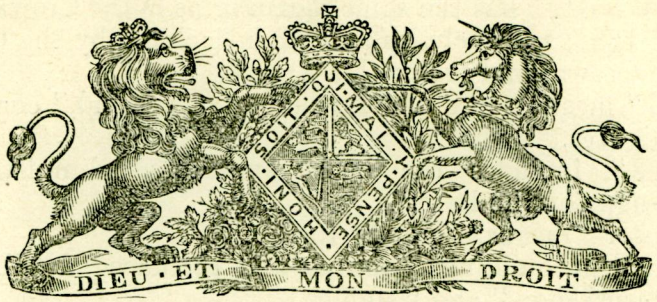
I Certify that this PUBLIC BILL, *which originated in the* LEGISLATIVE ASSEMBLY, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

Legislative Assembly Chamber,
Sydney, 10 *December,* 1901.

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

New South Wales.



ANNO PRIMO

EDWARDI VII REGIS.

Act No. 69, 1901.

An Act to provide for setting apart certain Crown lands for working men's blocks; for providing loans to the lessees of such blocks; and for other purposes. [Assented to, 27th December, 1901.]

BE it enacted by the King'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. This Act may be cited for all purposes as the "Blockholders Act." Short title.

2. In the construction of this Act, except where by the subject-matter or context a different construction is required,— Definitions.

"Board" means local land board of the district in which the land is situate, as constituted under the Crown Lands Acts.

"District" means land district constituted under the Crown Lands Act of 1884.

"Block"

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

J. H. CANN,
Chairman of Committees of the Legislative Assembly.

"Block" means the land held by the blockholder.

"Blockholder" includes as well the lessee to whom a lease of a working man's block has been granted pursuant to this Act, as the transferee, devisee, or personal representatives of such lessee.

"Crown lands" has the same meaning as in the Crown Lands Act of 1884, and includes also lands declared by the Governor to be Crown land under this Act.

"Fund" means "The Blockholders Loan Fund," constituted by this Act.

"Lessee" includes the heirs, executors, administrators, and assigns of the lessee.

"Minister" means Secretary for Lands.

"Permanent buildings" means and includes "dwelling-house," "workshop," and "stables."

"Prescribed" means prescribed by this Act or any regulations made thereunder.

Leases of small blocks for working men.

Land may be set apart and leased.

3. The Governor may declare by notification in the Gazette that any Crown land therein described is set apart for the purposes of working men's blocks for the purposes of this Act.

The Minister shall thereupon cause such Crown lands to be surveyed in blocks not exceeding ten acres in area, and by notification in the Gazette may appoint a day on and after which applications may be received for leasing such blocks under this Act, and revoke or amend any such notification. All such applications shall be made and dealt with in the manner prescribed; and the Governor after the said day may issue to an applicant, whose application has been confirmed by the board, a lease of the block applied for.

The rental of land leased or to be leased in accordance with the provisions of this Act shall be at a rate to be fixed by the Minister, being not more than five per centum per annum on the capital value of the land as determined by the board, and may be altered by the Minister after the expiration of each twenty years of the lease, provided that no alteration of the rate for any period of twenty years shall be made until the board (or the Land Appeal Court, on appeal by the blockholder or the Minister, within such time as may be prescribed) shall have determined the rate of rent which should be payable, and such determination shall be final.

Such lease shall be for a period of ninety-nine years, and shall be in the prescribed form, and shall contain provisions—

to pay the rent annually in advance;

to pay all rates, taxes, and the value of improvements which may be payable in respect of the leased land during the lease;

to

to fence the leased land within the first two years of the term with a fence of a prescribed kind, and during the remainder of the term to maintain the whole of such fence in good and substantial repair;

for personal residence by the lessee on the leased land for nine months at the least in every year of the term;

to keep and maintain all improvements of the property of the Crown on the leased land in good and tenable repair and condition;

to insure and keep insured the said property in terms of the said lease;

to conform to any regulations made by the Minister, and notified in the Gazette prior to confirmation of the application for lease of the block, relating to style of dwelling, keeping the block clear of noxious animals, and also to clearing the block of scrub and noxious weeds;

not to transfer, assign, sublet, or part with the possession of any of the land without the Minister's consent;

and such lease may also contain such additional provisions, conditions, reservations, and covenants as the Governor may deem expedient in the public interest.

Who is disentitled to be a lessee.

4. No person, except one who gains his livelihood by his own labour, and who has attained the full age of eighteen years, shall be entitled to apply for or become the holder, by transfer or otherwise, of a lease under this Act, and no person may apply for or become the holder of more than one such lease.

Forfeiture for default.

5. On the lessee making default for the period of three months in the payment of the rent reserved by the lease, or making default in the observance or performance of the condition or covenant for personal residence contained therein, the lease shall, on notification in the Gazette, be absolutely void, and the land thereby demised shall, with all improvements thereon, revert to the Crown and become Crown lands: Provided that the Minister may waive, or reverse, such voidance, subject to such conditions as he may determine.

Residence.

6. Personal residence by the wife or child of any such lessee on the demised land shall be considered personal residence by the lessee.

Impounding.

7. No lessee, under this Act, shall be entitled to impound any stock trespassing on any land comprised in his lease, unless such land is enclosed with a fence sufficiently substantial and close to ordinarily resist the trespass of the stock trespassing.

Report by board.

8. The Minister may refer for report to the board any matter arising under this Act.

Fund to be created.

9. The Treasurer shall set apart, out of moneys to be provided by Parliament for the purpose, a sum or sums not exceeding in the whole

whole ten thousand pounds, to constitute a fund to be called "The Blockholders Loan Fund." Such fund shall be under the control of the Minister, and be operated upon by him for the purpose of making advances to blockholders to assist them in erecting buildings and making permanent improvements on their blocks.

Advances from fund to blockholders.

10. On the application of any blockholder who, to the satisfaction of the Minister, has observed and performed such of the covenants and conditions of his lease as he is at the time of the said application required to observe or perform, the Minister may advance or lend to him from the fund such sums as the Minister thinks fit, to aid the applicant in erecting or completing permanent buildings on his block: Provided—

(a) that such advance shall not exceed one-half of the cost to the blockholder of the permanent buildings which are then subsisting, in good repair and condition, on his block; and

(b) that the amount owing to the Minister by any blockholder in respect of moneys advanced and interest thereon shall not at any time exceed fifty pounds.

Applications for advances.

11. Every application for an advance under this Act shall be made in the form in Schedule A hereto, and shall be supported by vouchers, statutory declarations, or other evidence to the satisfaction of the Minister, showing the cost and condition of the permanent buildings then erected and being on the block. The labour of the blockholder may be taken into account in computing the cost of any such buildings: Provided that the correctness of the cost and condition of such buildings shall be certified by an inspector or other person appointed in that behalf by the Minister.

Repayment of advances.

12. All moneys advanced to any blockholders under this Act shall by him be repaid by five equal annual instalments, to be paid at the commencement of the sixth, seventh, eighth, ninth, and tenth years, respectively, after the making of the advance; and, at the option of the blockholder, any part of such moneys may be repaid at any earlier times than those mentioned in this section.

Extension of time for repayment.

