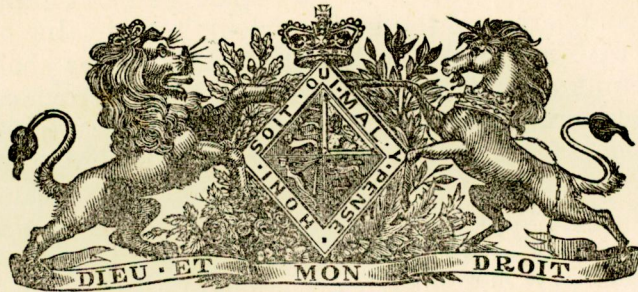


*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly Chamber,  
Sydney, 11 June, 1879. }*

STEPHEN W. JONES,  
*Clerk of Legislative Assembly.*

## New South Wales.



ANNO QUADRAGESIMO SECUNDO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

No. .

An Act further to amend the Lands Acts of 1861 and the Act of 1875.

**W**HEREAS it is expedient to amend the "Crown Lands Alienation Act of 1861" the "Crown Lands Occupation Act of 1861" and the "Lands Acts Amendment Act 1875" Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. The eighteenth and thirty-first sections of the "Lands Acts Amendment Act of 1875" and the twenty-fifth section of the "Crown Lands Alienation Act of 1861" are hereby repealed. Repeal of enactments. Provided that such repeal shall not prejudice or affect any rights of the Crown or of the lessee already lawfully acquired thereunder.

2. So much of sections one thirteen and eighteen of the "Crown Lands Alienation Act of 1861" and of section twenty-two of the "Lands Acts Amendment Act 1875" as may require that improvements should be made by the conditional purchaser upon land conditionally purchased to the value of one pound per acre is hereby repealed and Reduction of value for improvements to ten shillings per acre. it

*Lands Acts further Amendment.*

it shall be sufficient for all the purposes of the said Acts or of this Act if such improvements upon land conditionally purchased shall be of the value of ten shillings per acre. Provided that the reduction of the value of improvements shall not apply to conditional purchases which  
 5 have been declared forfeited or otherwise finally dealt with except in cases where such forfeiture shall have been revoked by the authority of the Government.

3. The holder of any conditional purchase who either by himself  
 or those through whom he claims shall have resided upon his con-  
 10 ditional purchase for three years and shall have made or shall hereafter make due declaration of such residence and pay or have paid the balance of his purchase money or interest or instalment thereof as by the said Acts required may make application to the Minister for an extension  
 15 exceeding two years and if the Minister shall be satisfied that the several other conditions of such purchase have been duly performed and that improvements of a fixed and durable character of a value not less than six shillings per acre have been already made he shall grant such extension and on completion of the improvements to the value of  
 20 ten shillings per acre within such extended term such holder shall become entitled to a grant as provided by the said Acts. Provided that during such extended term the conditional purchase shall continue to be the residence *bonâ fide* of such holder and shall be liable to forfeiture for non-residence as during the original term of three years.

25 4. In respect of any land conditionally purchased after the passing of this Act the term of five years shall be substituted for that of three years prescribed by the eighteenth section of the "Crown Lands Alienation Act of 1861" and the twenty-second section of the "Lands Acts Amendment Act 1875" for the residence of the conditional  
 30 purchaser upon such land and the improvement thereof as by the said Acts and this Act required. Provided that every conditional purchaser shall at the expiration of three years from the date of his conditional purchase or within three months thereafter make due declaration under the first-mentioned section that such land has been his *bonâ fide*  
 35 residence continuously from within three months of such purchase and that fixed and durable improvements of a value not less than six shillings per acre have been made thereon and shall duly pay and thereafter continue to pay the instalments of the balance of purchase money inclusive of interest required by the eighth section of the Act  
 40 secondly hereinbefore mentioned. Provided also that any such land which shall at any time within five years from the purchase thereof cease to be the *bonâ fide* residence of the lawful holder thereof for the time being otherwise than by reason of his decease or insolvency as hereinafter provided or which shall not have been duly improved  
 45 to the value of six shillings per acre within three years and of ten shillings per acre within five years after such purchase or in respect of which the payments for instalment of the purchase money and interest as hereinbefore recited shall not have been duly made shall be liable to forfeiture as in the said Acts respectively provided.

