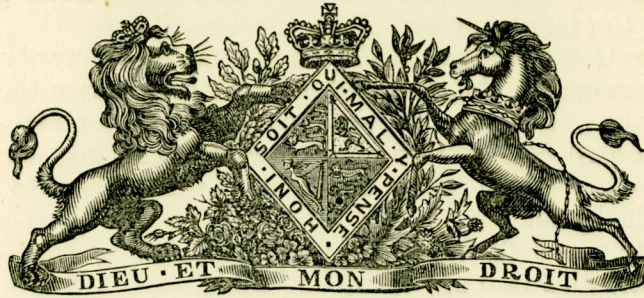


# New South Wales.



ANNO SEXAGESIMO SECUNDO

## VICTORIÆ REGINÆ.

\*\*\*\*\*

### Act No. 1, 1899.

An Act to authorise the raising of a loan for making temporary advances to settlers; to provide for the making and repayment of such advances; and for purposes incidental to or consequent on those objects. [Assented to, 4th April, 1899.]

**W**HEREAS many settlers are in necessitous circumstances, and are Preamble. financially embarrassed owing to the present and recent droughts, and it is expedient to make temporary advances to relieve such settlers: 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:—

#### *Sale of inscribed stock.*

1. It shall be lawful for the Colonial Treasurer to offer for sale, The Treasurer may sell inscribed stock. and to sell at the Treasury, Sydney, inscribed stock, secured upon the Consolidated Revenue Fund of the Colony to an amount not exceeding five hundred thousand pounds.

A

2.

*Advances to Settlers.*

Conditions under which stock may be sold.

2. Such stock shall be sold in amounts of ten pounds, or of some multiple of ten pounds, at such times, in such manner, and subject to such conditions as the Governor may from time to time appoint. The ownership of such stock shall be secured to the holders thereof by the inscription of their respective names, and the amounts of stock held by them respectively in books of record, which shall be prepared and kept for the purpose aforesaid at the Treasury.

Governor may redeem stock after twenty years.

3. The Governor may, after the expiration of twenty years from the commencement of this Act, redeem and repurchase the said stock or any part thereof at the price of one hundred pounds sterling for every one hundred pounds sterling of stock upon giving twelve months notice to the holders of such stock of his intention to redeem or repurchase the same.

Interest at three and a half per cent. payable half-yearly.

4. Interest shall be payable and paid out of the Consolidated Revenue Fund at a rate not exceeding three and a half pounds per annum for every one hundred pounds of stock sold in pursuance of this Act. Such interest shall accrue from the date of the sale, and shall be payable half-yearly on the tenth days of February and August in each year.

Stock certificates to be prepared and issued.

5. Certificates prepared and signed by the Colonial Treasurer or by such other persons as the Governor may authorise and appoint, shall be issued to the purchasers of any stock upon the payment of the amount due in respect of the same, but such certificates shall be issued only as a record of inscription, and shall not be negotiable or transferable security.

Stock, how transferable.

6. Every transfer of stock shall be effected by an entry in transfer books which shall be prepared and kept for the purpose at the Treasury; and every such entry shall be signed by the person making the transfer, being at the time the inscribed holder of such stock, or his lawful attorney, and by the person accepting such stock as transferee, or his lawful attorney.

Applications of moneys raised.

7. All sums of money raised by the sale of stock shall be carried by the Colonial Treasurer to the credit of a special account in the Treasury, and shall be applicable only to the purposes of this Act.

Power to trustees to invest in stock.

8. The stock created by this Act shall be Government Stock, and a Government Security within the meaning of the Trustee Act, 1898, and of the Friendly Societies Act of 1873, and of any Act or rule of Court dealing with the investment of moneys under the control of the Supreme Court. And all corporations, companies, and co-partnerships, and all trustees, executors, and administrators, whether incorporated, established, or appointed before or after the commencement of this Act, and whether by act of parties or operation of law, are hereby authorised and empowered to invest their moneys in the purchase of and to hold stock issued under the provisions of this Act.

*Application*

*Advances to Settlers.**Application of money raised.*

9. (1) Any money raised by the sale of stock in pursuance of this Act may be applied in making temporary advances by way of loan to holders of freehold land or of conditional purchases, conditional leases, homestead selections, homestead leases, settlement leases, or other leases made under any Acts dealing with Crown lands in respect of such lands, but for no other purposes. In this section the term "holders" shall not be limited to registered holders, but may include mortgagors.

Application of money raised by sale of stock.

(2) Such advances shall only be made subject to such conditions as the board, as constituted by this Act, may prescribe and the following conditions:—

- (a) no such advance shall be made except on the recommendation of the board ;
- (b) security for the repayment of the advance shall be given to the satisfaction of the board ;
- (c) the advance shall be repaid, and interest on the money due in respect thereof shall be paid, in such amounts and on such dates as the board may determine ;
- (d) no advance to any of the holders above-mentioned shall exceed two hundred pounds ;
- (e) the rate of interest payable in respect of every such advance shall be four per centum per annum ;
- (f) no such advance shall be made in respect of land subject to mortgage unless the consent of the mortgagee shall first have been lodged with the board ;
- (g) every such advance shall be repaid, and all interest thereon shall be paid, within ten years from the making of the advance ;
- (h) every such advance with interest thereon shall be a debt due by the person to whom the advance was made, recoverable by the Secretary for Lands in any court of competent jurisdiction, and shall, to the extent of the amount owing, be a charge on the land in respect of which the advance was made in priority to any encumbrance, transfer, or dealing registered after the making of the advance. Where an encumbrance, transfer, or dealing has been duly registered before the date of the making of the advance it shall have priority to the said charge on the land unless the persons interested in the land shall have previously consented in writing to the charge having priority to their encumbrances, transfers, and dealings, in which case the charge shall have such priority. An encumbrance, transfer, or dealing shall be deemed to be registered within the meaning of this and the next following subsection, if it is registered in the office of the Registrar-General, or, in the