13. In cases of hardship, the Minister may extend the time for making any payment on account of any loan under this Act: Provided that the deferred payments shall continue to bear interest at the rate of five pounds per centum per annum.

Interest.

14. The blockholder shall also annually pay to the Minister interest at the rate of five per centum per annum on the amount of the advances for the time being remaining unpaid.

Agreement with Minister.

15. Every blockholder, on obtaining an advance under this Act, shall enter into an agreement with the Minister in the form in Schedule B to this Act, upon the terms and conditions therein set forth, and such additional terms and conditions (if any) as the Minister may think necessary.

16. Any breach by the blockholder of any of the terms or conditions of such agreement shall, for all purposes, be deemed a breach of the conditions of the lease, and shall render the lease liable to forfeiture by notice in the Gazette. Breach of conditions.

17. If any blockholder obtains an advance under this Act no sublease, mortgage, or other encumbrance (except the agreement provided for in section fifteen) subsequently executed by him shall have any validity until such advance and all interest in respect thereof is fully repaid and satisfied. Subleases and mortgages to be void.

18. If before the issue of the lease any blockholder, by notice in writing to the Minister, requests that his lease be endorsed with the words "The land herein comprised is held as a homestead block," the Minister shall cause such lease to be so endorsed accordingly. If at any time after the issue of his lease any blockholder requests his lease to be so endorsed as aforesaid, the Minister may, if he thinks fit so to do, after causing notice of the request to be published twice, at least, in the Gazette, cause the same to be so endorsed accordingly. Every such endorsement shall be signed by the Minister. Endorsement protecting lease.

19. The effect of such endorsement shall be— Effect of endorsement.

(a) that no subsequent mortgage, or other encumbrance, by the blockholder of the land, or his estate, or interest therein, or of any part thereof respectively, except the agreement provided for in section fifteen, shall have any validity;

(b) that the land shall not, nor shall any part thereof, nor shall the estate or interest of the blockholder therein, or any part thereof, be liable to be seized or taken in execution for debt under process of any Court, except for payment of rates and taxes; or vest in the trustee of his estate, in case of the blockholder's insolvency or bankruptcy; or, unless otherwise expressly provided by the will of the blockholder, become, on his death, assets for the payment of debts: Provided that this subsection shall not apply to the recovery of any debt incurred by the blockholder prior to the date of such endorsement, or to any legal proceedings that may be taken in respect thereof.

And the land or the blockholder's interest or estate therein shall, notwithstanding any subsequent transfer, continue to be so protected unless before registration of the transfer the transferee subscribes upon the transfer a request, or after the transfer makes application in writing to the Minister, that the protection may be removed; in which case the Minister shall cancel the endorsement upon the lease, and the protection shall cease to operate accordingly as from the date of such cancellation.

20. All moneys received by the Minister in or towards repayment of any advances under this Act shall be placed to the credit of the Proceeds of repayment how dealt with.

the fund, and form part thereof; but moneys received by him as interest on advances shall be paid to the Colonial Treasurer and carried to the Consolidated Revenue Fund.

Accounts.

21. The Minister shall keep accounts showing all operations on the fund as well as all moneys paid to and received from each blockholder to whom any advance is made under this Act.

Penalty for frauds.

22. Any blockholder or other person who, by any manner of fraud or wilful misrepresentation obtains or attempts to obtain, any advance or loan from the Minister under this Act, or who by any false representation attempts to account for the expenditure of any moneys advanced by the Minister under this Act, shall be guilty of a misdemeanour, and on conviction thereof shall be liable to be imprisoned, with or without hard labour, for any period not exceeding twelve months.

Regulations.

23. The Governor may make regulations for carrying this Act into effect, and may, in such regulations, provide for the imposition and recovery of any penalty not exceeding ten pounds for any breach thereof.

Such regulations shall be published in the Gazette and thereupon shall have the force of law.

SCHEDULES.

SCHEDULE A.

Application for advance.

To the Secretary for Lands.

I, , of , being the lessee under blockholder's lease No. , of [*describe land as in lease*] do hereby apply for an advance of not exceeding the sum of pounds, to assist me in erecting on my block a [*dwelling-house or other building proposed to be erected, giving sufficient description thereof*]. I estimate that, when completed, the proposed buildings will cost, or be worth pounds. The cost of the permanent buildings which I have already wholly or partly erected on the said land, that is to say [*set out particulars, as above*], is not less than pounds, made up as under:—

Materials ... ... £

Labour ... ... £

And I enclose the following genuine and original vouchers for the moneys already expended by me in erecting the said buildings, namely:—

[*Set out vouchers.*].

I declare that all the foregoing statements are true, to the best of my knowledge, information, and belief.

Dated this day of , 19 .

(*Signature*)

Witness—

SCHEDULE

SCHEDULE B.

Agreement by Blockholder obtaining advance.

I, of , being the lessee under blockholder's lease No. of [*describe land as in lease*] in consideration of the sum of pounds now advanced to me by the Secretary for Lands [*the receipt of which sum I do hereby acknowledge*], do hereby agree with the said Secretary, and with the Secretary for Lands for the time being, that I, or other, the blockholder for the time being of the said land, shall well and truly repay to the said Secretary the said sum by five equal annual instalments of pounds each, on the day of , one thousand nine hundred and , and on the like day in every year thereafter, until the said sum of pounds shall be fully paid and satisfied; and will, in the meantime, pay to the said Secretary interest on the said sum, or on so much thereof as shall for the time being be remaining unpaid, at the rate of five per centum per annum, computed from the day of , one thousand nine hundred and , such interest to be paid on the day of , next, and on the like day of every year thereafter; and will within three months from the date hereof, well and truly expend the said sum so advanced as aforesaid in or towards the erection or completion of the building or buildings mentioned in that behalf in my application, dated the day of , one thousand nine hundred and , and will not expend or employ the said sum or any part thereof for any other purpose whatsoever; and will, immediately upon the completion of the said building or buildings, furnish to the said Secretary full and true details and particulars of the expenditure of the moneys advanced, with the original receipts and vouchers for all payments made; and will insure and keep insured, in the full insurance value thereof, all buildings and erections on the said block [add here such other conditions (if any) as the Secretary for Lands shall think necessary].

And that if I, or the blockholder for the time being, shall make default in the observance or performance of these conditions, or any of them, such default shall for all purposes be deemed a breach of the covenants of the lease under which the block is held, and shall render such lease liable to forfeiture.

As witness my hand this day of , 19

Witness—

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

FREDK. M. DARLEY,
Lieutenant-Governor.

State Government House,
Sydney, 27th December, 1901.

BLOCKHOLDERS BILL.

SCHEDULE of the Amendments referred to in Message of 5th December, 1901.

Page 2, clause 2. *After* line 5 *insert*—
"Crown lands" has the same meaning as in the Crown Lands Act of 1884, and includes also lands declared by the Governor to be Crown land under this Act.

Page 2, clause 2. *After* line 10 *insert*—
"Lessee" includes the heirs, executors, administrators, and assigns of the lessee."