50 5. The Minister may extend to five years the term within which the expenditure of two pounds per acre on mining operations other than gold mining shall be completed upon any conditional purchase under the nineteenth section of the "Crown Lands Alienation Act of 1861" on being satisfied that at the end of three years from the  
 55 date of the purchase not less than twenty-four shillings per acre has been expended thereon in mining operations other than for gold.

6. Except as hereinafter provided no conditional purchase made  
 after the passing of this Act shall be transferable until the conditional purchaser shall have resided thereon for five years from the date of  
 such

Extension of time  
for improvements.

Time for residence  
and improvement.

The like as to mining  
conditional purchases.

Limitation of  
transfers.

*Lands Acts further Amendment.*

such purchase but if an additional conditional purchase the same may be transferred in conjunction with the original purchase after the expiration of the said five years from the date of such original purchase Provided that nothing contained in this section shall apply to mineral 5 conditional purchases.

7. Whenever it shall appear to the Minister desirable portions of Crown lands may be measured across any frontage road or intended frontage road and may be so applied for by any conditional purchaser and necessary roadways and sites for and sources of water 10 supply may be excluded from any measurement.

8. 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 through and over any Crown lands whether under lease or not if no access to the 15 lands held by him by means of a reserved or proclaimed road or track shall be provided And such person may for the purposes of this section enter on any Crown lands and mark out thereon as a road of access to his holding a road over such lands one chain wide and following as direct a line as may be practicable to the nearest public road 20 or other road of access leading thereto Provided that notice in writing of the intention to mark out such road shall in every case be given to the lessee or his agent where such road passes over his leased land at least seven days before the marking out of such road And that such road shall not interfere with any buildings 25 garden stock or drafting yards belonging to such lessee 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 upon notice in writing being served upon any such person by a Crown lessee requiring him to fix such road such person shall within 30 three months from the date of service thereof mark out such road of access and shall not be entitled to use any other road of access over the lands of such lessee In the event of any dispute between such person and any Crown lessee as to the position course or width of or any other matter connected with such road the matter in dispute shall be deter- 35 mined by arbitration Provided that any roads so marked shall not be alienated under the tenth section of the "Crown Lands Alienation Act of 1861" Provided that the Minister shall have power to close roads provided for in this clause upon giving three months notice to that effect in the *Gazette*.

9. 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 money on any balance thereof or of rent or other payment under any lease or license shall not be held to have operated or to operate hereafter as a waiver by the Crown of any forfeiture accruing 45 by reason of the breach of any condition precedent or subsequent annexed by law to the estate or interest of a conditional purchaser lessee or licensee But nothing herein contained shall affect any proceedings instituted in any Court before the commencement of this Act or any case where it shall be proved that the Crown through the 50 Minister or any authorized officer has had full knowledge by notice or otherwise of the breach of any such condition before the acceptance of such money interest rent or other payment.

10. No land the purchase of which has been cancelled shall be sold by auction within the period of three months after the cancellation 55 thereof and the usual notification of auction sale in the *Gazette* and local newspapers.

11. After the passing of this Act it shall not be lawful for any pastoral tenant or other person to cause any improvements to be made upon any Crown lands which have been temporarily reserved 60 from

Modification of boundaries &amp;c.

Road of access through leased land.

No waiver by acceptance of interest purchase money or rent.

Proviso.

Cancelled purchase not to be sold for three months after cancellation.

Improvements upon Reserves declared to be unlawful and of no effect.