*Advances to Settlers.*

the case of land under any Acts dealing with Crown lands, if it is registered or recorded in the Department of Lands. But in the case of land held under any Acts dealing with Crown lands, such charge shall not attach after such land has been forfeited under the said Acts or this Act;

- (i) if any amount of principal or interest, due in respect of an advance made under this Act, is unpaid for a period of three months after the due date thereof, the Secretary for Lands may, on behalf of Her Majesty, sell or otherwise dispose of any freehold land in respect of which the advance was made, and in the name of the owner and any person interested therein execute an assurance which shall vest the land in the purchaser, or person to whom the land has been disposed of free from any charge under this Act. In the case of an advance in respect of land held under any Acts dealing with Crown lands not being freehold land, the Secretary for Lands may forfeit the same and any moneys paid in respect thereof, and any improvements thereon, in like manner as land, moneys, and improvements may be forfeited under the provisions of those Acts, and such forfeiture shall have the same effect and may be revoked as if made under those Acts: Provided that none of the above powers shall be exercisable where any encumbrance, transfer, or dealing exists in priority to such advance, and in any such case the land may only be sold or otherwise disposed of by the Secretary for Lands subject to such encumbrance, transfer, or dealing.

Applicant to disclose prior encumbrances.

**10.** Every applicant for an advance shall send with his application a list of all encumbrances, transfers, and dealings affecting the land in respect of which the application is made, and a statutory declaration that to the best of his knowledge, information, and belief these are the only encumbrances, transfers, and dealings affecting the land.

Register to be kept for inspection.

**11.** The board shall keep a register or list of all advances made under this Act, with the names of the persons to whom the advances have been made, and such register or list shall be open to public inspection on payment of such fee as may be prescribed.

Application of repayments of advances and interest thereon.

**12.** All advances repaid under this Act shall be carried to the credit of the special fund in the Treasury, and all interest paid in respect of such advances shall be carried to the Consolidated Revenue Fund.

*Constitution of the board for making advances.*

Constitution of board for carrying out provisions of this Act relating to advances.

**13.** For the purposes of carrying out the provisions of this Act relating to the making, the securing, and the repayment of advances to settlers, there shall be a board of not more than three persons appointed

*Advances to Settlers.*

appointed by the Governor. The members of such board shall be paid out of moneys raised in pursuance of this Act such fees as may be fixed by regulations under this Act in respect of their attendance at meetings of the board. But where any member of the board is an officer of the Public Service, he shall be paid no fees, but the salary paid to him shall include payment for his services on the board.

*Supplemental.*

14. The Governor may make regulations—

Governor may make regulations.

- (a) prescribing the forms to be used in dealing with stock issued under this Act, and in the transfer or disposal of any interest thereon, or otherwise;
- (b) regulating the making and the granting of applications for advances under this Act;
- (c) regulating the procedure at meetings of the board constituted by this Act, and prescribing the quorum at such meetings;
- (d) regulating the appointment to and removal from office of members of the board;
- (e) prescribing the books and accounts to be kept by the board, and providing for the inspection and audit of such books and accounts;
- (f) providing for the receipt and payment of moneys under this Act and the safe custody of securities;
- (g) regulating what applications under this Act shall be dealt with in priority to other applications, and what inquiries and valuations shall be made in relation to any such applications;
- (h) prescribing the conditions on which such advances may be made and the security to be given for the same;
- (i) authorising the recovery and receipt on behalf of Her Majesty of any money payable to the person to whom an advance was made on account of compensation or valuation for improvements or otherwise howsoever in connection with the security for the advance in any case where money is due on the advance or in respect of any interest thereon;
- (j) prescribing the fees to be paid in respect of advances made under this Act;
- (k) prescribing the forms of mortgages, charges, and other securities and documents made or given in respect of advances made under this Act, and the effect of and the covenants to be implied in every such mortgage, charge, security, or document, and providing for the registration or notification of such mortgages, charges, securities, and documents;

*Advances to Settlers.*

(l) providing for the notice to be given of the sale or disposal of any land for non-payment of the amount of any advance or of any interest thereon, and providing for the application of the proceeds of any such sale or disposal;

(m) generally for carrying this Act into effect.

All such regulations shall be published in the Gazette and shall be laid before each House of Parliament within fourteen days after such publication if Parliament is then sitting; but if Parliament is not then sitting, then within fourteen days after the next session of Parliament.

Short title.

**15.** This Act may be cited as the "Advances to Settlers Act, 1899."

By Authority: WILLIAM APPEGATE GULLICK, Government Printer, Sydney, 1899.

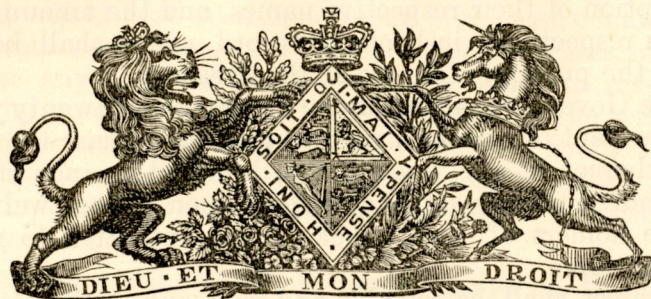
[6d.]