Page 2, clause 3, lines 21 and 22. *Omit* "and any lands acquired under the Act for closer settlement may "be declared Crown lands"

Page 2, clause 3, line 27. *After* "notification" *insert* **"all such applications shall be made and dealt "with in the manner prescribed; and"**

Page 3, clause 3, line 4. *Omit* "manner" *insert* **"kind"**

Page 3, clause 3. *After* line 6 *insert* **"for personal residence by the lessee on the leased land for "nine months at the least in every year of the term"**

Page 3, clause 3, line 14. *After* "Minister" *insert* **"and notified in the Gazette prior to confirmation "of the application for lease of the block"**

Page 3, clause 3, line 19. *After* "to" *insert* **"transfer"**

Page 3, clause 3, line 19. *Omit* "or"

Page 3, clause 3, line 19. *After* "sublet" *insert* **"or part with the possession of any of the land"**

Page 3, clause 3, line 21. *After* "conditions" *insert* **"reservations"**

Page 3, clause 4, line 27. *Omit* "more than one" *insert* **"a"**

Page 3, clause 4. At end of clause *add* **"and no person may apply for or become the holder of more than one such lease"**

Page 3, clause 5. *Omit* clause 5.

Page 3, clause ~~6.~~ **5**, line 39. *After* "shall" *insert* **"on notification in the Gazette"**

Page 3, clause ~~6.~~ **5**, line 42. *Omit* "if he thinks fit"

Page 3, clause ~~6.~~ **5**, line 42. *After* "waive" *insert* **"or reverse"**

Page 3, clause ~~6.~~ **5**, line 43. *After* "voidance" *omit* remainder of clause *insert* **"subject to such conditions as he may determine"**

Page 4, clause ~~7.~~ **6**, line 1. *Omit* "any member of the family" *insert* **"child"**

Page 4, clause ~~8.~~ **7**, line 6. *Omit* "at least four feet in height and"

Page 4, clause ~~13.~~ **12**, line 41. *Omit* "to the Minister"

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, 17 *October,* 1901.

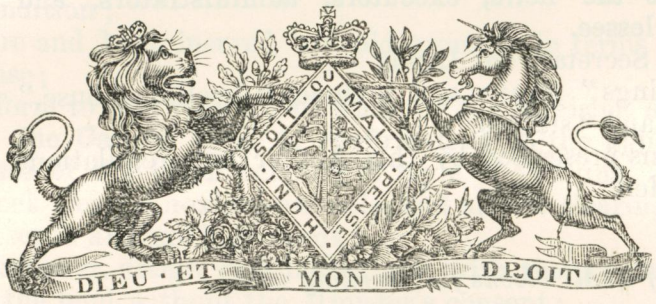
F. W. WEBB,
Clerk of the Legislative Assembly.

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

Legislative Council Chamber,
Sydney, 5th December, 1901.

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO PRIMO

EDWARDI VII REGIS.

* *

Act No. , 1901.

An Act to provide for setting apart certain Crown lands for working men's blocks; for providing loans to the lessees of such blocks; and for other purposes.

BE it enacted by the King'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. This Act may be cited for all purposes as the "Blockholders Act." Short title.

2. In the construction of this Act, except where by the subject-matter or context a different construction is required,— Definitions.

"Board" means local land board of the district in which the land is situate, as constituted under the Crown Lands Acts.

"District" means land district constituted under the Crown Lands Act of 1884.

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

"Block" means the land held by the blockholder.

"Blockholder" includes as well the lessee to whom a lease of a working man's block has been granted pursuant to this Act, as the transferee, devisee, or personal representatives of such lessee.

"Crown lands" has the same meaning as in the Crown Lands Act of 1884, and includes also lands declared by the Governor to be Crown land under this Act.

"Fund" means "The Blockholders Loan Fund," constituted by this Act.

"Lessee" includes the heirs, executors, administrators, and assigns of the lessee.

"Minister" means Secretary for Lands.

"Permanent buildings" means and includes "dwelling-house," "workshop," and "stables."

"Prescribed" means prescribed by this Act or any regulations made thereunder.

Leases of small blocks for working men.

3. The Governor may declare by notification in the Gazette that any Crown land therein described is set apart for the purposes of working men's blocks~~, and any lands acquired under the Act for closer settlement may be declared Crown lands~~ for the purposes of this Act. Land may be set apart and leased.

The Minister shall thereupon cause such Crown lands to be surveyed in blocks not exceeding ten acres in area, and by notification in the Gazette may appoint a day on and after which applications may be received for leasing such blocks under this Act, and revoke or amend any such notification. **All such applications shall be made and dealt with in the manner prescribed;** and the Governor after the said day may issue to an applicant, whose application has been confirmed by the board, a lease of the block applied for.

The rental of land leased or to be leased in accordance with the provisions of this Act shall be at a rate to be fixed by the Minister, being not more than five per centum per annum on the capital value of the land as determined by the board, and may be altered by the Minister after the expiration of each twenty years of the lease, provided that no alteration of the rate for any period of twenty years shall be made until the board (or the Land Appeal Court, on appeal by the blockholder or the Minister, within such time as may be prescribed) shall have determined the rate of rent which should be payable, and such determination shall be final.

Such lease shall be for a period of ninety-nine years, and shall be in the prescribed form, and shall contain provisions—

to pay the rent annually in advance;

to

to pay all rates, taxes, and the value of improvements which may be payable in respect of the leased land during the lease;

to fence the leased land within the first two years of the term with a fence of a prescribed ~~manner~~ **kind**, and during the remainder of the term to maintain the whole of such fence in good and substantial repair;

for personal residence by the lessee on the leased land for nine months at the least in every year of the term;

to keep and maintain all improvements of the property of the Crown on the leased land in good and tenable repair and condition;

to insure and keep insured the said property in terms of the said lease;

to conform to any regulations made by the Minister, **and notified in the Gazette prior to confirmation of the application for lease of the block,** relating to style of dwelling, keeping the block clear of noxious animals, and also to clearing the block of scrub and noxious weeds;

not to **transfer,** assign, ~~or~~ sublet **or part with the possession of any of the land** without the Minister's consent;

and such lease may also contain such additional provisions, conditions, **reservations,** and covenants as the Governor may deem expedient in the public interest.

Who is disentitled to be a lessee.

4. No person, except one who gains his livelihood by his own labour, and who has attained the full age of eighteen years, shall be entitled to apply for or become the holder, by transfer or otherwise, of ~~more than one~~ a lease under this Act, **and no person may apply for or become the holder of more than one such lease.**

Rent and conditions of lease.

5. The rent payable under every such lease shall be payable annually in advance, and every such lease shall bind the lessee to personally reside on such land for nine months at the least in every year of the term, and shall contain a covenant by the lessee not to transfer, assign, sublet, or part with the possession of any of the demised land without the consent of the Minister, and such other terms and conditions as the Minister shall see fit to require.

Forfeiture for default.

~~6.~~ **5.** On the lessee making default for the period of three months in the payment of the rent reserved by the lease, or making default in the observance or performance of the condition or covenant for personal residence contained therein, the lease shall, **on notification in the Gazette,** be absolutely void, and the land thereby demised shall, with all improvements thereon, revert to the Crown and become Crown lands: Provided that the Minister may, ~~if he thinks fit,~~ waive, **or reverse,** such voidance, ~~and impose any other penalty in lieu thereof,~~ **subject to such conditions as he may determine.**

7.

