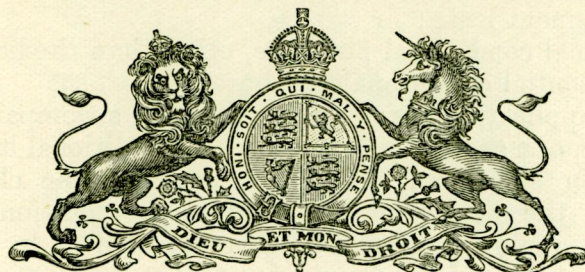


New South Wales.



ANNO TERTIO

EDWARDI VII REGIS.

Act No. 15, 1903.

An Act to amend the Crown Lands Acts so as to provide for granting increased areas to present holders ; permitting a present holder to sell to another ; for the reduction of interest on unpaid balances and the issue of certificates in certain cases ; to alter the present conditions of residence on, and selling, exchanging, and leasing lands ; to alter the present system of balloting ; to defer payments and provide for family holdings and the right of parents to assist their children ; to provide for the conversion and extension of settlement leases and annual leases ; and for other purposes. [Assented to, 5th December, 1903.]

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 as the "Crown Lands Act Amendment Act, 1903," and shall be read and construed with the Principal Acts, and shall apply only to the Eastern and Central Divisions.

2. "Principal Acts" means the Crown Lands Act of 1884, the Crown Lands Act, 1889, and the Crown Lands Act, 1895, together with the Acts amending the same.

A

Additional

*Crown Lands Act Amendment.**Additional conditional purchases, homestead selections, or settlement or conditional leases.*

Additional holdings.

3. The holder of—

any homestead selection ; or

any settlement lease ; or

any original conditional purchase, other than the holder of a non-residential conditional purchase ;

may make application as prescribed, and accompanied by such provisional deposit as may be prescribed, for additional land, to be held by him as an additional holding under the same class of tenure (except that the holder of an original or additional conditional purchase may apply for a conditional lease, subject to the limitation of section twenty-six of the Crown Lands Act of 1889), as that under which he holds the land by virtue of which he applies—

(a) Subject to the provisions of section four of this Act, land shall be available for the purpose of any such application which is available for homestead selection or settlement lease, or conditional purchase or conditional lease, whether specifically set apart for the class of holding applied for or not.

(b) Not more than one application shall be made by virtue of the same conditional purchase selection or lease, unless and until any previous application or all previous applications under this section have been disposed of, unless the total area applied for (when taken with the area of all conditional purchases or conditional leases of the series) does not exceed the maximum area prescribed by the Principal Acts.

(c) The mere fact that the land applied for does not adjoin the original conditional purchase or any purchase or lease of the series, or the original homestead selection or settlement lease, shall not be a bar to the additional purchase, homestead selection or lease applied for.

All available land adjoining the original or prior additional purchases or leases of the series, or the original homestead selection or settlement lease, shall first be exhausted, and the lands applied for or allotted shall be, in the opinion of the board, within a reasonable working distance of the land by virtue of which the application is made :

Provided that the board may confirm any application made under the provisions of this section, although all the available land adjoining the original or prior additional purchases or leases of the series, or the original homestead selection or settlement lease, has not been exhausted, if, in the opinion of such board the facts of the case warrant it.

The

Crown Lands Act Amendment.

The board may disallow any application if of opinion that the applicant is seeking to take an unfair advantage of the provisions of this section.

- (d) The board shall inquire into the merits of every application under this section, and may disallow such application or confirm it for such an area and in such a position (whether different from that applied for or not) as such board may, with the consent of the applicant, determine, notwithstanding that the area confirmed may, by itself or with the area of the original conditional purchase, homestead selection, or settlement lease, or conditional purchases or leases of the series, exceed the maximum area prescribed by the Principal Acts.

The board shall not confirm any application under the provisions of this section for any area which, shall together with all other lands held by the applicant under whatever tenure (other than annual tenure), exceed such an area as, in the opinion of the board, is sufficient for the maintenance of his home thereon in average seasons and circumstances.

Where two or more persons simultaneously apply for the same land the board may confirm the application of each or either applicant as to part of the land applied for, and shall, as far as practicable, give preference to the applicant whose land adjoins, or is nearest to, the land applied for, but shall not be compelled to give such preference if of opinion that such applicant is less in need of additional land than an applicant whose land does not adjoin, or is not nearest to, the land applied for.

- (e) Except as hereinafter provided, an application under this section shall not, unless and until confirmed, give the applicant any right to use or occupy the land applied for, nor affect any lease or license under which the land may be held, but every such application shall give the applicant, pending the disposal of his application, a preferent claim to the land over any applicant for any original holding who may simultaneously or subsequently apply for the same land under any provisions of the Principal Acts or section eighteen of this Act. The title to the land included in the simultaneous or subsequent application for the original holding, and the effect of such application, shall in the meantime be suspended.

Upon the confirmation of an application (the effect of which has not been to immediately withdraw the land applied for from any annual lease or occupation license), the land allotted by the board shall be deemed to be withdrawn from any

Crown Lands Act Amendment.

any annual lease or occupation license under which it may be held, and the title to the additional purchase selection or to the lease shall thereupon commence.

In the case of an additional conditional purchase or a conditional lease, the area of which (when taken with the area of the purchases and leases of the series) does not exceed the maximum area prescribed by the Principal Acts, the title to the land shall commence from the date of application, if valid, and the application shall withdraw such of the lands therein described as may be available for the purpose from any annual lease or occupation license under which they may be held.

In the case of an additional settlement lease or a conditional lease the rent of the land, if it has not been determined and notified prior to the date of application, shall, for the first period of the lease, be determined in accordance with the provisions of section six of the Crown Lands Act of 1889.

In the case of a conditional purchase the price or, in the case of a homestead selection, the capital value of the land shall, if not notified prior to the date of application, be determined in accordance with that section. The deposit payable on any such conditional purchase shall be ten per centum, and the annual instalments shall be five per centum, of the value of the land as so determined, and every instalment except the first shall be deemed to include interest at the rate of two and one half per centum per annum on the balance of the purchase money. The provisional deposit shall be applied in payment of the deposit of ten per centum, and any excess shall be returned to the applicant; and if the provisional deposit is less than the deposit of ten per centum, the applicant shall pay the amount required to complete the deposit within one month after the value of the land applied for has been determined.

- (f) The general provisions and conditions of the Principal Acts shall apply to every purchase selection or lease under this section; except that the condition of residence attached to the original and additional holdings may be fulfilled on one of such holdings. The board may attach any of the prescribed conditions to any additional homestead selection or settlement lease: Provided that no application under this section shall be entertained from the transferee of an original conditional purchase unless such applicant be in residence on his holding for six months immediately prior to his application, unless the

Crown Lands Act Amendment.

the local land board find that the applicant was forced to discontinue his residence under adverse conditions beyond his control.