*I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

*Legislative Assembly Chamber,  
Sydney, 29 March, 1899.* }

F. W. WEBB,  
*Clerk of the Legislative Assembly.*

## New South Wales.



ANNO SEXAGESIMO SECUNDO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

## Act No. 1, 1899.

An Act to authorise the raising of a loan for making temporary advances to settlers; to provide for the making and repayment of such advances; and for purposes incidental to or consequent on those objects. [Assented to, 4th April, 1899.]

**W**HEREAS many settlers are in necessitous circumstances, and are financially embarrassed owing to the present and recent droughts, and it is expedient to make temporary advances to relieve such settlers: 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:—

Preamble.

### *Sale of inscribed stock.*

1. It shall be lawful for the Colonial Treasurer to offer for sale, and to sell at the Treasury, Sydney, inscribed stock, secured upon the Consolidated Revenue Fund of the Colony to an amount not exceeding five hundred thousand pounds.

The Treasurer may sell inscribed stock.

2.

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

JOHN L. FEGAN,  
*Temporary Chairman of Committees of the Legislative Assembly.*

*Advances to Settlers.*

Conditions under which stock may be sold.

2. Such stock shall be sold in amounts of ten pounds, or of some multiple of ten pounds, at such times, in such manner, and subject to such conditions as the Governor may from time to time appoint. The ownership of such stock shall be secured to the holders thereof by the inscription of their respective names, and the amounts of stock held by them respectively in books of record, which shall be prepared and kept for the purpose aforesaid at the Treasury.

Governor may redeem stock after twenty years.

3. The Governor may, after the expiration of twenty years from the commencement of this Act, redeem and repurchase the said stock or any part thereof at the price of one hundred pounds sterling for every one hundred pounds sterling of stock upon giving twelve months notice to the holders of such stock of his intention to redeem or repurchase the same.

Interest at three and a half per cent. payable half-yearly.

4. Interest shall be payable and paid out of the Consolidated Revenue Fund at a rate not exceeding three and a half pounds per annum for every one hundred pounds of stock sold in pursuance of this Act. Such interest shall accrue from the date of the sale, and shall be payable half-yearly on the tenth days of February and August in each year.

Stock certificates to be prepared and issued.

5. Certificates prepared and signed by the Colonial Treasurer or by such other persons as the Governor may authorise and appoint, shall be issued to the purchasers of any stock upon the payment of the amount due in respect of the same, but such certificates shall be issued only as a record of inscription, and shall not be negotiable or transferable security.

Stock, how transferable.

6. Every transfer of stock shall be effected by an entry in transfer books which shall be prepared and kept for the purpose at the Treasury; and every such entry shall be signed by the person making the transfer, being at the time the inscribed holder of such stock, or his lawful attorney, and by the person accepting such stock as transferee, or his lawful attorney.

Applications of moneys raised.

7. All sums of money raised by the sale of stock shall be carried by the Colonial Treasurer to the credit of a special account in the Treasury, and shall be applicable only to the purposes of this Act.

Power to trustees to invest in stock.

8. The stock created by this Act shall be Government Stock, and a Government Security within the meaning of the Trustee Act, 1898, and of the Friendly Societies Act of 1873, and of any Act or rule of Court dealing with the investment of moneys under the control of the Supreme Court. And all corporations, companies, and co-partnerships, and all trustees, executors, and administrators, whether incorporated, established, or appointed before or after the commencement of this Act, and whether by act of parties or operation of law, are hereby authorised and empowered to invest their moneys in the purchase of and to hold stock issued under the provisions of this Act.

*Application*



*Advances to Settlers.**Application of money raised.*

9. (1) Any money raised by the sale of stock in pursuance of this Act may be applied in making temporary advances by way of loan to holders of freehold land or of conditional purchases, conditional leases, homestead selections, homestead leases, settlement leases, or other leases made under any Acts dealing with Crown lands in respect of such lands, but for no other purposes. In this section the term "holders" shall not be limited to registered holders, but may include mortgagors.

Application of money raised by sale of stock.

(2) Such advances shall only be made subject to such conditions as the board, as constituted by this Act, may prescribe and the following conditions:—

- (a) no such advance shall be made except on the recommendation of the board ;
- (b) security for the repayment of the advance shall be given to the satisfaction of the board ;
- (c) the advance shall be repaid, and interest on the money due in respect thereof shall be paid, in such amounts and on such dates as the board may determine ;
- (d) no advance to any of the holders above-mentioned shall exceed two hundred pounds ;
- (e) the rate of interest payable in respect of every such advance shall be four per centum per annum ;
- (f) no such advance shall be made in respect of land subject to mortgage unless the consent of the mortgagee shall first have been lodged with the board ;
- (g) every such advance shall be repaid, and all interest thereon shall be paid, within ten years from the making of the advance ;
- (h) every such advance with interest thereon shall be a debt due by the person to whom the advance was made, recoverable by the Secretary for Lands in any court of competent jurisdiction, and shall, to the extent of the amount owing, be a charge on the land in respect of which the advance was made in priority to any encumbrance, transfer, or dealing registered after the making of the advance. Where an encumbrance, transfer, or dealing has been duly registered before the date of the making of the advance it shall have priority to the said charge on the land unless the persons interested in the land shall have previously consented in writing to the charge having priority to their encumbrances, transfers, and dealings, in which case the charge shall have such priority. An encumbrance, transfer, or dealing shall be deemed to be registered within the meaning of this and the next following subsection, if it is registered in the office of the Registrar-General, or, in the

*Advances to Settlers.*

the case of land under any Acts dealing with Crown lands, if it is registered or recorded in the Department of Lands. But in the case of land held under any Acts dealing with Crown lands, such charge shall not attach after such land has been forfeited under the said Acts or this Act ;