*Lands Acts further Amendment.*

from sale by the Governor under the provisions of the fourth clause of the "Crown Lands Alienation Act of 1861" And whenever the temporary reservation of any such lands shall be revoked by the Governor the land upon which any improvements are made may not-  
 5 withstanding their existence be conditionally purchased And should an application be made to conditionally purchase such land so improved the applicant must state in his application that he is willing to purchase the improvements and pay for them the amount fixed by appraisalment and shall at the time of making the application pay a deposit of ten  
 10 per cent. upon the supposed value of such improvements and shall pay the balance within three months of the notification in the *Gazette* of the amount fixed in such appraisalment or forfeit his conditional purchase and such improvements shall be held to be part of the improvements required to be made in conformity with the provisions  
 15 of the second section of this Act Provided also that no temporary reservation of any such lands shall be revoked until after survey by way of subdivision thereof.

12. After the passing of this Act no land shall be sold to any pastoral lessee under the second clause of the "Lands Acts Amendment  
 20 Act 1875" in virtue of improvements upon his run unless the Minister shall be satisfied that such improvements are of a fixed and durable character erected constructed or effected *bonâ fide* for the working and beneficial occupation of the run for pastoral purposes and unless the Minister be satisfied that the alienation of such lands is not likely  
 25 to prejudice or affect injuriously the value of adjacent Crown land And before any such land is submitted for appraisalment the Minister may fix a higher minimum price than that provided by the said clause And the total area to be sold in any run in virtue of improvements hereafter applied for shall not exceed one twenty-fifth part of the total  
 30 area of such run on the first January one thousand eight hundred and seventy-eight or the commencement thereafter of the term of lease unless in the case of any run out of which purchases in virtue of improvements have not already been made to the extent of double the one twenty-fifth part aforesaid and in such cases up to double such  
 35 twenty-fifth part in all of the area of the run Provided that the area to be sold in virtue of improvements as aforesaid shall be taken up in blocks not exceeding four in number Provided that land purchased in virtue of improvements having a frontage shall be measured in a rectangular form with a depth of not less than sixty chains.

40 13. The land contained within any pre-emptive lease granted or renewed under the said Acts or this Act except as to an area of not exceeding one thousand nine hundred and twenty acres to be defined by the authority of the Minister adjoining the freehold or conditionally purchased land shall be available for pre-emptive lease in  
 45 virtue of any conditional purchase made therefrom And notwithstanding anything to the contrary contained in the thirty-fifth section of the "Lands Acts Amendment Act of 1875" whenever a conditional purchaser of Crown lands situated within a pastoral lease shall apply for a pre-emptive lease in virtue of his conditional purchase and it  
 50 shall appear that there is not sufficient adjoining land within such pastoral lease to admit of the cancellation therefrom of the area mentioned in the said section it shall be lawful for the Minister to approve of the withdrawal for the purpose of pre-emptive lease of any adjoining land out of any adjoining pastoral lease but not until all the  
 55 available adjoining land within the original pastoral lease shall have first been exhausted.

14. Whenever it shall become necessary or desirable that any price rent value or sum of money should be fixed or ascertained by appraisalment under the hereinbefore recited Acts or this Act such  
 appraisalment

*Lands Acts further Amendment.*

appraisement shall be made by one or more appraisers appointed by the Minister anything in the said Acts to the contrary notwithstanding and every appraisement so made shall unless altered or vetoed by the Minister be binding final and conclusive as if made by appraisers or an  
 5 umpire appointed in the manner in the said Acts provided and every appraiser so appointed shall have the like powers except as to awarding costs.

15. No appraisement made for the purpose of determining the  
 10 rent upon renewal of any existing lease of Crown lands shall be at a lower rate than one pound per section of six hundred and forty acres.

16. When any portion of Crown lands not being forfeited or  
 15 vacated runs shall have become vacant or abandoned or shall have been withdrawn from the pastoral lease for the site of a town or village or for any other purpose it shall be lawful for the Minister to let such  
 15 land by public auction on an annual license at a minimum upset price of not less than one pound per section.