- (g) Original and additional homestead selections or settlement leases shall be deemed to be one holding, and shall not be transferred apart or held separately.
- (h) The board may impose a penalty for the withdrawal or disallowance of any application by retaining the whole or such portion of the provisional deposit money as may after due inquiry seem justifiable.
- (i) The provisions of this section shall not apply to an additional conditional purchase if made out of a conditional lease held before the passing of this Act, but save as aforesaid shall extend to and govern all additional conditional purchases or conditional leases applied for after the passing of this Act.
- (j) Sections twelve and seventeen of the Crown Lands (Amendment) Act, 1899, are hereby repealed.

Lands set apart for additional conditional purchase, &c.

4. Notwithstanding anything to the contrary in the Principal Acts, the Minister may, by notification in the Gazette, set apart areas (to become available on and after such dates as may be specified) for additional conditional purchases or conditional leases, or additional homestead selections or additional settlement leases (whether for one or more of such additional holdings), at such rents, capital values, or prices whether above, below, or at one pound per acre, as may be specified in the notification aforesaid, and may in a similar manner set apart areas for any original holdings to the exclusion of any or all of the additional holdings herein mentioned.

Reservation for
original or additional
holdings.

The Minister may amend or revoke, wholly or in part, any notification under this section by notification in the Gazette.

Settlement leases.

5. Any settlement lease applied for after the passing of this Act shall have a term of forty years. Such term shall be divided into four periods each of ten years. The annual rent of the first period shall (subject to the provisions of section three of this Act as far as regards additional leases) be notified by the Minister before the land is made available for lease, and the lessee may, if dissatisfied with the amount so notified, within three months require the said rent to be determined under section six of the Crown Lands Act of 1889, and the annual rent for each succeeding period may, on the application of the lessee, or on a reference by the Minister, be separately determined in accordance with the provisions of section six of the Crown Lands Act of 1889.

Settlement leases.

The

Crown Lands Act Amendment.

The holder of any settlement lease applied for before the passing of this Act shall, on application as prescribed, have the term of his lease extended under the provisions of this section; and in any such case the term of forty years shall be held to have commenced when the lease commenced.

The rent for each period commencing after the date of application under this section shall be separately determined as aforesaid, but the unexpired portion of any period current at the date of such application shall, if it does not exceed five years, be joined with the period next succeeding, and the annual rent determined for the combined period.

If the unexpired portion of the period exceeds five years, the annual rent for such unexpired period shall be appraised as for a separate period.

Where any settlement lease applied for before the commencement of this Act, and not brought under the provisions of this section, is transferred or comes, other than by way of bona fide mortgage, into the possession of any person other than the owner thereof at the commencement of this Act, the rent payable for the unexpired term of the lease shall be determined in accordance with the provisions of section six of the Crown Lands Act of 1889, provided that the provision of this section shall not apply to a lease which may come into the possession of any person through the death or lunacy of the holder thereof.

So much of the Principal Acts as prescribe that the annual rent of a settlement lease shall be one and one quarter per centum of the capital value of the land is hereby repealed so far as regards settlement leases which come under the provisions of this section.

Conditional leases.

Conditional leases.

6. Any conditional lease applied for after the passing of this Act shall have a term of forty years. Such term shall be divided into four periods each of ten years. The annual rent for each period may, on the application of the lessee or on a reference by the Minister, be separately determined in accordance with the provisions of section six of the Crown Lands Act of 1889.

The holder of any conditional lease applied for before the passing of this Act shall, on application as prescribed, have the term of his lease extended under the provisions of this section; and in any such case the term of forty years shall be held to have commenced when the lease commenced.

The rent for each period commencing after the date of application under this section shall be separately determined as aforesaid, but the unexpired portion of any period current at the date of such application

Crown Lands Act Amendment.

application shall, if it does not exceed five years, be joined with the period next succeeding, and the annual rent determined for the combined period.

If the unexpired portion of the period exceeds five years, the annual rent for such unexpired period shall be appraised as for a separate period.

Rent of homestead selections.

7. The holder of any homestead selection applied for before or after the commencement of this Act, where the grant of such homestead selection has not issued, shall from and after the expiration of the first six years of such selection pay an annual rent of two and a half per centum of the capital value of the selection.

Rent payable on
homestead selections.

Transfers of conditional purchases.

8. Notwithstanding anything contained in section twenty-nine of the Act of 1895, if any conditional purchaser shall die or be declared a lunatic or become an insane patient before the issue of the first certificate on his conditional purchase, such conditional purchase may be transferred to his representatives or their assigns, but may not be again transferred except in similar circumstances until after such certificate has been issued. And upon any sale, transfer, or disposition of the estate or interest of any conditional purchaser, as provided in section one hundred and twenty-five of the Crown Lands Act of 1884, such conditional purchase may be transferred to the purchaser in like manner before the issue of the first certificate on the conditional purchase, but may not be again transferred, except in similar circumstances, until after such certificate has been issued.

Transfers of
conditional
purchases.

9. Notwithstanding anything hereinbefore contained, the Minister may, upon application being made to him in the prescribed form, grant a reappraisalment of rent of any improvement lease to any Crown tenant who shall lodge such application, together with a deposit of ten pounds to cover the expenses of inquiry and report by the local land board upon such application. But no such reappraisalment shall reduce the rent below the price at which the land was offered. And no lease shall be reappraised more than once. This section shall not apply to leases hereafter granted.

Reappraisalment of
rent of improvement
leases.

Devolution of holder's interest.

10. If any holder of a homestead selection or any lease of land under the Crown Lands Acts dies or is declared a lunatic, his interest in such land may be held by his representatives, subject to the fulfilment by them of all unfulfilled conditions except the condition of residence (if any such condition of residence attaches to the holding) in trust for the benefit of the persons entitled: Provided that such representatives

Personal
representatives may
hold leased land.

Crown Lands Act Amendment.

representatives shall, where a condition of residence attaches to the holding, either sell and assign the lessee's or selector's interest in the land to a bona fide purchaser within twelve months from the date of their becoming entitled to possession hereunder, or else with the approval of the Minister, and for such time as he may permit, appoint a person as their nominee to reside upon the land.

Transfer and exchange of holdings.

Holders may acquire other holdings.

11. (1) The holder of any conditional purchase or homestead selection or settlement lease may, subject to the approval of the board and subject to such board being of opinion that such holder does not hold an area which added to the area proposed to be acquired is more than sufficient to maintain his home thereon, acquire by transfer one or more conditional purchases (although a condition of residence attaches thereto) or homestead selections or settlement leases as additional selections or leases, and in any such case, the condition of residence attached to the original and additional holdings may be fulfilled on any one of such holdings.

Holders may exchange land.