- (i) if any amount of principal or interest, due in respect of an advance made under this Act, is unpaid for a period of three months after the due date thereof, the Secretary for Lands may, on behalf of Her Majesty, sell or otherwise dispose of any freehold land in respect of which the advance was made, and in the name of the owner and any person interested therein execute an assurance which shall vest the land in the purchaser, or person to whom the land has been disposed of free from any charge under this Act. In the case of an advance in respect of land held under any Acts dealing with Crown lands not being freehold land, the Secretary for Lands may forfeit the same and any moneys paid in respect thereof, and any improvements thereon, in like manner as land, moneys, and improvements may be forfeited under the provisions of those Acts, and such forfeiture shall have the same effect and may be revoked as if made under those Acts: Provided that none of the above powers shall be exercisable where any encumbrance, transfer, or dealing exists in priority to such advance, and in any such case the land may only be sold or otherwise disposed of by the Secretary for Lands subject to such encumbrance, transfer, or dealing.

Applicant to disclose prior encumbrances.

**10.** Every applicant for an advance shall send with his application a list of all encumbrances, transfers, and dealings affecting the land in respect of which the application is made, and a statutory declaration that to the best of his knowledge, information, and belief these are the only encumbrances, transfers, and dealings affecting the land.

Register to be kept for inspection.

**11.** The board shall keep a register or list of all advances made under this Act, with the names of the persons to whom the advances have been made, and such register or list shall be open to public inspection on payment of such fee as may be prescribed.

Application of repayments of advances and interest thereon.

**12.** All advances repaid under this Act shall be carried to the credit of the special fund in the Treasury, and all interest paid in respect of such advances shall be carried to the Consolidated Revenue Fund.

*Constitution of the board for making advances.*

Constitution of board for carrying out provisions of this Act relating to advances.

**13.** For the purposes of carrying out the provisions of this Act relating to the making, the securing, and the repayment of advances to settlers, there shall be a board of not more than three persons appointed

*Advances to Settlers.*

appointed by the Governor. The members of such board shall be paid out of moneys raised in pursuance of this Act such fees as may be fixed by regulations under this Act in respect of their attendance at meetings of the board. But where any member of the board is an officer of the Public Service, he shall be paid no fees, but the salary paid to him shall include payment for his services on the board.

*Supplemental.*

14. The Governor may make regulations—
- (a) prescribing the forms to be used in dealing with stock issued under this Act, and in the transfer or disposal of any interest thereon, or otherwise;
- (b) regulating the making and the granting of applications for advances under this Act;
- (c) regulating the procedure at meetings of the board constituted by this Act, and prescribing the quorum at such meetings;
- (d) regulating the appointment to and removal from office of members of the board;
- (e) prescribing the books and accounts to be kept by the board, and providing for the inspection and audit of such books and accounts;
- (f) providing for the receipt and payment of moneys under this Act and the safe custody of securities;
- (g) regulating what applications under this Act shall be dealt with in priority to other applications, and what inquiries and valuations shall be made in relation to any such applications;
- (h) prescribing the conditions on which such advances may be made and the security to be given for the same;
- (i) authorising the recovery and receipt on behalf of Her Majesty of any money payable to the person to whom an advance was made on account of compensation or valuation for improvements or otherwise howsoever in connection with the security for the advance in any case where money is due on the advance or in respect of any interest thereon;
- (j) prescribing the fees to be paid in respect of advances made under this Act;
- (k) prescribing the forms of mortgages, charges, and other securities and documents made or given in respect of advances made under this Act, and the effect of and the covenants to be implied in every such mortgage, charge, security, or document, and providing for the registration or notification of such mortgages, charges, securities, and documents;

Governor may make regulations.

(l)

*Advances to Settlers.*

- (l) providing for the notice to be given of the sale or disposal of any land for non-payment of the amount of any advance or of any interest thereon, and providing for the application of the proceeds of any such sale or disposal;
- (m) generally for carrying this Act into effect.

All such regulations shall be published in the Gazette and shall be laid before each House of Parliament within fourteen days after such publication if Parliament is then sitting; but if Parliament is not then sitting, then within fourteen days after the next session of Parliament.

Short title.

15. This Act may be cited as the "Advances to Settlers Act, 1899."

*In the name and on the behalf of Her Majesty I assent to this Act.*

FREDK. M. DARLEY,  
*Lieutenant-Governor.*

*Government House,  
Sydney, 4th April, 1899.*

ADVANCES TO SETTLERS BILL.