~~7.~~ **6.** Personal residence by the wife or ~~any member of the family~~ **child** of any such lessee on the demised land shall be considered personal residence by the lessee. Residence.

~~8.~~ **7.** No lessee, under this Act, shall be entitled to impound any stock trespassing on any land comprised in his lease, unless such land is enclosed with a fence ~~at least four feet in height and~~ sufficiently substantial and close to ordinarily resist the trespass of the stock trespassing. Impounding.

~~9.~~ **8.** The Minister may refer for report to the board any matter arising under this Act. Report by board.

~~10.~~ **9.** The Treasurer shall set apart, out of moneys to be provided by Parliament for the purpose, a sum or sums not exceeding in the whole ten thousand pounds, to constitute a fund to be called "The Blockholders Loan Fund." Such fund shall be under the control of the Minister, and be operated upon by him for the purpose of making advances to blockholders to assist them in erecting buildings and making permanent improvements on their blocks. Fund to be created.

~~11.~~ **10.** On the application of any blockholder who, to the satisfaction of the Minister, has observed and performed such of the covenants and conditions of his lease as he is at the time of the said application required to observe or perform, the Minister may advance or lend to him from the fund such sums as the Minister thinks fit, to aid the applicant in erecting or completing permanent buildings on his block: Provided— Advances from fund to blockholders.

(a) that such advance shall not exceed one-half of the cost to the blockholder of the permanent buildings which are then subsisting, in good repair and condition, on his block; and

(b) that the amount owing to the Minister by any blockholder in respect of moneys advanced and interest thereon shall not at any time exceed fifty pounds.

~~12.~~ **11.** Every application for an advance under this Act shall be made in the form in Schedule A hereto, and shall be supported by vouchers, statutory declarations, or other evidence to the satisfaction of the Minister, showing the cost and condition of the permanent buildings then erected and being on the block. The labour of the blockholder may be taken into account in computing the cost of any such buildings: Provided that the correctness of the cost and condition of such buildings shall be certified by an inspector or other person appointed in that behalf by the Minister. Applications for advances.

~~13.~~ **12.** All moneys advanced to any blockholders under this Act shall by him be repaid ~~to the Minister,~~ by five equal annual instalments, to be paid at the commencement of the sixth, seventh, eighth, ninth, and tenth years, respectively, after the making of the advance; and, at the option of the blockholder, any part of such moneys may be repaid at any earlier times than those mentioned in this section. Repayment of advances.

~~14.~~

~~14.~~ **13.** In cases of hardship, the Minister may extend the time for making any payment on account of any loan under this Act: Provided that the deferred payments shall continue to bear interest at the rate of five pounds per centum per annum. Extension of time for repayment.

~~15.~~ **14.** The blockholder shall also annually pay to the Minister interest at the rate of five per centum per annum on the amount of the advances for the time being remaining unpaid. Interest.

~~16.~~ **15.** Every blockholder, on obtaining an advance under this Act, shall enter into an agreement with the Minister in the form in Schedule B to this Act, upon the terms and conditions therein set forth, and such additional terms and conditions (if any) as the Minister may think necessary. Agreement with Minister.

~~17.~~ **16.** Any breach by the blockholder of any of the terms or conditions of such agreement shall, for all purposes, be deemed a breach of the conditions of the lease, and shall render the lease liable to forfeiture by notice in the Gazette. Breach of conditions.

~~18.~~ **17.** If any blockholder obtains an advance under this Act no sublease, mortgage, or other encumbrance (except the agreement provided for in section fifteen) subsequently executed by him shall have any validity until such advance and all interest in respect thereof is fully repaid and satisfied. Subleases and mortgages to be void.

~~19.~~ **18.** If before the issue of the lease any blockholder, by notice in writing to the Minister, requests that his lease be endorsed with the words "The land herein comprised is held as a homestead block," the Minister shall cause such lease to be so endorsed accordingly. If at any time after the issue of his lease any blockholder requests his lease to be so endorsed as aforesaid, the Minister may, if he thinks fit so to do, after causing notice of the request to be published twice, at least, in the Gazette, cause the same to be so endorsed accordingly. Every such endorsement shall be signed by the Minister. Endorsement protecting lease.

~~20.~~ **19.** The effect of such endorsement shall be— Effect of endorsement.

(a) that no subsequent mortgage, or other encumbrance, by the blockholder of the land, or his estate, or interest therein, or of any part thereof respectively, except the agreement provided for in section fifteen, shall have any validity;

(b) that the land shall not, nor shall any part thereof, nor shall the estate or interest of the blockholder therein, or any part thereof, be liable to be seized or taken in execution for debt under process of any Court, except for payment of rates and taxes; or vest in the trustee of his estate, in case of the blockholder's insolvency or bankruptcy; or, unless otherwise expressly provided by the will of the blockholder, become, on his death, assets for the payment of debts: Provided that this subsection shall not apply to the recovery of any debt incurred by the blockholder prior to the date of such endorsement, or to any legal proceedings that may be taken in respect thereof.

And

And the land or the blockholder's interest or estate therein shall, notwithstanding any subsequent transfer, continue to be so protected unless before registration of the transfer the transferee subscribes upon the transfer a request, or after the transfer makes application in writing to the Minister, that the protection may be removed; in which case the Minister shall cancel the endorsement upon the lease, and the protection shall cease to operate accordingly as from the date of such cancellation.

Proceeds of repayment how dealt with.

~~21.~~ **20.** All moneys received by the Minister in or towards repayment of any advances under this Act shall be placed to the credit of the fund, and form part thereof; but moneys received by him as interest on advances shall be paid to the Colonial Treasurer and carried to the Consolidated Revenue Fund.

Accounts.

~~22.~~ **21.** The Minister shall keep accounts showing all operations on the fund as well as all moneys paid to and received from each blockholder to whom any advance is made under this Act.

Penalty for frauds

~~23.~~ **22.** Any blockholder or other person who, by any manner of fraud or wilful misrepresentation obtains or attempts to obtain, any advance or loan from the Minister under this Act, or who by any false representation attempts to account for the expenditure of any moneys advanced by the Minister under this Act, shall be guilty of a misdemeanour, and on conviction thereof shall be liable to be imprisoned, with or without hard labour, for any period not exceeding twelve months.

Regulations

~~24.~~ **23.** The Governor may make regulations for carrying this Act into effect, and may, in such regulations, provide for the imposition and recovery of any penalty not exceeding ten pounds for any breach thereof.

Such regulations shall be published in the Gazette and thereupon shall have the force of law.

SCHEDULES.

SCHEDULES.

SCHEDULE A.

Application for advance.

To the Secretary for Lands.

I, , of , being the lessee under blockholder's lease No. , of [*describe land as in lease*] do hereby apply for an advance of not exceeding the sum of pounds, to assist me in erecting on my block a [*dwelling-house or other building proposed to be erected, giving sufficient description thereof*]. I estimate that, when completed, the proposed buildings will cost, or be worth pounds. The cost of the permanent buildings which I have already wholly or partly erected on the said land, that is to say [*set out particulars, as above*], is not less than pounds, made up as under:—

Materials ... ... £
Labour ... ... £

And I enclose the following genuine and original vouchers for the moneys already expended by me in erecting the said buildings, namely:—

[*Set out vouchers.*].

