and in default of payment of such sum within  
 sixty days after notification of the demand in the Gazette the lease shall  
 be liable to forfeiture.

144. It shall be lawful for any authorized person who may have Certification of  
 marked on the ground any boundary of a leasehold that has been accepted boundaries.  
 by the Minister to certify by signature to any plan representing such  
 boundary that such representation is accurate and such plan shall there-  
 upon be *prima facie* evidence of such boundary.

145. Whenever in any section of this Act the expression "prescribed" Governor in  
 is used in connection with any matter referred to in the context and Council to make  
 whenever in any section of this Act "Regulations" are mentioned in and proclaim  
 connection with any such matter as aforesaid the Governor may in every Regulations.  
 such case frame Regulations for the purpose of giving effect to the  
 provisions of such section And for the purpose of carrying this Act  
 into full effect generally the Governor may make Regulations which may  
 provide for their enforcement by penalties not exceeding in any case  
 fifty pounds and shall upon being published in the Gazette be valid in  
 law Provided that a copy of every such Regulation shall be laid before  
 both Houses of Parliament within fourteen days from the publication  
 thereof if Parliament be then in Session or otherwise within fourteen  
 days after the commencement of the next ensuing Session.

48 VICTORIA,  
No. 18.

### SCHEDULE.

#### EASTERN DIVISION.

That portion of the Colony of New South Wales within the following boundaries Commencing at Point Danger and bounded on the east by the waters of the South Pacific Ocean southerly to Cape Howe thence on the south by the boundary dividing the Colonies of New South Wales and Victoria westerly to a point on the Murray or Hume River at the eastern boundary of the Land District of Corowa as notified in the Supplement to the New South Wales Government Gazette of twenty-eighth February one thousand eight hundred and eighty-three No. 82 thence on the west by the boundary dividing the Land Districts of Corowa aforesaid Urana Wagga Wagga Grenfell Forbes Parkes Dubbo Coonabarabran Gunnedah Narrabri Bingara and Warialda from the Land Districts of Albury Tumut Gundagai Cootamundra Young Cowra Molong Wellington Cassilis Murrurundi Tamworth and Inverell as notified in the Supplement to the New South Wales Government Gazette of twenty-eighth February one thousand eight hundred and eighty-three No. 82 northerly to the Dumaresq River thence on the north by the boundary dividing the Colonies of New South Wales and Queensland easterly to Point Danger aforesaid at the point of commencement.

#### CENTRAL DIVISION.

That portion of the Colony of New South Wales within the following boundaries Commencing on the boundary between the Colonies of New South Wales and Queensland at a point on the Dumaresq River where the eastern boundary of the Land District of Warialda as notified in the Supplement to the New South Wales Government Gazette of the twenty-eighth February one thousand eight hundred and eighty-three No. 82 meets that river and bounded thence on the east by the boundary dividing the Land Districts of Warialda aforesaid Bingara Narrabri Gunnedah Coonabarabran Dubbo Parkes Forbes Grenfell Wagga Wagga Urana and Corowa from the Land Districts of Inverell Tamworth Murrurundi Cassilis Wellington Molong Cowra Young Cootamundra Gundagai Tumut and Albury as notified in the Supplement to the New South Wales Government Gazette of the twenty-eighth February one thousand eight hundred and eighty-three No. 82 southerly to the Murray or Hume River thence on the south by the boundary dividing the Colonies of New South Wales and Victoria westerly to the confluence of the Murray or Hume and Murrumbidgee Rivers thence on the north-west by the Murrumbidgee River upwards to the Lachlan River and thence by that river upwards to its eastern and western branches at the north-east corner of J. Tyson's portion No. 15 of two hundred and thirty-six acres parish of Tyson county of Cairn thence by the boundary dividing the Juanbung and Moon-moon-curra Runs bearing north thirty-three degrees east to the Lachlan River and thence again by that river upwards to the confluence of the Kalingalungaguy Creek thence on the west by a marked line bearing north twenty degrees west being the western boundaries of the Kyargathur North Kyargathur Flanagan's Swamp East Palisthan No. 2 Mombill Wicklow Block K Wicklow Block H New Babinda Hermitage Plains Block A2 and Hermitage Plains Block M Runs to the western corner of the last-named run thence again on the north-west by a marked line bearing north twenty-eight degrees east being the north-western boundaries of Hermitage Plains Block M Hermitage Plains Block K Hermitage Plains Block I and Glenariff Block C Runs to the north-west corner of West Bogan No. IX Run thence by the Common boundary between that Run and West Bogan No. X Run being a marked line bearing north seventy degrees east fifteen miles to a stake bearing north eighty-six degrees east twenty-four links from a gum-tree marked broad-arrow over IX and broad-arrow over X on the west bank of the Bogan River and thence crossing that river to a stake on the east bank bearing north fifty-four degrees east fifty-six links from a gum-tree marked broad-arrow over IX and broad-arrow over X thence by the northern boundaries of East Bogan No. IX and Mondado Runs to the confluence of Crooked Creek with Marra Creek thence again on the west by Marra Creek downwards to its confluence with the Darling or Barwon River and again on the north-west by that river and the Macintyre River upwards to the point of commencement.

## WESTERN DIVISION.

48 VICTORIA,  
No. 18.

That portion of the Colony of New South Wales within the following boundaries Commencing on the boundary between the Colonies of New South Wales and Queensland at the intersection of the twenty-ninth parallel of south latitude with the Macintyre River and bounded thence on the south-east by that river and the Darling or Barwon River downwards to the confluence of the Marra Creek thence on the west by that creek upwards to the confluence of Crooked Creek thence by the northern boundaries of Mondado and East Bogan No. IX Runs to a stake bearing north fifty-four degrees east fifty-six links from a gum-tree marked broad-arrow over IX and broad-arrow over X on the east bank of the Bogan River thence crossing that river to a stake bearing north eighty-six degrees east twenty-four links from a gum-tree marked broad-arrow over IX and broad-arrow over X thence by the Common boundary between West Bogan No. IX and No. X Runs being a marked line bearing south seventy degrees west fifteen miles to the north-west corner of West Bogan No. IX Run thence again on the south-east by a marked line bearing south twenty-eight degrees west being the north-western boundaries of the Glenariff Block C Hermitage Plains Block I Hermitage Plains Block K and Hermitage Plains Block M Runs to the western corner of the last-mentioned run thence again on the west by a marked line bearing south twenty degrees east being the western boundaries of Hermitage Plains Block M Hermitage Plains Block A 2 New Babinda Wicklow Block H Wicklow Block K Mombill Palisthan No. 2 Flanagan's Swamp East North Kyargathur and Kyargathur Runs to the confluence of Kalingalungaguy Creek with the Lachlan River thence by that river downwards to the boundary dividing Juanbung and Moon-moon-curra Runs thence by that boundary bearing south thirty-three degrees west to the junction of the eastern and western branches of the Lachlan River at the north-east corner of J. Tyson's portion No. 15 of two hundred and thirty-six acres Parish of Tyson County of Cairn thence again by the Lachlan River to the Murrumbidgee River and again on the south-east by that river downwards to its confluence with the Murray or Hume River thence on the south by the boundary dividing the Colonies of New South Wales and Victoria to its intersection with the one hundred and forty-first meridian of east longitude being the boundary between the Colonies of New South Wales and South Australia thence on the west by that boundary northerly to its intersection with the twenty-ninth parallel of south latitude being part of the boundary between the Colonies of New South Wales and Queensland thence on the north by that boundary easterly to the Macintyre River at the point of commencement.



## REGULATIONS.

*Published in the Government Gazette of the 2nd January, 1885.]*

Department of Lands,  
Sydney, 2nd January, 1885.

### CROWN LANDS REGULATIONS.

It is hereby notified, for public information, that His Excellency the Governor, with the advice of the Executive Council, has made the annexed Regulations for the purpose of carrying into effect the Crown Lands Act of 1884.

JAMES S. FARNELL.

#### REGULATIONS MADE IN PURSUANCE OF THE CROWN LANDS ACT OF 1884.

1. In these Regulations, unless the context necessarily requires a different meaning, the expression—

- “The Act” or “this Act” means the Crown Lands Act of 1884.
- “The Land Agent” means the Land Agent of the District in which the lands in question are situated.
- “The Board” means the Local Land Board of the District in which the lands in question are situated.
- “The Form” with a number added means the form of that number appended to these Regulations.
- “The Gazette” means the Government Gazette.

Words of which an interpretation is given in section 4 of the Act have the same meaning in these Regulations, unless the context necessarily requires a different interpretation.

#### UNDER SECRETARY FOR LANDS.

2. Whenever by the Act or these Regulations any application, document, or communication is directed to be forwarded to the Minister, the same shall be addressed to the Under Secretary for Lands, who shall have authority to correspond with all persons and otherwise act under the direction of the Minister.

## LAND DISTRICTS. LAND BOARDS.

3. The Colony of New South Wales shall be divided into Land Districts, the respective boundaries of which shall be notified by proclamation of the Governor in the Gazette, together with the names of the places at which the respective Land Offices are situated.

4. Land Districts may be increased or reduced in number, or the boundaries thereof may be varied or modified, or the places at which the Land Offices are established may be changed from time to time by proclamation of the Governor in the Gazette.

5. Any Land District or number of Land Districts, upon notification in the Gazette, shall constitute a Land Board District, with a Head Office at such place as may be named in the notification. But any Board District may be altered from time to time, and the position of the Head Office changed. All proceedings in open Court shall be conducted at some convenient place within the Land District where the land forming the subject of investigation is situated, but all caveats, papers, or documents addressed to the Board, shall be lodged at or forwarded to the Head Office of the Board.

## DUTIES OF LAND AGENTS.

6. Every Land Agent shall keep separate registers to be provided for the purpose, for Conditional Purchases, Improvement Purchases in Gold-fields, Conditional Leases, Homestead Leases, Purchases under Preferent Right, After Auction Purchases of leases, and other matters respectively. The said registers shall contain particulars of all applications, deposits, and declarations in connection with the several matters aforesaid, and shall be kept in such form and manner as shall be directed from time to time by the Minister.

7. Every Land Agent shall, if required by the form, record on each application received by him a note of the day, hour, and so far as possible the minute on which the same was received by him.

8. Every application received by a Land Agent, and every document relative to any such application, shall be transmitted under cover by such Land Agent to the Chairman of the Board in whose District his office is situated, not later than the following Monday after the receipt thereof respectively.

9. Every Land Agent shall transmit to the Colonial Treasurer all moneys received by him under or by virtue of the Act, at the times and in the manner prescribed by the Regulations for the guidance of Collectors of Revenue, published in the Gazette of the 28th June, 1883, No. 274, so far as they can be applied until fresh regulations are prepared and issued.

10. A list of applications for Conditional Purchases, Conditional Leases, or Homestead Leases, shall be exhibited by the Land Agent in a conspicuous part of his office, within two days after the lodgment of the applications, and shall be kept so exhibited for fourteen days thereafter.

11. Land Agents shall not refuse to receive any application for Conditional Purchase, or Conditional or Homestead Lease, or Improvement Purchase on a Gold-field, or Purchase under Preferent Right, however illegal it may appear to be, if tendered on the proper form, and accompanied by the proper deposit, if any required; but in all such cases the Land Agent shall warn the applicant of any objection thereto, and make a marginal note of such objection on the application, to be forwarded to the Land Board.

12. The Land Offices will be opened to the public for the transaction of business between the hours of 10 a.m. and 1 p.m. and 1.30 and 4 p.m. on each of the business days of the week except Saturday, when the offices will close at 1 p.m., but the "Land Office day" will be such as may be notified in the Gazette upon which Land Agents are required to attend at their Land Offices for the purpose of receiving applications for sale or lease of Crown Lands. The offices will be closed on all public holidays. Land Agents will on all occasions during office hours afford information and assistance to applicants for purchases or leases free of charge. Any alterations or erasures in applications should be verified by the initials of the Land Agent.

#### LOCAL LAND BOARDS.

13. The number of Members shall not be less than two.

14. Meetings shall be held as often as may be required for the despatch of business, and at such times and places within the Board District as the Chairman shall appoint.

15. Every meeting, whether for conducting an inquiry or otherwise, may be adjourned from time to time and from place to place.

16. Minutes of the proceedings of the Board shall be taken regularly at each meeting, and be signed by the Chairman at such meeting.

17. Every member of the Board, except the Chairman, shall be entitled to a fee for attendance, as follows:—For every sitting of not more than three hours' duration, not exceeding £1 1s.; for a whole day not exceeding £2 2s., together with an allowance for travelling expenses, to be approved of by the Minister.

18. A list of all applications, whether for Conditional Purchase, Conditional Lease, Homestead Lease, Improvement Purchase, or Purchase under Preferent Right, transmitted by the Land Agent to the Board shall be brought before the Board at the meeting next after receipt of the same or so soon thereafter as practicable. Applications of the same class shall be considered, so far as possible, in the order of their receipt by the Land Agent.

19. All inquiries by the Board into the fulfilment of the conditions or obligations attached to any land, either of freehold or leasehold tenure, held under the Act, or any repealed Act, or concerning land taken in violation or fraud of the provisions of this Act, or any repealed Act, or whether any offence under section 135 of the Act has been committed, shall be conducted in open Court, at a time and place whereof not less than fourteen days' notice shall be given to the person or persons whose acts or omissions are the subject of inquiry, and to all persons who have lodged a caveat or complaint in the proper manner.

20. All hearings by the Board shall be in open Court, and in any case the Board may call witnesses and demand the production of such evidence as they may think fit.

21. All appraisements by the Board of value either of land or improvements, or of sums to be paid by way of compensation in respect of either land or improvements, and all appraisements of rents or fees in the nature of rent, and applications for reduction of rent or fees in the nature of rent, and all inquiries whether improvements are capable of removal under section 41 of the Act, shall be conducted in open Court, at a time and place whereof not less than fourteen days' notice shall be given to all parties known to be interested.

22. All questions referred to the Board for arbitration under section 13 (i) of the Act, or for report, shall be conducted in open Court, at a time and place to be determined by the Chairman, of which not less than fourteen days' notice in writing shall be given to all parties interested.

23. All notices to be given by a Local Land Board shall be in writing, or partly in print and partly in writing, and may either be served upon the person to whom notice is intended to be given personally or may be left at or forwarded by post to the then present or last known place of abode of such person. If several persons have joined in lodging a caveat or complaint notice to one of such persons shall be sufficient, and not more than one of them shall have a right to be heard before the Board in support of such caveat or complaint.

24. If after proof that due notice of the time and place of hearing has been given, any person shall fail to be present, the inquiry, appraisal, arbitration, or other proceeding may proceed in his absence, and the Board may adjudicate as fully and effectually as if such person had personally appeared in obedience to the notice, but the Board shall use every exertion to ascertain the true facts of the case.

25. When any Local Land Board has made any order for the payment of money, as mentioned in section 15 of the Act, it shall be lawful for the Board to issue a warrant of distress in the Form 1, signed by the Chairman, addressed to any constable, peace officer, or other person, for the purpose of levying the same by distress and sale of the goods and chattels of the person ordered to pay such money, and such warrant may be handed to the person to whom it is addressed to be executed.

26. Summonses in the Form 2 for the attendance of witnesses may be obtained at the Head Office of the Board.

#### CONDITIONAL PURCHASES.

27. Every application for Conditional Purchase shall be in the Form 3, and the accompanying declaration shall be in the Form 4. Such declaration shall state the name and age of the applicant, and such other particulars as are thereby required.

28. Every application for a Conditional Purchase (except as mentioned in the next Regulation) must be tendered by the applicant in person, together with the required deposit and declaration, to the Land Agent of the district, on any day notified in the Gazette as a Land Office day for that purpose, not being a public holiday, during the hours specified in Regulation 12. Not more than one application will be received on the same day from the same applicant.

29. Applications for Additional Conditional Purchases must be signed by the applicant in the presence of some Land Agent, Justice of the Peace, or Commissioner for Affidavits, and may be tendered by him in person or by an agent authorized in writing so to do, and such authority shall be delivered to the Land Agent with the application.

30. Every applicant for a Conditional Purchase who has previously held a Conditional Purchase under the Act, shall produce to the Land Agent with his declaration a certificate from a Local Land Board that he has fulfilled all the conditions of the law with reference to such former purchase, or that through adverse circumstances he has been compelled to abandon the same, or that he has surrendered the same in accordance with section 75 (III) of the Act.

31. When more than one application and deposit for Conditional Purchase of the same land, or any part thereof, is tendered at the same time, the Land Agent shall, unless all applications but one be withdrawn, forthwith determine in manner following which application shall be received: the Land Agent shall write on tickets of equal size the names of the several applicants, which tickets shall be placed by the parties (should they desire to do so) in the box supplied to the Land Agent for the purpose; and the Land Agent shall, without looking, and in the presence of the parties, draw one ticket from the box, and the application to be received shall be that of the applicant whose name may be on the ticket so drawn, and the deposit paid by the remaining applicants shall be forthwith returned.

32. If the land intended to be applied for is unmeasured, the intending applicant shall, previously to sending in his application, mark one corner of such land, either by a conspicuous mark upon a tree standing at such corner and by cutting an L trench 6 feet long and 9 inches deep, or by a post 6 inches in diameter projecting above the surface not less than 3 feet, set in an L trench of the dimensions aforesaid. In standing water the corner may be marked by a tree or post as aforesaid without the trench, and in rocky country by a mound of stones, and such post as aforesaid fixed therein and projecting 3 feet above the mound; and such post or boundary mark shall be kept erected until survey of the intended selection shall be made. Measured Crown Lands must be taken in portions as measured, unless a subdivision is applied for, but both measured and unmeasured land may be taken together, provided that the land unmeasured be marked as herein required, and that the area be not less than 40 acres.

33. Copies of applications for Conditional Purchase, prior to consideration by the Board, may be transmitted by the Chairman to the District Surveyor for report, and the Board shall thereafter decide whether or not the land applied for, or any part of it, appears to be available for Conditional Purchase, or whether or not a survey or any further report is desirable.

34. If no survey or further report is considered desirable, the Chairman shall, on receipt of the District Surveyor's report, forthwith fix a day and place, of which not less than fourteen days' notice shall be given to the applicant and every caveator, on and at which the application in question shall be dealt with, and shall cause notice thereof to be posted in a conspicuous manner outside the office of the Land Agent for the District wherein the land is situated, and outside the Head Office of the Board.

35. If a survey or further report is considered desirable, the Board shall adjourn the further consideration of the application until receipt of the required report or reports, and shall then fix a day and place for dealing with the said application, of which such notice shall be given and posted as mentioned in the last preceding regulation.

36. Caveats against any application for Conditional Purchase may, within fourteen days from the time when such application was made, be lodged in manner hereinafter mentioned.

37. Caveats shall be lodged by leaving the same at the Head Office of the Board or sending the same by registered letter addressed to the Chairman, together with a deposit of £10. They shall be in the Form 5, and shall state clearly and distinctly the names of the person or

persons whose application is objected to, the grounds of such objection or objections, and the name and address of the objector, or names and addresses of the objectors if more than one.

38. At the time and place appointed the Board shall deal with the application in open Court, and shall hear the applicant and every person who has in the manner prescribed lodged a caveat.

39. If an application be confirmed, the Board shall, after the expiration of twenty-eight days from such confirmation, if no notice of appeal is given, issue to the applicant a certificate in the Form 6.

40. Where part only of the land applied for has been allowed, that shall not bar the applicant from his right of appeal in respect of the part which is disallowed.

41. If any part of the land applied for contains improvements for which payment has to be made under section 41 of the Act, the applicant may, with the consent of the Board, amend his application so as to omit therefrom any area containing improvements, as defined by the next Regulation, provided such omission does not reduce the amount of land applied for below 40 acres ; and the Board shall after the expiration of twenty-eight days from the day when their decision is given, if no notice of appeal is given, issue a certificate of confirmation for the land stated in the amended application.

42. The conformation of the boundaries of land exempt from conditional purchase under section 21, sub-section (ix), shall be similar to that of Conditional Purchases of corresponding area ; and such exempted areas shall be so defined as to locate the improvements in the middle of the frontage or area ; but the Board may modify the said boundaries to conform to any general design of subdivision, or otherwise, as to them may seem desirable. Should the improvement cross a frontage creek or river, the exempted area shall be defined on either side of such frontage, in areas equivalent to a moiety of the value of such improvement ; but no such exempted area shall be less than 40 acres.

43. The Board shall whenever possible endorse on every certificate of confirmation a note specifying the class or classes of fence to be erected by the selector, provided that any selector may apply to the Board at any time to alter or vary such note.

44. Every such application as last aforesaid, shall be heard in open Court, at a time and place to be fixed by the Chairman, whereof not less than fourteen days notice shall be given to the applicant.

45. The Board may, whether on complaint of any officer or authorized person or not, at any time direct a duly authorized person to inquire and report to them whether a conditional purchaser has duly complied with the conditions of residence and fencing and improvements (if any) attached to his purchase, and on the receipt of such report the Board may, if they think fit, fix a time and place for further inquiry by the Board.

46. Notice of such time and place shall be conspicuously posted on the outside of the Head Office of the Board and on the office of the Land Agent of the district where the land is situated, for not less than fourteen days before the day so fixed, and not less than fourteen days' notice, by registered letter or otherwise, shall be given to the conditional purchaser and every complainant.

47. On receipt of any application, in the Form 7, from a Conditional Purchaser for a certificate that he has been compelled through adverse circumstances to vacate or abandon a Conditional Purchase, the Chairman

shall fix a day and place whereof not less than fourteen days' notice shall be given to the applicant for inquiry by the Board into the truth of the particulars alleged by the applicant.

48. If the Board shall decide that a proper case has been made for the same, they shall grant to the applicant a certificate in the Form 8.

49. At the expiration of the prescribed term of residence the Board shall direct a report to be made, as mentioned in Regulation 45, and shall publish in the Gazette a notice of their intention to issue a certificate of conformity, if the said Board shall be satisfied on inquiry that all conditions except that of payment of balance of instalments have been duly complied with. Caveats in the Form 9 may be lodged in manner mentioned in Regulation 37, together with a deposit of £10. Such caveats must be lodged within thirty days from the date of such publication.

50. Notice of the time and place fixed for holding such inquiry shall be posted and also given to the selector and every caveator, as mentioned in Regulation 34.