(2) Holders of conditional purchases, conditional leases, settlement leases, or homestead selections or grants may, subject to the approval of the Minister upon the recommendation of the board, acquire by exchange portions of land held under conditional purchase or conditional or settlement lease or homestead selection or grant by adjoining holders, and the condition of residence attaching to any such portion may be fulfilled by residence on the holding to which such portion has by the exchange become attached.

Limitation.

(3) The lands to be acquired by transfer under this section shall be of the same tenure as the lands in virtue of which they are so acquired; and lands shall only be exchanged under the preceding subsections for lands of identical tenure.

Exchanges with the Crown.

(4) In order to complete an exchange of conditionally purchased or conditionally leased land for Crown lands, it shall not be necessary for the purchaser or lessee of such land to convert the same into freehold or conditionally purchased land.

Possession by mortgagee or execution creditor.

Mortgagee or judgment creditor may go into possession.

12. Any mortgagee who has under the powers of the mortgage submitted any homestead selection, or settlement lease, or area consisting of land of both tenures, for sale by public auction, and any execution creditor who has seized under process of any court any such selection, lease, or area, if the mortgagor's or debtor's interest in the land is not then sold to a bona fide purchaser, may, in the prescribed manner, go into possession of the land, and the condition of residence shall for a period of twelve months after the commencement of such possession,

Crown Lands Act Amendment.

possession, or for such further period as may be approved by the Minister, be deemed to be fulfilled, if a nominee of such mortgagee or creditor, to be approved by the local land board, resides upon the land. The mortgagee or creditor shall, within such period or further period, sell the mortgagor's or debtor's interest in the land to a bona fide purchaser, who thereafter shall be subject to all conditions affecting the original holder, and in default of such sale the holding or holdings shall be forfeited: Provided that before any person shall take advantage of this section he shall register at the local lands office the total amount of his mortgage or judgment debt and other particulars as prescribed, and any person may thereafter prior to such forfeiture as aforesaid apply to the local land board to purchase the said holding for the amount of such debt, and the board may grant such application, and upon payment to the mortgagee or judgment creditor of the amount then due the applicant shall become the holder of such land free of such debt, but subject to all unfulfilled conditions attaching to such land: Provided also, that no mortgagee or judgment creditor shall take proceedings hereunder until two years after the passing of this Act, and no such proceedings shall hereafter be taken unless the mortgagor has been in default for one year, or in the case of an execution creditor until one year after judgment has been signed: Provided further, that this section shall not in any way abrogate the provisions of section twenty-three of the Crown Lands Act of 1895.

Reduction of purchase money of conditional purchases under the repealed Act.

13. Where any conditional purchase (other than a mining conditional purchase) made under the provisions of the Crown Lands Alienation Act of 1861, and not brought in respect of payment under the provisions of the Lands Acts Amendment Act, 1875, or the Crown Lands Act Further Amendment Act, 1880, or the Crown Lands Act of 1884, is, after the passing of this Act, brought under the instalment system under the provisions of the last-mentioned Act, the balance of purchase money on such conditional purchase shall be reduced by an amount equal to one-fifth of the total amount of interest (exclusive of fines) paid on such balance of purchase money between the date of commencement of the purchase and the date from which the conversion of such purchase under the instalment system takes effect; and the balance of purchase money as so reduced shall be accepted as the balance of purchase money then due and payable on such conditional purchase. Conversion shall take effect from the first day of January of the year during which application to convert is made if such application is made during the first six months of the year, but otherwise shall take effect from the first day of January of the succeeding year. The provisions of this section shall not apply to any conditional purchase

Balance of purchase money on conditional purchases made under the Repealed Land Acts.

Crown Lands Act Amendment.

purchase unless brought under the instalment system within two years after the passing of this Act, and shall in any case apply only to so much of the area held by any one holder as the board may find to be sufficient to maintain the home of such holder, and the board in their determination of this matter shall take into consideration the number of persons who are to be maintained upon or by means of such land and shall apply only in cases where the holder has resided continuously on some part of such land for two years immediately preceding the passing of this Act: Provided that the Board may waive such condition of residence in any case where it is satisfied that the land is held and used bona fide for the maintenance of the holder and his family.

Rate of interest on conditional purchases.

Reduction of interest
on conditional
purchases.

14. After the passing of this Act, the rate of interest payable on the balance of purchase money on any conditional purchase (other than a mining conditional purchase), whether applied for before or after the passing of this Act, shall (if the balance of purchase money is payable by annual instalments) be two and one half per centum per annum, instead of four per centum per annum: Provided that interest shall not be computed at the lower rate except where it commences to accrue for a full year of the purchase after the thirty-first day of December, one thousand nine hundred and two, and shall be charged at the original rate where it has commenced to accrue before the first day of January, one thousand nine hundred and three, for such year of the purchase as may be current at the passing of this Act.

This section shall in any case, as to conditional purchases held at the passing of this Act, apply only to so much of the area held by any one holder as the board may find to be sufficient to maintain the home of such holder, and the board in their determination of this matter shall take into consideration the number of persons who are to be maintained upon or by means of such land and shall apply only in cases where the holder has for two years immediately before such date continuously resided on some part of such area or on a conditional purchase or conditional lease of the same series:

Provided that the board may waive such condition of residence in any case where it is satisfied that the land is held and used bona fide for the maintenance of the holder and his family. In any case where the rate of interest is reduced to two and one half per centum as well as in respect of all conditional purchases hereafter to be made the annual payment may be made at the rate of nine pence per acre per annum.

Payments

Crown Lands Act Amendment.

Payments may be deferred.

15. The Minister may, at any time, defer the payment of any amount due, or to become due, within twelve months from the date of the application, on any holding under the Crown Lands Acts for any period not exceeding five years. Any payment so deferred shall bear interest at the rate of five per centum per annum from the date it became due until it is paid; and such interest shall, if the Minister so directs, be payable on such dates as he may determine. The Minister may allow the deferred amounts to be repaid by annual instalments, with interest at the rate mentioned in this section. Nothing in this section shall prevent the payment of any amount before it becomes due.

Deferment of
payments.

Parents may assist children to acquire land.

16. The board shall not disallow an application for any holding under the Principal Acts or this Act as not having been made in good faith merely because the applicant has been or is to be financially assisted in connection with such holding by a parent of such applicant.

Assistance of
children by parents.

Married women may acquire land.

17. Any married woman (the provisions of the Principal Acts to the contrary notwithstanding) may, with the consent of the Minister, out of moneys belonging to her for her separate use, acquire by purchase or otherwise other than by an original application a conditional purchase, conditional lease, homestead selection, or settlement lease, and she shall have the same power of dealing with and disposing of the same both at law and in equity as if she were a femme sole, and it shall be a sufficient compliance with the Principal Acts, so far as residence is concerned, if she shall reside upon any conditional purchase, conditional lease, homestead selection, or settlement lease held by her husband; or her husband may fulfil the condition of residence on any conditional purchase, conditional lease, homestead selection, or settlement lease held by himself or any holding held by his wife under this section. In either case notice as prescribed shall be forwarded to the chairman of the local land board of the intention so to reside.