I declare that all the foregoing statements are true, to the best of my knowledge, information, and belief.

Dated this day of , 19 .

(*Signature*)

Witness—

SCHEDULE B.

Agreement by Blockholder obtaining advance.

I, of , being the lessee under blockholder's lease No. of [*describe land as in lease*] in consideration of the sum of pounds now advanced to me by the Secretary for Lands [*the receipt of which sum I do hereby acknowledge*], do hereby agree with the said Secretary, and with the Secretary for Lands for the time being, that I, or other, the blockholder for the time being of the said land, shall well and truly repay to the said Secretary the said sum by five equal annual instalments of pounds each, on the day of , one thousand nine hundred and , and on the like day in every year thereafter, until the said sum of pounds shall be fully paid and satisfied; and will, in the meantime, pay to the said Secretary interest on the said sum, or on so much thereof as shall for the time being be remaining unpaid, at the rate of five per centum per annum, computed from the day of , one thousand nine hundred and , such interest to be paid on the day of , next, and on the like day of every year thereafter; and will within three months from the date hereof, well and truly expend the said sum so advanced as aforesaid in or towards the erection or completion of the building or buildings mentioned in that behalf in my application, dated the day of , one thousand nine hundred and , and will not expend or employ the said sum or any part thereof for any other purpose whatsoever; and will, immediately upon the completion of the said building or buildings, furnish to the said Secretary full and true details and particulars of the expenditure of the moneys advanced, with the original receipts and vouchers for all payments made; and will insure and keep insured, in the full insurance value thereof, all buildings and erections on the said block [add here such other conditions (if any) as the Secretary for Lands shall think necessary].

And that if I, or the blockholder for the time being, shall make default in the observance or performance of these conditions, or any of them, such default shall for all purposes be deemed a breach of the covenants of the lease under which the block is held, and shall render such lease liable to forfeiture.

As witness my hand this day of , 19

Witness—

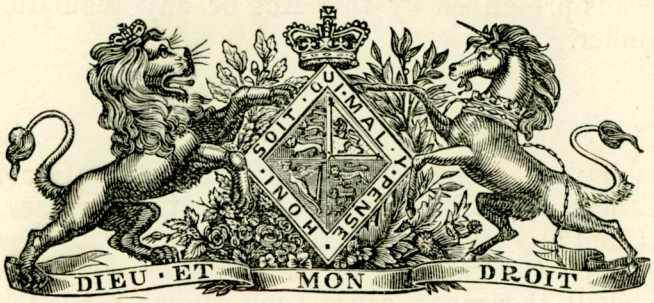
Sydney: William Applegate Gullick, Government Printer.—1901.

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, 17 *October,* 1901.

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

New South Wales.



ANNO PRIMO

EDWARDI VII REGIS.

* *

Act No. , 1901.

An Act to provide for setting apart certain Crown lands for working men's blocks; for providing loans to the lessees of such blocks; and for other purposes.

BE it enacted by the King'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. This Act may be cited for all purposes as the "Blockholders Act." Short title.

2. In the construction of this Act, except where by the subject-matter or context a different construction is required,— Definitions.

"Board" means local land board of the district in which the land is situate, as constituted under the Crown Lands Acts.

"District" means land district constituted under the Crown Lands Act of 1884.

"Block" means the land held by the blockholder.

"Blockholder" includes as well the lessee to whom a lease of a working man's block has been granted pursuant to this Act, as the transferee, devisee, or personal representatives of such lessee.

"Fund" means "The Blockholders Loan Fund," constituted by this Act.

"Minister" means Secretary for Lands.

"Permanent buildings" means and includes "dwelling-house," "workshop," and "stables."

"Prescribed" means prescribed by this Act or any regulations made thereunder.

Leases of small blocks for working men.

Land may be set apart and leased.

3. The Governor may declare by notification in the Gazette that any Crown land therein described is set apart for the purposes of working men's blocks, and any lands acquired under the Act for closer settlement may be declared Crown lands for the purposes of this Act.

The Minister shall thereupon cause such Crown lands to be surveyed in blocks not exceeding ten acres in area, and by notification in the Gazette may appoint a day on and after which applications may be received for leasing such blocks under this Act, and revoke or amend any such notification. The Governor after the said day may issue to an applicant, whose application has been confirmed by the board, a lease of the block applied for.

The rental of land leased or to be leased in accordance with the provisions of this Act shall be at a rate to be fixed by the Minister, being not more than five per centum per annum on the capital value of the land as determined by the board, and may be altered by the Minister after the expiration of each twenty years of the lease, provided that no alteration of the rate for any period of twenty years shall be made until the board (or the Land Appeal Court, on appeal by the blockholder or the Minister, within such time as may be prescribed) shall have determined the rate of rent which should be payable, and such determination shall be final.

Such lease shall be for a period of ninety-nine years, and shall be in the prescribed form, and shall contain provisions—

to pay the rent annually in advance;

to pay all rates, taxes, and the value of improvements which may be payable in respect of the leased land during the lease;

to fence the leased land within the first two years of the term with a fence of a prescribed manner, and during the remainder of the term to maintain the whole of such fence in good and substantial repair;

to

to keep and maintain all improvements of the property of the Crown on the leased land in good and tenable repair and condition;

to insure and keep insured the said property in terms of the said lease;

to conform to any regulations made by the Minister relating to style of dwelling, keeping the block clear of noxious animals, and also to clearing the block of scrub and noxious weeds;

not to assign or sublet without the Minister's consent;

and such lease may also contain such additional provisions, conditions, and covenants as the Governor may deem expedient in the public interest.

Who is disentitled to be a lessee.

4. No person, except one who gains his livelihood by his own labour, and who has attained the full age of eighteen years, shall be entitled to apply for or become the holder, by transfer or otherwise, of more than one lease under this Act.

Rent and conditions of lease.

5. The rent payable under every such lease shall be payable annually in advance, and every such lease shall bind the lessee to personally reside on such land for nine months at the least in every year of the term, and shall contain a covenant by the lessee not to transfer, assign, sublet, or part with the possession of any of the demised land without the consent of the Minister, and such other terms and conditions as the Minister shall see fit to require.

Forfeiture for default.

6. On the lessee making default for the period of three months in the payment of the rent reserved by the lease, or making default in the observance or performance of the condition or covenant for personal residence contained therein, the lease shall be absolutely void, and the land thereby demised shall, with all improvements thereon, revert to the Crown and become Crown lands: Provided that the Minister may, if he thinks fit, waive such voidance, and impose any other penalty in lieu thereof.

Residence.

7. Personal residence by the wife or any member of the family of any such lessee on the demised land shall be considered personal residence by the lessee.

Impounding.

8. No lessee, under this Act, shall be entitled to impound any stock trespassing on any land comprised in his lease, unless such land is enclosed with a fence at least four feet in height and sufficiently substantial and close to ordinarily resist the trespass of the stock trespassing.

Report by board.

9. The Minister may refer for report to the board any matter arising under this Act.

Fund to be created.