51. If the Board shall decide that the conditions aforesaid have been duly complied with, the Board shall issue a certificate of conformity in the Form 10 or 11 as the case may require, and until such certificate has been issued no conditional purchase shall be considered as finally accepted. If the Board shall be of opinion that the conditions aforesaid have not been duly complied with, the Board shall send a report to the Minister to that effect in Form 12.

52. If the land applied for is in more than one Land District the application may, with the consent of the applicant, be confirmed for the area situated within the District where the application is made, provided that the area be not less than 40 acres.

53. The declarations required by section 34 of the Act shall be in the respective Forms 13 or 14, and must be made before the Land Agent of the district.

54. Applications for issue of certificate of conformity shall be in the Form 15.

55. Applications under section 35 of the Act by any holder of a Conditional Purchase made before the commencement of the Act for conversion of his holding into a holding under the conditions of payment prescribed by that section shall be in the Form 16.

#### VOLUNTEER ORDER SELECTION.

56. Applications for grants of land under the Volunteer Regulation Act of 1867 shall be made in the Form 17, and be tendered to the Land Agent of the district within which the land is situated, on any business day not being a Land Office day for Conditional Purchases, or a Public Holiday. The land shall be measured in the same form as Conditional Purchases of like area, and subject to the same rules of subdivision, if the application be for part of a measured portion.

#### FRONTAGE.

57. Main roads, or intended frontage roads leading from one village, town, or settlement to another, travelling stock reserves, lakes, permanent creeks, rivers, or water-courses, shall in ordinary cases constitute "frontage."

58. In all cases where there is any doubt whether a travelling stock reserve, a road or intended road, or a creek, river, or water-course is of sufficient importance to constitute "frontage," the decision shall rest with the Board; and for special reasons the Board may, with the approval of the Minister, decide in any particular case that a boundary which ordinarily constitutes "frontage" shall not do so.

59. When a road follows generally the course of a creek, or two roads are in close proximity, both roads and creek constituting frontage, the more important frontage shall, as a rule, be adopted as the boundary of a Conditional Purchase or Lease, and, as a general rule, preference shall be given to the water-course as the more important frontage.

#### CONDITIONAL PURCHASES WITHOUT RESIDENCE.

60. The Regulations in reference to Conditional Purchases shall apply to Conditional Purchases without residence, except that the declarations required by section 34 of the Act shall be in the respective Forms 18 and 19.

#### IMPROVEMENT PURCHASES IN GOLD-FIELDS.

61. Applications under section 46 of the Act to purchase land by virtue of improvements shall be in the Form 20, and shall be made to the Land Agent, and such application will be dealt with in open Court on a day of which not less than fourteen days' previous notice shall be given to the applicants and the caveators.

62. The improvements must include a residence or place of business, and otherwise be of a character to be approved by the Board, and the right to purchase shall be limited to the allotments or portions on which the improvements may be, if measured, and not exceeding the area allowed by law; but if the area of any such allotment or portion be more than the maximum area allowable, the Board may approve of the subdivision thereof, and the applicant shall pay the cost of survey of such subdivision. Should the land applied for be frontage land, the purchase shall be measured with a depth of not less than twice the frontage; and if not frontage land, shall be in accordance with the general design of subdivision. The boundaries of any such purchase may be modified as shall seem to the Board desirable.

63. If the purchase be approved, such approval will be notified in the Gazette, and the applicant will be called on to pay the purchase money and deed fee to the Colonial Treasurer. If such payment is not made within three months thereafter, the applicant will be liable to a penalty equivalent to 10 per cent. of the amount; and if the full price, including the penalty, is not paid within six months from the date of such notice, the application to purchase may be treated as lapsed.

#### FENCING.

64. The fence to be erected under the Act shall be such one or more of the classes of fencing specified in the Schedule hereto or any combination thereof as the Board shall direct.

65. Applications for extension of the period allowed for fencing, or for partial exemption from fencing, shall be addressed to the Board, and made in the respective Forms 21 and 22. The applicant shall in such application state shortly the reasons in support of the same, and the

application shall be dealt within open Court, at a time and place to be fixed by the Chairman, whereof not less than fourteen days' notice shall be given to the applicant.

66. Any person claiming to be entitled to a contribution under section 141 of the Act towards the cost of erecting or maintaining or erecting and maintaining any fence may lodge with the Board a claim in the Form 23, and the Board shall thereupon issue a notice in the Form 24, directed to the alleged contributory, stating shortly the matter of such claim, and requiring him to appear at a certain time and place before the Board to answer to the said claim; and every notice shall be served by a constable or other peace officer or other person to whom the same shall be delivered, upon the person to whom it is so directed, by delivering the same to the party personally, or by leaving the same with some person for him at his last or most usual place of abode; and the constable, peace officer, or person who shall serve the same in manner aforesaid shall prove the service by declaration endorsed on a duplicate notice.

#### AUCTION SALES.

67. A deposit of not less than 25 per cent. of the purchase money must be paid by each purchaser to the Land Agent at the time of sale, and the balance of the purchase money, with the deed fee, shall be payable to the Colonial Treasurer or the Land Agent within three months of the day of sale; and if within three months the purchaser shall fail to pay such balance, the sale may be declared void, and the deposit paid be forfeited.

68. Every application to remit or refund to the owner thereof the value of improvements on any land sold or to be sold by auction must be made to the Minister in the Form 25. Such application shall contain a list of the improvements and their estimated value respectively, together with a short statement of the grounds on which the application is made, and shall be verified by statutory declaration.

69. On notification in the Gazette of any intended sale by auction, the Land Agent of every district in which are situated any lands directed to be sold shall forthwith post up in his office in a conspicuous manner, a notice of the time and place at which such sale or sales is or are to be held, together with a short description and plan of the land intended to be sold, the upset prices, and other particulars.

#### SPECIAL SALES.

70. Applications from the owners in fee simple of adjacent lands in the following classes of cases shall be in the Form 26, viz. :—

- (1.) For the rescission of reservation of water frontage.
- (2.) For the reclamation and purchase of land beyond or below high-water-mark.
- (3.) For the purchase of lands to which no way of access may exist, or which may be of insufficient area for conditional sale, or in similar cases within section 66 of the Act.
- (4.) For the closing and purchase of unnecessary roads.

71. Applications under section 67 of the Act to close roads found to be unnecessary and passing through Conditional Purchases, and to add the area to such purchases, shall be made in the Form 27.

72. A plan must be forwarded with the application, showing with accuracy the land applied for, the position of adjoining land of the applicant or other proprietors, and all other particulars necessary to illustrate the intention of the applicant and the effect of compliance with the application.

73. Every application must be accompanied by a receipt showing that a deposit of £10 on account thereof has been lodged with the Colonial Treasurer, which will form part of the sum payable in respect of the application if the same is complied with, but will be returned if it should be refused. If the application is not proceeded with by the applicant when called on the deposit will be forfeited.

74. Caveats against any application for rescission of reservation of water frontage or for reclamation of land below high-water-mark must be in the Form 28, and must within the times mentioned in section 65 of the Act respectively be lodged with the Minister or the Board, as the case may be, together with a receipt showing that the sum of £10 has been paid to the Colonial Treasurer or the Land Agent, as a security for any costs that may be awarded against the caveator. Such caveats will be dealt with by the Minister or the Board in manner mentioned in Regulation 38.

75. If the application is approved, such approval will be notified in the Gazette, and the purchase money, deed fee, and all sums payable for costs must be paid to the Colonial Treasurer within three months from the date of notification in the Gazette. If such payment is not made within that time, the applicant will be liable to a penalty equivalent to 10 per cent. of the amount; and if the full amount payable, including the penalty, is not paid within six months from the date aforesaid, the application to purchase may be treated as lapsed.

76. In cases of reclamation, the issue of the deed will be suspended until the reclamation has been completed to the satisfaction of the Minister.

#### TRANSFERS.

77. Transfers of Conditional Purchases shall be made in Form 29.

78. Every such transfer shall be signed in the presence of the Land Agent, a Magistrate, or Commissioner for Affidavits. Forms of transfer (including a copy on parchment for registration under the 120th section of the Act) may be obtained at each Land Office on payment of a fee of 2s. 6d. On lodgment of a transfer, the sum of 7s. 6d. (in addition to stamp duty) will be payable for cost of registration in the general office for the registration of deeds.

79. If the transferor is a marksman, his mark must be attested by a Magistrate, Barrister, Attorney, or Notary Public, a further certificate being endorsed by such attesting witness on the transfer that the same was previously read over and explained to the transferor, and that he acknowledged and appeared fully to understand the effect thereof. If such signature is attested by a solicitor in his capacity of Magistrate, Attorney, or Notary Public, a further certificate must be attached to the effect that the witness is not the party employed to prepare the transfer.

80. Where a transfer is made by a married woman, the certificate of acknowledgment required by the Registration of Deeds Act, 7 Vic. No. 16, section 16, and as set forth in the Schedule thereto, must be furnished, and the fee of 10s. provided by that Act paid, which sum must be paid to the Land Agent at the time of lodgment of transfer.

81. All certificates of confirmation or conformity shall be handed by the transferor to the transferee at the time of making the transfer, and such certificates shall not pass by delivery otherwise than by delivery to a transferee taking by a duly executed transfer or by operation of law.

82. The transfer and copy, accompanied in proper cases by the necessary certificates, must be lodged with the Land Agent, who shall record the same, and forthwith forward the said transfer and copy to the Department of Lands in Sydney for registration, and shall notify the same to the Board. No transfer will be recognized unless lodged as aforesaid, and such lodgment shall be sufficient notification within section 117 of the Act.

83. Transfers of Leases and Occupation Licenses shall be in the Form 30. The signatures of the transferor and transferee must be attested by a Land Agent, Magistrate, Notary Public, or Commissioner for Affidavits.

84. A fee of £2 must in every case be paid prior to the transfer of a Pastoral or Homestead Lease being completed, and £1 for the transfer of every Occupation License or Special or Annual Lease. No transfer will be allowed where any payment for rent or other dues to the Crown is in arrear.

85. In cases of transfer, whether of a Conditional Purchase, Lease, or Occupation License, by the executors or administrators of a deceased person, or by an official assignee or persons holding a power-of-attorney, a certificate from the Crown Solicitor, showing the right of such persons to deal with the land, must be obtained and lodged with the transfer.

86. Every transferee, who proposes to be registered as the holder of more than one Homestead Lease by virtue of a mortgage, shall with his transfer lodge a statutory declaration in the Form 31, stating whether he is the holder of any other lease, whether pastoral or homestead, and if so, specifying the respective dates of such leases, the names of the lands comprised therein respectively, and the amounts of the respective mortgage debts. Such declaration shall also state whether the said sums secured by mortgage have been advanced by the declarant out of his own moneys, and whether he is acting as the agent or trustee or in any manner on behalf or in the interest of any and what person or persons (including in such term companies, corporations, and partnerships); and it shall be in the discretion of the Minister whether he will allow any such transferee to be registered.

#### CONDITIONAL LEASES.

87. Applications for Conditional Leases shall be in the Form 32, and must be tendered to the Land Agent, together with a sum equal to the minimum amount of the rent for one year of the land applied for; and should there be more than one application for the same land or any part thereof tendered at the same time, such applications shall be dealt with as provided by Regulation 31.

88. The application must be signed by the applicant, and may be tendered by him in person or by an agent duly authorized by him in writing; and such authority must be delivered to the Land Agent with the application, or the same may be forwarded through the post by registered letter addressed to the Land Agent.

89. Every application for Conditional Lease shall, if practicable, be dealt with by the Board at the same time and in the same manner as the application for Conditional Purchase in connection with which such

application is lodged, and the Board shall at the hearing, or as soon thereafter as convenient, determine the annual rent to be paid for the land conditionally leased, subject to the approval of the Minister, and caveats may be lodged and dealt with as in the case of Conditional Purchases.

90. If the Board shall not allow the application as sent in, either by allotting a less quantity of land than that applied for, should the whole not be available, or by modifying the boundaries thereof, the applicant may within fourteen days notify to the Board his intention of not accepting a lease of the land as allowed by them, and he shall thereupon be entitled to a refund of the deposit paid in respect of such application ; and in default of such notice or of notice of appeal he shall be deemed to have accepted the land as allowed by the Board.

91. When an application for Conditional Lease is confirmed, a certificate of confirmation in respect thereof in the Form 6 shall be issued to the lessee.

92. The Board may at any time inquire, in the same manner as mentioned in Regulations 45 and 46, whether the holder of a Conditional Lease has observed the conditions attached thereto.

93. At the expiration of the prescribed term of residence the holder of a Conditional Lease, who desires to obtain the certificate mentioned in section 53 of the Act, may lodge with the Board an application in the Form 33 ; and the Board, if satisfied after due inquiry that all conditions in respect of the same Lease have been fulfilled, shall issue a certificate of conformity in the Form 34.

94. The land to be comprised in any Conditional Lease shall, where practicable, be measured in combination with the land in virtue of which the Conditional Lease is applied for, in such manner as to give a figure of the shape mentioned in section 59 of the Act.

95. Should the rent of a Conditional Lease be fixed at a higher rate than the minimum sum deposited, the balance due shall be paid to the Colonial Treasurer or the Land Agent within one month after notification in the Gazette of the confirmation of the lease. Subject as aforesaid, the rents of all Conditional Leases shall be payable yearly in advance to the Colonial Treasurer or the Land Agent, and if not paid on the day on which the same are due, the additional sums mentioned in section 96 of the Act will be payable.

96. If the holder of a Conditional Lease desire to fulfil, by residing on the land comprised in such Lease, the condition of residence attached to the Conditional Purchase by virtue of which such Lease is held, he shall lodge with the Board a notice in the Form 35.

97. Regulations as to fencing of Conditional Purchases shall apply as far as practicable to Conditional Leases.

98. Applications by holders of Conditional Leases for extension thereof shall be in the Form 36, and shall be lodged with the Land Agent not less than three months before the expiration of the lease.

99. Applications to convert pre-emptive leases into Conditional Leases shall be in the Form 37 ; and if the Conditional Purchase by virtue of which the application is made be under mortgage, the application shall state whether the Conditional Lease is applied for by the mortgagor or the mortgagee.

100. The Board may direct a report to be made by the District Surveyor, or take such evidence with reference to the last-mentioned applications as they may think fit, and shall forward their recommendation to the Minister, accompanied in any case which may seem to require it by a short statement of their reasons for the course recommended.

## PREFERENT PURCHASE OUT OF CONDITIONAL LEASE.

101. A holder of a Conditional Lease who desires to exercise the preferent right of purchase mentioned in section 50 of the Act shall within the time mentioned in the same section lodge with the Land Agent an application in the Form 38, after the expiration of five years from the confirmation of his application, together with a sum by way of deposit equivalent to 2s. for every acre applied for. Such application shall be dealt with in open Court, on a day of which not less than fourteen days' previous notice shall be given to the applicant and any caveator.

102. Where an application is made to purchase a part only of a Conditional Leasehold such part shall so far as practicable be in the shape mentioned in Regulation 94, and the cost of subdivision shall be tendered with the application.

103. The balance of purchase money for land purchased under preferent right shall be payable in the same manner as for other Conditional Purchases.

104. The approval of the conversion will be notified in the Gazette.

## PASTORAL LEASES.

105. Applications for Pastoral Leases shall be in the Form 39, and the applicant shall, with his application, lodge with the Minister the plan mentioned in section 71 of the Act. Where the pastoral holding is included in any parish map or maps published by the Lands Department, the plan of the holding shall be on the scale of 40 chains to 1 inch, otherwise the scale shall be 160 chains to 1 inch. Such plan or a tracing thereof shall be clear and distinct; and if the pastoral holding is shown on the official maps, partly on one or other of the scales above mentioned, either may be adopted, and the Minister may for special reasons accept a plan on another scale not being more than 160 chains to 1 inch.

106. In reckoning the average grazing capability of the holding, the number of acres required to keep a sheep or beast during average seasons must be stated, and if the country be naturally waterless the number of months during which an artificial supply is necessary must be added.

107. The rents of all pastoral leases, when determined, shall be notified to the lessee in the Form 40, and shall be payable yearly in advance to the Colonial Treasurer; and if not paid on the day on which the same are due, the additional sums mentioned in section 96 of the Act will be payable.

108. Every application for the extension of a Pastoral Lease for five years shall be in the Form 41, and shall be lodged with the Minister not less than eighteen months before the expiration of the lease.

109. Notice of intention to surrender a Pastoral Lease at the end of any term of five years shall be in the Form 42, and shall be sent to the Minister not less than three months before the end of such term of five years.

110. Applications for compensation in respect of land withdrawn from lease and for improvements lawfully made by the lessee upon the land so withdrawn shall be in the Form 43, and shall be verified by statutory declaration.

111. Subject to the approval of the Minister, Pastoral Leaseholds may be subdivided on application—

- (1.) Every application must be in Form 44, and must be accompanied by a description and sketch of the subdividing line or lines, together with an estimate of the grazing capability of each proposed subdivision.
- (2.) The Minister may modify or alter any proposed dividing line, and may require any line to be surveyed at the expense of the lessee.

112. When a subdivision has been approved, the old lease (if any) must be surrendered, and separate leases for the portions into which the holding is subdivided will be issued for the unexpired term of the lease, and the Minister shall apportion the rent of the whole leasehold to the subdivisions, and the rent so fixed shall become the appraised rent of the new leaseholds.

#### SURRENDER OF PURCHASE TO FACILITATE DIVISION OF RUN.

113. Applications under section 75 (II) of the Act for the surrender of any portion of land within the resumed area by way of exchange for an equal area within the leasehold area shall be in the Form 45, and shall be accompanied by a statutory declaration verifying the same.

114. Applications under section 75 (III) of the Act for surrender of any portion of land within the resumed area shall be in the Form 46, stating the date of purchase of such land, and whether the grant thereof has been issued, the improvements made thereon, and the amount claimed as the value thereof respectively, and the estimated value of the land, and all other information required by the form, and shall be accompanied by a statutory declaration verifying the same.

115. Any application under section 75 (III) of the Act by the holder of any Conditional Purchase in the Western Division for the surrender of such conditional purchase shall be in the Form 46, and shall state the date of such purchase, the improvements made thereon, with their estimated values respectively. Every such application shall be verified by statutory declaration.

#### OCCUPATION LICENSES.

116. Every application by a runholder for an Occupation License of the Resumed Area of his holding shall be in the Form 47, and must be lodged with the Minister with the application for a Pastoral Lease, accompanied by a receipt showing that the Colonial Treasurer has received, by way of deposit, the sum of £2 per section of 640 acres of the estimated area.

117. Where, by sale or lease, or otherwise, any land is withdrawn from an area under occupation license, and the licensee desires to apply for a refund of part of the license fee, or a reduction of rent, or compensation for improvements, he may do so in the Form 48. Such application shall state the area of the land withdrawn, and give a list of the improvements thereon, with their respective values; and shall be verified by statutory declaration.

## HOMESTEAD LEASES.

118. Applications for Homestead Leases shall be lodged with the Land Agent, during the hours specified in Regulation 12, on any day not being a public holiday, and notified in the Gazette for the purpose. Such applications shall be signed by the applicant, and attested by a Land Agent, Magistrate, Notary Public, or Commissioner for Affidavits, and may be lodged in person, or by an agent authorized in writing, and such authority shall be delivered to the Land Agent with the application.

119. Every application for a Homestead Lease shall be in the Form 49, accompanied by a statutory declaration, stating that, except as *bonâ fide* mortgagee, the applicant does not, nor does any one on his behalf or in his interest, hold either wholly or in part any Homestead Lease or any Pastoral Lease, and stating whether as such mortgagee he is the registered holder of any Homestead Lease or Pastoral Lease, and if so, specifying the dates of such respective leases, the dates of the respective mortgages held by him, the amounts secured by such mortgages, and such other particulars as are thereby required.

120. With his application the applicant must deposit at the office of the Land Agent a sum equal to one penny per acre as the minimum amount of the rent for one year.

121. If the land has been measured, it must be applied for in portions as measured ; but measured and unmeasured land may be applied for. If unmeasured, the applicant should, as far as possible, in specifying the boundaries of the land applied for, use parish and county boundaries, make external lines run north, east, south, or west, follow natural features, and avoid monopoly of water.

122. The Minister may refuse any application, alter the boundaries proposed to make them run north, east, south, and west, or follow any natural features so as to exclude water necessary for the beneficial occupation of the adjoining land, or vary them in any other way that may be recommended by the Board.

123. If more than one application for Homestead Lease comprising the same land either wholly or in part is received by the Land Agent on the same day, he shall, immediately after 4 o'clock of the day on which the applications are lodged, determine by lot in manner mentioned in Regulation 31 which of such applications shall be received and dealt with.

124. Subject to the last Regulation, every application for Homestead Lease shall be dealt with in manner mentioned in Regulations 37 and 38 ; and caveats in the Form 5 may be lodged in the manner and within the time mentioned in Regulations 36 and 37 against the issue of any Homestead Lease.

125. The Board shall report to the Minister the course recommended by them, and such report shall state shortly the ground on which their recommendation is based.

126. The Board may at any time inquire, in the same manner as mentioned in Regulations 45 and 46, whether the holder of a Homestead Lease has observed the conditions attached thereto.

127. Previously to granting any extension of a Homestead Lease the Board shall satisfy itself by inquiry that all statutory conditions and obligations have been observed and performed by the lessees, and the Board shall report to the Minister the result of such inquiry, and if any special course is recommended by them shall state shortly the reasons on which such recommendation is based.

128. Should the rent of a Homestead Lease be appraised at a higher rental than the minimum sum deposited, the balance due shall be paid to the Colonial Treasurer within one month after notification in the Gazette of approval of the issue of a lease; and subject as aforesaid, all rents shall be paid yearly in advance to the Colonial Treasurer or the Land Agent; if the above-mentioned amounts are not paid on the day on which the same are due, the additional sums mentioned in section 96 of the Act will be payable.

129. Within ninety days after the notification in the Gazette of the approval of the issue of a lease the applicant shall pay to the Land Agent the amount determined as the value of the improvements. No lease will be issued till such amount, if any payable, has been paid, and if not paid within the time aforesaid the applicant shall forfeit his right to a lease, together with any deposit paid in respect thereof.