Married woman.

Leases to outgoing pastoral lessees.

18. The registered holder or person entitled to the equity of redemption of any pastoral lease, preferential occupation license, or occupation license may apply for a lease of an area not exceeding one-third of the total area of the land comprised within the lease or license or lease and license at the date of expiration of the pastoral lease, and the Minister shall thereupon refer such application to the

Pastoral lessee may
apply for lease.

Crown Lands Act Amendment.

the local land board for report as to the area of and class of all leases held by the applicant or on his behalf, and as to whether the whole or any part of the land comprised in such application is suitable for closer settlement or to enable present holders not having a living area to add to their holdings.

The Governor may, upon a report from the board recommending such lease, grant such application, either wholly or in part, for a period not exceeding twenty-eight years, subject to the rent conditions of improvement and withdrawal for settlement named in such reference, or such other rent and conditions as the Governor may determine.

No lease shall be granted under this section of any land in respect of which an earlier or simultaneous application under section three of this Act is pending.

A return of every such lease granted shall be laid before Parliament if in session within one month from date of the granting of the same or otherwise within one month after the commencement of the next ensuing session.

No extension of any such lease or license held by way of mortgage on or since the first day of January, one thousand nine hundred and three, shall be granted unless and until a common agreement shall have been arrived at between the mortgagor, the mortgagee, and the Minister as to any adjustment or otherwise of the mortgage debt and as to the terms and conditions to be entered into by such mortgagor and mortgagee in respect of such debt; and for the purposes of this section the Minister shall be entitled to inspect or cause to be inspected on his behalf all or any books of account, mortgages, deeds, securities, conveyances, agreements or any documents or instruments relating to the said debt or the security therefor. The acceptance of any such extended leases by any mortgagee and mortgagor shall have the effect of discharging the mortgage debt in connection with such lease or other security worked in conjunction therewith to the extent determined upon in the common agreement referred to. The mortgages and other instruments by which the repayment of the debt is secured shall have endorsed thereon the particulars of such agreement and all parties thereto shall be bound by such agreement: Provided that the area which may be granted under the provisions of this section shall be inclusive of all lands previously granted on such holding to the applicant under improvement lease conditions. Any lease under this section shall be deemed to be a lease for pastoral purposes within the meaning of the Acts relating to mining.

Family

Crown Lands Act Amendment.

Family selections.

19. In any case where two or more holdings situated within working distance are held either under conditional purchase (whether fully paid up or otherwise), conditional lease, homestead selection, or settlement lease by members of one family, bona fide in their own separate interests, any condition of residence required to be performed by them in respect of their holdings shall be deemed to have been duly performed if such residence is carried out on any portion of the lands so held: Provided that the consent of the local land board shall have been obtained in the prescribed manner. Holdings by members of a family.

Ballots.

20. Section six of the Crown Lands (Amendment) Act of 1899, Ballot. is (except as to the repeals in the first clause thereof) hereby repealed.

When any applications simultaneously made for original holdings are conflicting, whether severally or collectively, the land agent shall determine by ballot in the prescribed manner the priority of such applications, and the local land board shall deal with the application which has gained priority in the ballot.

Where the land agent has omitted to hold a ballot, or has held a ballot but not in the prescribed manner, the local land board may direct the land agent to hold a ballot or a fresh ballot, as the case may be: Provided that if the application which by the first or any subsequent ballot is determined to have priority is withdrawn or disallowed a fresh ballot shall be held in every such case to determine the priority of those applications which remain and were included in the previous ballot.

The board may impose a penalty for the withdrawal or disallowance of any application by retaining the whole or such portion of the deposit money as may after due inquiry seem justifiable, and may at its discretion disqualify such applicant from making any fresh application for a period to be determined by such board.

Applications for conditional purchases and conditional leases of the same series, shall for the purposes of any ballot, be deemed to form together a single application for the whole of the land described in the said applications taken together.

Residential leases.

21. Subject to the provisions of section forty-eight of the Residential leases. Crown Lands Act of 1889, and section fifty of the Crown Lands Act of 1895, any holder of a residential lease not exceeding nineteen acres may make additional residential leases adjoining the original or any prior additional residential lease or may acquire by purchase or otherwise any residential lease so adjoining: Provided that the original and any

Crown Lands Act Amendment.

any additional residential leases do not exceed in the whole twenty acres. Residence may be carried out on any part of the land under lease. The term of any residential lease (whether applied for before or after the commencement of this Act) may be fixed for, or extended to, any term not exceeding twenty-eight years :

Provided further that any residential holder of an area whether freehold or otherwise on a gold-field may obtain a residential lease, subject to the approval of the board, of an area which when taken with the area he already holds on such gold-field does not exceed twenty acres. The condition of residence attached to the lease may be fulfilled on the lease or on the land on which he has already been residing.

Homestead selections or settlement leases may be acquired before survey.

Homestead selection
or settlement lease
before survey.

22. Notwithstanding the provisions of the Principal Acts, land may be made available for homestead selection or settlement lease before the blocks or farms are measured ; but any block or farm shall be taken according to any published plan or design thereof. After survey any necessary adjustment of area or rent shall be made, and any roads deemed to be necessary may be reserved or excluded in the measurement of any block or farm. Any rent due for any excess of area, or other moneys due, shall be paid within such period as the Minister may allow, and if not so paid, the homestead selection or settlement lease shall be liable to forfeiture : Provided also that in cases of existing holdings the Minister may make any minor variation of the existing design or survey of such holding to enable a better boundary to be secured for fencing or other purposes.

Annual leases.

Annual leases.

23. An annual lease shall not exempt the land held thereunder from lease of any other kind, and upon the land being sold or leased the annual lease shall be held to have ceased and determined so far as regards the land so sold or leased.

Holder of annual
lease may apply for
improvement lease.

The holder of any annual lease or leases (held by him on the first day of January, one thousand nine hundred and three), may apply to the Minister for an improvement lease of the whole or any part of the lease or leases so held, and the Minister shall thereupon refer the application to the local land board, and if such board is of opinion that the applicant has not an area sufficient to support a family and that no valid objection in the public interest exists to the granting of such application the board may recommend and the Governor may grant a lease of an area sufficient for that purpose for a period not exceeding seven years, subject to such rent and conditions as may be set out by the

Crown Lands Act Amendment.

the Minister in such reference, or such other rent and conditions as the Minister may after such report determine. The balance of the area (if any) may be held by the applicant as an annual lease: Provided that no such lease shall be granted on any proclaimed gold or mineral field except with the approval of the Minister for Mines.

Any holder of land held under annual lease may apply to have the rent thereof determined in accordance with the provisions of section six of the Crown Lands Act, 1889.