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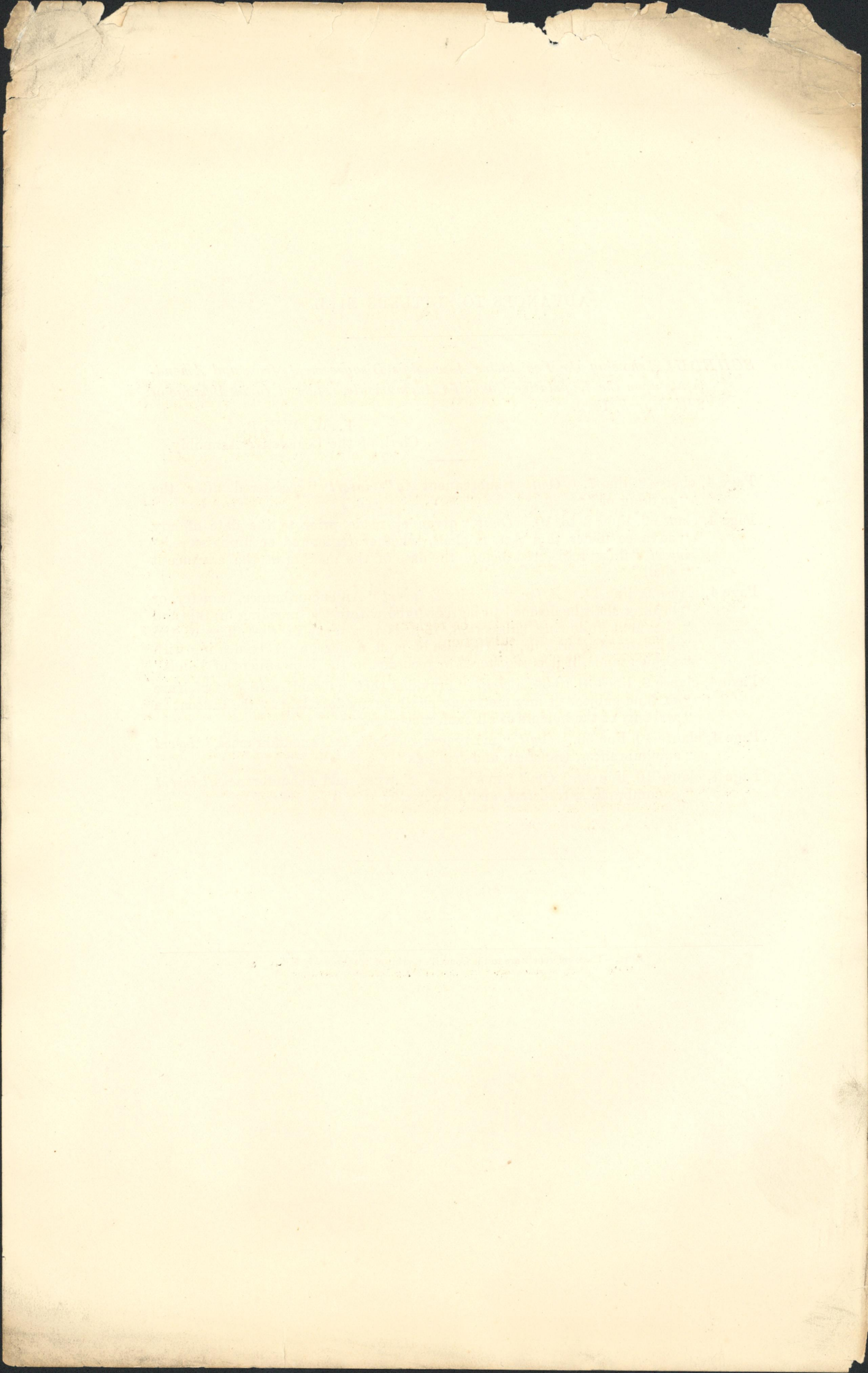
*SCHEDULE showing the Legislative Assembly's Disagreements from and Amendments upon the Legislative Council's Amendments, referred to in Message of 29th March, 1899.*

F. W. WEBB,  
Clerk of the Legislative Assembly.

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- Page 4, clause 9, line 7. *Omit* "subsequent to" *insert* "registered after the  
"making of"
- Page 4, clause 9, lines 8 to 10. *Omit* "given or made prior to the date of any  
"advance under this Act, it shall, whether registered or unregistered,"  
*insert* "duly registered before the date of the making of the advance it  
"shall"
- Page 4, clause 9, line 14. *After* "priority" *insert* "An encumbrance, transfer, or  
"dealing shall be deemed to be registered within the meaning of this and  
"the next following subsection, if it is registered in the office of the  
"Registrar-General, or, in the case of land under any Acts dealing with  
"Crown lands, if it is registered or recorded in the Department of Lands"
- Page 4, clause 9, lines 31 to 34. *Omit* "Provided that no such sale or forfeiture  
"of land subject to any mortgage shall be made without the consent in  
"writing of the holders of all such mortgages."
- Page 4, clause 10, line 36. *Omit* "mortgages, charges, and encumbrances," *insert*  
"encumbrances, transfers, and dealings"
- Page 4, clause 10, line 39. *Omit* "mortgages, charges, and encumbrances," *insert*  
"encumbrances, transfers, and dealings."
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NOTE.—These references are to the Council's reprint of the Assembly Bill.



ADVANCES TO SETTLERS BILL.

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*SCHEDULE of Amendments referred to in Message of 23rd March, 1899.*

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Page 3, clause 9, line 24. *Omit* "or mortgagees"

Page 3, clause 9. *Omit* subsection (h) *insert* new subsection (h)

Page 4, clause 9. At end of subsection (i) *add* " **Provided** that no such sale or  
" forfeiture of land, subject to any mortgage, shall be made without the  
" consent in writing of the holders of all such mortgages."

Page 4. *After* clause 9 *insert* new clauses 10 and 11

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THE UNIVERSITY OF CHICAGO

PHILOSOPHY DEPARTMENT

PHILOSOPHY 101  
Lecture Notes  
Lecture 1: Introduction to Philosophy  
Lecture 2: The Nature of Philosophy  
Lecture 3: The History of Philosophy  
Lecture 4: The Philosophy of Language  
Lecture 5: The Philosophy of Mind  
Lecture 6: The Philosophy of Action  
Lecture 7: The Philosophy of Law  
Lecture 8: The Philosophy of Religion  
Lecture 9: The Philosophy of Science  
Lecture 10: The Philosophy of Art



*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, 21 March, 1899.* }

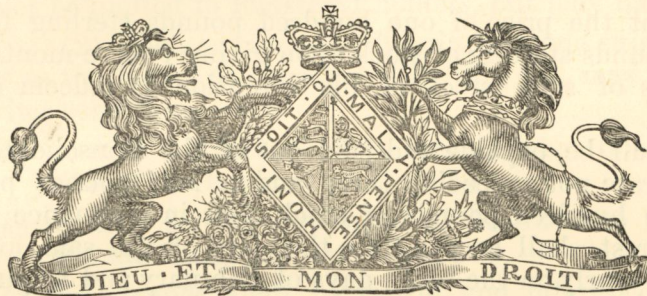
F. W. WEBB,  
*Clerk of the Legislative Assembly.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

*Legislative Council Chamber,  
Sydney, 23rd March, 1899.* }

JOHN J. CALVERT,  
*Clerk of the Parliaments.*

## New South Wales.



ANNO SEXAGESIMO SECUNDO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

Act No. , 1899.