130. The fencing to be erected by the lessee shall be such one or more of the classes specified in the Schedule of classes of fencing hereto, as the Minister shall direct, and the kind of fence or fences to be erected shall be mentioned either directly or by reference in the lease.

131. An application for a Homestead Lease shall convey no authority to occupy any portion of the land applied for until notice of granting the lease shall have been published in the Gazette, but should the applicant thereafter enter into occupation by depasturing stock on any part of the land comprised in the lease, he will be held to have accepted the lease, and his deposit will be credited on account of rent. His deposit will be refunded should he not enter upon his lease and give notice in the Form 50 of non-acceptance of an altered form of lease, within ninety days after the notification in the Gazette of the approval of the lease.

132. Notice of intention to surrender a Homestead Lease at the end of any term of five years shall be in the Form 42, and shall be lodged with the Minister not less than three months before the end of such term of five years.

133. Every application for the extension of a Homestead Lease for five years shall be in the Form 41, and shall be lodged with the Minister not less than eighteen months before the expiration of the lease.

#### REDUCTION OF RENT OR LICENSE FEE.

134. Applications for reduction of rent or license fee under section 100 of the Act shall be in the Form 51; and if any reduction of rent be allowed it shall be notified in the Gazette, and should it thereafter be restored to the minimum rate notification thereof shall be similarly given.

#### ANNUAL LEASES.

135. The rent of all renewed Annual Leases will be payable annually in advance to the Colonial Treasurer or the Land Agent, between the 1st and 30th days of September of the year preceding that for which payment is made. If the rent is not paid within that time, the additional sums mentioned in section 96 of the Act will be payable.

136. Applications for after auction selection of Annual Leases shall be in the Form 52, and must be lodged with the Land Agent, together with the amount of the upset rent payable, during the hours specified in Regulation 12, on any day in the week notified in the Gazette for the purpose, the same not being a public holiday.

137. Annual auction leases granted under the Acts repealed by the Crown Lands Act of 1884, which had been renewed for the year 1885, shall be deemed to have been converted into annual leases for pastoral purposes under Part IV of the last-mentioned Act.

138. Applications to convert Pre-emptive Leases in Eastern Division into Annual Leases without competition, as provided by section 3 (III), shall be in the Form 53, and lodged with the Land Agent, and by him transmitted to the Under Secretary for Lands.

#### AUCTION AND TENDER.

139. Where any Pastoral, Homestead, or Special Lease, or Occupation License, has expired, or been forfeited or surrendered, or where any Resumed Areas have not been applied for by the runholder, or have been forfeited or surrendered, the lands comprised in such lease or license respectively, or such Resumed Areas, as aforesaid, or portions of vacant lands, may be leased by auction, either by way of Pastoral, Homestead, Special, or Annual Lease, or Occupation License respectively, unless such lands are by the Act exempted from being so leased.

140. Lands may also be leased by auction for any of the purposes mentioned in section 90 of the Act.

141. No such auction shall be held until the expiration of thirty days after notice of the sale has been published in the Gazette. Such notice shall state the time and place of sale, the upset rental, and the conditions subject to which leases will be granted.

142. Any Lease or Occupation License bid for, but the price of which is not forthwith paid, shall thereupon be again offered for sale at auction.

143. Any Lease or Occupation License not sold by auction may either be put up to auction on some future occasion or may be disposed of by tender in manner hereinafter mentioned.

144. Whenever it is intended to let by tender any Pastoral Leases, Occupation Licenses, Homestead Leases, Special Leases, or Annual Leases, notice thereof shall be inserted in the Gazette at least thirty days before the date up to which tenders may be lodged, which date shall be specified in the notice, together with the minimum rent of the land to be let. Tenders for such leases or licenses shall be made to the Board, either by depositing the same in a box, to be kept for that purpose at the office of each Board, or by sending them to the Board by post, sealed and endorsed "Tender for Pastoral Lease," or as the case may be. Such tenders will on their receipt be placed in the box unopened.

145. At the expiration of the time specified for lodgment of tenders, the tender-box shall be sealed by an officer duly authorized in that behalf, and the box shall be opened, and the tenders examined, by the Board at the first meeting thereafter.

146. If there be only one tender for any land, the tenderer shall be entitled to the lease or license if the rent offered be not below the minimum specified. If there be two or more tenders for the same land opened on the same day, the lease or license shall be granted to the person whose tender contains the offer of the highest rent; but if no one tender be higher than all the others, a fresh day shall be named on which the persons making the highest tenders shall be at liberty to send in fresh tenders, which shall be dealt with as hereinbefore provided.

147. Tenders shall be made in the Form 54, and shall clearly describe the land applied for in terms of the notice calling for tenders, and shall be accompanied by a receipt showing that a sum of £2 10s. has been paid to the Land Agent as a deposit thereon. The deposit paid by the person whose tender may be accepted shall be credited on account of the first year's rent or license fee ; all other deposits will be refunded.

148. Particulars of all tenders received by the Board shall be recorded in a tender-book to be kept for that purpose ; and upon the acceptance of any tender the same shall be notified in the Gazette.

#### LEASING OF SCRUB LANDS.

149. Applications to lease Scrub Lands must be in the Form 55, addressed to the Minister, and must contain such information as is thereby required.

150. In granting leases of Scrub Lands, any trees or species of trees, or any area within the leasehold, may be exempted from destructive operations.

151. Within ninety days after a Scrub Lease has been granted, the lessee shall begin to clear the land leased, and shall, within two years after the commencement of his lease, clear of noxious growth not less than one-fifth of the whole area leased, and thereafter, during each succeeding year, likewise clear not less than one-fifth of the whole area leased, and maintain such cleared land free from all noxious growth during the term of the lease.

152. If it shall appear to the Board upon inquiry that from excessive drought, or other sufficient cause, the clearing required by the condition of the lease is impracticable within the prescribed time, the Board may recommend a relaxation of the conditions specified, and the Minister, if satisfied, may modify the conditions in such manner as to him may seem fit.

153. The Minister may at any time direct the Board to cause inquiry to be made as to whether any lessee is fulfilling the conditions of his lease ; and the Board shall thereupon inquire into the matter, at a Court to be held after fourteen days' notice thereof has been given to the lessee and posted at the office of the Board.

154. Any Pastoral or Homestead Lessee who desires that any portion of his leasehold should be proclaimed Scrub Lands, and thereafter granted to him as a Scrub Lease, must make application for the same in the Form 56, addressed to the Minister, supplying all the particulars required thereby.

155. Every applicant for a Scrub Lease, or for conversion of any Pastoral or Homestead Lease or any part thereof into a Scrub Lease, shall previous to making application, lodge the sum of £10 with the Colonial Treasurer, and annex to the application a receipt therefor. Such sum may be credited towards payment of cost of survey if the lease be recommended, or towards payment of expenses of inquiry if the application be refused.

156. Where lands under Pastoral or Homestead Lease are resumed for conversion into Scrub Lands, a Scrub Lease thereof shall not be granted until a sum for defraying the cost of survey be lodged with the Colonial Treasurer. Such sum shall represent £2 10s. for each linear mile of the estimated length of the boundaries of the land to be leased. Should the amount lodged exceed the cost of survey, the balance may be refunded to the lessee, and should the cost of survey exceed that amount, the lessee shall pay the deficiency.

157. A Scrub Lease converted from a Pastoral or Homestead Lease, shall not be for a longer period than the determination of the lease from which it may have been resumed.

158. Payment of rent of Scrub Leases shall be subject to the same conditions as are prescribed for Pastoral Leases, and exemption from payment of rent shall in no case be allowed until after operations for the destruction of scrub have been commenced.

159. After the first year of the lease the lessee shall, in each succeeding year during the currency of his lease, forward to the Minister, in the month of December, a statement verified by statutory declaration setting forth the area operated upon, the nature of the growth removed, the area actually cleared, and the sum expended in clearing.

160. Every applicant for a Scrub Lease must be prepared to point out the boundaries of the land applied for to any officer appointed to make inquiry, and if he fail to do so the application may be refused.

#### SPECIAL LEASES OTHER THAN SCRUB LEASES.

161. Persons who are desirous of obtaining Special Leases under sections 89, 90, or 92, of the Act may apply to the Board, in the Form 57, setting forth respectively the position and extent of the lands they are desirous of leasing, the objects for which such leases are desired, the rent offered, and such other information as may tend to facilitate the dealing with the applications. Each application must be accompanied by a receipt showing that a sum of £10 has been paid to the Colonial Treasurer as a deposit towards paying any costs for survey or report in respect of the lease applied for. Should the application be refused, such deposit will be refunded, less the cost for such survey or report, but otherwise the balance will be credited as on account of the first year's rent.

162. All such applications will be duly inquired into by the Board, and will be dealt with upon their merits as may be deemed expedient; and in the event of any application being approved, the intention to grant the lease will be notified in the Gazette, and the applicant will be duly apprised of the conditions on which a lease will be granted, and of the rent which he will be required to pay.

163. The rents of all Special Leases shall be payable yearly, in advance, to the Colonial Treasurer, and if not paid on the day on which the same are due the additional sums mentioned in section 96 of the Act will be payable.

#### RINGBARKING.

164. Persons desirous of ringbarking trees on their leased land must make application on Form 58, with all the particulars thereby required correctly filled in, accompanied by a sketch of the locality, and as separate application must be made for each detached area for which permission is sought. Such application shall be addressed to the Land Agent accompanied by a fee of £2 for each 1,920 acres or portion of that area. Should the cost of inquiry be less than the sum deposited the balance will be refunded.

165. The Land Agent shall enter the particulars of all such applications in a book to be kept by him for that purpose, and shall transmit the applications to the Board.

166. The Board may at any sitting thereof, upon giving fourteen days' notice to the lessee to whom permission to ringbark has been granted,

inquire whether the conditions imposed in the permission are being fulfilled; and if the Board be not satisfied that such conditions are being fulfilled, it may withdraw the permission.

167. Every person engaged in ringbarking must hold the Permission in the Form 59, or authority in writing from the lessee to whom the Permission was granted.

#### PERMISSION TO MINE FOR GOLD.

168. Application for permission to search for gold in alienated land within a gold-field shall be made to the Minister for Lands, and if such application be approved, a permit may be granted in the Form 60.

169. The person or persons named in such permit may mark out the land referred to in such permit, and in such position as shall interfere as little as possible with any permanent improvements on such land, a prospecting protection area, and may within such area dig and search for and remove gold. Such area shall be of the dimensions and subject to the conditions, and shall be marked out in the manner prescribed by the Mining Board Regulations.

170. The holder or holders of a permit shall have and enjoy the right of ingress, egress, and regress in respect of his or their prospecting protection area, and for that purpose shall have the right to make or construct a road or passage from the nearest road through or over such alienated land to the prospecting protection area, and from such area to cut or construct through such alienated land a ditch or channel for conveying away waste water or refuse, but so as to do as little injury as possible to the alienated land.

171. Unless the person or persons named in such permit maintain the boundary marks of such area and prosecute the search for gold in accordance with the provisions of the Regulations aforesaid, the Minister for Lands may cancel such permit.

172. Forthwith upon the discovery of gold within any such prospecting protection area, the holder of the permit shall report the fact to the nearest Warden, who shall thereupon make an inspection and furnish a report of the facts to the Minister for Lands.

#### APPLICATIONS TO WORK MINERALS.—PAYMENT OF ROYALTY ON COAL, &c.

173. If any owner of land which has been alienated subject to any minerals therein being reserved to the Crown shall desire to dig, mine for, win, or remove such mineral, he shall make application to the Secretary for Mines in the Form 61 for a permit to do so; and if after inquiry the Secretary for Mines shall recommend that such application be granted either as made or in a modified form, the Governor may grant a permit subject to the following conditions, and to such other conditions as shall according to the circumstances of each case appear to the Governor proper:—

- (1.) The owner shall keep a book in which shall be forthwith entered the quantity and value of the mineral raised from his land; and such book shall at all times during each working day be open to the inspection of the Inspector of Mines or any other officer duly authorized by the Secretary for Mines; and the owner shall render such Inspector or officer every assistance in making such inspection.

- (2.) Within the first seven days of the months of January, April, July, and October of each year, the owner or his duly authorized agent or manager shall forward to the Secretary for Mines a return setting out the quantity and value of the minerals raised during the preceding quarter, together with a statutory declaration verifying such return, and declaring that the quantity and value of all the mineral raised from the land during the preceding quarter has been correctly entered in the said book under the proper dates, and has been included in such return.
- (3.) With each such return the owner shall pay or cause to be paid royalty upon the mineral raised computed at the following rates :—For coal, sixpence per ton ; for gold, two shillings per ounce ; for other minerals, five pounds per centum of the market value thereof at the pit-mouth, and such value may be ascertained and determined as the Secretary for Mines shall in each case direct.
- (4.) All surface and underground works shall at all times during each working day be open to inspection, survey, or measurement by the Inspector of Mines or any other Officer of the Department of Mines duly authorized by the Secretary for Mines ; and such Inspector or Officer may use all apparatus or appliances ordinarily used at the mine for the purpose of descending or ascending any pit or other excavation ; and the owner shall render every such Inspector or Officer all necessary assistance to enable him to make a complete inspection, survey, or measurement of such mine.
- (5.) The Secretary for Mines may cause to be made at any time an inspection of the book aforesaid, or an inspection, survey, or measurement of the mine, for the purpose of checking any such statement as aforesaid or any entry in the book or for any other purpose.
- (6.) If the owner shall make a false return of the mineral or minerals raised from the land, or shall fail, neglect, or refuse to pay royalty upon the mineral raised, according to the foregoing scale, or shall obstruct or refuse to assist any Inspector or other Officer in making an inspection of the books or of the mine, the Governor may suspend for a time or absolutely cancel the permit granted to such owner, and the right of such owner to remove mineral from such land shall cease during such suspension, or after such cancellation, as the case may be.

174. The royalty payable on coal raised from land demised on and after the 1st January, 1885, shall be paid at the times and in the manner prescribed by the Regulations in force for the time being relating to mineral leases.

#### TRAVELLING STOCK ROUTES AND CAMPING-PLACES.

175. Before determining travelling stock routes or camping-places within any leasehold area under section 109 of the Act, the Board shall post in a conspicuous manner outside their Head Office and outside the office of the Land Agent or Agents in whose district or districts the proposed routes or camping-places may be, a map or sketch showing the position of the proposed routes and camping-places, together with a notice specifying a time, not being less than fourteen days from the date

thereof, within which objections may be lodged with the Board; and the Board shall give not less than fourteen days' notice to all persons who have lodged objections within the time mentioned, of a time and place when the Board will hear such objections, and such objections shall be heard in open Court.

#### APPEALS.

176. Any person who desires to appeal to the Minister from the adjudication or decision of any Land Board shall, within twenty-eight days after the same has been given, lodge with the Chairman a notice of appeal, in the Form 62, together with the sum of £10 as security for the costs of the appeal, and shall also give similar notice to the other party or parties to the proceeding (if any) in the Form 63. The notice to the Chairman may be left at the Head Office of the Board, or forwarded to the Board by registered letter through the post to such Head Office. And the notice to the other party or parties may be given in manner mentioned in Regulation 23.

177. The decision of the Minister upon appeal may, if necessary, be remitted to the Board, to deal with and carry into execution.

#### MISCELLANEOUS.

178. Any person who is of opinion that any holder of land (whether freehold or leasehold) under the provisions of this Act, or any of the Acts repealed by this Act, has not fulfilled or is not fulfilling the statutory conditions of residence, fencing, or improvement attached thereto, or that any such holder of land has obtained the same in violation or fraud of the provisions of this Act or any repealed Act, or that any of the offences mentioned in section 135 of this Act has or have been committed, may lodge with the Land Agent a complaint in Form 64, verified by statutory declaration, setting forth the grounds of such complaint, and accompanied by the sum of £10 as security for any costs which may be awarded against him by the Board; and the Board shall deal with such complaint in manner mentioned in Regulation 19.

179. An application for the issue of a fresh certificate in lieu of one that has been lost or destroyed, shall be in Form 65, accompanied by a statutory declaration in support of the application; and the Board shall upon receipt thereof publish in the Gazette a notice of such application, and of the time and place when the same will be heard. After the expiration of at least fourteen days from the date of such publication the Board may, if satisfactory evidence is produced to them of the loss or destruction of the original certificate, and also showing who is entitled to such certificate, issue a fresh one in the Form 66 in lieu thereof.

180. Whenever land intruded upon within the meaning of the 131st and 133rd sections of the Act is not under lease, or promise of lease, or license, it will be the duty of the proper officer to prosecute the trespasser; but on its being made to appear to the Board by the lessee, or lawful holder of any land, that any portion of his holding has been intruded on by an unauthorized person, such lessee or lawful holder may be empowered to prefer an information against the offender.

181. At the time of completion of purchase a fee of £1 will be payable for each deed of grant from the Crown, and no deed shall be delivered until the stated fee, together with all stamp duty, has been paid. Deeds will be delivered at the Registrar General's Office, Sydney,

to the grantee or to any person holding his written order, duly attested by a Magistrate, Commissioner of Affidavits, or Notary Public, or on the application of any grantee, will be transmitted to any Land Agent for delivery.

182. Applications for permission to effect improvements in pursuance of section 21 (ix) of the Act shall be made to the Board in the Form 67, and shall describe clearly the several improvements which it is proposed to make, and the sums intended to be expended on each improvement, and the reasons for its being made, and shall be accompanied by a plan showing the position of the several intended improvements. The application and map must be verified by statutory declaration.

#### SCHEDULE OF CLASSES OF FENCING.

1. A post and three-rail fence, the top rail of which shall be not less than four feet in height from the ground, of substantial material, firmly erected, with no greater distance between the rails and the lowest rail and ground than one foot, or a two-rail fence, the top rail of which shall be four feet in height and with wire between the rails, and a wire between the lower rail and the ground, and the posts not more than nine feet asunder.

2. A substantial six-wire fence, the top wire of which shall be at least four feet in height from the ground, having the wires tightly stretched, with no greater distance between each of the three lowest wires or the bottom wire and the ground than seven inches, and the posts or standards or binding wires of which are not more than eleven feet from each other, with straining posts not more than one hundred yards apart.

3. A bank or wall of substantial materials, at least four feet in height, and not less than two feet wide at the bottom, and nine inches at the top.

4. Post and two-rail fence of split timber, the top rail of which shall be not less than four feet in height from the ground, of substantial material, firmly erected, with no greater distance between the rails and between the bottom rail and the ground than nineteen inches, the posts to be not more than nine feet asunder.

5. A fence at least four feet in height, composed of logs and chocks, the logs not exceeding eighteen feet in length between the chocks, and the chocks of no greater thickness than will leave an opening of one foot between each log and between the bottom log and the ground.

6. A combination of any of the above-mentioned fences at least four feet in height.

## STATE FORESTS AND TIMBER REGULATIONS.

THE Regulations as herein set forth shall apply to the issue of permits and licenses for the cutting or removing of timber, stripping bark, and digging and removing stone, sand, clay, shells, or other material on State Forests, Timber Reserves, or Crown Lands, to granting licenses for saw-mills sites and agistment of stock on Reserves, and to the general management of State Forests, Timber Reserves, and Forest Nurseries.

1. For the purposes of these Regulations, Reserves for the preservation of timber supply shall consist of two classes, viz., State Forests and Timber Reserves; and Timber Reserves shall be further subdivided into classes A, B, and C, as hereinafter set forth.

#### STATE FORESTS.

2. State Forests shall consist of such Crown Lands as shall be proclaimed by the Governor, and shall ordinarily consist of lands containing valuable timber within 20 miles of navigable water or railway communication.

3. The boundaries of State Forests, or of the blocks into which State Forests may be subdivided, shall be natural features or be marked by blazed lines; and such lines where marked and described by the Officer duly authorized shall be held to be the boundaries of the reserve or of the blocks as the case may be.

4. A notice of sale of block licenses shall be published in the Gazette not less than twenty-one days before the sale.

5. The amount bid at auction for a block license shall be paid at the time of purchase, and such license shall run for one year from date of sale. If a right or license be offered for sale by tender, a deposit equal to 25 per cent. of the amount of the year's rent tendered shall accompany each tender, otherwise it will not be considered; and if the balance of rent be not paid within seven days of the notification in Gazette of acceptance of tender, the deposit may be declared forfeited, and the license may be again offered at auction.

#### ROYALTY.

6. The Minister shall classify the several species of timber on a State Forest or block; and timber felled, including piles at or above the minimum girth fixed under Regulation No. 9, shall be subject to royalty, as follows:—

Saw-mill—Timber of the first class, 1s. 6d. per 100 superficial feet.

„ Timber of the second class, 1s. per 100 superficial feet.

„ Timber of the third class, 8d. per 100 superficial feet.

„ Timber of the fourth class, 4d. per 100 superficial feet.

„ Timber of the fifth class, 2d. per 100 superficial feet.

Timber for piles felled, by special permission, under the minimum girth fixed by Regulation No. 9, shall, for the purpose of calculating the amount of royalty to be paid, be taken to measure that minimum girth.

Splitting timber, being any description of tree suitable for splitting, and not such as would be used for sawing:—

First class, 2s. per 100 cubic feet.

Second class, 1s. „ „

Dead wood or loppings for fuel:—

First class, 6d. per cord of 128 cubic feet.

Second class, 3d. „ „

#### PAYMENT OF ROYALTY.

7. Returns of royalty due during each month shall, within seven days after the end of the month, be forwarded by the licensee to the Forest Ranger or other officer in charge, for verification, and the licensee, upon verification thereof, shall pay the amount due to the Treasury within fourteen days or within such extended time as may be allowed by the Minister, and no alleged inaccuracy shall be held an excuse for delaying such payment beyond the prescribed period, but any proved inaccuracy shall be taken into consideration in any subsequent account, or a refund may be made of any approved overcharge.

8. Upon approval of the Minister, timber subject to royalty may be removed to and stored in an authorized depôt before such royalty be paid, provided all such timber be marked with a distinctive brand registered with the Forest Ranger; and, further, provided that such timber shall at all times be open to the inspection of the Forest Ranger or other authorized officer; who shall have power to detain or seize such

timber should it be removed, or should he have reason to suspect that the licensee intends to remove it from such depôt before payment of royalty, or should any breach of the Regulations with respect to such timber be committed by the licensee.