Auction sales.

24. Section sixty-one of the Crown Lands Act of 1884 is hereby amended by the substitution of the words "one month" for the words "two months nor more than three months," and by the substitution of the words "other lands fifteen shillings" for the words "other lands one pound five shillings." Sales by auction and after auction, selections.

The provisions of the Crown Lands (Auction Sales Balances) Act, 1887, and of section fifty-six of the Crown Lands Act, 1895, are hereby extended to any portion of country lands of a less area than forty acres.

Conversion of settlement leases into homestead selections.

25. The holder of any settlement lease which is not at the time of application hereunder liable to forfeiture, may at any time after the expiration of the first five years of the lease apply in the prescribed manner, subject to the provisions of section twenty-seven of the Crown Lands Act, 1895, for an area not exceeding one thousand two hundred and eighty acres of the land comprised under such lease as a homestead grant, and the board may allow such application in whole or in part if they find that the applicant is deserving of such grant, and the Governor may issue the same. Conversion of settlement leases into homestead selections.

In all such cases the remaining area of such settlement lease may be held at a proportionate part of the rental thereof.

A refund of the rental shall not be granted until after the execution of the homestead grant, and, when granted, shall be calculated from the date of such execution. The condition of residence attached to the settlement lease and to the homestead selection may be fulfilled for both holdings conjointly either on the land held under homestead selection or on the land held under settlement lease, so long as both such selection and lease are held in the same interest.

The value of the land taken under homestead selection shall be determined by appraisalment in accordance with the provisions of section six of the Crown Lands Act, 1889.

Enclosure

*Crown Lands Act Amendment.**Enclosure of roads.*

Amendment of s. 8
of Crown Lands
(Amendment) Act of
1899, and s. 14 of
Crown Lands Act of
1884.

26. Permission to enclose a road under the provisions of section eight of the Crown Lands (Amendment) Act, 1899, may be granted to an applicant, although such road at the time of application forms part of an occupation license or annual lease, and the granting of such permission shall have the effect of withdrawing the area of land comprised in such road from such license or lease.

Where permission to enclose a road is granted as aforesaid, the side of such road shall be deemed to be a common boundary line within the meaning of section one hundred and forty-one of the Crown Lands Act, 1884.

In every case where the boundaries of any holding must be fenced, the board may, on application in the prescribed manner, authorise a give-and-take fence, and such fence when erected shall be deemed a compliance with the law, and shall, for all purposes of law and equity, be the boundary between the parties.

Amendment of Acts.

Conditional leases.

27. The holder of any conditional lease may at any time exercise his right to make an additional conditional purchase of the whole or any part of such conditional lease not being less than forty acres, notwithstanding that the area included in such application shall exceed six hundred and forty acres.

Amendment of s. 30
of Crown Lands Act
of 1895.

28. Section thirty of the Act fifty-eighth Victoria number eighteen is amended by the insertion of the words "so long as the person upon whom the performance of the said condition would for the time being devolve is the person who applied for the original conditional purchase of the series and for the said additional conditional purchase or conditional lease," in substitution for the words inserted therein under section seventeen of the Crown Lands (Amendment) Act, 1899.

Amendment of s. 22
of Crown Lands Act
of 1884.

29. Section twenty-two of the Crown Lands Act of 1884 is hereby amended by the addition of the words "other than lands within a proclaimed special area" after the words "refer to Crown lands."

Conditions under
which applications
may be made by
freeholders.

30. The holder of any freehold the area of which is not less than forty acres, and in the opinion of the local land board is not sufficient to maintain his family, may, if he has for two years immediately prior to the passing of this Act and at the time of making application is residing on such freehold and using the same for the maintenance of his family by farming pursuits, apply under and subject to the provisions of section three for an additional conditional purchase or conditional lease in virtue thereof, and shall be entitled to the benefit and subject to the conditions of the said section as if such freehold area were a conditional purchase.

Crown Lands Act Amendment.

31. Section twenty-six of the Crown Lands Act of 1895 is hereby amended by inserting in the first line after the word "may" the words "upon the recommendation of the local land board." Improvement lease granted upon recommendation of local land board.

32. In addition to the matters specified in section thirty-seven of the Crown Lands Act of 1895, the chairman shall have power, subject to the provisions of that section, to deal with— Power of chairman of board.

- (i) inquiries as to fulfilment of conditions;
- (ii) certificates of confirmation;
- (iii) confirmation of applications; and
- (iv) applications for annual leases.

Condition of residence.

33. Where a person is the holder of two holdings of any tenure under the Crown Lands Acts, and a condition of residence attaches to either or both holdings, he may, with the consent of the board, and subject to such conditions as the board may impose, perform the condition or conditions of residence by residing on one of such holdings. Holder may reside on either holding.

34. This Act shall come into force on the first day of January, one thousand nine hundred and four. Commencement of Act.

By Authority : WILLIAM APPLEGATE GULLICK, Government Printer, Sydney, 1903.

[1s. 3d.]

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(A) abbreviations for initials

(B) comparison of abbreviations?

(C) comparison of abbreviations?

(D) comparison of abbreviations?

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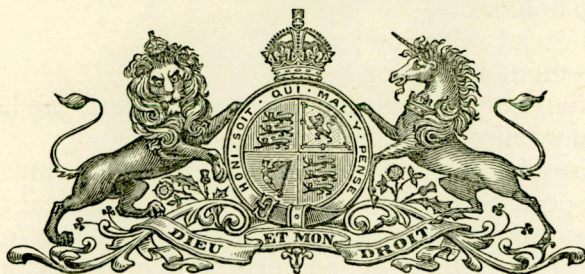
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I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Assembly Chamber, } RICHD. A. ARNOLD,
Sydney, 18 November, 1903. } Acting Clerk of the Legislative Assembly.*

New South Wales.



ANNO TERTIO

EDWARDI VII REGIS.

Act No. 15, 1903.

An Act to amend the Crown Lands Acts so as to provide for granting increased areas to present holders ; permitting a present holder to sell to another ; for the reduction of interest on unpaid balances and the issue of certificates in certain cases ; to alter the present conditions of residence on, and selling, exchanging, and leasing lands ; to alter the present system of balloting ; to defer payments and provide for family holdings and the right of parents to assist their children ; to provide for the conversion and extension of settlement leases and annual leases ; and for other purposes. [Assented to, 5th December, 1903.]

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 as the "Crown Lands Act Amendment Act, 1903," and shall be read and construed with the Principal Acts, and shall apply only to the Eastern and Central Divisions.

2. "Principal Acts" means the Crown Lands Act of 1884, the Crown Lands Act, 1889, and the Crown Lands Act, 1895, together with the Acts amending the same.

Short title and application.

Interpretation.

Additional

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.

Crown Lands Act Amendment.

Additional conditional purchases, homestead selections, or settlement or conditional leases.

Additional holdings.