An Act to authorise the raising of a loan for making temporary advances to settlers; to provide for the making and repayment of such advances; and for purposes incidental to or consequent on those objects.

**W**HEREAS many settlers are in necessitous circumstances, and are Preamble. financially embarrassed owing to the present and recent droughts, and it is expedient to make temporary advances to relieve such settlers: 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:—

### *Sale of inscribed stock.*

1. It shall be lawful for the Colonial Treasurer to offer for sale, The Treasurer may sell inscribed stock. and to sell at the Treasury, Sydney, inscribed stock, secured upon the Consolidated Revenue Fund of the Colony to an amount not exceeding five hundred thousand pounds.

30—A

2.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

*Advances to Settlers.*

- 5 (h) Every such advance with interest thereon shall be a debt due  
by the person to whom the advance was made, recoverable  
by the Secretary for Lands in any court of competent  
jurisdiction, and shall, to the extent of the amount owing, be  
10 a charge on the land in respect of which the advance was  
made in priority to any encumbrance, transfer, or dealing  
subsequent to the advance. Where an encumbrance, transfer,  
or dealing has been given or made prior to the date of any  
advance under this Act, it shall, whether registered or  
unregistered, have priority to the said charge on the land  
15 unless the persons interested in the land shall have previously  
consented in writing to the charge having priority to their  
encumbrances, transfers, and dealings, in which case the  
charge shall have such priority. But in the case of land  
held under any Acts dealing with Crown lands, such charge  
shall not attach after such land has been forfeited under the  
said Acts or this Act.
- 20 (i) if any amount of principal or interest, due in respect of an  
advance made under this Act, is unpaid for a period of three  
months after the due date thereof, the Secretary for Lands  
may, on behalf of Her Majesty, sell or otherwise dispose  
of any freehold land in respect of which the advance was  
made, and in the name of the owner and any person interested  
therein execute an assurance which shall vest the land in the  
purchaser, or person to whom the land has been disposed of  
free from any charge under this Act. In the case of an  
25 advance in respect of land held under any Acts dealing with  
Crown lands not being freehold land, the Secretary for Lands  
may forfeit the same and any moneys paid in respect thereof,  
and any improvements thereon, in like manner as land, moneys,  
and improvements may be forfeited under the provisions of  
30 those Acts, and such forfeiture shall have the same effect  
and may be revoked as if made under those Acts: **Provided**  
that no such sale or forfeiture of land subject to any mortgage  
shall be made without the consent in writing of the holders  
of all such mortgages.
- 35 **10.** Every applicant for an advance shall send with his appli- Applicant to  
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land in respect of which the application is made, and a statutory encumbrances.
- 40 **land.**
- 11.** The Board shall keep a register or list of all advances made Register to be  
under this Act, with the names of the persons to whom the advances kept for inspec-  
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inspection on payment of such fee as may be prescribed. 10.

*Advances to Settlers.*

10. 12. All advances repaid under this Act shall be carried to the credit of the special fund in the Treasury, and all interest paid in respect of such advances shall be carried to the Consolidated Revenue Fund.

Application of repayments of advances and interest thereon.

5 *Constitution of the board for making advances.*

11. 13. For the purposes of carrying out the provisions of this Act relating to the making, the securing, and the repayment of advances to settlers, there shall be a board of not more than three persons appointed by the Governor. The members of such board shall be paid out of moneys raised in pursuance of this Act such fees as may be fixed by regulations under this Act in respect of their attendance at meetings of the board. But where any member of the board is an officer of the Public Service, he shall be paid no fees, but the salary paid to him shall include payment for his services on the board.

Constitution of board for carrying out provisions of this Act relating to advances.

15 *Supplemental.*

12. 14. The Governor may make regulations—

Governor may make regulations.

- (a) prescribing the forms to be used in dealing with stock issued under this Act, and in the transfer or disposal of any interest thereon, or otherwise;
- 20 (b) regulating the making and the granting of applications for advances under this Act;
- (c) regulating the procedure at meetings of the board constituted by this Act, and prescribing the quorum at such meetings;
- 25 (d) regulating the appointment to and removal from office of members of the board;
- (e) prescribing the books and accounts to be kept by the board, and providing for the inspection and audit of such books and accounts;
- 30 (f) providing for the receipt and payment of moneys under this Act and the safe custody of securities;
- (g) regulating what applications under this Act shall be dealt with in priority to other applications, and what inquiries and valuations shall be made in relation to any such applications;
- 35 (h) prescribing the conditions on which such advances may be made and the security to be given for the same;
- (i) authorising the recovery and receipt on behalf of Her Majesty of any money payable to the person to whom an advance was made on account of compensation or valuation for improvements or otherwise howsoever in connection with the security for the advance in any case where money is due on the advance or in respect of any interest thereon;
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*Advances to Settlers.*