9. No tree within a State Forest, unless permitted by special conditions of sale of the license or by written authority of the Forest Ranger in charge of the reserve, shall be felled of a less girth than that prescribed hereunder, but the Minister may at any time cancel any such written authority, or may alter the minimum girth at which any particular kind of timber upon any reserve may be felled.

The prescribed girth shall be as set forth hereunder measured at a height of 5 feet from the ground :—

Hardwoods.							Girth.	
Timber.							ft.	in.
Red-gum or flooded gum	...	...	...	...	...	...	6	6
Gray-gum	...	...	...	...	...	...	6	6
Woollybutt...	...	...	...	...	...	...	6	6
Brush or white-box	...	...	...	...	...	...	6	6
Blue-gum	...	...	...	...	...	...	6	0
Spotted-gum	...	...	...	...	...	...	6	0
Messmate	...	...	...	...	...	...	6	0
Blackbutt	...	...	...	...	...	...	6	0
Blood-wood...	...	...	...	...	...	...	6	0
Mountain ash	...	...	...	...	...	...	6	0
Mahogany (forest)...	...	...	...	...	...	...	6	0
*Ironbark (red, gray, and broad-leaved)	...	...	...	...	...	...	6	0
Tallow-wood	...	...	...	...	...	...	5	6
Peppermint or red-wood	...	...	...	...	...	...	5	6
Swamp mahogany	...	...	...	...	...	...	5	6
*Stringy-bark	...	...	...	...	...	...	5	0
Turpentine	...	...	...	...	...	...	5	0
Black-wood	...	...	...	...	...	...	4	0
Yellow and white box	...	...	...	...	...	...	4	0
Softwood, &c.								
Red cedar	...	...	...	...	...	...	9	0
Hoop or Moreton Bay pine	...	...	...	...	...	...	7	6
White beech (Gmelina)	...	...	...	...	...	...	7	0
Silky oak	...	...	...	...	...	...	6	0
Rose-wood	...	...	...	...	...	...	6	0
Black, red or white pine (Frenela)	...	...	...	...	...	...	3	0
Swamp oak...	...	...	...	...	...	...	3	0
Forest oak	...	...	...	...	...	...	2	3

Trees not named in this list may be cut at the minimum girth endorsed on the license, or as specified in writing by the Forest Ranger in charge of the reserve.

10. A Register shall be kept by the licensee at some convenient place, showing particulars of timber felled on the block held by him; such Register shall be in the form provided by Schedule No 1 of these Regulations, and shall be open at any time to the inspection of the Forest Ranger in charge, or other person specially authorized by the Minister.

\* West of Great Dividing Range, 4 feet.

11. The Minister may make it a condition of sale that a specified portion of a block shall be worked out before another is entered upon.

12. Every person employed by the licensee in working or removing timber upon a State Forest shall hold a certificate in the prescribed form under the hand of the licensee, as provided by Regulation No. 73, and any person working upon a State Forest without such certificate, or failing to produce it for inspection upon the demand of any Forest Ranger, Crown Bailiff, Police Officer, or other person duly authorized, will be liable to be proceeded against under Regulation No. 87.

13. State Forest licenses shall be subject to Regulation No. 52, as to obstruction caused by felling trees; to No. 53, as to branding timber; to No. 54, as to cutting off tops of trees; to No. 56, as to felling trees on banks of rivers; to Regulation No. 58, as to removal of timber during currency of license, and generally as to provisions of these Regulations.

14. The transfer of a license shall only be allowed upon approval of the Minister.

15. No machinery or building shall be removed from a State Forest block until all moneys due to the Crown by the licensee shall have been paid.

#### TIMBER FOR PILES.

16. The Minister may grant to any person a permit or license to cut a specified number of piles or props, or to cut down and remove a specified number of trees, from any part of a State Forest; and he may fix and prescribe the terms and conditions under which such cutting will be permitted.

17. The Minister may, in any case where he deems it advisable, authorize the cutting down of young trees for the purpose of improving the growth of those remaining, and may fix the terms and conditions under which such young trees may be cut down and removed.

18. If it should appear that a State Forest license is not used *bonâ fide* for timber cutting purposes, the Minister may call upon the licensee to show cause why the license should not be cancelled; and if within one month cause be not shown to the satisfaction of the Minister, he may cancel the license, and all moneys paid on account thereof may be forfeited to the Crown.

19. No holder of a timber cutting block license shall prevent any duly authorized person from drawing timber across his block or licensed area.

#### TIMBER RESERVES.

20. Reserves for preservation of timber supply not proclaimed State Forests, may, for the purpose of these Regulations, be classed as Class A, Class B, or Class C, by notification in the Gazette: Provided that until otherwise classed, reserves proclaimed under the 39th section of the Lands Acts Amendment Act of 1875 shall be held to be of Class A, and all other timber reserves of Class B. And further, provided the classification of any reserve may be altered from time to time, as may be deemed expedient.

## TIMBER RESERVES, CLASS A.

## General Sawmill Permits.

21. General permits for the supply of timber for sawmill purposes shall not be issued for less than one month.

22. General permits may be obtained upon application to the Minister for Mines, forwarded through the Forest Ranger of the district, or, if there be no such Ranger, through the Crown Lands Bailiff. They will only be available for the reserve named in such permit, and may be restricted to a specified portion of a reserve or to a specified species of trees.

23. Timber felled under general permits shall, unless otherwise expressly ordered by the Minister, be subject to the royalty specified in Regulation No. 6.

24. Payment of royalty shall be made within one month after the timber has been felled, unless the time for payment be extended by the Minister; but no timber shall be removed from a reserve until such royalty be paid, or approved security be given, unless it be removed to an authorized depôt, as provided by Regulation No. 8.

25. Every person employed by the holder of a general permit in getting, felling, or removing timber shall hold a certificate in the prescribed form, under the hand of the licensee, as provided by Regulation No. 73. Any person working upon a reserve without such certificate, or failing to produce it for inspection upon the demand of any Forest Ranger, Crown Bailiff, or other person duly authorized, will be deemed guilty of an infringement of these Regulations, and liable to the penalty prescribed in that behalf.

26. Persons holding such general permits, or certificates issued under them, shall be subject to Regulation No. 9 as to minimum girth of trees to be felled, to No. 52 as to obstructions caused by felling trees, to No. 53 as to branding of timber, to No. 54 as to cutting tops off trees, to No. 57 as to stripping bark or felling the trees for the purpose only of obtaining the bark, to Regulation No. 59 as to limitation of quantity of felled timber lying upon a reserve at one time, to No. 58 as to removal of timber, to No. 83 as to wilful destruction of trees or saplings, and to the provisions generally of these Regulations.

## TREE PERMITS.

27. Permits may be issued subject to these Regulations for cutting and removing from a reserve a specified number and kind of trees on payment of a fee to be fixed according to the number and description of the trees: Provided that no such permit shall be issued for a less amount than *ten* shillings, and that the trees shall be felled and removed within the period named in such permit.

28. Such permits may be confined to certain portions of a reserve or to trees marked by a Forest Ranger. Every tree felled under such permits shall, if not marked by the Ranger, be branded or marked so that it may be recognized by the Ranger. Such permits shall be subject generally to these Regulations, and shall not be transferable. If any person under colour of any such permit cut down more or other trees than those prescribed or marked he shall be deemed guilty of an infringement of these Regulations, and liable to the penalty prescribed in that behalf.

## TIMBER RESERVES, CLASS B.

29. Lists showing the timber reserves, or portions of them open to the operation of timber-cutting permits under Class B, shall be exhibited at the Lands Office of the district in which such reserves are situated.

30. Upon application to the Land Agent of the district, or to the Forest Branch, Department of Mines, Sydney, or to such other place as the Minister may appoint, permit licenses, Class B, for cutting timber other than cedar, may be issued at a fee of £9 per annum, or 15s. for each month; such licenses shall not be for less than one month. For cedar permits the fee shall be £1 per month.

31. Each person employed on a timber reserve, Class B, in felling, cutting, or removing unworked timber must be provided with a permit, license, or certificate, and every such person shall be subject to Regulation No. 9 as to minimum girth of trees to be felled, to No. 61 as to the exemption of certain trees, to No. 52 as to obstructions caused by felling trees, to No. 53 as to branding timber, to No. 54 as to cutting tops of trees, to No. 56 as to felling trees on banks of rivers, to No. 57 as to felling or stripping trees for the purpose only of obtaining the bark, to No. 58 as to removal of timber during currency of license, to No. 59 as to limitation of quantity of felled timber lying upon a reserve at one time, and to the provisions generally of these Regulations.

## MINING-PROPS PERMITS.

32. Permits for cutting mining-props on timber reserves may be issued upon application to the Forest Branch, Department of Mines, Sydney, or to such other place as the Minister may appoint. The fee for cutting and removing mining-props shall be £3 per annum, or 15s. per quarter, or 5s. per month.

33. Mining-props permits shall only be available for the timber reserve named therein, and may be restricted to defined areas, and be subject to such conditions as the Minister may in each case direct.

34. Without special permission no props shall be cut so as to leave a greater distance between growing saplings or trees than may be specified on the permit.

35. A mining-props permit, or a certificate under Regulation No. 73, must be held by each person employed on a reserve of Class B in felling, preparing, or drawing props. Such permits or certificates shall be available only for the reserve for which they are issued, and shall be subject to Regulation No. 61 as to exemption of certain trees, to No. 52 as to obstructions caused by felling trees, to No. 53 as to branding timber, to No. 54 as to cutting tops of trees, to No. 55 as to furnishing particulars of timber lying felled, to No. 56 as to felling trees on banks of rivers, to No. 57 as to felling or stripping trees for the purpose only of obtaining the bark, to No. 58 as to the removal of timber during currency of license, to No. 59 as to limitation of quantity lying felled at one time, to No. 70 as to holding and producing licenses or certificates, and to the provisions generally of these Regulations.

## TIMBER RESERVES—CLASS C, FUEL RESERVES.

36. Lists showing the timber reserves, or portions of them, open to the operation of timber-cutters' licenses under Class C shall be exhibited at the Lands Office of the district in which such reserves are situated.

37. Timber-cutters' licenses may be issued on application to the Land Agent of the district, to the Forest Branch Department, of Mines,

Sydney, or to such other place as the Minister may appoint. The license may be issued for any term not exceeding six months at 10s. for each month.

38. The holder of a timber-cutters' license shall not fell more than three trees, until he shall have cut and split up such three trees, and the timber felled must be removed from the reserve during the currency of the license in accordance with Regulation No. 58.

39. Timber-cutters' licenses shall be available only for the reserve for which they are issued, and shall be subject to Regulation No. 61 as to exemption of certain trees, to No. 52 as to obstructions caused by felling trees, to No. 53 as to branding timber, to No. 54 as to cutting off tops of trees, to No. 55 as to forwarding particulars of felled timber claimed, to No. 56 as to felling trees on banks of rivers, to No. 57 as to felling or stripping trees for the purpose of obtaining the bark only, to No. 58 as to removal of timber, to No. 59 as to limitation of quantity, to No. 70 as to holding and producing licenses, and to the provisions generally of these Regulations.

#### RE-CLASSIFICATION OR CLOSING TIMBER RESERVES.

40. In cases where it may be deemed necessary to alter the classification or close a timber reserve or portion thereof against timber cutting, the Minister may demand the surrender of any license or permit authorizing timber cutting upon such land, and may authorize the refund of any fee paid in advance not exceeding an amount proportionate to the unexpired term of such right or license, or the permit or license may be transferred on endorsement by the Ranger in charge to another reserve or to a portion of a reserve of the same class as that for which the permit or license was issued.

### CROWN LANDS,

#### WOOD-CUTTERS' AND CEDAR LICENSES.

41. Wood-cutters' licenses to cut and remove wood from Crown Lands may be issued on application to a Land Agent, Clerk of Petty Sessions, or other officer duly authorized by the Minister in that behalf.

42. Such license shall not authorize the licensee to cut timber on any of the lands hereinafter described, viz. :—State forests, timber reserves, reserves proclaimed for public recreation, or for sites for towns or villages, or permanently dedicated for any public purpose, lands within  $1\frac{1}{2}$  chain of any navigable river, or held under conditional lease or measured for sale or within an enclosure of less than 200 acres, or within half-a-mile of a head station, or to cut any timber or description of timber the cutting of which may be prohibited by notice in the Gazette.

43. The fee for cutting and removing any kind of timber (not exempted or prohibited), except cedar, shall be £3 per annum, or 15s. per quarter, or 5s. per month.

44. For cedar where the cutting is not prohibited the license fee shall be £10 per annum, or £1 per month. No cedar tree of less girth than 9 feet, measured at 5 feet from the ground, shall be felled without special authority in writing from the Ranger of the District.

45. Wood-cutters' and cedar licenses shall only be available in the districts named in such licenses; they shall not be transferable, but licenses may be issued to contractors and other employers, as provided in Regulation No. 73.

46. A separate license or certificate must be held by every person engaged or employed in cutting, sawing, felling, splitting, or removing timber, and such license or certificate must be produced for inspection, as provided by Regulation No. 70, and shall be subject to Regulation No. 61 as to exemption of certain trees, to No. 52 as to obstructions caused by felling trees, to No. 53 as to branding timber, to No. 54 as to cutting tops of trees, to No. 55 as to forwarding particulars of felled timber claimed, to No. 56 as to felling trees on banks of rivers, to No. 57 as to stripping or felling trees for the purpose of obtaining the bark only, to No. 58 as to removal of timber, to No. 59 as to limitation of quantity, and to the provisions generally of these Regulations.

#### WATTLE BARK LICENSES.

47. Licenses to strip wattle bark or to strip the bark of such other trees as the Minister may permit to be stripped for tanning purposes, may be issued by any Land Agent, Clerk of Petty Sessions, or other person duly authorized, upon payment of the prescribed fee.

48. Such licenses shall ordinarily be in force from 1st September to 31st January following; they shall empower the holder to enter upon any Crown Lands open to the operation of wood-cutters' license, reg. No. 42, and shall be subject to these Regulations, excepting as to the stripping of bark. The fee shall be £2 for each license, excepting for licenses issued after 15th November, for which the fee shall be £1.

49. Excepting as otherwise provided in Regulation No. 9, no tree of less girth than 15 inches of the black or feather leaf species, nor less than 12 inches of the golden or broad leaf species of wattle, measured at 2 feet from the ground, shall be stripped.

50. The licensee will be required to thoroughly strip one tree before commencing to strip another.

51. The Minister may authorize the holder of a wattle bark permit to enter upon a State Forest or timber reserve and strip and remove therefrom bark of the kind specified in such permit, subject to such terms and conditions, and in the case of State Forests and timber reserves A and B, to such royalty as he may think fit to impose, provided that the royalty shall not be less than 5s. per ton.

#### GENERAL.

52. If any tree be felled in such a manner as to obstruct any road or track, the forest ranger may cause such obstruction to be removed at the expense of the licensee, or of the person felling the tree, should he neglect or refuse to perform the work.

53. The log and stump of each tree shall be marked by the person felling with the brand registered on the license, or with a distinctive mark or brand previously registered with the forest ranger in charge.

54. The tops of trees shall be cut off within seven days after felling, and, unless otherwise ordered by the Minister, or made a condition of the license, shall be drawn together so as not to encumber the ground.

55. Within twenty-one days of the 1st January, 1st April, 1st July, and 1st October, timber-getters and others claiming timber lying upon timber reserves or Crown Lands shall forward to the forest ranger of the district, or in case of their being no forest ranger to the nearest Crown bailiff, particulars of the quantity, description, and brands of the timber

claimed, with the date when felled, and locality where lying; and any timber found by the ranger or other person authorized in that behalf, for which such particulars are not furnished, will be held to be abandoned, and will be liable to seizure, forfeiture, and sale.

56. No tree shall be felled within a chain and a half of any navigable stream, unless such tree be previously marked for felling by a forest ranger or other person authorized in that behalf.

57. No bark shall be stripped from a standing tree, and no tree shall be felled for the sole purpose of obtaining the bark, provided this Regulation shall not apply to bark stripped under wattle license, or other trees ringbarked under the provision of the law.

#### REMOVAL OF TIMBER.

58. All timber felled on State Forests or timber reserves or Crown Lands, or bark stripped from trees thereon, shall be removed from Crown Lands during the currency of the license or permit under which it was felled or stripped respectively: Provided that if the Minister is satisfied that difficulties exist to the removal of the same within the prescribed period, he may extend such time for removal upon such terms and conditions as he shall think proper; and all such timber felled or bark stripped, which shall not be removed during the currency of such license, or during the further period allowed for that purpose by the Minister, shall be liable to be seized by and on behalf of the Government, and disposed of as directed by these Regulations.

59. No person shall be allowed to hold more than 50,000 superficial feet of timber on any timber reserve or Crown Lands at one time under one license unless it be drawn to a sawmill yard or depôt. Should any person acquire through purchase or transfer more than that quantity he must apply for a separate license for each 50,000 feet or portion thereof in excess, but the Minister may refuse to permit any person to hold more than the first-named quantity should he think fit: And in the case of contractors and others employing a number of men he may increase the maximum quantity to be held under one license at one time.

#### VILLAGE RESERVES, &c.

60. In cases where it may be advisable to permit the cutting of timber on reserves exempted under Regulation No. 42, and not comprised in a State Forest or timber reserve, the Minister may grant permission under such class of permits or licenses, and under such special conditions as he may think fit, and such permit or license shall be subject to these Regulations.

#### EXEMPTION OF CERTAIN TREES FROM OPERATION OF LICENSES.

61. The kurrajong and quandong trees are exempted from the operation of all timber licenses or permits, and cutting them down is prohibited; but in time of drought if the leaves of the kurrajong tree are required for feed for stock, the lighter branches may be lopped.

Any other description of trees in specified localities may be from time to time exempted from the operation of all licenses and permits, and the felling prohibited by notice in the Gazette.

QUARRY, SAND, AND SHELL LICENSES—QUARRY LICENSES AND PERMITS.

62. Licenses to dig for and remove from Crown Lands any gravel, stone, sand, clay, shells, earth, or other material not being timber or bark, may be issued upon application to a Land Agent or other person duly authorized.

63. Excepting as hereinafter provided such licenses shall not apply to lands hereinafter described, viz., land specially set apart for or held under quarry or brick-making permits, lands proclaimed as State Forests or timber reserves, classes A and B, reserves for public recreation or other public purposes, lands dedicated to public purposes, lands within the boundaries of any city, town, or village, or within half-a-mile of any head station—without permission of owner—lands held under conditional lease or special lease, or land measured for sale, or within an enclosure of less than 200 acres, or lands proclaimed by notice in the Gazette as specially exempted from quarry licenses.

64. The fee for quarry, sand, and shell licenses shall be £4 per annum. Licenses will ordinarily be in force from the day of issue to the 31st December then next ensuing, but licenses may be granted at any time, available to the end of the current quarter or half-year, for which one-quarter or one-half the prescribed fee shall be charged.

65. A separate license or certificate must be held by every person employed in digging, quarrying, or removing stone, sand, clay, earth, shells, and similar material.

66. Notwithstanding the exceptions in Regulation No. 63, the Minister may authorize the holder of a quarry license to enter upon any unalienated land specified in such permission, not being a conditional leasehold, for the purpose of getting or removing material required by the licensee, subject to such restrictions and conditions as the Minister may think fit to impose.

PERMITS FOR QUARRYING, BRICKMAKING, AND SIMILAR PURPOSES.

67. The Minister may grant quarrying or brickmaking permits, authorizing the holders to occupy specified portions not exceeding 1 acre of quarry, State forest, timber, or other reserves, for the purpose of quarrying stone, digging, or removing brick-earth, &c.

68. The permit fee shall not be less than £10 per annum, and £1 for each man employed thereunder in quarrying, digging, or removing the unworked material.

69. No excavating by quarry license or permit holder shall be made so as to cause injury to any road or track; and the Minister, should he consider it necessary, may require licensees to erect a sufficient fence or barrier around any excavation before it is made more than 20 inches deep.

70. A permit, license, or certificate must be held by each person getting, felling, cutting, or removing timber, or in digging for and removing gravel, stone, clay, shells, or other material on State forests, timber reserves, or Crown lands; such permit, license, or certificate must be produced upon the demand of any forest ranger, Crown bailiff, police officer, or other authorized person.

## GENERAL.

71. Excepting as herein expressly provided, permits and licenses under these Regulations shall not be transferable, and shall confer no right of grazing.

72. The Minister may impose special conditions upon holders of any permit or license.

LICENSES OR PERMITS FOR SAWMILLS, CONTRACTORS, AND OTHERS,  
EMPLOYING A NUMBER OF MEN.

73. Holders of block-licenses, or sawmill owners who hold a general permit, may employ any number of men, and contractors or others who hold two or more permits or licenses may employ one man for every permit or license held; and such licensees, owners, contractors, or others may, on application to the Forest Branch, Department of Mines, obtain certificates in the form of Schedule, one of which they shall issue to each man employed by them upon a reserve or upon Crown lands.

The permit holder or licensee, upon issuing a certificate, shall, as soon as practicable, forward a duplicate thereof to the forest ranger of the district, or if in the western division of the Colony to the nearest Crown Lands bailiff, and retain the butt; the date of discharge of any person to whom a certificate has been issued should be entered by the permit holder or licensee on the butt.

74. A certificate shall be subject to the same conditions and restrictions as the permit or license under which it is issued, and shall become void if the holder leave the employ of the licensee by whom it is issued.

SITES FOR SAWMILLS AND AGISTMENT AREAS.

75. Licenses for the sites of sawmills upon State forests, timber reserves, or Crown lands, where such lands are available for the purpose, may be granted for areas not exceeding 10 acres, at a fee of £3 for the first 5 acres, and 1s. for each acre additional.

76. Licenses for agistment of stock upon State forests, timber reserves, or Crown lands, where such lands are available, may be granted for areas not exceeding 160 acres, at an annual fee of £5 for 40 acres, and 1s. for each acre additional.

77. Such license will be concurrent with the block license or permit in virtue of which it is held.

78. Applications describing clearly the boundaries of the land applied for, and accompanied with a bank draft or post office order for the amount of fee payable to the Under Secretary for Finance and Trade, may be addressed to the Minister for Mines, and forwarded through the forest ranger of the district, who will transmit it with his report. Should there appear no objection the applicant may be permitted to occupy the area applied for, or with boundaries so modified and under such special conditions as the Minister may direct.