3. The holder of—

any homestead selection ; or

any settlement lease ; or

any original conditional purchase, other than the holder of a non-residential conditional purchase ;

may make application as prescribed, and accompanied by such provisional deposit as may be prescribed, for additional land, to be held by him as an additional holding under the same class of tenure (except that the holder of an original or additional conditional purchase may apply for a conditional lease, subject to the limitation of section twenty-six of the Crown Lands Act of 1889), as that under which he holds the land by virtue of which he applies—

(a) Subject to the provisions of section four of this Act, land shall be available for the purpose of any such application which is available for homestead selection or settlement lease, or conditional purchase or conditional lease, whether specifically set apart for the class of holding applied for or not.

(b) Not more than one application shall be made by virtue of the same conditional purchase selection or lease, unless and until any previous application or all previous applications under this section have been disposed of, unless the total area applied for (when taken with the area of all conditional purchases or conditional leases of the series) does not exceed the maximum area prescribed by the Principal Acts.

(c) The mere fact that the land applied for does not adjoin the original conditional purchase or any purchase or lease of the series, or the original homestead selection or settlement lease, shall not be a bar to the additional purchase, homestead selection or lease applied for.

All available land adjoining the original or prior additional purchases or leases of the series, or the original homestead selection or settlement lease, shall first be exhausted, and the lands applied for or allotted shall be, in the opinion of the board, within a reasonable working distance of the land by virtue of which the application is made :

Provided that the board may confirm any application made under the provisions of this section, although all the available land adjoining the original or prior additional purchases or leases of the series, or the original homestead selection or settlement lease, has not been exhausted, if, in the opinion of such board the facts of the case warrant it.

The

Crown Lands Act Amendment.

The board may disallow any application if of opinion that the applicant is seeking to take an unfair advantage of the provisions of this section.

- (d) The board shall inquire into the merits of every application under this section, and may disallow such application or confirm it for such an area and in such a position (whether different from that applied for or not) as such board may, with the consent of the applicant, determine, notwithstanding that the area confirmed may, by itself or with the area of the original conditional purchase, homestead selection, or settlement lease, or conditional purchases or leases of the series, exceed the maximum area prescribed by the Principal Acts.

The board shall not confirm any application under the provisions of this section for any area which, shall together with all other lands held by the applicant under whatever tenure (other than annual tenure), exceed such an area as, in the opinion of the board, is sufficient for the maintenance of his home thereon in average seasons and circumstances.

Where two or more persons simultaneously apply for the same land the board may confirm the application of each or either applicant as to part of the land applied for, and shall, as far as practicable, give preference to the applicant whose land adjoins, or is nearest to, the land applied for, but shall not be compelled to give such preference if of opinion that such applicant is less in need of additional land than an applicant whose land does not adjoin, or is not nearest to, the land applied for.

- (e) Except as hereinafter provided, an application under this section shall not, unless and until confirmed, give the applicant any right to use or occupy the land applied for, nor affect any lease or license under which the land may be held, but every such application shall give the applicant, pending the disposal of his application, a preferent claim to the land over any applicant for any original holding who may simultaneously or subsequently apply for the same land under any provisions of the Principal Acts or section eighteen of this Act. The title to the land included in the simultaneous or subsequent application for the original holding, and the effect of such application, shall in the meantime be suspended.

Upon the confirmation of an application (the effect of which has not been to immediately withdraw the land applied for from any annual lease or occupation license), the land allotted by the board shall be deemed to be withdrawn from
any

Crown Lands Act Amendment.

any annual lease or occupation license under which it may be held, and the title to the additional purchase selection or to the lease shall thereupon commence.

In the case of an additional conditional purchase or a conditional lease, the area of which (when taken with the area of the purchases and leases of the series) does not exceed the maximum area prescribed by the Principal Acts, the title to the land shall commence from the date of application, if valid, and the application shall withdraw such of the lands therein described as may be available for the purpose from any annual lease or occupation license under which they may be held.

In the case of an additional settlement lease or a conditional lease the rent of the land, if it has not been determined and notified prior to the date of application, shall, for the first period of the lease, be determined in accordance with the provisions of section six of the Crown Lands Act of 1889.

In the case of a conditional purchase the price or, in the case of a homestead selection, the capital value of the land shall, if not notified prior to the date of application, be determined in accordance with that section. The deposit payable on any such conditional purchase shall be ten per centum, and the annual instalments shall be five per centum, of the value of the land as so determined, and every instalment except the first shall be deemed to include interest at the rate of two and one half per centum per annum on the balance of the purchase money. The provisional deposit shall be applied in payment of the deposit of ten per centum, and any excess shall be returned to the applicant; and if the provisional deposit is less than the deposit of ten per centum, the applicant shall pay the amount required to complete the deposit within one month after the value of the land applied for has been determined.

- (f) The general provisions and conditions of the Principal Acts shall apply to every purchase selection or lease under this section; except that the condition of residence attached to the original and additional holdings may be fulfilled on one of such holdings. The board may attach any of the prescribed conditions to any additional homestead selection or settlement lease: Provided that no application under this section shall be entertained from the transferee of an original conditional purchase unless such applicant be in residence on his holding for six months immediately prior to his application, unless the

Crown Lands Act Amendment.

the local land board find that the applicant was forced to discontinue his residence under adverse conditions beyond his control.

- (g) Original and additional homestead selections or settlement leases shall be deemed to be one holding, and shall not be transferred apart or held separately.
- (h) The board may impose a penalty for the withdrawal or disallowance of any application by retaining the whole or such portion of the provisional deposit money as may after due inquiry seem justifiable.
- (i) The provisions of this section shall not apply to an additional conditional purchase if made out of a conditional lease held before the passing of this Act, but save as aforesaid shall extend to and govern all additional conditional purchases or conditional leases applied for after the passing of this Act.
- (j) Sections twelve and seventeen of the Crown Lands (Amendment) Act, 1899, are hereby repealed.

Lands set apart for additional conditional purchase, &c.

4. Notwithstanding anything to the contrary in the Principal Acts, the Minister may, by notification in the Gazette, set apart areas (to become available on and after such dates as may be specified) for additional conditional purchases or conditional leases, or additional homestead selections or additional settlement leases (whether for one or more of such additional holdings), at such rents, capital values, or prices whether above, below, or at one pound per acre, as may be specified in the notification aforesaid, and may in a similar manner set apart areas for any original holdings to the exclusion of any or all of the additional holdings herein mentioned.

Reservation for
original or additional
holdings.

The Minister may amend or revoke, wholly or in part, any notification under this section by notification in the Gazette.

Settlement leases.