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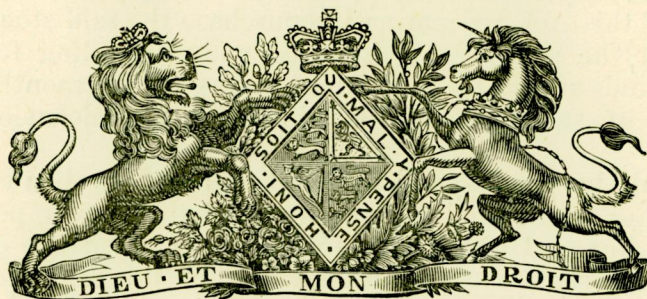
- (j) prescribing the fees to be paid in respect of advances made under this Act;
- 5 (k) prescribing the forms of mortgages, charges, and other securities and documents made or given in respect of advances made under this Act, and the effect of and the covenants to be implied in every such mortgage, charge, security, or document, and providing for the registration or notification of such mortgages, charges securities, and documents;
- 10 (l) providing for the notice to be given of the sale or disposal of any land for non-payment of the amount of any advance or of any interest thereon, and providing for the application of the proceeds of any such sale or disposal;
- (m) generally for carrying this Act into effect.
- 15 All such regulations shall be published in the Gazette and shall be laid before each House of Parliament within fourteen days after such publication if Parliament is then sitting; but if Parliament is not then sitting, then within fourteen days after the next session of Parliament.
- 20 13. 15. This Act may be cited as the "Advances to Settlers Act, Short title. 1899."

*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, 21 March, 1899. }*

F. W. WEBB,  
*Clerk of the Legislative Assembly.*

## New South Wales.



ANNO SEXAGESIMO SECUNDO

# VICTORIÆ REGINÆ.

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Act No. , 1899.

An Act to authorise the raising of a loan for making temporary advances to settlers; to provide for the making and repayment of such advances; and for purposes incidental to or consequent on those objects.

**W**HEREAS many settlers are in necessitous circumstances, and are Preamble. financially embarrassed owing to the present and recent droughts, and it is expedient to make temporary advances to relieve such settlers: Be it therefore enacted by the Queen's Most Excellent Majesty, 5 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:—

### *Sale of inscribed stock.*

1. It shall be lawful for the Colonial Treasurer to offer for sale, The Treasurer may sell inscribed stock. and to sell at the Treasury, Sydney, inscribed stock, secured upon the Consolidated Revenue Fund of the Colony to an amount not exceeding five hundred thousand pounds.

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*Advances to Settlers.*

2. Such stock shall be sold in amounts of ten pounds, or of some multiple of ten pounds, at such times, in such manner, and subject to such conditions as the Governor may from time to time appoint. The ownership of such stock shall be secured to the holders thereof by the inscription of their respective names, and the amounts of stock held by them respectively in books of record, which shall be prepared and kept for the purpose aforesaid at the Treasury.

Conditions under which stock may be sold.

3. The Governor may, after the expiration of twenty years from the commencement of this Act, redeem and repurchase the said stock or any part thereof at the price of one hundred pounds sterling for every one hundred pounds sterling of stock upon giving twelve months notice to the holders of such stock of his intention to redeem or repurchase the same.

Governor may redeem stock after twenty years.

4. Interest shall be payable and paid out of the Consolidated Revenue Fund at a rate not exceeding three and a half pounds per annum for every one hundred pounds of stock sold in pursuance of this Act. Such interest shall accrue from the date of the sale, and shall be payable half-yearly on the tenth days of February and August in each year.

Interest at three and a half per cent. payable half-yearly.

5. Certificates prepared and signed by the Colonial Treasurer or by such other persons as the Governor may authorise and appoint, shall be issued to the purchasers of any stock upon the payment of the amount due in respect of the same, but such certificates shall be issued only as a record of inscription, and shall not be negotiable or transferable security.

Stock certificates to be prepared and issued.

6. Every transfer of stock shall be effected by an entry in transfer books which shall be prepared and kept for the purpose at the Treasury; and every such entry shall be signed by the person making the transfer, being at the time the inscribed holder of such stock, or his lawful attorney, and by the person accepting such stock as transferee, or his lawful attorney.

Stock, how transferable.

7. All sums of money raised by the sale of stock shall be carried by the Colonial Treasurer to the credit of a special account in the Treasury, and shall be applicable only to the purposes of this Act.

Applications of moneys raised.

8. The stock created by this Act shall be Government Stock, and a Government Security within the meaning of the Trustee Act, 1898, and of the Friendly Societies Act of 1873, and of any Act or rule of Court dealing with the investment of moneys under the control of the Supreme Court. And all corporations, companies, and co-partnerships, and all trustees, executors, and administrators, whether incorporated, established, or appointed before or after the commencement of this Act, and whether by act of parties or operation of law, are hereby authorised and empowered to invest their moneys in the purchase of and to hold stock issued under the provisions of this Act.

Power to trustees to invest in stock.