79. Sawmill sites and agistment area licenses will confer no right to cut timber, and they must be used *bonâ fide* for the purposes for which they are granted, or they will forthwith become void.

PENALTIES.

(Seizures and Confiscations.)

80. All timber, bark, stone, shells, and other material which there may be good reason to believe has been cut or obtained or drawn from State forests, timber reserves, or other Crown lands, without authority,

or contrary to the provisions of these Regulations, may be seized by any forest ranger, Crown bailiff, police officer, or other person duly authorized in that behalf; notice of such seizure in writing shall be posted up at the nearest Court of Petty Sessions of the District, and unless a claim to such material shall be made, and the legal ownership established to the satisfaction of a Bench of Magistrates at the first Court of Petty Sessions held fourteen days after notice of such seizure has been fixed, the timber or material may be sold: Provided, however, the claim may be heard before fourteen days have expired, should the parties to the seizure have received sufficient notice to enable them to attend. If the claimant prove to the satisfaction of the Bench that he has duly complied with these Regulations, and is otherwise lawfully entitled thereto, the restoration of the seized timber or material may be ordered. If the claimant fail to so prove his claim the timber or material shall be confiscated.

81. Timber, bark, or other material forfeited, abandoned, or confiscated, may, if necessary, be removed to any convenient place, and may be sold by auction or by private contract, in such manner as the Minister may from time to time direct, and the proceeds of such sale, after deduction of expenses, shall be paid into the Consolidated Revenue.

82. Any person cutting or removing timber other than firewood for his own use, or who shall strip or cause to be stripped, the bark of any tree, or obtain stone, soil, brick-earth, sand, shells, or other material from Crown lands, or lands granted, reserved, or dedicated without holding a license or permit, will be proceeded against as by law provided.

83. Any persons barking or wilfully destroying any sapling or tree (other than wattle-tree), or chopping so as to have the effect of destroying a tree without felling it, shall be liable to a penalty of not less than 1s. nor more than 10s. for each tree destroyed: Provided no penalty shall be incurred in the case of trees ringbarked or thinned out under the authority of the Minister, or in the case of persons cutting tracks necessary for the removal of timber.

84. Any person maliciously injuring any tree or plant in a forest, nursery, or plantation shall be liable to a fine not exceeding £10 for the first offence, and not less than £2 nor exceeding £20 for the second offence: Provided that in the case of minors under the age of sixteen, the Bench may reduce the minimum penalty for the second offence named herein.

85. Any person disobeying, infringing, or violating the provisions or conditions of these Regulations, or the conditions of any license, permit, or certificate thereunder held by him, will be liable to a fine not exceeding £5 for the first offence, not exceeding £10 for the second offence, and not exceeding £20 for the third, exclusive of the value of the material destroyed.

86. The breach of any condition or obligation, or the failure to perform any act or matter specified in any such license, permit, or certificate issued under these Regulations, shall have the effect of voiding such license, permit, or certificate liable to forfeiture, and the Minister may thereupon or thereafter declare such license, permit, or certificate forfeited.

87. The value of any stone or other material illegally taken from Crown lands or reserves, or the cost of removing obstructions (Regulation No. 52), may be sued for and recovered on behalf of the Crown.



## Form 2.

Crown Lands Act of 1884—(Part II, Section 14, Sub-sections 2 and 9.)

*Summons of a Witness.*New South Wales }  
to wit. }

To \_\_\_\_\_ of \_\_\_\_\_

WHEREAS in a certain matter wherein [*here set out the nature, the matter, names of parties, &c.*] it hath been made to appear that you are likely to give material evidence touching the said matter : These are, therefore, in Her Majesty's name, to command you to be and appear on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ instant, at ten of the clock in the forenoon, at [*“Land Board Office,” “Court-house,” or other building, as the case may be*], at [*name of town*], and then and there give such evidence, and testify to what you may know concerning the matter, and produce all books, papers, deeds, and documents, particularly—  
which may be in your possession or under your control, having any reference to the matter under investigation, and so attend from day to day till the said matter be disposed of.

Given under my hand, at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

(Chairman or Member of the Local Land Board.)

## Form 3.

C.P. No. \_\_\_\_\_ of 18 .

Crown Lands Act of 1884—(Part III, Sections 24, 26, and 47.)

*Application for Conditional Purchase.*

[State Division] Division, Land District of \_\_\_\_\_

(Name of Applicant.) [State all the Christian names and surname in full.]

Area \_\_\_\_\_ acres \_\_\_\_\_ roods \_\_\_\_\_ perches.

[Give Address and nearest Post Town.] \_\_\_\_\_

18 .

To the Land Agent at \_\_\_\_\_

I HEREBY apply for \_\_\_\_\_ acres \_\_\_\_\_ roods \_\_\_\_\_ perches of Crown Lands as [*state whether an “Original Conditional Purchase,” or an “Additional Conditional Purchase,” or within a special area, or under Section 47*] and I tender the sum of £ \_\_\_\_\_ being a deposit of \_\_\_\_\_ per acre thereon. A description of the land applied for is on the back hereof, (\*) and the prescribed declaration is attached hereto. The land applied for [*“is” or “is not”*] improved. [*If the land applied for is not improved strike out the unnecessary words. If the land is improved, describe the improvements. Vide section 25.*] The nature and position of the improvements are as follows :—

(\*) DESCRIPTION of the land applied for.

Division, County of \_\_\_\_\_ parish of \_\_\_\_\_ acres \_\_\_\_\_ roods \_\_\_\_\_ perches  
[within special area notified in the Gazette on the \_\_\_\_\_ day of \_\_\_\_\_ 18 ]:  
Commencing at [*give the position of the tree or post by reference to the nearest measured portion where practicable, of which give the parish number. Where a measured portion cannot be referred to, give some other reference by which the stake can be easily found*]; and bounded thence by lines [*give such a description as will admit of the ready identification of the land applied for, setting out the direction of boundary lines and all other particulars, so that the land applied for can be plotted*]

on the office maps : if within a special area, state so, and also date of proclamation], I [“ marked the tree,” or “ affixed the post”] referred to above, on the \_\_\_\_\_ day of 18 .

PRESENT AND ALL PREVIOUS HOLDING OF THE SAME SERIES.\*

Conditional Purchases.			Conditional Leases.		
L.A. No.	Date of Application.	Area.	L.A. No.	Date of Application.	Area.
Total ..			Total ..		

Signature of the {  
applicant and  
date.

This is the application marked A referred to in the annexed declaration of \_\_\_\_\_ made before me at \_\_\_\_\_ this \_\_\_\_\_ 18 .

J.P., &c.

This application (together with the deposit of £ \_\_\_\_\_) was lodged with me by \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18 , at \_\_\_\_\_ minutes past \_\_\_\_\_ of the clock \_\_\_\_\_ noon.

Land Agent at \_\_\_\_\_

\*This Schedule is only required when the application is for an Additional Conditional Purchase.

Form 4.

C.P. No. \_\_\_\_\_ of 18 .

Crown Lands Act of 1884—(Part III, Sections 24, 26, and 47.)

Declaration by Applicant for a Conditional Purchase to accompany Application.

I [Christian names and surname in full] of [residence and occupation] do hereby solemnly declare and affirm that I am the applicant for the Conditional Purchase, as described in the application hereto annexed and marked A, and that the several answers to the questions in the Schedule hereto are true and correct. And I make this solemn declaration as to the several matters aforesaid, according to the law in this behalf made, and subject to the punishment by law provided for any wilfully false statement in any such declaration.

(Signature of Declarant.)

Made before me at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

[Must be attested by a Magistrate, Commissioner of the Supreme Court for taking Affidavits, Notary Public, or Land Agent.]

C.P. No. \_\_\_\_\_ of 18 .

Crown Lands Act of 1884—(Part III, Sections 24, 26, and 47.)

SCHEDULE.

(The answers to the following questions must be fully and accurately given.)

- What is your name?
- What is your age?
- State year and date of birth.
- Are you married, single, a widower, or widow?
- Where have you resided for the past two years?\* and have you during that period borne any name or names other than your present names—and if so, what?
- Have you been in the employment of any person during the last two years? If so, state whom.\*

\* These particulars may be omitted in the case of an Additional Purchase.

Do you intend using the land now applied for solely for your own use and benefit?

Have you entered into any agreement or arrangement by which any person other than yourself can acquire any interest in the land you apply for?

Is there any understanding, between you and any person, in reference to the land applied for, that will tend to defeat or evade the provisions of the Crown Lands Act of 1884?

Are you under any obligation that will prevent you from fulfilling the law in regard to the land you apply for?

Do you hold any land from the Crown requiring residence at the present time?\*

Do you hold any Conditional Purchases or Conditional Leases? If so, state the Land District in which they are situated, and the respective dates of taking up the same.\*

Do you already hold a Conditional Purchase, without conditions of residence, under the Crown Lands Act of 1884?†

Have you at any time made any Conditional Purchase of any kind under the Crown Lands Act of 1884, or any of the repealed Acts?†

If you hold Conditional Purchases, are they mortgaged or encumbered in any way, and if so, to whom?

Do you understand the conditions of residence and fencing required by the Crown Lands Act of 1884?

Give your Address and Post Town.

(Signature of Applicant)

(Signature of Attesting Witness)

\* These particulars may be omitted in the case of an Additional Purchase.

† Where the application being made is for a Conditional Purchase not under Section 47 of the Act no answer need be inserted here.

### Form 5.

Crown Lands Act, 1884—(Part III, Section 30.)

#### *Caveat against Application.*

TAKE notice that I [*name of Caveator in full*] of [*address and occupation or description*] claiming a right to the land applied for by [*name of applicant in full*] on the       day of       , 18       , at the Lands Office at       as [*Here state the nature of application*] object to the confirmation by the Local Land Board of the application for the said land. And I deposit herewith the sum of £10 to be dealt with by the said Board, as provided by the Crown Lands Act of 1884. My objections to the confirmation of the said application are as follows [*here state the objections fully and clearly*]:—

Dated this       day of       , 18       .  
(Signature of Caveator.)  
(Address.)

To the Local Land Board at

### Form 6.

Crown Lands Act of 1884—(Part III, Sections 29 and 48.)

#### *Confirmation or Disallowance by Local Land Board of an Application.*

New South Wales }  
to wit. }

WHEREAS, on the       day of       18       , [*name of applicant*] of       lodged with the Land Agent at       an application, No.       , 18       , for       acres       roods and       perches of Crown Land in the County of       parish of       , as [*give designation of application*]; and the said application having been received by the Local Land Board, and it appearing to the said Board [*“by inquiry made,” or “the report of the District Surveyor”*] that the land applied for [*“is” “is partly” or “is not”*] available, these are therefore to [*“confirm” or “disallow”*] the said application, and the same is [*“confirmed” or “disallowed”*] accordingly.

Given under my hand, at the Office of the Local Land Board at       , this  
day of       18       .

Chairman.

**Form 7.**

Crown Lands Act of 1884—Part III, Section 22.)

*Application by a Conditional Purchaser to the Local Land Board for Certificate that he has been compelled, from adverse circumstances, to vacate or abandon his Conditional Purchase.*

WHEREAS on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, I, the undersigned, lodged with the Land Agent at \_\_\_\_\_ an application for the Conditional Purchase of \_\_\_\_\_ acres \_\_\_\_\_ roods \_\_\_\_\_ perches of Crown Lands in the County of \_\_\_\_\_ parish of \_\_\_\_\_ and the application for the same was confirmed by the Local Land Board on the \_\_\_\_\_ 18\_\_\_\_, and having made such Conditional Purchase *bona fide* and in my own interest, I was afterwards compelled from the adverse circumstances as set out on the back hereof\* to [“vacate” or “abandon”] the same, I hereby apply for a certificate that I was compelled to [“vacate” or “abandon”] the said Conditional Purchase.

(Signature of Applicant.)

(Address.)

(Date.)

To the Local Land Board at \_\_\_\_\_

\*The adverse circumstances referred to to be here fully set out.

(Signature of Applicant.)

**Form 8.**

Crown Lands Act of 1884—(Part III, Section 22.)

*Certificate by Local Land Board that a Conditional Purchaser has, through adverse circumstances, been compelled to vacate or abandon his Conditional Purchase.*

WHEREAS [name of Conditional Purchaser in full] on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, lodged with the Land Agent at \_\_\_\_\_ an application for the Conditional Purchase of \_\_\_\_\_ acres \_\_\_\_\_ roods \_\_\_\_\_ perches of Crown Lands, situated in the County of \_\_\_\_\_ parish of \_\_\_\_\_ and on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, the application was confirmed by the Local Land Board, and the said [name of Conditional Purchaser in full] having made application for a certificate that, through adverse circumstances, he has been compelled to [“vacate” or “abandon”] the said Conditional Purchase; and the Local Land Board having inquired into the matter, hereby certify that the said [name of Conditional Purchaser in full] conditionally purchased the said land *bona fide* and solely in his own interest, and was compelled, through adverse circumstances, to [“vacate” or “abandon”] the same.

Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, at the Local Land Board Office at \_\_\_\_\_

Chairman.

**Form 9.**

Crown Lands Act of 1884—(Part III, Section 36.)

*Caveat against issue of Certificate of Conformity.*

TAKE notice that I object to the issue of a Certificate of Conformity in respect of the Conditional Purchase hereunder described. And I deposit herewith a sum of £10, to be dealt with as provided by the Crown Lands Act of 1884. My objections to the issue of such Certificate are as follows [here state the objections fully and clearly]:—

PARTICULARS of Conditional Purchase referred to.

Division, County of \_\_\_\_\_, parish of \_\_\_\_\_, acres \_\_\_\_\_  
roods \_\_\_\_\_ perches, being No. \_\_\_\_\_ of 18\_\_\_\_. Land District of \_\_\_\_\_.

Selected by \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_.

(Signature of Caveator.)

To the Local Land Board at \_\_\_\_\_

**Form 10.**

Crown Lands Act of 1884—(Part III, Section 36.)

*Certificate of Board of Fulfilment of certain Conditions where no Caveat has been lodged against the issue thereof.*

WHEREAS [name of Conditional Purchaser in full] is the holder of an ["original" or "additional"] Conditional Purchase of acres roods perches, made on the day of 18 , at the Crown Lands Office at and situated in the Division, County of parish of being portion No. and C.P. No. of 18 . And the term of residence having expired on the said purchase, and the Local Land Board having inquired into the matter as to whether all the conditions applicable to a Conditional Purchase, except that of payment of balance of instalments, have been duly complied with, and notice having been published in the Gazette of the intention of such Board to issue a Certificate that such conditions have been complied with, and thirty days from the publication of such notice having expired, and no Caveat against the issue of such Certificate having been lodged, the said Local Land Board being satisfied, after due inquiry, hereby certify that all the conditions as aforesaid have been duly complied with in regard to the Conditional Purchase before mentioned.

Given under my hand, at the Office of the Local Land Board at in the Colony of New South Wales, this day of 18 .

Chairman.

**Form 11.**

Crown Lands Act of 1884—(Part III, Section 36.)

*Certificate of Board of Fulfilment of certain Conditions where Caveat has been lodged against the issue thereof.*

WHEREAS [name of Conditional Purchaser in full] is the holder of an ["original" or "additional"] Conditional Purchase of acres roods perches, made on the day of 18 . at the Crown Lands Office at and situated in the Division, County of parish of being portion No. and C.P. No. of 18 . And the term of residence having expired on the said purchase, and the Local Land Board having inquired into the matter as to whether all the conditions applicable to a Conditional Purchase, except that of payment of balance of instalments, have been duly complied with, and notice having been published in the Gazette of the intention of such Board to issue a certificate that such conditions had been complied with, and before the expiration of thirty days from the publication of such notice a Caveat against the issue of such Certificate having been lodged by [name of Caveator] and the said Board having dealt with and disposed of the said Caveat, as provided by the Crown Lands Act of 1884, hereby certify that all the conditions as aforesaid have been duly complied with as regards the Conditional Purchase before mentioned.

Given under my hand, at the Office of the Local Land Board, at in the Colony of New South Wales, this day of 18 .

Chairman.

**Form 12.**

Crown Lands Act of 1884—(Part III, Section 39.)

*Report by Board that conditions of residence and fencing have not been fulfilled.*

WHEREAS [name of Conditional Purchaser] applied at the Land Office at on the day of 18 , for acres roods perches of Crown Lands, situated in the Division, County of parish of being C.P. No. of 18 , and afterwards on the day of 18 , the Local Land Board confirmed the said application, the said Board hereby reports that, after due inquiry held for that purpose, the said Board is of opinion that the prescribed conditions of residence and fencing have not been fulfilled on the before-mentioned conditional purchase.

Given under my hand, at the Office of the Local Land Board, at this day of 18 .

Chairman.

To the Under Secretary for Lands, Sydney.

**Form 13.**

C.P. No. \_\_\_\_\_ of 18 .

Crown Lands Act of 1884—(Part III, Section 34.)

*Declaration by Conditional Purchaser of Fulfilment of Conditions at the end of Three Years from Confirmation of Application.*

I [*name in full of Conditional Purchaser*], of \_\_\_\_\_ in the Colony of New South Wales, do hereby solemnly declare and affirm that I am the lawful owner of the land described at the foot hereof as an [*“original” or “additional”*] Conditional Purchase under the Crown Lands Act of 1884. And I further declare and affirm that I have fulfilled the condition of residence to the present date, and the condition of fencing, as required by the said Act. And I make this solemn declaration as to the matters aforesaid, according to the law in this behalf made, and subject to the punishment by law provided for any wilfully false statement in any such declaration.

Taken and declared at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18 .  
Before me, \_\_\_\_\_ Land Agent.

DESCRIPTION referred to above.

County of \_\_\_\_\_ parish of \_\_\_\_\_, acres, being Conditional Purchase No. \_\_\_\_\_ of 18 , made at the Land Office at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 18 . The application was confirmed on the \_\_\_\_\_ day of \_\_\_\_\_ 18 .

**Form 14.**

No. of \_\_\_\_\_ 18 .

Crown Lands Act of 1884—(Part III, Section 34.)

*Declaration by Conditional Purchaser of Fulfilment of the complete term of Residence.*

I [*name in full of Conditional Purchaser*], of \_\_\_\_\_ in the Colony of New South Wales, do hereby solemnly declare and affirm that I am the lawful owner of the land described at the foot hereof as an [*“original” or “additional”*] Conditional Purchase under the Crown Lands Act of 1884: And I further declare and affirm that I have fulfilled the complete term of residence as required by the said Act: and that I have maintained the required fencing in good repair and condition. And I make this solemn declaration as to the matters aforesaid according to law in this behalf made,—and subject to the punishment by law provided for any wilfully false statement in any such declaration.

Taken and declared at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18 .  
Before me, \_\_\_\_\_

Land Agent.

DESCRIPTION referred to above.

County of \_\_\_\_\_, parish of \_\_\_\_\_, acres, being Conditional Purchase No. \_\_\_\_\_ of 18 , made at the Land Office at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 18 . The application was confirmed on the \_\_\_\_\_ day of \_\_\_\_\_, 18 .

**Form 15.**

Crown Lands Act of 1884—(Part III, Section 36.)

*Application by Conditional Purchaser to Local Land Board for Certificate of Fulfilment of Conditions.*

WHEREAS I [*name of applicant in full*] am the holder of an [*“original” or “additional”*] Conditional Purchase of \_\_\_\_\_ acres \_\_\_\_\_ roods \_\_\_\_\_ perches, situated in the County of \_\_\_\_\_, parish of \_\_\_\_\_, applied for by me on the \_\_\_\_\_ day of \_\_\_\_\_, 18 , at the Land Office at \_\_\_\_\_, the application for which was confirmed by the Local Land Board on the \_\_\_\_\_ day of \_\_\_\_\_, 18 ; and whereas I have fulfilled all the conditions appertaining to such conditional purchase, except the payment of balance of instalments, I hereby apply for a certificate that I have fulfilled all the conditions as aforesaid.

(Signature of Applicant.)

The Local Land Board at \_\_\_\_\_

(Address.)

## REGULATIONS.

## Form 16.

Crown Lands Act of 1884—(Part III, Section 35.)

*Application for conversion of Conditional Purchase under Act of 1861 into a purchase under the Act of 1884, as regards payment of balance.*

TAKE notice that I [“*name of Conditional Purchaser*”] being the holder of the Conditional Purchases noted at the foot hereof, made before the commencement of the Crown Lands Act of 1884, hereby apply to convert the same—so far as regards the unpaid balance of purchase money—into [“*a holding*” or “*holdings*”] under the conditions of payment prescribed by the thirty-fifth section of the said Act.

Signed by me this            day of            , 18    , at

DESCRIPTION of the Purchases referred to above:—

C.P. No. and year.	Date of Application.	Area.	County.	Land District.

To the Chairman of the Local Land Board at

NOTE.—This Form when received by the Board must be sent to the Land Agent, and after having been noted in his Register shall be transmitted to the Treasury.

## Form 17.

Crown Lands Act of 1884—(Part III, Section 22.) V.G.—I.

## VOLUNTEER ORDER SELECTION.

*Application by            of            for a Grant of Fifty Acres of Land, under clauses 44 and 45 of the Volunteer Regulation Act of 1867.*

RECEIVED with Certificate, this            day of            18    , at            o'clock, by  
Land Agent.

18    .

In virtue of the enclosed Certificate, I hereby apply for a Grant of fifty acres of unimproved Crown Land, hereunder described.

(Signature.)

(Address, and nearest Post Town.)

The Land Agent,

## DESCRIPTION.

County of            parish of            Commencing



## Form 20.

No.                      of 18 .

Crown Lands Act of 1884—(Part III, Section 46.)

*Application for the Purchase of Improved Crown Lands on Gold-fields.*

RECEIVED by me, the                      day of                      , 18 .                      Land Agent at                      .

(Address—Post Town.)

(Date.) 18 .

HAVING [“erected” or “become the proprietor of”] the improvements described hereunder, and which are now my property, I have the honor to apply that I may be permitted to purchase, without competition, under the forty-sixth section of the Crown Lands Act of 1884, the land on which the said improvements stand.

I am the holder of a [“business license” or “miner’s right”] No.                      , issued at                      on the                      18 , being a renewal of [state particulars of previous business license or miner’s right.]

## IMPROVEMENTS.

Description of Improvements.	Value.		