5. Any settlement lease applied for after the passing of this Act shall have a term of forty years. Such term shall be divided into four periods each of ten years. The annual rent of the first period shall (subject to the provisions of section three of this Act as far as regards additional leases) be notified by the Minister before the land is made available for lease, and the lessee may, if dissatisfied with the amount so notified, within three months require the said rent to be determined under section six of the Crown Lands Act of 1889, and the annual rent for each succeeding period may, on the application of the lessee, or on a reference by the Minister, be separately determined in accordance with the provisions of section six of the Crown Lands Act of 1889.

Settlement leases.

The

Crown Lands Act Amendment.

The holder of any settlement lease applied for before the passing of this Act shall, on application as prescribed, have the term of his lease extended under the provisions of this section; and in any such case the term of forty years shall be held to have commenced when the lease commenced.

The rent for each period commencing after the date of application under this section shall be separately determined as aforesaid, but the unexpired portion of any period current at the date of such application shall, if it does not exceed five years, be joined with the period next succeeding, and the annual rent determined for the combined period.

If the unexpired portion of the period exceeds five years, the annual rent for such unexpired period shall be appraised as for a separate period.

Where any settlement lease applied for before the commencement of this Act, and not brought under the provisions of this section, is transferred or comes, other than by way of bona fide mortgage, into the possession of any person other than the owner thereof at the commencement of this Act, the rent payable for the unexpired term of the lease shall be determined in accordance with the provisions of section six of the Crown Lands Act of 1889, provided that the provision of this section shall not apply to a lease which may come into the possession of any person through the death or lunacy of the holder thereof.

So much of the Principal Acts as prescribe that the annual rent of a settlement lease shall be one and one quarter per centum of the capital value of the land is hereby repealed so far as regards settlement leases which come under the provisions of this section.

Conditional leases.

Conditional leases.

6. Any conditional lease applied for after the passing of this Act shall have a term of forty years. Such term shall be divided into four periods each of ten years. The annual rent for each period may, on the application of the lessee or on a reference by the Minister, be separately determined in accordance with the provisions of section six of the Crown Lands Act of 1889.

The holder of any conditional lease applied for before the passing of this Act shall, on application as prescribed, have the term of his lease extended under the provisions of this section; and in any such case the term of forty years shall be held to have commenced when the lease commenced.

The rent for each period commencing after the date of application under this section shall be separately determined as aforesaid, but the unexpired portion of any period current at the date of such application

Crown Lands Act Amendment.

application shall, if it does not exceed five years, be joined with the period next succeeding, and the annual rent determined for the combined period.

If the unexpired portion of the period exceeds five years, the annual rent for such unexpired period shall be appraised as for a separate period.

Rent of homestead selections.

7. The holder of any homestead selection applied for before or after the commencement of this Act, where the grant of such homestead selection has not issued, shall from and after the expiration of the first six years of such selection pay an annual rent of two and a half per centum of the capital value of the selection.

Rent payable on
homestead selections.

Transfers of conditional purchases.

8. Notwithstanding anything contained in section twenty-nine of the Act of 1895, if any conditional purchaser shall die or be declared a lunatic or become an insane patient before the issue of the first certificate on his conditional purchase, such conditional purchase may be transferred to his representatives or their assigns, but may not be again transferred except in similar circumstances until after such certificate has been issued. And upon any sale, transfer, or disposition of the estate or interest of any conditional purchaser, as provided in section one hundred and twenty-five of the Crown Lands Act of 1884, such conditional purchase may be transferred to the purchaser in like manner before the issue of the first certificate on the conditional purchase, but may not be again transferred, except in similar circumstances, until after such certificate has been issued.

Transfers of
conditional
purchases.

9. Notwithstanding anything hereinbefore contained, the Minister may, upon application being made to him in the prescribed form, grant a reappraisal of rent of any improvement lease to any Crown tenant who shall lodge such application, together with a deposit of ten pounds to cover the expenses of inquiry and report by the local land board upon such application. But no such reappraisal shall reduce the rent below the price at which the land was offered. And no lease shall be reappraised more than once. This section shall not apply to leases hereafter granted.

Reappraisal of
rent of improvement
leases.

Devolution of holder's interest.

10. If any holder of a homestead selection or any lease of land under the Crown Lands Acts dies or is declared a lunatic, his interest in such land may be held by his representatives, subject to the fulfilment by them of all unfulfilled conditions except the condition of residence (if any such condition of residence attaches to the holding) in trust for the benefit of the persons entitled: Provided that such representatives

Personal
representatives may
hold leased land.

Crown Lands Act Amendment.

representatives shall, where a condition of residence attaches to the holding, either sell and assign the lessee's or selector's interest in the land to a bona fide purchaser within twelve months from the date of their becoming entitled to possession hereunder, or else with the approval of the Minister, and for such time as he may permit, appoint a person as their nominee to reside upon the land.

Transfer and exchange of holdings.

Holders may acquire other holdings.

11. (1) The holder of any conditional purchase or homestead selection or settlement lease may, subject to the approval of the board and subject to such board being of opinion that such holder does not hold an area which added to the area proposed to be acquired is more than sufficient to maintain his home thereon, acquire by transfer one or more conditional purchases (although a condition of residence attaches thereto) or homestead selections or settlement leases as additional selections or leases, and in any such case, the condition of residence attached to the original and additional holdings may be fulfilled on any one of such holdings.

Holders may exchange land.

(2) Holders of conditional purchases, conditional leases, settlement leases, or homestead selections or grants may, subject to the approval of the Minister upon the recommendation of the board, acquire by exchange portions of land held under conditional purchase or conditional or settlement lease or homestead selection or grant by adjoining holders, and the condition of residence attaching to any such portion may be fulfilled by residence on the holding to which such portion has by the exchange become attached.

Limitation.

(3) The lands to be acquired by transfer under this section shall be of the same tenure as the lands in virtue of which they are so acquired; and lands shall only be exchanged under the preceding subsections for lands of identical tenure.

Exchanges with the Crown.

(4) In order to complete an exchange of conditionally purchased or conditionally leased land for Crown lands, it shall not be necessary for the purchaser or lessee of such land to convert the same into freehold or conditionally purchased land.

Possession by mortgagee or execution creditor.

Mortgagee or judgment creditor may go into possession.

12. Any mortgagee who has under the powers of the mortgage submitted any homestead selection, or settlement lease, or area consisting of land of both tenures, for sale by public auction, and any execution creditor who has seized under process of any court any such selection, lease, or area, if the mortgagor's or debtor's interest in the land is not then sold to a bona fide purchaser, may, in the prescribed manner, go into possession of the land, and the condition of residence shall for a period of twelve months after the commencement of such possession,

Crown Lands Act Amendment.

possession, or for such further period as may be approved by the Minister, be deemed to be fulfilled, if a nominee of such mortgagee or creditor, to be approved by the local land board, resides upon the land. The mortgagee or creditor shall, within such period or further period, sell the mortgagor's or debtor's interest in the land to a bona fide purchaser, who thereafter shall be subject to all conditions affecting the original holder, and in default of such sale the holding or holdings shall be forfeited: Provided that before any person shall take advantage of this section he shall register at the local lands office the total amount of his mortgage or judgment debt and other particulars as prescribed, and any person may thereafter prior to such forfeiture as aforesaid apply to the local land board to purchase the said holding for the amount of such debt, and the board may grant such application, and upon payment to the mortgagee or judgment creditor of the amount then due the applicant shall become the holder of such land free of such debt, but subject to all unfulfilled conditions attaching to such land: Provided also, that no mortgagee or judgment creditor shall take proceedings hereunder until two years after the passing of this Act, and no such proceedings shall hereafter be taken unless the mortgagor has been in default for one year, or in the case of an execution creditor until one year after judgment has been signed: Provided further, that this section shall not in any way abrogate the provisions of section twenty-three of the Crown Lands Act of 1895.