10. The Treasurer shall set apart, out of moneys to be provided by Parliament for the purpose, a sum or sums not exceeding in the whole ten thousand pounds, to constitute a fund to be called "The Blockholders Loan Fund." Such fund shall be under the control of the

the Minister, and be operated upon by him for the purpose of making advances to blockholders to assist them in erecting buildings and making permanent improvements on their blocks.

Advances from fund to blockholders.

11. On the application of any blockholder who, to the satisfaction of the Minister, has observed and performed such of the covenants and conditions of his lease as he is at the time of the said application required to observe or perform, the Minister may advance or lend to him from the fund such sums as the Minister thinks fit, to aid the applicant in erecting or completing permanent buildings on his block: Provided—

(a) that such advance shall not exceed one-half of the cost to the blockholder of the permanent buildings which are then subsisting, in good repair and condition, on his block; and

(b) that the amount owing to the Minister by any blockholder in respect of moneys advanced and interest thereon shall not at any time exceed fifty pounds.

Applications for advances.

12. Every application for an advance under this Act shall be made in the form in Schedule A hereto, and shall be supported by vouchers, statutory declarations, or other evidence to the satisfaction of the Minister, showing the cost and condition of the permanent buildings then erected and being on the block. The labour of the blockholder may be taken into account in computing the cost of any such buildings: Provided that the correctness of the cost and condition of such buildings shall be certified by an inspector or other person appointed in that behalf by the Minister.

Repayment of advances.

13. All moneys advanced to any blockholders under this Act shall by him be repaid to the Minister, by five equal annual instalments, to be paid at the commencement of the sixth, seventh, eighth, ninth, and tenth years, respectively, after the making of the advance; and, at the option of the blockholder, any part of such moneys may be repaid at any earlier times than those mentioned in this section.

Extension of time for repayment.

14. In cases of hardship, the Minister may extend the time for making any payment on account of any loan under this Act: Provided that the deferred payments shall continue to bear interest at the rate of five pounds per centum per annum.

Interest.

15. The blockholder shall also annually pay to the Minister interest at the rate of five per centum per annum on the amount of the advances for the time being remaining unpaid.

Agreement with Minister.

16. Every blockholder, on obtaining an advance under this Act, shall enter into an agreement with the Minister in the form in Schedule B to this Act, upon the terms and conditions therein set forth, and such additional terms and conditions (if any) as the Minister may think necessary.

17. Any breach by the blockholder of any of the terms or conditions of such agreement shall, for all purposes, be deemed a breach of the conditions of the lease, and shall render the lease liable to forfeiture by notice in the Gazette. Breach of conditions.

18. If any blockholder obtains an advance under this Act no sublease, mortgage, or other encumbrance (except the agreement provided for in section fifteen) subsequently executed by him shall have any validity until such advance and all interest in respect thereof is fully repaid and satisfied. Subleases and mortgages to be void.

19. If before the issue of the lease any blockholder, by notice in writing to the Minister, requests that his lease be endorsed with the words "The land herein comprised is held as a homestead block," the Minister shall cause such lease to be so endorsed accordingly. If at any time after the issue of his lease any blockholder requests his lease to be so endorsed as aforesaid, the Minister may, if he thinks fit so to do, after causing notice of the request to be published twice, at least, in the Gazette, cause the same to be so endorsed accordingly. Every such endorsement shall be signed by the Minister. Endorsement protecting lease.

20. The effect of such endorsement shall be— Effect of endorsement.

(a) that no subsequent mortgage, or other encumbrance, by the blockholder of the land, or his estate, or interest therein, or of any part thereof respectively, except the agreement provided for in section fifteen, shall have any validity;

(b) that the land shall not, nor shall any part thereof, nor shall the estate or interest of the blockholder therein, or any part thereof, be liable to be seized or taken in execution for debt under process of any Court, except for payment of rates and taxes; or vest in the trustee of his estate, in case of the blockholder's insolvency or bankruptcy; or, unless otherwise expressly provided by the will of the blockholder, become, on his death, assets for the payment of debts: Provided that this subsection shall not apply to the recovery of any debt incurred by the blockholder prior to the date of such endorsement, or to any legal proceedings that may be taken in respect thereof.

And the land or the blockholder's interest or estate therein shall, notwithstanding any subsequent transfer, continue to be so protected unless before registration of the transfer the transferee subscribes upon the transfer a request, or after the transfer makes application in writing to the Minister, that the protection may be removed; in which case the Minister shall cancel the endorsement upon the lease, and the protection shall cease to operate accordingly as from the date of such cancellation.

21. All moneys received by the Minister in or towards repayment of any advances under this Act shall be placed to the credit of the fund, and form part thereof; but moneys received by him as interest on advances shall be paid to the Colonial Treasurer and carried to the Consolidated Revenue Fund. Proceeds of repayment how dealt with.

22. The Minister shall keep accounts showing all operations on the fund as well as all moneys paid to and received from each blockholder to whom any advance is made under this Act. Accounts.

23. Any blockholder or other person who, by any manner of fraud or wilful misrepresentation obtains or attempts to obtain, any advance or loan from the Minister under this Act, or who by any false representation attempts to account for the expenditure of any moneys advanced by the Minister under this Act, shall be guilty of a misdemeanour, and on conviction thereof shall be liable to be imprisoned, with or without hard labour, for any period not exceeding twelve months. Penalty for frauds.

24. The Governor may make regulations for carrying this Act into effect, and may, in such regulations, provide for the imposition and recovery of any penalty not exceeding ten pounds for any breach thereof. Regulations.

Such regulations shall be published in the Gazette and thereupon shall have the force of law.

SCHEDULES.

SCHEDULE A.

Application for advance.

To the Secretary for Lands.

I, , of , being the lessee under blockholder's lease No. , of [*describe land as in lease*] do hereby apply for an advance of not exceeding the sum of pounds, to assist me in erecting on my block a [*dwelling-house or other building proposed to be erected, giving sufficient description thereof*]. I estimate that, when completed, the proposed buildings will cost, or be worth pounds. The cost of the permanent buildings which I have already wholly or partly erected on the said land, that is to say [*set out particulars, as above*], is not less than pounds, made up as under:—

Materials ... ... £
Labour ... ... £

And I enclose the following genuine and original vouchers for the moneys already expended by me in erecting the said buildings, namely:—

[*Set out vouchers.*].

I declare that all the foregoing statements are true, to the best of my knowledge, information, and belief.

Dated this day of , 19 .

(*Signature*)

Witness—

SCHEDULE

SCHEDULE B.

Agreement by Blockholder obtaining advance.

I, of , being the lessee under blockholder's lease No. of [*describe land as in lease*] in consideration of the sum of pounds now advanced to me by the Secretary for Lands [*the receipt of which sum I do hereby acknowledge*], do hereby agree with the said Secretary, and with the Secretary for Lands for the time being, that I, or other, the blockholder for the time being of the said land, shall well and truly repay to the said Secretary the said sum by five equal annual instalments of pounds each, on the day of , one thousand nine hundred and , and on the like day in every year thereafter, until the said sum of pounds shall be fully paid and satisfied; and will, in the meantime, pay to the said Secretary interest on the said sum, or on so much thereof as shall for the time being be remaining unpaid, at the rate of five per centum per annum, computed from the day of , one thousand nine hundred and , such interest to be paid on the day of , next, and on the like day of every year thereafter; and will within three months from the date hereof, well and truly expend the said sum so advanced as aforesaid in or towards the erection or completion of the building or buildings mentioned in that behalf in my application, dated the day of , one thousand nine hundred and , and will not expend or employ the said sum or any part thereof for any other purpose whatsoever; and will, immediately upon the completion of the said building or buildings, furnish to the said Secretary full and true details and particulars of the expenditure of the moneys advanced, with the original receipts and vouchers for all payments made; and will insure and keep insured, in the full insurance value thereof, all buildings and erections on the said block [add here such other conditions (if any) as the Secretary for Lands shall think necessary].