## DESCRIPTION OF Land applied for.

County of                      , parish of                      , town of                      , gold-field [if unmeasured land be applied for describe it accurately] acres                      roods                      perches.

(Signature of Applicant.)

The Land Agent at                      .

## Form 21.

Crown Lands Act of 1884—(Parts III and IV, Sections 33, 47, 51, and 82.)

*Application for Extension of Time to complete Fencing.*

I HEREBY apply for [state the time applied for] as an extension of time within which I may complete fencing on my [“conditional purchase,” “conditional lease,” or “homestead lease,”] of                      acres                      roods                      perches, made at on the                      day of                      18 .

The reason for this application being that [state reason].

(Signature of Applicant.)

Signed this                      day of                      18 .

To the Local Land Board at                      .

## Form 22.

Crown Lands Act of 1884—(Part III, Sections 33, 47, 51.)

*Application for Partial Exemption from Fencing.*(Post Town.)  
(Date.) 18 .

IN accordance with the provisions of the Crown Lands Act of 1884, I [insert Christian and surname in full] hereby apply that I may be granted an exemption from fencing that portion of the boundary of my Conditional [“Purchase” or

“Leasehold”) (hereunder specified) which has a frontage to [state river, creek, or other natural boundary, together with a sufficient description to identify the boundary].

(Signature of Applicant.)

To the Local Land Board at

DESCRIPTION of Conditional Lease :—

No. of Conditional Lease.	Date of Application.	Land District.	Date of Confirmation.

**Form 23.**

Crown Lands Act of 1884—(Section 141.)

*Claim for contribution in respect of Fencing.*

(Address—Post Town.)

(Date.) 18 .

HAVING [“erected,” “maintained in good repair,” or “erected and maintained in good repair”] fencing along the common boundary line between my [here give particulars of holding, as “Conditional Purchase No. 4 of 1885, 300 acres,” and “Conditional Lease No. 14 of 1885, 900 acres”] Land District of County of parish of and Mr. ’s [here give particulars of holding, as “Conditional Purchase No. 4 of 1885, 300 acres,” and “Conditional Lease No. 14 of 1885, 900 acres”] Land District of County of parish of as per diagram hereon, I hereby claim from the said a contribution of one-half the cost thereof, and request that you will appraise the value of such [“fencing,” “maintenance,” or “fencing and maintenance”] and proceed in the premises according to law.

(Signature.)

The Local Land Board at

DIAGRAM :—

**Form 24.**

Crown Lands Act of 1884—(Part VII, Section 141.)

*Notice by Local Land Board to Contributory of intention to appraise cost of Fencing, &c.*

New South Wales }  
to wit. }

To of

A CLAIM having been made by for a contribution of one-half the cost of [“erecting,” “maintaining in good repair,” or “erecting and maintaining in good repair”] fencing along the common boundary line between his [here give particulars of holding, as “Conditional Purchase No. 4 of 1885, 300 acres,” “Conditional Lease No. 14 of 1885, 900 acres,” or other general particulars identifying the holding] Land District of County of parish of and your [here give particulars of holding, as “Conditional Purchase No. 4 of 1885, 300 acres,” “Conditional Lease No. 14 of 1885, 900 acres,” or other general particulars identifying the holding] Land District of County of parish of you are hereby notified that the Local Land Board for this District will hold a meeting at the at on the day of 18 , at the hour of o’clock in the noon (and afterwards from day to day until the matter be disposed of), for the purpose of appraising such cost and determining the amount (if any) you are liable to pay as a contributory thereto.

Given under my hand at this day of 18 .

Chairman of the Local Land Board at

*Declaration of Service.*

I [*Christian and surname in full*], of [*address and occupation*] do solemnly and sincerely declare and affirm that on the            day of           , 18   , I served a copy of the within notice upon [*Christian and surname in full*] the person to whom it is addressed, by [*if personal service, add "delivering the same to him personally at           "; if otherwise, "leaving the same with (state name and relationship, if any, to person noticed) at his last (or most usual) place of abode at           "*]. And I make this solemn declaration as to the several matters aforesaid, according to the law in this behalf made, and subject to the punishment by law provided for any wilfully false statement in any such declaration.

(*Signature of the Declarant.*)

Made before me, at            this            day of            18   .

[*Must be attested by a Magistrate, Commissioner of the Supreme Court for taking Affidavits, Notary Public, or Land Agent.*]

**Form 25.**

No.            of 18   .

Crown Lands Act of 1884—(Part III, Section 61.)

*Application to remit the Value of Improvements.*

(*Address—Post Town.*)

(*Date.*)

I [*Christian name and surname in full*], hereby apply that the amount added to the upset price of portion No.            of            acres            roods and            perches, parish of            County of            (advertised for sale at auction on the day of            18   ) as the value of improvements particularly specified in the Schedule hereunder, may be remitted to me, in pursuance of the provisions of section 61 of the Crown Lands Act of 1884.

The said improvements have been erected by me under misapprehension, for the following reasons :—

[*Here state fully the reasons for erection of the improvements.*]

(*Signature of Applicant.*)

## SCHEDULE.

Nature of Improvement.	Value.	Date of commencement.	Date of completion.	Remarks.

NOTE.—See Form of Declaration to be made by Applicant, on the back hereof.

I [*name in full*], of            in the Colony of New South Wales, do hereby solemnly declare and affirm that the particulars set forth in the Application and Schedule on the other side hereof are true and correct. And I make this solemn declaration, as to the matters aforesaid, according to the law in this behalf made, and subject to the punishment by law provided for any wilfully false statement in any such declaration.

(*Signature of Declarant.*)

Taken and declared at            this            day of            18   , before me,

*A Magistrate, Commissioner for Affidavits, or Land Agent.*

**Form 26.**

No. of 18 .

Crown Lands Act of 1884—(Part III, Sections 63, 64, 66, and 67.)

*Application for a Special Purchase under the Crown Lands Act of 1884.*

RECEIVED the sum of £10, being the deposit required on this application.

The Treasury, New South Wales, 18 .

(Post Town.)

(Date.) 18 .

IN accordance with the provisions of section of the Crown Lands Act of 1884, I [*insert Christian name and surname in full*] hereby apply [*insert here—“for the rescission of reservation of water frontage of the land:” “for the reclamation and purchase of the land below high-water-mark:” “for the purchase of the land to which no way of access exists:” “for the closing and purchase of the unnecessary road:” &c., &c., as the case may be*] hereunder described. A receipt is hereon, showing that the sum of £10 has been lodged with the Colonial Treasurer on account of such application.

Annexed hereto is a plan illustrative of the position of the area applied for.

(Signature of Applicant.)

To the Under Secretary for Lands.

DESCRIPTION of Land applied for:—

Division, county of , parish of

**Form 27.**

No. of 18 .

Crown Lands Act of 1884—(Part III, Section 67.)

*Application by a Conditional Purchaser for the Closing and Purchase of an unnecessary Road.*

RECEIVED the sum of £10, being the deposit required on this application.

Pro Treasurer.

The Treasury, New South Wales, 18 .

(Post Town.)

(Date.) 18 .

In accordance with the provisions of section 67 of the Crown Lands Act of 1884, I [*insert Christian name and surname in full*] hereby apply for the closing of the unnecessary road hereunder described, and the addition of the area comprised therein to my Conditional Purchase No. of 18 , taken up at on the day of 18 . A receipt is hereon, showing that the sum of £10 has been lodged with the Colonial Treasurer on account of such application. Annexed hereto is a plan illustrative of the position of the road referred to.

(Signature of Applicant.)

To the Under Secretary for Lands.

DESCRIPTION of Land applied for:—

Division, County of parish of acres.

**Form 28.**

Crown Lands Act of 1884—(Part III, Section 65.)

*Caveat against Special Purchase.*

TAKE notice that I [*name of Caveator in full*] of [*address and occupation of Caveator*] feeling aggrieved at the intention of the Governor to authorize the [*insert here “rescission of reservation of water frontage of the land” or “the reclamation and purchase of land below high-water-mark,” as the case may be*] applied for by of as published in the Government Gazette of the

day of 18 , (No. ) do hereby object to such authorization. Hereon is a receipt showing that the sum of £10 has been paid to the Colonial Treasurer as a deposit in respect of this Caveat, to be dealt with as provided by the Crown Lands Act of 1884.

My objections to the issue of the said authorization are as follows:—[*State objections in full.*]

Dated this day of 18 .  
(Signature of Caveator.)

RECEIVED the sum of £10, being the deposit required on the above Caveat.

The Treasury, New South Wales,  
18 .

Pro Treasurer.

### Form 29.

Crown Lands Act of 1884—(Part VII, Section 117.)

#### *Transfer of Conditional Purchase.*

I [*Christian names and surname in full*], of [*residence*], [*occupation or designation*], being the lawful owner of the Conditional Purchase of acres roods perches, taken up by at the Land Office at on the day of 18 , being C.P. No. of 18 , and situated in the county of parish of [*the words in parentheses to be scored out if necessary*] (together with the additional Conditional Purchases made in virtue thereof and particularized herein. That is to say:—) [*Here particularize each additional Conditional Purchase, giving area, date, No., County, and parish.*]

In consideration of the sum of paid by [*Christian names and surname in full of transferee*], of [*residence*], [*occupation or designation*], the receipt whereof I hereby acknowledge, do hereby transfer to the said [*Christian names and surname in full of transferee*], all my estate and interest, whether at law or in equity, in all the conditionally purchased land hereinbefore particularized. And I declare that there is no unfulfilled condition in reference to the said land to bar the transfer thereof.

In witness whereof I have hereunto subscribed my name at the day of , in the year one thousand eight hundred and eighty-

Signed in my presence\*

(Signature of Transferor.)

I accept this Transfer, and declare that [*“I am above the age of 21 years,” or if above 16 and under 21 years insert “I was born on the day of 18 .”*]

Signed in my presence

(Signature of Transferee.)

I have duly registered the within Transfer in the Records of this Office, and the sum of £ has been paid to me, being 7s. 6d. for Registration and for Stamp Duty.  
Land Office at Land Agent.

Received on the day of A.D. 18 , into the Registrar-General's Office, Sydney, at the hour of o'clock in the noon, from Registrar-General.

\* Extract from Regulations. See p. 97.

### Copy for Registration.

Crown Lands Act of 1884—(Part VII, Section 117.)

#### *Transfer of Conditional Purchase.*

I [*Christian names and surname in full*], of [*residence*], [*occupation or designation*], being the lawful owner of the Conditional Purchase of acres roods perches, taken up by at the Land Office at on the day of 18 , being C.P. No. , of 18 , and situated in the county of parish of [*the words in parentheses to be scored out if necessary*] (together with the additional Conditional Purchases made in virtue thereof and particularized herein. That is to say:—) [*Here particularize each additional Conditional Purchase, giving area, date, No., County, and parish.*]

In consideration of the sum of \_\_\_\_\_ paid by [*Christian names and surname in full of transferee*], of [*residence*], [*occupation or designation*], the receipt whereof I hereby acknowledge, do hereby transfer to the said [*Christian names and surname in full of transferee*], all my estate and interest, whether at law or in equity, in all the conditionally purchased land hereinbefore particularized. And I declare that there is no unfulfilled condition in reference to the said land to bar the transfer thereof.

In witness whereof I have hereunto subscribed my name at  
the \_\_\_\_\_ day of \_\_\_\_\_, in the year one thousand eight hundred and  
eighty-

Signed in my presence\*

(*Signature of Transferor.*)

I accept this Transfer, and declare that ["*I am above the age of 21 years.*" or if  
above 16 and under 21 years insert "*I was born on the \_\_\_\_\_ day of \_\_\_\_\_ 18 .*"]

Signed in my presence

(*Signature of Transferee.*)

In the Colony of }  
New South Wales. }

On this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred  
and eighty-\_\_\_\_\_, of \_\_\_\_\_ in the Colony of New South Wales,  
being duly sworn, maketh oath and saith as follows:—The foregoing printing and  
writing is a true copy of the original Transfer, the same having been examined  
therewith by me.

Sworn by the deponent, on the day }  
and year above-mentioned, at }

(*Signature of Deponent.*)

Before me,

A Commissioner for Affidavits.

(*Signature of Transferor or Transferee.*)

I have duly registered the within Transfer in the Records of this Office, and the  
sum of £ \_\_\_\_\_ has been paid to me, being 7s. 6d. for Registration and \_\_\_\_\_ for  
Stamp Duty.

Land Office at \_\_\_\_\_

18 .

Land Agent.

Received on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18 \_\_\_\_\_, into the Registrar-General's  
Office, Sydney, at the hour of \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, from  
of \_\_\_\_\_

Registrar-General.

\* EXTRACT FROM REGULATIONS AS TO TRANSFERS.

77. Transfers of Conditional Purchases shall be made in Form 29.

78. Every such transfer shall be signed in the presence of the Land Agent, a Magistrate, or  
Commissioner for Affidavits. Forms of transfer (including a copy on parchment for registration  
under the 120th section of the Act) may be obtained at each Land Office on payment of a fee of  
2s. 6d. On lodgment of a transfer, the sum of 7s. 6d. (in addition to stamp duty) will be payable  
for cost of registration in the general office for the registration of deeds.

79. If the transferor is a marksman, his mark must be attested by a Magistrate, Barrister, Attorney,  
or Notary Public, a further certificate being endorsed by such attesting witness on the transfer that  
the same was previously read over and explained to the transferor, and that he acknowledged and  
appeared fully to understand the effect thereof. If such signature is attested by a Solicitor in his  
capacity of Magistrate, Attorney, or Notary Public, a further certificate must be attached to the  
effect that the witness is not the party employed to prepare the transfer.

80. Where a transfer is made by a married woman, the certificate of acknowledgment required by  
the Registration of Deeds Act, 7 Vic. No. 16, must be furnished, and the fee of 10s. provided by that  
Act paid, which sum must be paid to the Land Agent at the time of lodgment of transfer.

81. All certificates of confirmation or conformity shall be handed by the transferor to the transferee  
at the time of making the transfer, and such certificates shall not pass by delivery otherwise than  
by delivery to a transferee by a duly executed transfer.

82. The transfer and copy, accompanied in proper cases by the abovementioned certificates, must  
be lodged with the Land Agent, who shall record the same, and forthwith forward the said transfer,  
and copy, to the Department of Lands in Sydney for registration, and shall notify the same to the  
Board. No transfer will be recognized unless lodged as aforesaid.

85. In cases of transfer by the executors or administrators of a deceased person, or by an official  
assignee, or persons holding a power of attorney, a certificate from the Crown Solicitor, showing the  
right of such person to deal with the land, must be obtained and lodged with the transfer.

**Form 30.**

Crown Lands Act of 1884—(Part VII, Sections 81, 85, 87, 88, 89, 90, 92, and 118.)

*Transfer of Lease or Occupation License.*

In consideration of the sum of \_\_\_\_\_ which I acknowledge to have received, I hereby transfer and assign to \_\_\_\_\_ all my right, title, and interest in and to the [give here description or designation of holding transferred] No. \_\_\_\_\_ under section \_\_\_\_\_ of the Crown Lands Act of 1884. The holding is situated in the Land District of \_\_\_\_\_ County of \_\_\_\_\_ parish of \_\_\_\_\_ and contains \_\_\_\_\_ acres \_\_\_\_\_ roods \_\_\_\_\_ perches.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_.

(Signature of Transferor.)

Witness to signature of Transferor [a Magistrate, Commissioner for Affidavits, or Land Agent.]

(Address—Post Town.)

I accept this Transfer.

Witness to signature of Transferee [a Magistrate, Commissioner for Affidavits, or Land Agent.]

The sum of £ \_\_\_\_\_, being £ \_\_\_\_\_ for Transfer Fee and \_\_\_\_\_ Stamp Duty has been duly paid hereon.  
[Date.]

NOTE:—Transfers of Pastoral Leases, Occupation Licenses, Scrub Leases, and Special Leases to be lodged with the Under Secretary for Lands. Homestead, Conditional, and Annual Leases to be lodged with the Land Agent.

**Form 31.**

Crown Lands Act of 1884—(Section 84.)

*Declaration by Mortgagee to be registered as the Holder of more than one Homestead Lease.*

I [name in full of applicant], of [residence], in the Colony of New South Wales [occupation], do hereby solemnly declare and affirm that [here set out fully all the particulars required by Regulation 86 on the back hereof\*]. And I make this solemn declaration as to the matters aforesaid according to law in this behalf made, and subject to the punishment by law provided for any wilfully false statement in any such declaration.

(Signature of Declarant.)

Taken and declared this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_, at \_\_\_\_\_ before me, \_\_\_\_\_ J.P.

## (\*)REGULATION 86.

Every transferee, who proposes to be registered as the holder of more than one Homestead Lease by virtue of a mortgage, shall with his transfer lodge a statutory declaration, in Form 31, stating whether he is the holder of any other lease, whether pastoral or homestead, and if so, specifying the respective dates of such leases, the names of the lands comprised therein respectively, and the amounts of the respective mortgage debts. Such declaration shall also state whether the said sums secured by mortgage have been advanced by the declarant out of his own moneys, and whether he is acting as the agent or trustee, or in any manner or behalf, or in the interest of any and what person or persons (including in such term companies, corporations, and partnerships); and it shall be in the discretion of the Minister whether he will allow any such transferee to be registered.

**Form 32.**

Crown Lands Act of 1884—(Part III, Sections 48 and 54.)

No. of 18 .

*Application for a Conditional Lease.*

RECEIVED by me, this day of 18 , at o'clock, with the  
sum of pounds shillings and pence.  
Land Agent at

Series of Conditional Purchases held by applicant.			Conditional Lease now or previously applied for.		
C.P. No.	Date.	Area.	C.L. No.	Date.	Area.
Total area ..			Total area ..		

Post Town.)

(Date.) 18 .

In accordance with the provisions of the Crown Lands Act of 1884, I [*insert Christian names and surname in full*] hereby apply for a Conditional Lease of the Crown Land hereunder described, adjoining and in virtue of my Conditional Purchase No. of 18 , of acres ; and I hereby tender the sum of pounds shillings and pence as the first year's rent at the minimum rate, and I also agree to pay any further sum that may be demanded upon the determination of the rental of such Conditional Lease.

(Signature of Applicant.)

To the Land Agent at

DESCRIPTION :—

Division, County of parish of acres [*when the land is unmeasured, here add the name of the river, creek, or road on which it is situated, and distance and direction from nearest measured portion, of which state area and original purchaser or grantee, or distance and direction from nearest crossing-place of creek or river, or other determinate point.*]

**Form 33.**

Crown Lands Act of 1884—(Part III, Section 53.)

*Application by Conditional Lessee to Local Land Board for Certificate of fulfilment of Conditions.*

WHEREAS I [*Christian name and surname in full*] am the holder of a Conditional Lease of acres roods and perches situated in the County of parish of being portion No. and applied for on the day of 18 , at the Land Office at , the application for which was confirmed by the Local Land Board on the day of 18 ; and whereas I have fulfilled all conditions applicable to such Conditional Leasehold, I hereby apply for a certificate to that effect.

(Signature of Applicant.)

(Address.)

The Local Land Board at

**Form 34.**

Crown Lands Act of 1884—(Part III, Section 53.)

*Certificate of fulfilment of Conditions by Conditional Lessee.*

WHEREAS [*Christian name and surname in full*] is the holder of a Conditional Lease of acres roods and perches, applied for on the day of 18 at the Crown Lands Office at and situate in the [*name of Division*] Division, County of parish of being portion No. and Conditional Lease No. of 18 . And the term of residence on the said

Conditional Lease having expired, and the Local Land Board being satisfied, after due inquiry, that all conditions applicable to such Conditional Leasehold have been fulfilled by the holder thereof, hereby certify that all such conditions as aforesaid have been duly fulfilled in regard to the said Conditional Lease.

Given under my hand, at the Office of the Local Land Board, at \_\_\_\_\_ in  
the Colony of New South Wales, this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

Chairman.

---

### Form 35.

Crown Lands Act of 1884—(Part III, Section 51.)

*Notice by Conditional Lessee of intention to reside on Conditionally Leased Land instead of on Conditionally Purchased Land.*

I [*insert Christian name and surname in full*], of [*nearest post town*], hereby give notice that it is my intention from and after the \_\_\_\_\_ day of \_\_\_\_\_ 18 , to reside on my Conditional Lease No. \_\_\_\_\_ of \_\_\_\_\_ acres applied for at the Crown Lands Office, \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 18 , in connection with my Conditional Purchase No. \_\_\_\_\_ of 18 , of \_\_\_\_\_ acres, instead of on my conditionally purchased land.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

The Local Land Board at \_\_\_\_\_

---

### Form 36.

No. \_\_\_\_\_ of 18 .

Crown Lands Act of 1884—(Part III, Section 50.)

*Application for extension of term of a Conditional Lease under Section 50 of the Crown Lands Act of 1884.*

(*Post Town.*)

(*Date.*) \_\_\_\_\_ 18 .

In accordance with the provisions of the Crown Lands Act of 1884, I [*insert Christian name and surname in full*] hereby apply for an extension of the term of my Conditional Lease No. \_\_\_\_\_ of 18 , being portion No. \_\_\_\_\_, parish of \_\_\_\_\_, County of \_\_\_\_\_, for a further period of five years.

(*Signature of Applicant.*) \_\_\_\_\_

To the Local Land Board at \_\_\_\_\_

---

### Form 37.

No. \_\_\_\_\_ of 18 .

Crown Lands Act of 1884—(Part III, Section 52.)

*Application for the conversion of a Pre-emptive Lease into a Conditional Lease within the \_\_\_\_\_ Division.*

(*Post Town.*)

(*Date.*)

In accordance with the provisions of the Crown Lands Act of 1884, I (*insert Christian name and surname in full*), being the holder of the Pre-emptive Lease specified in the annexed schedule, hereby apply to convert the available Crown Land within the same into a Conditional Lease of \_\_\_\_\_ acres, in virtue of my Conditional Purchase also specified hereunder; and I hereby agree to pay any sum that may be demanded upon the determination of the rental of such Conditional Lease.

REGULATIONS.



I am the ("mortgagor or mortgage") of the Conditional Purchase by virtue of which this application is made.

(Signature of Applicant.)

To the Under Secretary for Lands.

SCHEDULE—PRE-EMPTIVE LEASES.