*Application*

*Advances to Settlers.**Application of money raised.*

9. (1) Any money raised by the sale of stock in pursuance of this Act may be applied in making temporary advances by way of loan to holders of freehold land or of conditional purchases, conditional leases, 5 homestead selections, homestead leases, settlement leases, or other leases made under any Acts dealing with Crown lands in respect of such lands, but for no other purposes. In this section the term "holders" shall not be limited to registered holders, but may include mortgagors.
- (2) Such advances shall only be made subject to such con- 10 ditions as the board, as constituted by this Act, may prescribe and the following conditions:—
- (a) no such advance shall be made except on the recommenda-  
tion of the board ;
  - 15 (b) security for the repayment of the advance shall be given to the satisfaction of the board ;
  - (c) the advance shall be repaid, and interest on the money due in respect thereof shall be paid, in such amounts and on such dates as the board may determine ;
  - 20 (d) no advance to any of the holders above-mentioned shall exceed two hundred pounds ;
  - (e) the rate of interest payable in respect of every such advance shall be four per centum per annum ;
  - (f) no such advance shall be made in respect of land subject to mortgage unless the consent of the mortgagee or mortgagees 25 shall first have been lodged with the board ;
  - (g) every such advance shall be repaid, and all interest thereon shall be paid, within ten years from the making of the advance ;
  - 30 (h) every such advance with interest thereon shall be a debt due to Her Majesty by the person to whom the advance was made, recoverable by the Secretary for Lands on behalf of Her Majesty in any court of competent jurisdiction, and shall, while due and unpaid, be a charge on the land in respect of which the advance was made in priority to any 35 encumbrance, transfer, or dealing subsequent to the advance, and, with the consent of the persons interested, in priority also to any encumbrance, made before the commencement of this Act or prior to the date of such advance. But in the case of land held under any Acts dealing with Crown lands, such charge shall not attach after such land has been 40 forfeited under the said Acts or this Act ;
  - (i) if any amount of principal or interest, due in respect of an advance made under this Act, is unpaid for a period of three months after the due date thereof, the Secretary for Lands may,

Application of money raised by sale of stock.

*Advances to Settlers.*

5 may, on behalf of Her Majesty, sell or otherwise dispose  
of any freehold land in respect of which the advance was  
made, and in the name of the owner and any person interested  
therein execute an assurance which shall vest the land in the  
purchaser, or person to whom the land has been disposed of  
free from any charge under this Act. In the case of an  
advance in respect of land held under any Acts dealing with  
10 Crown lands not being freehold land, the Secretary for Lands  
may forfeit the same and any moneys paid in respect thereof,  
and any improvements thereon, in like manner as land, moneys,  
and improvements may be forfeited under the provisions of  
those Acts, and such forfeiture shall have the same effect  
and may be revoked as if made under those Acts.

15 **10.** All advances repaid under this Act shall be carried to the  
credit of the special fund in the Treasury, and all interest paid in  
respect of such advances shall be carried to the Consolidated Revenue  
Fund. Application of repayments of advances and interest thereon.

*Constitution of the board for making advances.*

20 **11.** For the purposes of carrying out the provisions of this Act  
relating to the making, the securing, and the repayment of advances  
to settlers, there shall be a board of not more than three persons  
appointed by the Governor. The members of such board shall be paid  
out of moneys raised in pursuance of this Act such fees as may be  
fixed by regulations under this Act in respect of their attendance at  
25 meetings of the board. But where any member of the board is an  
officer of the Public Service, he shall be paid no fees, but the salary  
paid to him shall include payment for his services on the board. Constitution of board for carrying out provisions of this Act relating to advances.

*Supplemental.*

30 **12.** The Governor may make regulations— Governor may make regulations.  
(a) prescribing the forms to be used in dealing with stock issued  
under this Act, and in the transfer or disposal of any interest  
thereon, or otherwise;  
(b) regulating the making and the granting of applications for  
advances under this Act;  
35 (c) regulating the procedure at meetings of the board constituted  
by this Act, and prescribing the quorum at such meetings;  
(d) regulating the appointment to and removal from office of  
members of the board;  
(e) prescribing the books and accounts to be kept by the board,  
and providing for the inspection and audit of such books and  
40 accounts;

(f)



*Advances to Settlers.*

- (*f*) providing for the receipt and payment of moneys under this Act and the safe custody of securities ;
- 5 (*g*) regulating what applications under this Act shall be dealt with in priority to other applications, and what inquiries and valuations shall be made in relation to any such applications ;
- (*h*) prescribing the conditions on which such advances may be made and the security to be given for the same ;
- 10 (*i*) authorising the recovery and receipt on behalf of Her Majesty of any money payable to the person to whom an advance was made on account of compensation or valuation for improvements or otherwise howsoever in connection with the security for the advance in any case where money is due on the advance or in respect of any interest thereon ;
- 15 (*j*) prescribing the fees to be paid in respect of advances made under this Act ;
- (*k*) prescribing the forms of mortgages, charges, and other securities and documents made or given in respect of advances made under this Act, and the effect of and the covenants to be implied in every such mortgage, charge, security, or document, and providing for the registration or notification of such mortgages, charges securities, and documents ;
- 20 (*l*) providing for the notice to be given of the sale or disposal of any land for non-payment of the amount of any advance or of any interest thereon, and providing for the application of the proceeds of any such sale or disposal ;
- 25 (*m*) generally for carrying this Act into effect.

30 All such regulations shall be published in the Gazette and shall be laid before each House of Parliament within fourteen days after such publication if Parliament is then sitting ; but if Parliament is not then sitting, then within fourteen days after the next session of Parliament.

13. This Act may be cited as the "Advances to Settlers Act, Short title. 1899."

(a)

Section 101 of the Constitution of the United States

1887

The first section of the Constitution of the United States provides that the legislative power shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

32

(b) The second section of the Constitution of the United States provides that the President and Vice President shall be chosen for four years.

30

(c) The third section of the Constitution of the United States provides that the President shall hold office from January 20th until January 20th of the following year.

31

(d) The fourth section of the Constitution of the United States provides that the President shall have the power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

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(e) The fifth section of the Constitution of the United States provides that the President shall have the power to nominate and appoint, and to receive and commission, all officers and judges of the United States.

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(f) The sixth section of the Constitution of the United States provides that the President shall have the power to grant pardons and reprieves for offenses against the United States, except in cases of impeachment.