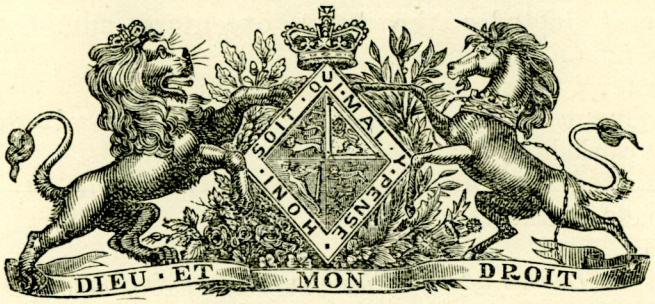
And that if I, or the blockholder for the time being, shall make default in the observance or performance of these conditions, or any of them, such default shall for all purposes be deemed a breach of the covenants of the lease under which the block is held, and shall render such lease liable to forfeiture.

As witness my hand this day of , 19

Witness—

Sydney: William Applegate Gullick, Government Printer.—1901.

New South Wales.



ANNO PRIMO

EDWARDI VII REGIS.

* *

Act No. 69, 1901.

An Act to provide for setting apart certain Crown lands for working men's blocks; for providing loans to the lessees of such blocks; and for other purposes. [Assented to, 27th December, 1901.]

BE it enacted by the King'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. This Act may be cited for all purposes as the "Blockholders Act." Short title.

2. In the construction of this Act, except where by the subject-matter or context a different construction is required,— Definitions.

"Board" means local land board of the district in which the land is situate, as constituted under the Crown Lands Acts.

"District" means land district constituted under the Crown Lands Act of 1884.

"Block"

"Block" means the land held by the blockholder.

"Blockholder" includes as well the lessee to whom a lease of a working man's block has been granted pursuant to this Act, as the transferee, devisee, or personal representatives of such lessee.

"Crown lands" has the same meaning as in the Crown Lands Act of 1884, and includes also lands declared by the Governor to be Crown land under this Act.

"Fund" means "The Blockholders Loan Fund," constituted by this Act.

"Lessee" includes the heirs, executors, administrators, and assigns of the lessee.

"Minister" means Secretary for Lands.

"Permanent buildings" means and includes "dwelling-house," "workshop," and "stables."

"Prescribed" means prescribed by this Act or any regulations made thereunder.

Leases of small blocks for working men.

Land may be set apart and leased.

3. The Governor may declare by notification in the Gazette that any Crown land therein described is set apart for the purposes of working men's blocks for the purposes of this Act.

The Minister shall thereupon cause such Crown lands to be surveyed in blocks not exceeding ten acres in area, and by notification in the Gazette may appoint a day on and after which applications may be received for leasing such blocks under this Act, and revoke or amend any such notification. All such applications shall be made and dealt with in the manner prescribed; and the Governor after the said day may issue to an applicant, whose application has been confirmed by the board, a lease of the block applied for.

The rental of land leased or to be leased in accordance with the provisions of this Act shall be at a rate to be fixed by the Minister, being not more than five per centum per annum on the capital value of the land as determined by the board, and may be altered by the Minister after the expiration of each twenty years of the lease, provided that no alteration of the rate for any period of twenty years shall be made until the board (or the Land Appeal Court, on appeal by the blockholder or the Minister, within such time as may be prescribed) shall have determined the rate of rent which should be payable, and such determination shall be final.

Such lease shall be for a period of ninety-nine years, and shall be in the prescribed form, and shall contain provisions—

to pay the rent annually in advance;

to pay all rates, taxes, and the value of improvements which may be payable in respect of the leased land during the lease;

to

to fence the leased land within the first two years of the term with a fence of a prescribed kind, and during the remainder of the term to maintain the whole of such fence in good and substantial repair;

for personal residence by the lessee on the leased land for nine months at the least in every year of the term;

to keep and maintain all improvements of the property of the Crown on the leased land in good and tenable repair and condition;

to insure and keep insured the said property in terms of the said lease;

to conform to any regulations made by the Minister, and notified in the Gazette prior to confirmation of the application for lease of the block, relating to style of dwelling, keeping the block clear of noxious animals, and also to clearing the block of scrub and noxious weeds;

not to transfer, assign, sublet, or part with the possession of any of the land without the Minister's consent;

and such lease may also contain such additional provisions, conditions, reservations, and covenants as the Governor may deem expedient in the public interest.

Who is disentitled to be a lessee.

4. No person, except one who gains his livelihood by his own labour, and who has attained the full age of eighteen years, shall be entitled to apply for or become the holder, by transfer or otherwise, of a lease under this Act, and no person may apply for or become the holder of more than one such lease.

Forfeiture for default.

5. On the lessee making default for the period of three months in the payment of the rent reserved by the lease, or making default in the observance or performance of the condition or covenant for personal residence contained therein, the lease shall, on notification in the Gazette, be absolutely void, and the land thereby demised shall, with all improvements thereon, revert to the Crown and become Crown lands: Provided that the Minister may waive, or reverse, such voidance, subject to such conditions as he may determine.

Residence.

6. Personal residence by the wife or child of any such lessee on the demised land shall be considered personal residence by the lessee.

Impounding.

7. No lessee, under this Act, shall be entitled to impound any stock trespassing on any land comprised in his lease, unless such land is enclosed with a fence sufficiently substantial and close to ordinarily resist the trespass of the stock trespassing.

Report by board.

8. The Minister may refer for report to the board any matter arising under this Act.

Fund to be created.

9. The Treasurer shall set apart, out of moneys to be provided by Parliament for the purpose, a sum or sums not exceeding in the whole

whole ten thousand pounds, to constitute a fund to be called "The Blockholders Loan Fund." Such fund shall be under the control of the Minister, and be operated upon by him for the purpose of making advances to blockholders to assist them in erecting buildings and making permanent improvements on their blocks.

Advances from fund to blockholders.

10. On the application of any blockholder who, to the satisfaction of the Minister, has observed and performed such of the covenants and conditions of his lease as he is at the time of the said application required to observe or perform, the Minister may advance or lend to him from the fund such sums as the Minister thinks fit, to aid the applicant in erecting or completing permanent buildings on his block: Provided—

(a) that such advance shall not exceed one-half of the cost to the blockholder of the permanent buildings which are then subsisting, in good repair and condition, on his block; and

(b) that the amount owing to the Minister by any blockholder in respect of moneys advanced and interest thereon shall not at any time exceed fifty pounds.

Applications for advances.