17. For the purpose of the thirty-eighth section of the "Lands  
 20 Acts Amendment Act of 1875" relative to the leasing of Crown lands for the erection of wharfs or jetties Crown lands shall mean any land  
 20 under the sea or land under the waters of any harbour bay lake river creek or navigable stream.

18. The words contained in section thirteen of the "Crown  
 25 Lands Alienation Act of 1861" "the then last census" shall mean the then last census published by the authority of the Government.

19. Crown lands temporarily reserved from sale under the pro-  
 25 visions of the "Crown Lands Alienation Act of 1861" shall not be sold or otherwise disposed of before the expiration of thirty days after such reservation shall be revoked by the Governor by a notice published in the *Gazette*.

20. All roads marked or shown or indicated as roads on an  
 30 office plan of any subdivision made under the authority of the Minister at any time since the eighteenth day of October one thousand eight hundred and sixty-one and all such roads hereafter so marked or indicated shall be deemed to have been and to be lawfully reserved as  
 35 roads and to have been and to be dedicated to the public as such. But nothing in this section contained shall operate or prejudice or affect the rights of the owner of any building or improvements lawfully erected or placed on the line of any such road.

21. It shall be lawful for the Governor to correct or alter the  
 40 design or plan of any town or village and the limits of any suburban lands attached thereto in any case where the site of such town or village has been notified under the "Crown Lands Alienation Act of 1861" or shall be notified under this Act. Provided that notice of the intention so to correct or alter such design plan or limits shall be published in the *Gazette* and in a local newspaper (if any) and that no  
 45 such correction or alteration shall be carried into effect until the expiration of three months from such notification. And provided further that every such correction or alteration shall be notified in the *Gazette* and that an abstract thereof shall be laid before Parliament within thirty days after such notification if Parliament be then in session and  
 50 if not then within thirty days after the commencement of the then next session.

22. If any conditional purchaser of Crown land shall die before  
 55 the fulfilment of all the conditions hereinbefore prescribed the land so purchased shall be held by his executors or administrators as the case may be 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 such conditional purchaser

*Lands Acts further Amendment.*

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 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 of a conditional purchaser remaining unfulfilled at such date as aforesaid.

23. Any Crown lands put up for sale by public auction and not sold may be again put up in like manner Provided that all lands other than town or suburban so put up and not sold shall be open for sale at the upset price or in case the land so put up is sold at the upset price or a higher price and the purchaser fails to comply with the provisions of the twenty-sixth section of the "Crown Lands Alienation Act of 1861" the Governor in Council may declare such sale and contract void and upon a notification to that effect in the *Gazette* the land so sold shall be open for sale at the price for which it was purchased Provided also that the Minister or an officer authorized by him may withdraw any such lands from selection and may again submit them to public auction.

24. In any case where the opening of a new road or the diversion of an existing road through alienated land shall have rendered unnecessary any existing road through the same land such existing road may with his consent be granted in full satisfaction to the owner of the land or if the road so rendered unnecessary be a boundary road it may be granted in like manner in lieu of the new or diverted road.

25. Notwithstanding anything contained in section two of the "Lands Acts Amendment Act" in reference to the value of improvements in respect of which such sale is made of lands other than town lands on gold fields but within areas reserved from conditional sale the value of improvements therein referred to shall only apply to the first of such improvement purchases made by any one person on any gold field And after the passing of this Act improvements to the value of two hundred pounds per acre shall be necessary to entitle the person making such improvements to become the purchaser of any second or subsequent portion on the same gold field.

26. This Act may be cited for all purposes as the "Lands Acts further Amendment Act 1879" and shall be read with and as forming part of the said firstly hereinbefore cited Acts Provided always that nothing herein contained shall except as herein specifically enacted be construed to abridge prejudice or affect any power authority title right claim application action suit or other proceeding matter or thing conferred by or claimed made instituted or done under the provisions of any of the said Acts.

Lands put up and not sold.

Where new road opened old to be taken as compensation.

Improvement purchases on Gold Fields.

Short title.