No. of Lot.	No. of Pre-lease.	Date of Gazettal.	District gazetted.	Name of Original Lessee.	County.	Parish.	Area.

CONDITIONAL PURCHASES.

No. of Con. Pur.	Land District.	Section of Act of 1861.	Date of Application.	Area.

Form 38.

No. of 18 .

Crown Lands Act of 1884—(Part III, Sections 50 and 53.)

*Application by the Holder of a Conditional Lease to Conditionally Purchase the whole or part of such Conditional Lease.*

RECEIVED by me this day , 18 , with the sum of pounds shillings and pence.

Land Agent at

(Post Town.)

(Date.)

HAVING fulfilled the conditions required by the Crown Lands Act of 1884, in respect to my Conditional Lease, No. of 18 , being portion No. , parish of , County of , to the satisfaction of the Local Land Board at , I hereby apply to conditionally purchase, free from the condition of residence, an area of acres, being [insert "the whole" or "a part," as the case may be], of such Conditional Lease adjoining my Conditional Purchase No. of 18 , dated the day of 18 ; and I hereby tender the sum of £ , being the deposit of two shillings per acre thereon.

(Signature of Applicant in full.)

DESCRIPTION of Land applied for :—

Division, County of

Parish of acres

To the Land Agent at

## Form 39.

No. of 18 .

Crown Lands Act of 1884—(Part IV, Section 71.)

## APPLICATION FOR A PASTORAL LEASE.

(Address—Post Town.)

(Date)

IN accordance with the provisions of Section 71, Part IV, of the Crown Lands Act of 1884 [“*I*” or “*we*,” as the case may be, giving Christian and surname in full] being runholder in the Division, hereby apply for a Pastoral Lease of whichever portion of [“*my*” or “*our*”] Pastoral Holding known as may be converted into a Leasehold area. [“*I*” or “*we*” as the case may be, giving Christian and surname in full] forward herewith a plan of such Holding on a scale of chains to an inch, showing, to the best of knowledge and ability, the boundaries and area thereof, and the position of all lands held or occupied by [“*me*” or “*us*”] under any tenure other than that of Pastoral Lease, also the natural features within such boundaries, and the position of all improvements made by or of which claim to be the owner

The [“*line*” or “*lines*” as the case may be] dividing the Crown Lands within the said Holding as nearly as practicable into two equal parts is shown in colour.

Annexed hereto is a statement of the average grazing capabilities of the Holding, together with the nature and value of improvements thereon and other information required.

(Signature of the Applicant.)

The Minister for Lands.

SCHEDULE of Information required in connection with the Pastoral Holding known as

## Name or designation of Runs comprised in holding.

No.	Name, &c.	No.	Name, &c.
1		11	
2		12	
3		13	
4		14	
5		15	
6		16	
7		17	
8		18	
9		19	
10		20	

## Synopsis of Lands held under any Tenure other than Pastoral Lease.

Area of land held by direct purchase from the Crown, or to which [insert “*I am*,” or “*we are*,” as the case may be] entitled to a grant acres. Area of land otherwise purchased acres. Area held under any tenure other than five years Pastoral Lease [specify separately each tenure and the area held thereunder]. Total area, acres.

Area within boundaries of Pastoral Holding, acres. Average grazing capabilities of Pastoral Holding [here state the number of acres required to keep a sheep or beast during average seasons.]

If the country be naturally waterless, here state the number of months during which an artificial supply is necessary. Also, state the approximate area of useless country or scrub (specifying the kind) within each proposed division, and

briefly describe its position on plan; also, whether any of the boundaries of the holding are in dispute, and, if so, which; also specify which of the boundaries, if not all, are fenced:—

Improvements—their value and situation within each proposed Division.

County and Parish.	Reference No. or Letter.(a)	Nature of Improvement.	Value.	County and Parish.	Reference No. of Letter.(a)	Nature of Improvement.	Value.

(b) hereby state that the information contained in this Schedule is correctly given to the best of knowledge and ability.

(Signature.)

(a) The reference to improvements shown on plan may be by letters, unless within a measured portion, when the No. of the portion should be given.  
 (b) Give Christian and surname in full.

**Form 40.**

Crown Lands Act of 1884—(Part IV, Section 78.)

*Notification to Lessee of Determination of Rent, &c.*

New South Wales }  
 to wit. }

To of

You are hereby notified, as the [“Applicant” or “Holder”] for the [“Pastoral” or “Homestead,” as the case may be] Lease hereunder specified, that the Minister, in pursuance of the provisions of the Crown Lands Act of 1884, has determined the rent payable for the [“First” “Second” “Third” or “remaining,” as the case may be] period of five years of the said lease shall be at the rate of per acre per annum; and you are hereby requested to pay to the Colonial Treasurer, on or before the day of 18, the sum of £ being the [“difference between the rent paid and that determined” or “the rent determined”]. The rental of your Pastoral Lease shall thereafter be paid yearly in advance, on or before the day of in each year; and should the amount of such rent be not paid on the due date thereof, the right to such lease shall be liable to forfeiture.

SCHEDULE.

Leasehold Area.	Date of Notification.	Area.	Annual Rental.

**Form 41.**

Crown Lands Act of 1884—(Part IV, Sections 78 and 82.)

*Application for extension of a ["Homestead" or "Pastoral"] Lease.*

(Address—Post Town.)

(Date.)

IN pursuance of the provisions of the Crown Lands Act of 1884, I [*Christian and surname in full*], being the holder of a [*"Homestead" or "Pastoral"*] Lease No.

in the [*if a Homestead Lease state Land District ; if a Pastoral Lease, give name of Division*] hereby apply for an extension thereof for an additional term of five years from the date of expiration of the said lease, and I also hereby agree to pay such annual rental as the Minister may hereafter determine, as by the said Act provided.

(Signature of Applicant.)

To the Under Secretary for Lands, Sydney.

**Form 42.**

Crown Lands Act of 1884—(Part IV, Sections 78 and 82.)

*Notice of intention to surrender a ["Homestead" or "Pastoral"] Lease.*

TAKE notice that I [*Christian name and surname in full*], of [*address*] being the holder of [*"Homestead" or "Pastoral"*] Lease No.

, [*if a Homestead Lease, state Land District ; if a Pastoral Lease, give name of Division*], hereby notify my intention of surrendering the same at the expiration of the current period of \_\_\_\_\_ years.

Signed by me, this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_, at

To the Under Secretary for Lands, Sydney.

**Form 43.**

Crown Lands Act of 1884—(Part IV, Section 78.)

*Application by a Pastoral Lessee for Compensation for Land withdrawn from Lease, and for improvements situate on such land.*

(Address—Post Town.)

(Date.)

IN accordance with the provisions of the Crown Lands Act of 1884, I [*Christian name and surname in full*], being the holder of Pastoral Lease No. \_\_\_\_\_ [*name of Division*] Division, in view of the publication in the Government Gazette of the

\_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_, of withdrawal from such lease of the land hereunder described, hereby apply for compensation for the same for the unexpired term of said lease, and also for the improvements situate thereon, particulars of which are set forth in the Schedule on the back hereof.

The declaration prescribed by the Regulations under the said Act is annexed hereto.

(Signature of Applicant.)

To the Under Secretary for Lands.

## DESCRIPTION of Land withdrawn :—

Division, County of \_\_\_\_\_, parish of \_\_\_\_\_ portion No. \_\_\_\_\_, containing  
 acres \_\_\_\_\_ roods \_\_\_\_\_ and \_\_\_\_\_ perches [if not measured land, give  
 such a description as may lead to its ready identification.]

## SCHEDULE of Improvements on Land withdrawn from Pastoral Lease.

Nature of Improvement.	Date of completion.	Value at date of withdrawal.	Remarks.

*Declaration by Pastoral Lessee in respect of Application for Compensation for Land withdrawn from Lease, and for improvements situate thereon.*

I [Christian name and surname in full], of [residence and occupation], in the Colony of New South Wales, do hereby solemnly declare and affirm that I am the holder of Pastoral Lease No. \_\_\_\_\_, [name of Division] Division, mentioned in the application on the front page hereof, and that the land described in the said application is that withdrawn from such lease by the notification in the Government Gazette of the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.

And I further declare and affirm that the particulars relative to the improvements on the said land, as set forth in the accompanying Schedule, are true and correct. And I make this solemn declaration as to the several matters aforesaid, according to the law in this behalf made, and subject to the punishment by law provided for any wilfully false statement in any such declaration.

(Signature of the Declarant.)

Made before me, at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_.

[Must be attested by a Magistrate, Commissioner of the Supreme Court for taking Affidavits, Notary Public, or Land Agent.]

## Form 44.

Crown Lands Act of 1884—(Part IV, Section 80.)

*Application for the subdivision of a Pastoral Lease.*

(Address—Post Town.)

(Date.) 18 \_\_\_\_\_.

IN accordance with the provisions of the Crown Lands Act of 1884, I [Christian name and surname in full] hereby apply for the subdivision of my Pastoral Lease, No. \_\_\_\_\_ in the \_\_\_\_\_ Division, and I hereby agree to pay the cost of survey of such subdivision.

A plan is enclosed herewith illustrative of the form of subdivision proposed.

(Signature of Applicant.)

To the Under Secretary for Lands.

## Form 45.

Crown Lands Act of 1884—(Part IV, Section 75.)

*Application by a Runholder to surrender Land situate within a Resumed Area by way of exchange for other Land.*

(Post Town.)

(Date.) 18 .

IN accordance with the provisions of the Crown Lands Act of 1884, I [*Christian and surname in full*], being [*“the holder of” or “entitled to,” as the case may be*] a Grant of the Land hereunder described, within Resumed Area No. [*name of Division*] Division, hereby apply to surrender the same in exchange for an equal area within my Leasehold Area, No. \_\_\_\_\_ and subject to compensation for the improvements on the said land, particulars of which are set forth in the Schedule on the back hereof. (\*)

The declaration prescribed by the Regulations under the said Act is annexed hereto.

(Signature of Applicant.)

To the Under Secretary for Lands.

## DESCRIPTION of Land to be surrendered :—

Division, County of \_\_\_\_\_ parish of \_\_\_\_\_ Portion No. \_\_\_\_\_  
 containing \_\_\_\_\_ acres \_\_\_\_\_ roods \_\_\_\_\_ perches. [*If the land is unmeasured, give such particulars as will lead to its ready identification.*]

## (\*) SCHEDULE of Improvements on the Land to be surrendered :—

Nature of Improvement.	Date of completion.	Value at date of surrender.	Remarks.

*Declaration by a Runholder desirous of surrendering land on a resumed area by way of exchange for other land.*

I [*Christian and surname in full*], of [*residence and occupation*], in the Colony of New South Wales, do hereby solemnly declare and affirm that, at the date of the passing of the Crown Lands Act of 1884, I was [*“the lawful holder of” or “lawfully entitled to”*] a grant of the land described in the application on the front page hereof. And I further declare and affirm that the particulars relative to the improvements on the said land as set forth in the accompanying Schedule are true and correct. And I make this solemn declaration as to the several matters aforesaid according to the law in this behalf made, and subject to the punishment by law provided for any wilfully false statement in any such declaration.

(Signature of the Declarant.)

Made before me, at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

[*Must be attested by a Magistrate, Commissioner of the Supreme Court for taking Affidavits, Notary Public, or Land Agent.*]

## Form 46.

Crown Lands Act of 1884—(Part IV, Section 75.)

*Application by a ["Runholder" or "Conditional Purchaser"] to surrender land situate within a Resumed Area, in consideration of a Refund of all Moneys paid in respect thereof.*

(Address—Post Town.)

(Date.) 18 .

IN accordance with the provisions of the Crown Lands Act of 1884, I [*Christian name and surname in full*], being the holder by [*"Conditional" or "Auction," &c.*] purchase of the land situate within Resumed Area No.        in the        Division, hereunder described, hereby apply to surrender the same, in consideration of a refund of all moneys paid by me in respect of such land, and subject to compensation for the improvements thereon, particulars of which are set forth in the Schedule on the back hereof. (\*)

The declaration prescribed by the Regulations under the said Act is annexed hereto.

(Signature of Applicant.)

To the Under Secretary for Lands.

## DESCRIPTION of Land to be surrendered :—

Division, County of        parish of        portion No.        , containing  
acres,        roods, and        perches, being [*here state the class of purchase,*  
*and give such other particulars as may lead to the ready identification of the land*]

## (\*) SCHEDULE of Improvements on the Land to be surrendered :—

Nature of Improvement.	Date of completion.	Value at date of surrender.	Remarks.

*Declaration by a ["Run-holder" or "Conditional Purchaser"] applying to surrender land within a Resumed Area, in consideration of a refund of all moneys paid in respect thereof, &c.*

I [*Christian name and surname in full*], of [*residence and occupation*], in the Colony of New South Wales, do hereby solemnly declare and affirm that at the date of the passing of the Crown Lands Act of 1884 I was the holder by [*"Conditional," "Auction," or other purchase, as the case may be*] purchase of the land described in the application on the front page hereof.

And I further declare and affirm that the particulars relative to the improvements on the said land, as set forth in the accompanying Schedule, are true and correct. And I make this solemn declaration as to the several matters aforesaid according to the law in this behalf made, and subject to the punishment by law provided for any wilfully false statement in any such declaration.

(Signature of the Declarant.)

Made before me, at        this        day of        18 .

[*Must be attested by a Magistrate, Commissioner of the Supreme Court for taking Affidavits, Notary Public, or Land Agent.*]

**Form 47.**

Crown Lands Act of 1884—(Part IV, Section 81.)

*Application for an Occupation License.*

(Address—Post Town.)

(Date.)

IN accordance with the provisions of the Crown Lands Act of 1884, I [*Christian name and surname in full*], being a runholder in the [*name of Division*] Division, and this day having made application for a Pastoral Lease, hereby apply for a License to Occupy for the term of one year for grazing purposes whichever portion of my Pastoral Holding, known as \_\_\_\_\_, may be converted into a Resumed Area under the said Act.

Annexed hereto is a receipt, showing that the sum of £ \_\_\_\_\_ on account of the first year's license fee, at the rate of £2 per section of 640 acres of the estimated area of \_\_\_\_\_ acres I now apply for, has been deposited with the Colonial Treasurer; and I also agree to pay any further sum that may be demanded, being the difference between the sum paid into the Treasury and the said license fee, as appraised hereafter.

(Signature of Applicant.)

To the Minister for Lands.

RECEIVED the sum of £ \_\_\_\_\_

being the deposit required on this application.

The Treasury, New South Wales,

18 .

Pro Treasurer.

**Form 48.**

Crown Lands Act of 1884—(Part IV, Section 81.)

*Application for reduction of License Fee and future rent for Land withdrawn from occupation under license, and for compensation for improvements situate on such Land.*

(Address—Post Town.)

(Date.) 18 .

IN accordance with the provisions of the Crown Lands Act of 1884, I [*Christian name and surname in full*], being the holder of Occupation License No. \_\_\_\_\_, within the [*name of Division*], Division, hereby apply for a refund of so much of the License Fee, paid for the year terminating 31st December, 18 \_\_\_\_\_, and to such reduction in future rent as shall be proportionate to the area withdrawn from occupation under such license by [*“the sale” or “the lease”*] of the lands hereunder specified.

I also hereby apply for compensation for the improvements situate on the said land, the particulars of which are set forth in the Schedule on the back hereof. (\*)

The declaration prescribed by the Regulations under the said Act is annexed hereto.

(Signature of Applicant.)

To the Under Secretary for Lands.

(\*) SCHEDULE of Lands withdrawn from Occupation License.

Particulars of Sale or Lease.	No. of Portion if Measured Land.	Area withdrawn.	Remarks.

## SCHEDULE of Improvements on Land withdrawn from Occupation under License.

Nature of Improvement.	Date of completion.	Value at date of withdrawal.	Remarks.

*Declaration in respect of Land withdrawn from Occupation under License by Sale or Lease, and Compensation for Improvements.*

I [*Christian name and surname in full*] of [*residence and occupation*], in the Colony of New South Wales, do hereby solemnly declare and affirm that I am the holder of the Occupation License No. , within the [*name of Division*] Division mentioned in the application on the front page hereof, and that the land referred to in such application is that withdrawn from Occupation under the said License by [*“the sale” or “the lease”*] of the areas particularized in the Schedule appended to the said application.

And I further declare and affirm that the particulars relative to the improvements on the said land, as set forth in the accompanying Schedule, are true and correct. And I make this solemn declaration as to the several matters aforesaid, according to the law in this behalf made, and subject to the punishment by law provided for any wilfully false statement in any such declaration.

(*Signature of Declarant.*)

Made before me at                      this                      day of                      18 .

[*Must be attested by a Magistrate, Commissioner of the Supreme Court for taking Affidavits, Notary Public, or Land Agent.*]

## Form 49.

H.L. No. , of 18 .

Crown Lands Act of 1884—(Part IV, Section 82.)

*Application for a Homestead Lease.*

RECEIVED by me, this                      day of                      18 ,  
with the sum of £

Land Agent at  
(*Address—Post Town.*)  
(*Date.*)

In accordance with the provisions of the Crown Lands Act of 1884, I [*Christian name and surname in full*] hereby apply for the Crown Lands hereunder described, as a Homestead Lease, and I tender herewith the sum of £  
being a deposit at the rate of one penny per acre on the area applied for.

[*If there be no improvements this paragraph can be struck out*] The improvements included within the area proposed to be leased are as follows:—

[*Here state briefly the nature, position, and estimated value of the improvements, if any.*]

The Declaration prescribed by the Regulations under the said Act is annexed hereto.

(*Signature of Applicant.*)

To the Land Agent at

DESCRIPTION:—

County of                      parish of                      containing                      acres. [*If the land is not measured, give here such a description as may lead to its ready identification.*]

## Crown Lands Act of 1884—(Part IV, Section 82.)

## SCHEDULE A.

(The answers to the following questions must be fully and accurately given.)

- What is your name?  
 State year and date of your birth.  
 Are you married, single, a widower, or widow?  
 Where have you resided for the past two years?  
 Have you been in the employment of any person during the last two years? If so, state of whom.  
 Do you intend using the land now applied for solely for your own use and benefit?  
 Have you entered into any agreement, or arrangement, by which any person other than yourself can acquire any interest in the land you apply for?  
 Is there any understanding, between you and any person, in reference to the land applied for, that will tend to defeat or evade the provisions of the Crown Lands Act of 1884?  
 Are you under any obligation that will prevent you from fulfilling the law in regard to the land you apply for?  
 Do you hold any land from the Crown requiring residence at the present time?

(Signature of Applicant.)

This is the paper writing marked A referred to in the Declaration herewith, made before me at this day of 18 .

(Signature of attesting Witness.)

## Crown Lands Act of 1884—(Part IV, Section 82.)

*Declaration by an Applicant for a Homestead Lease to accompany Application.*

I [*Christian name and surname in full*], of [*residence*] [*occupation*] do hereby solemnly declare and affirm that I am the applicant for the Homestead Lease described in the application on the front page hereof, and that the several answers to the questions in the Schedule hereto marked A are true and correct. And I further declare and affirm that (except as *bonâ fide* mortgagee for value of the Homestead and Pastoral Leases particularly specified in the Schedule marked B, on the back hereof (\*) † I do not, nor does any person on my behalf or in my interest, hold either wholly or in part any Homestead Lease or any Pastoral Lease. And I make this solemn declaration as to the several matters aforesaid, according to the law in this behalf made, and subject to the punishment by law provided for any wilfully false statement in any such declaration.

(Signature of the Declarant.)

Made before me at this day of 18 .

[*Must be attested by a Magistrate, Commissioner of the Supreme Court for taking Affidavits, Notary Public, or Land Agent.*]

† If not applicable to the case strike out the words included in brackets.

## Crown Lands Act of 1884—(Part IV, Section 82.)

## SCHEDULE B. (\*)

Nature of Lease.	No. of Lease.	Division or Land District.	Date of Lease.	Date of Mortgage.	Amount secured by Mortgage.	Remarks.

(Signature of Applicant.)

This is the paper writing marked B, referred to in the Declaration on the other side hereof, made before me at this day of 18 .

(Signature of attesting Witness.)

**Form 50.**

Crown Lands Act of 1884—(Part IV, Section 82, Sub-section III.)

*Notice of Non-acceptance of Homestead Lease.*

I [name in full] of [address and occupation], the applicant for a Homestead Lease of land as described in my application of 18 , addressed to the Land Agent at , do hereby give notice that, as the land referred to in the notification in the Government Gazette of 18 , is not in the form applied for, it is my intention not to accept a lease of the same.

Dated at this day of 18 .

(Signature of Applicant.)

To the Local Land Board at

**Form 51.**

No. of 18 .

Crown Lands Act of 1884—(Part IV, Section 100.)

*Application by holder of Pastoral or Homestead Lease for reduction of rent or by a Licensee for reduction of License Fee where fixed at the minimum rate.*

(Address—Post Town.)

(Date.) 18 .

BEING of opinion that by reason of the inferior grazing capabilities of the land embraced in my [state here whether "pastoral" or "homestead" leases or occupation license] specified hereunder [rental or license fee], fixed for such land is excessive, I hereby apply for a reduction thereof.

I enclose receipt for the payment made on account of the current year.

(Signature.)

The Local Land Board,

## DESCRIPTION of holding :—

[state here whether "pastoral" or "homestead" leases or "occupation license"], lease [state here name of leasehold or No. of lease or occupation license], Land District of County of parish of acres [add here a short description of the boundaries of the land]

**Form 52.**

Crown Lands Act of 1884—(Section 85, Sub-section VI.)

*Application to select an Annual Lease after Auction.*

(Address—Post Town.)

(Date.) 18 .

I HEREBY apply to select the annual lease particularized hereon, and I tender the sum of £ being the amount of the upset rent payable thereon.

## Particulars of the lease applied for.

Place of sale  
County  
Parish  
No. of lease  
Date when last offered for sale  
Area  
Upset price when last offered

(Name of Applicant in full.)

To the Land Agent at

RECEIVED the sum of £ with this application, on the day of 18 , at minutes past o'clock noon.

Land Agent at

**Form 53.**

Crown Lands Act of 1884—(Part I, Section 3, Sub-section 3.)

*Application for conversion of Pre-emptive Lease into Annual Lease.*

RECEIVED by me, the \_\_\_\_\_ day of \_\_\_\_\_ 18 .