11. Every application for an advance under this Act shall be made in the form in Schedule A hereto, and shall be supported by vouchers, statutory declarations, or other evidence to the satisfaction of the Minister, showing the cost and condition of the permanent buildings then erected and being on the block. The labour of the blockholder may be taken into account in computing the cost of any such buildings: Provided that the correctness of the cost and condition of such buildings shall be certified by an inspector or other person appointed in that behalf by the Minister.

Repayment of advances.

12. All moneys advanced to any blockholders under this Act shall by him be repaid by five equal annual instalments, to be paid at the commencement of the sixth, seventh, eighth, ninth, and tenth years, respectively, after the making of the advance; and, at the option of the blockholder, any part of such moneys may be repaid at any earlier times than those mentioned in this section.

Extension of time for repayment.

13. In cases of hardship, the Minister may extend the time for making any payment on account of any loan under this Act: Provided that the deferred payments shall continue to bear interest at the rate of five pounds per centum per annum.

Interest.

14. The blockholder shall also annually pay to the Minister interest at the rate of five per centum per annum on the amount of the advances for the time being remaining unpaid.

Agreement with Minister.

15. Every blockholder, on obtaining an advance under this Act, shall enter into an agreement with the Minister in the form in Schedule B to this Act, upon the terms and conditions therein set forth, and such additional terms and conditions (if any) as the Minister may think necessary.

16. Any breach by the blockholder of any of the terms or conditions of such agreement shall, for all purposes, be deemed a breach of the conditions of the lease, and shall render the lease liable to forfeiture by notice in the Gazette. Breach of conditions.

17. If any blockholder obtains an advance under this Act no sublease, mortgage, or other encumbrance (except the agreement provided for in section fifteen) subsequently executed by him shall have any validity until such advance and all interest in respect thereof is fully repaid and satisfied. Subleases and mortgages to be void.

18. If before the issue of the lease any blockholder, by notice in writing to the Minister, requests that his lease be endorsed with the words "The land herein comprised is held as a homestead block," the Minister shall cause such lease to be so endorsed accordingly. If at any time after the issue of his lease any blockholder requests his lease to be so endorsed as aforesaid, the Minister may, if he thinks fit so to do, after causing notice of the request to be published twice, at least, in the Gazette, cause the same to be so endorsed accordingly. Every such endorsement shall be signed by the Minister. Endorsement protecting lease.

19. The effect of such endorsement shall be— Effect of endorsement.

(a) that no subsequent mortgage, or other encumbrance, by the blockholder of the land, or his estate, or interest therein, or of any part thereof respectively, except the agreement provided for in section fifteen, shall have any validity;

(b) that the land shall not, nor shall any part thereof, nor shall the estate or interest of the blockholder therein, or any part thereof, be liable to be seized or taken in execution for debt under process of any Court, except for payment of rates and taxes; or vest in the trustee of his estate, in case of the blockholder's insolvency or bankruptcy; or, unless otherwise expressly provided by the will of the blockholder, become, on his death, assets for the payment of debts: Provided that this subsection shall not apply to the recovery of any debt incurred by the blockholder prior to the date of such endorsement, or to any legal proceedings that may be taken in respect thereof.

And the land or the blockholder's interest or estate therein shall, notwithstanding any subsequent transfer, continue to be so protected unless before registration of the transfer the transferee subscribes upon the transfer a request, or after the transfer makes application in writing to the Minister, that the protection may be removed; in which case the Minister shall cancel the endorsement upon the lease, and the protection shall cease to operate accordingly as from the date of such cancellation.

20. All moneys received by the Minister in or towards repayment of any advances under this Act shall be placed to the credit of the Proceeds of repayment how dealt with.

the fund, and form part thereof; but moneys received by him as interest on advances shall be paid to the Colonial Treasurer and carried to the Consolidated Revenue Fund.

Accounts.

21. The Minister shall keep accounts showing all operations on the fund as well as all moneys paid to and received from each blockholder to whom any advance is made under this Act.

Penalty for frauds.

22. Any blockholder or other person who, by any manner of fraud or wilful misrepresentation obtains or attempts to obtain, any advance or loan from the Minister under this Act, or who by any false representation attempts to account for the expenditure of any moneys advanced by the Minister under this Act, shall be guilty of a misdemeanour, and on conviction thereof shall be liable to be imprisoned, with or without hard labour, for any period not exceeding twelve months.

Regulations.

23. The Governor may make regulations for carrying this Act into effect, and may, in such regulations, provide for the imposition and recovery of any penalty not exceeding ten pounds for any breach thereof.

Such regulations shall be published in the Gazette and thereupon shall have the force of law.

SCHEDULES.

SCHEDULE A.

Application for advance.

To the Secretary for Lands.

I, , of , being the lessee under blockholder's lease No. , of [*describe land as in lease*] do hereby apply for an advance of not exceeding the sum of pounds, to assist me in erecting on my block a [*dwelling-house or other building proposed to be erected, giving sufficient description thereof*]. I estimate that, when completed, the proposed buildings will cost, or be worth pounds. The cost of the permanent buildings which I have already wholly or partly erected on the said land, that is to say [*set out particulars, as above*], is not less than pounds, made up as under:—

Materials ... ... £
Labour ... ... £

And I enclose the following genuine and original vouchers for the moneys already expended by me in erecting the said buildings, namely:—

[*Set out vouchers.*].

I declare that all the foregoing statements are true, to the best of my knowledge, information, and belief.

Dated this day of , 19 .

(*Signature*)

Witness—

SCHEDULE

SCHEDULE B.

Agreement by Blockholder obtaining advance.

I, of , being the lessee under blockholder's lease No. of [*describe land as in lease*] in consideration of the sum of pounds now advanced to me by the Secretary for Lands [*the receipt of which sum I do hereby acknowledge*], do hereby agree with the said Secretary, and with the Secretary for Lands for the time being, that I, or other, the blockholder for the time being of the said land, shall well and truly repay to the said Secretary the said sum by five equal annual instalments of pounds each, on the day of , one thousand nine hundred and , and on the like day in every year thereafter, until the said sum of pounds shall be fully paid and satisfied; and will, in the meantime, pay to the said Secretary interest on the said sum, or on so much thereof as shall for the time being be remaining unpaid, at the rate of five per centum per annum, computed from the day of , one thousand nine hundred and , such interest to be paid on the day of , next, and on the like day of every year thereafter; and will within three months from the date hereof, well and truly expend the said sum so advanced as aforesaid in or towards the erection or completion of the building or buildings mentioned in that behalf in my application, dated the day of , one thousand nine hundred and , and will not expend or employ the said sum or any part thereof for any other purpose whatsoever; and will, immediately upon the completion of the said building or buildings, furnish to the said Secretary full and true details and particulars of the expenditure of the moneys advanced, with the original receipts and vouchers for all payments made; and will insure and keep insured, in the full insurance value thereof, all buildings and erections on the said block [add here such other conditions (if any) as the Secretary for Lands shall think necessary].

And that if I, or the blockholder for the time being, shall make default in the observance or performance of these conditions, or any of them, such default shall for all purposes be deemed a breach of the covenants of the lease under which the block is held, and shall render such lease liable to forfeiture.

As witness my hand this day of , 19

Witness—

By Authority: William Applegate Gullick, Government Printer, Sydney, 1902.

[6*d*.]