Land Agent at

(Address—Post Town.)

(Date.) 18 .

I hereby apply to convert (without competition) the Pre-emptive Lease hereunder described into an Annual Lease for Pastoral Purposes under the Crown Lands Act of 1884.

## DESCRIPTION of Pre-emptive Lease :—

No. of Pre-emptive Lease.	Name of Holder.	County.	Area.	Date of Gazette Notice.

(Signature of the Applicant).

**Form 54.**

Crown Lands Act of 1884—(Part IV.)

*Tender for [" Pastoral Lease," " Occupation License," " Homestead Lease," " Annual Lease," or " Special Lease," as the case may be.]*

NOTIFICATION having been published in the Government Gazette of \_\_\_\_\_ 18 , that it is intended to let by tender the land specified in Schedule hereto, as [" a Pastoral Lease," " an Occupation License," " a Homestead Lease," " a Special Lease," or " an Annual Lease," as the case may be] I hereby offer an annual [" Rent" or " License Fee" ] for [" a Pastoral Lease," " an Occupation License," " a Homestead Lease," " a Special Lease," or " an Annual Lease" ] as the case may be of the said land.

Herewith is a receipt, showing that the sum of £2 10s. has been paid to the Land Agent at \_\_\_\_\_ as deposit hereon.

## SCHEDULE.

Date of Gazette Notice.	Nature of Lease.	Area.	County and Parish.	Rent or License Fee offered.	Remarks. (Further particulars, such as will lead to identification of land tendered for.)

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

(Signature of person tendering.)

To the Local Land Board at \_\_\_\_\_

**Form 55.**

Crown Lands Act of 1884—(Part IV, Section 87.)

*Application for a Scrub Lease.*

(Address—Post Town.)

(Date.) 18 .

IN accordance with the Crown Lands Act of 1884, and the Regulations made thereunder, I hereby apply for a Scrub Lease of the Crown Lands hereunder described. I have lodged with the Colonial Treasurer the sum of £10, in accordance with the Regulations, and a receipt therefor is at the foot hereof.

(Name in full of Applicant.)

(Address.)

DESCRIPTION of the Land applied for:—

Division, Land District of County of , parish  
of acres, commencing [*give here an accurate description of  
the land applied for*].

To the Under Secretary for Lands.

RECEIVED the sum of £10, being the deposit on the above application.

Pro Treasurer.

The Treasury, New South Wales, 18 .

**Form 56.**

Crown Lands Act of 1884—(Part IV, Section 88.)

*Application for Conversion of part of a Pastoral or Homestead Lease into a Scrub Lease.*

(Address—Post Town.)

(Date.) 18 .

I [*name of Lessee in full*], being the holder of the [*“Pastoral” or “Homestead”*] Lease designated [*state No. or designation*] part of the land comprised in which contains scrub and other noxious undergrowth, hereby apply, in accordance with the Crown Lands Act of 1884 and the Regulations made thereunder, to lease as a Scrub Lease so much of the said land as is described hereunder. I have lodged with the Colonial Treasurer the sum of £10, in accordance with the Regulations, and a receipt therefor is at the foot hereof.

(Signature of the Applicant.)

DESCRIPTION of the Land applied for:—

Division, Land District of County of  
parish of , acres, commencing [*give an accurate description of  
the Land applied for*].

To the Under Secretary for Lands.

RECEIVED the sum of £10, being the deposit on the above application.

Pro Treasurer.

Treasury, New South Wales, 18 .

## REGULATIONS.

**Form 57.**

Crown Lands Act of 1884—(Part IV, Sections 89, 90, or 92.)

*Application for Special Lease.*

I HEREBY apply for a Special Lease for [*state purpose fully*] purposes of the land hereunder described, and for which I am willing to pay an annual rental of \_\_\_\_\_ pounds \_\_\_\_\_ shillings and \_\_\_\_\_ pence. Enclosed is a receipt showing that the sum of £10 has been paid to the Colonial Treasurer as a deposit of rent hereon.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_ .  
To the Local Land Board at \_\_\_\_\_ (Signature.)

## DESCRIPTION:—

Land District of \_\_\_\_\_ County of \_\_\_\_\_ parish of \_\_\_\_\_, \_\_\_\_\_ acres \_\_\_\_\_ roods \_\_\_\_\_ perches. [*Here add a description such as will lead to the identification of the land.*]

**Form 58.**

Crown Lands Act of 1884—(Part IV, Section 93.)

*Application for permission to Ringbark.*

THIS application was received by me this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_, with the sum of £ \_\_\_\_\_ Land Agent.

(Address—Post Town.) \_\_\_\_\_  
(Date.) \_\_\_\_\_ 18 \_\_\_\_ .

I [*Christian and surname in full*], of [*residence*], hereby apply for permission to ringbark trees on \_\_\_\_\_ acres of land, held by me as [*state specifically the kind of holding, grazing, giving all particulars.*]

I annex a sketch, showing the land containing the trees I apply to ringbark, and a full description is set out at the foot hereof. I herewith tender the sum of £ \_\_\_\_\_, to be appropriated in accordance with the Regulations under the Crown Lands Act of 1884.

(Signature of Applicant.) \_\_\_\_\_

## DESCRIPTION of the land containing the trees to be ringbarked:—

Land District of \_\_\_\_\_ County of \_\_\_\_\_ parish of \_\_\_\_\_, \_\_\_\_\_ acres, commencing [*here give such a description as will admit of a ready identification of the land.*]  
To the Land Agent at \_\_\_\_\_

**Form 59.**

Crown Lands Act of 1884—(Part IV, Section 93.)

*Permission to Ringbark.*

SUBJECT to the conditions hereunder specified and the Regulations under the Crown Lands Act of 1884, permission is hereby granted to \_\_\_\_\_ of \_\_\_\_\_ to ringbark trees upon \_\_\_\_\_ acres of Crown Lands held now by the said \_\_\_\_\_ as a [*state the nature of the leasehold*].

DESCRIPTION of Trees permitted to be Ringbarked, and any Special Conditions imposed.

## DESCRIPTION of the Land containing the Trees to be Ringbarked.

Division, Land District of \_\_\_\_\_  
County of \_\_\_\_\_, parish of \_\_\_\_\_, \_\_\_\_\_ acres.  
Given under my hand, on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_, at the office of \_\_\_\_\_  
the Local Land Board at \_\_\_\_\_ Chairman.

**Form 60.**

Crown Lands Act of 1884—(Part III, Section 45.)

*Permit to dig and search for Gold.*

THIS is to permit [*name of person authorized*] to take possession in accordance with the Mining Board Regulations, and to dig and search for gold within a parcel of land of the dimensions of a Prospecting Protection Area, as prescribed by the said Regulations, situated within the Gold-field, County of \_\_\_\_\_, parish of \_\_\_\_\_ being (part of) portion No. \_\_\_\_\_ which on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_ was sold to [*name of purchaser of land*] as a [*“Conditional,” “Auction,” or “Improvement Purchase”*], but so as not to interfere with any Prospecting Protection Area occupied in virtue of any Permit of prior date to this.

Given under my hand, at the Department of Lands, Sydney, in the Colony of New South Wales, this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_.

Minister for Lands.

**Form 61.**

Crown Lands Act of 1884—(Part I, Section 7.)

*Application for Permit to remove Mineral.*

I [*Christian name and surname in full*], being the owner of that piece or parcel of land being portion No. \_\_\_\_\_ in the County of \_\_\_\_\_ parish of \_\_\_\_\_ containing \_\_\_\_\_ acres \_\_\_\_\_ roods \_\_\_\_\_ perches, more or less, hereby apply for permission to dig, mine for, win, and remove any [*state the kind of Mineral to be removed*] that may be found in such land. I make this application in terms of and subject to the conditions prescribed in the Regulations made under the provisions of the Crown Lands Act, 1884; and I agree to accept such Permit, subject to, and to be bound by the conditions set forth in such Regulations and such other conditions as the Governor may impose.

(Signature.)

(Address.)

(Date.)

Witness—

The Honorable the Secretary for Mines, Sydney.

**Form 62.**

Crown Lands Act of 1884—(Part II, Section 17.)

*Notice of Appeal to the Minister from decision of Local Land Board to be lodged with the Chairman.*

New South Wales }  
to wit. }

WHEREAS on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_, a certain matter wherein [*set out names of parties and particulars of case*] came before the Local Land Board at \_\_\_\_\_, in the Colony of New South Wales, for [*adjudication or decision*] I being a [*“party to such proceeding,” or “caveator,”*] and the said Board, after having inquired into the premises, decided that [*set out decision*]. And whereas I am dissatisfied with such decision, and intend to appeal therefrom to the Minister: These are therefore to give you notice of my intention to appeal as aforesaid, and I herewith tender the sum of £10 as security for the costs of such appeal. And the grounds of such appeal are annexed [*annex the grounds of appeal in full*].

[*Christian and surname in full of the party appealing.*]

To the Chairman of the Local Land Court, at \_\_\_\_\_

RECEIVED the sum of £10 referred to above.

(Place.)

(Date.)

18 \_\_\_\_\_.

GROUNDS OF APPEAL:—

## Form 63.

Crown Lands Act of 1884—(Part II, Section 17.)

*Notice of Appeal to the Minister from the Decision of the Local Land Board to be given to the opposite party.*

New South Wales }  
to wit. }

WHEREAS on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, a certain matter wherein (*set out names of parties and particulars*) came before the Local Land Board at Colony of New South Wales, for [*adjudication, &c.*], I being a [*“party to such proceeding” or “caveator”*], and the said Board, after having inquired into the premises, decided that \_\_\_\_\_ And whereas I am dissatisfied with such decision, and intend to appeal therefrom to the Minister: These are therefore to give you notice of such appeal, and that I have deposited with the Chairman of the aforesaid Board the sum of £10, as security for the costs of such appeal; and the grounds of such appeal are annexed [*annex grounds of appeal in full*].

(*Christian and surname*)  
(*in full and address of*)  
Appellant.) } of \_\_\_\_\_ .

To \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_ GROUNDS OF APPEAL :—

## Form 64.

Crown Lands Act of 1884—(Part II, Section 14, Sub-section 5.)

*Notice of Prosecution of Complaint before Local Land Board.*

I HEREBY notify to you, as Land Agent at \_\_\_\_\_ that I am desirous of prosecuting a complaint before the Local Land Board, for that the provisions of the law have not been fulfilled as regards [*set out here the particulars of the complaint*]; and I herewith deposit the sum of £10 as security for any costs which may be awarded against me by such Board.

Given under my hand, at \_\_\_\_\_ this day \_\_\_\_\_ of \_\_\_\_\_ 18\_\_\_\_ .  
(*Signature of Complainant.*)

RECEIVED the sum of £10 above mentioned.

(*Date.*) 18 \_\_\_\_ .

\_\_\_\_\_ Land Agent at \_\_\_\_\_ .

Crown Lands Act of 1884—(Part II, Section 14, Sub-section 5.)

*Statutory Declaration by a person desirous of prosecuting a Complaint before the Local Land Board.*

New South Wales }  
to wit. }

I, \_\_\_\_\_ of \_\_\_\_\_ in the Colony of New South Wales, \_\_\_\_\_ do hereby solemnly declare and affirm that I am desirous of prosecuting a complaint before the Local Land Board, and that the notice on the other side hereof correctly sets out the grounds of such complaint. And I make this solemn declaration as to the matters aforesaid according to the law in this behalf made, and subject to the punishment by law provided for any wilfully false statement in any such declaration.

(*Signature of the Declarant.*)

Made and signed by the declarant, at \_\_\_\_\_ before me—

this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_ ,

J.P.

**Form 65.**

Crown Lands Act of 1884—(Part III, Section 36.)

*Application for fresh Certificate, in lieu of one that has been lost or destroyed.*

WHEREAS on the            day of            18    , the Local Land Board at            issued a Certificate that all the conditions applicable to the Conditional Purchase hereunder mentioned—except that of payment of balance of instalment—had been duly complied with, and the said Certificate has been [“lost,” or “destroyed”] I hereby apply for a fresh Certificate in lieu thereof.

*(Signature of Applicant.)*

To the Local Land Board at

PARTICULARS of Conditional Purchase referred to :—

Division, County of            parish of            ;    acres            roods            perches ;  
being No.            of 18    , Land District of            selected by

I [*Christian name and surname in full*], of [*address and occupation*], do solemnly and sincerely declare and affirm that the several particulars and statements in the application herewith for fresh certificate are true and correct. And I make this solemn declaration as to the several matters aforesaid according to the law in this behalf made, and subject to the punishment by law provided for any wilfully false statement in any such declaration.

*(Signature of the Declarant.)*

Made before me, at            , this            day of            , 18    .

*[Must be attested by a Magistrate, Commissioner for Affidavits, or Land Agent.]***Form 66.**

Crown Lands Act of 1884—(Part III, Section 36.)

*Fresh Certificate of Board of fulfilment of certain Conditions.*

WHEREAS [*name of conditional purchaser in full*] is the holder of an conditional purchase of            acres            roods            perches, made on the            day of            18    , at the Crown Lands Office at            and situated in the            Division, County of            parish of            being portion No.            and conditional purchase No.            of 18    . And the term of residence having expired, and all things required by law having been completed, the Local Land Board at            issued its certificate on the            day of            18    , that all the conditions applicable to a conditional purchase, except that of payment of balance of instalment, had been duly complied with. And after notice in the Gazette, satisfactory proof having been adduced to the Local Land Board that the said original certificate has been [“lost” or “destroyed”] this is to certify that all the conditions as aforesaid have been duly complied with as regards the            conditional purchase before-mentioned.

Given under my hand, at the office of the Local Land Board, at  
in the Colony of New South Wales, this            day of  
18    .

Chairman.

**Form 67.**

Crown Lands Act of 1884—(Part III, Section 21, Sub-section ix.)

*Application for permission to effect Improvements.*

(Address—Post Town.)

(Date.)

I [*Christian name and surname in full*] hereby apply that I may be permitted to effect the improvements of the kinds and value set out in the Schedule on the back hereof. (\*) I purpose effecting the improvements on \_\_\_\_\_ acres of land, situated in the \_\_\_\_\_ Division, Land District of \_\_\_\_\_ County of \_\_\_\_\_ parish of \_\_\_\_\_, and commencing at [*here give a full and accurate description of the land intended to be improved*].

(Signature of Applicant.)

To the Local Land Board at \_\_\_\_\_

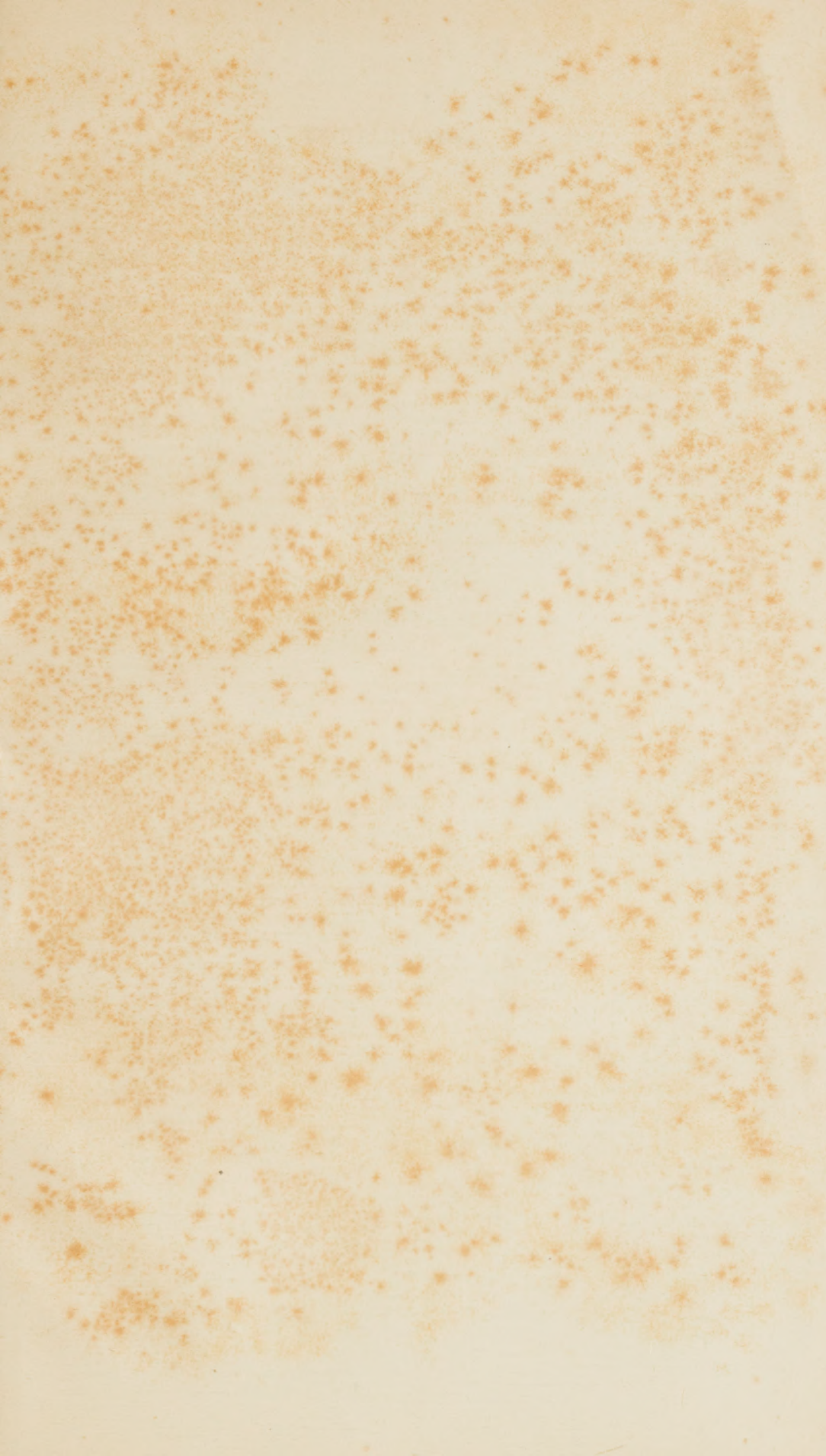
(\*) SCHEDULE of intended Improvements:—

Nature of each Improvement.	Value of each.

(State here the reasons for the improvements being made, and the holding on which they are proposed to be effected.)

(Signature of Applicant.)







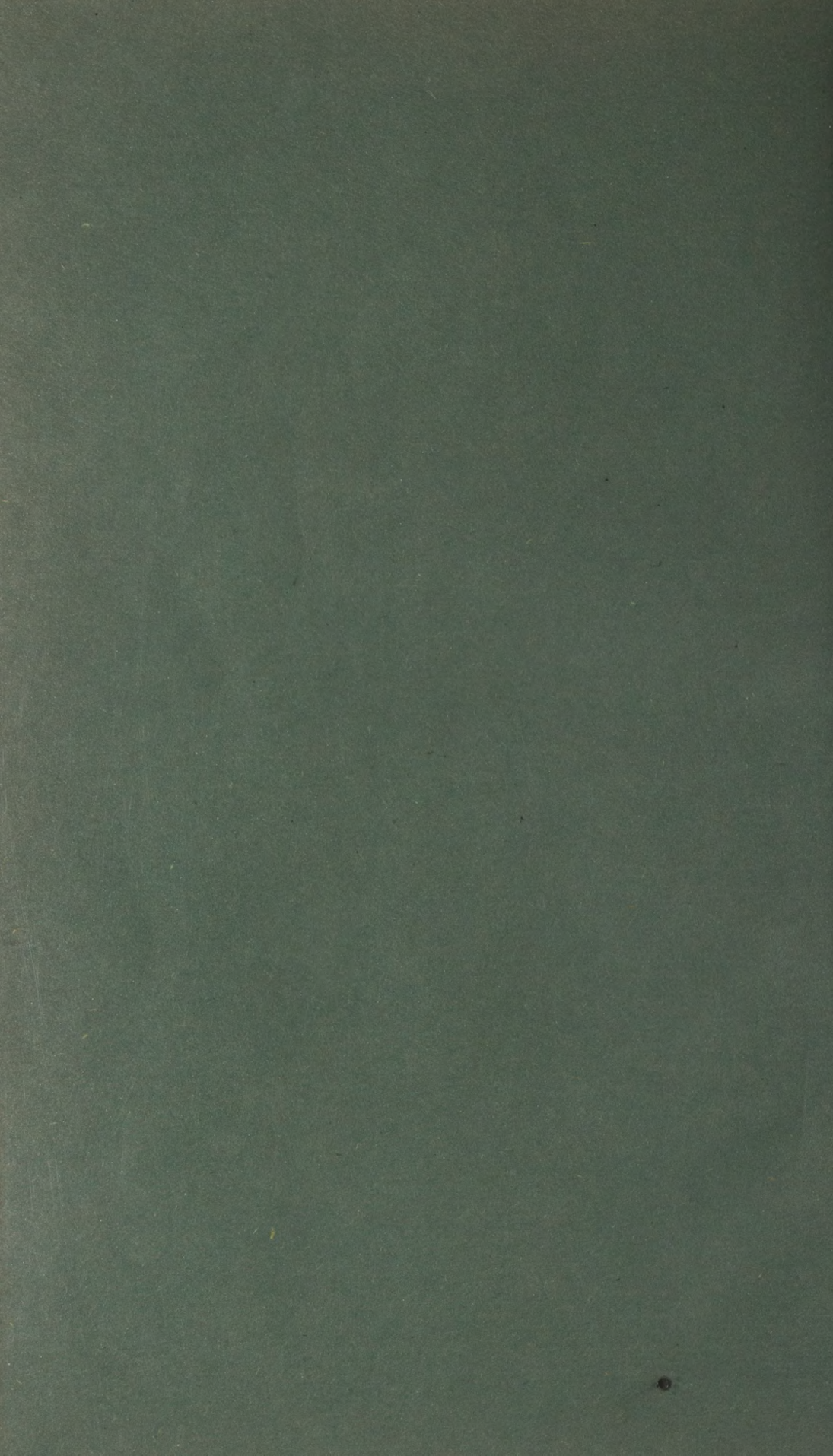


336.1









DSM/ 336.1/ N

The Crown Lands Act of 1884  
(48 Victoria, No. 18) with  
the regulations thereunder.

**STATE LIBRARY  
OF N.S.W.**



N2143358