Reduction of purchase money of conditional purchases under the repealed Act.

13. Where any conditional purchase (other than a mining conditional purchase) made under the provisions of the Crown Lands Alienation Act of 1861, and not brought in respect of payment under the provisions of the Lands Acts Amendment Act, 1875, or the Crown Lands Act Further Amendment Act, 1880, or the Crown Lands Act of 1884, is, after the passing of this Act, brought under the instalment system under the provisions of the last-mentioned Act, the balance of purchase money on such conditional purchase shall be reduced by an amount equal to one-fifth of the total amount of interest (exclusive of fines) paid on such balance of purchase money between the date of commencement of the purchase and the date from which the conversion of such purchase under the instalment system takes effect; and the balance of purchase money as so reduced shall be accepted as the balance of purchase money then due and payable on such conditional purchase. Conversion shall take effect from the first day of January of the year during which application to convert is made if such application is made during the first six months of the year, but otherwise shall take effect from the first day of January of the succeeding year. The provisions of this section shall not apply to any conditional purchase

Balance of purchase money on conditional purchases made under the Repealed Land Acts.

Crown Lands Act Amendment.

purchase unless brought under the instalment system within two years after the passing of this Act, and shall in any case apply only to so much of the area held by any one holder as the board may find to be sufficient to maintain the home of such holder, and the board in their determination of this matter shall take into consideration the number of persons who are to be maintained upon or by means of such land and shall apply only in cases where the holder has resided continuously on some part of such land for two years immediately preceding the passing of this Act: Provided that the Board may waive such condition of residence in any case where it is satisfied that the land is held and used bona fide for the maintenance of the holder and his family.

Rate of interest on conditional purchases.

Reduction of interest
on conditional
purchases.

14. After the passing of this Act, the rate of interest payable on the balance of purchase money on any conditional purchase (other than a mining conditional purchase), whether applied for before or after the passing of this Act, shall (if the balance of purchase money is payable by annual instalments) be two and one half per centum per annum, instead of four per centum per annum: Provided that interest shall not be computed at the lower rate except where it commences to accrue for a full year of the purchase after the thirty-first day of December, one thousand nine hundred and two, and shall be charged at the original rate where it has commenced to accrue before the first day of January, one thousand nine hundred and three, for such year of the purchase as may be current at the passing of this Act.

This section shall in any case, as to conditional purchases held at the passing of this Act, apply only to so much of the area held by any one holder as the board may find to be sufficient to maintain the home of such holder, and the board in their determination of this matter shall take into consideration the number of persons who are to be maintained upon or by means of such land and shall apply only in cases where the holder has for two years immediately before such date continuously resided on some part of such area or on a conditional purchase or conditional lease of the same series:

Provided that the board may waive such condition of residence in any case where it is satisfied that the land is held and used bona fide for the maintenance of the holder and his family. In any case where the rate of interest is reduced to two and one half per centum as well as in respect of all conditional purchases hereafter to be made the annual payment may be made at the rate of nine pence per acre per annum.

Payments

Crown Lands Act Amendment.

Payments may be deferred.

15. The Minister may, at any time, defer the payment of any amount due, or to become due, within twelve months from the date of the application, on any holding under the Crown Lands Acts for any period not exceeding five years. Any payment so deferred shall bear interest at the rate of five per centum per annum from the date it became due until it is paid; and such interest shall, if the Minister so directs, be payable on such dates as he may determine. The Minister may allow the deferred amounts to be repaid by annual instalments, with interest at the rate mentioned in this section. Nothing in this section shall prevent the payment of any amount before it becomes due.

Deferment of
payments.

Parents may assist children to acquire land.

16. The board shall not disallow an application for any holding under the Principal Acts or this Act as not having been made in good faith merely because the applicant has been or is to be financially assisted in connection with such holding by a parent of such applicant.

Assistance of
children by parents.

Married women may acquire land.

17. Any married woman (the provisions of the Principal Acts to the contrary notwithstanding) may, with the consent of the Minister, out of moneys belonging to her for her separate use, acquire by purchase or otherwise other than by an original application a conditional purchase, conditional lease, homestead selection, or settlement lease, and she shall have the same power of dealing with and disposing of the same both at law and in equity as if she were a femme sole, and it shall be a sufficient compliance with the Principal Acts, so far as residence is concerned, if she shall reside upon any conditional purchase, conditional lease, homestead selection, or settlement lease held by her husband; or her husband may fulfil the condition of residence on any conditional purchase, conditional lease, homestead selection, or settlement lease held by himself or any holding held by his wife under this section. In either case notice as prescribed shall be forwarded to the chairman of the local land board of the intention so to reside.

Married woman.

Leases to outgoing pastoral lessees.

18. The registered holder or person entitled to the equity of redemption of any pastoral lease, preferential occupation license, or occupation license may apply for a lease of an area not exceeding one-third of the total area of the land comprised within the lease or license or lease and license at the date of expiration of the pastoral lease, and the Minister shall thereupon refer such application to the

Pastoral lessee may
apply for lease.

Crown Lands Act Amendment.

the local land board for report as to the area of and class of all leases held by the applicant or on his behalf, and as to whether the whole or any part of the land comprised in such application is suitable for closer settlement or to enable present holders not having a living area to add to their holdings.

The Governor may, upon a report from the board recommending such lease, grant such application, either wholly or in part, for a period not exceeding twenty-eight years, subject to the rent conditions of improvement and withdrawal for settlement named in such reference, or such other rent and conditions as the Governor may determine.

No lease shall be granted under this section of any land in respect of which an earlier or simultaneous application under section three of this Act is pending.

A return of every such lease granted shall be laid before Parliament if in session within one month from date of the granting of the same or otherwise within one month after the commencement of the next ensuing session.

No extension of any such lease or license held by way of mortgage on or since the first day of January, one thousand nine hundred and three, shall be granted unless and until a common agreement shall have been arrived at between the mortgagor, the mortgagee, and the Minister as to any adjustment or otherwise of the mortgage debt and as to the terms and conditions to be entered into by such mortgagor and mortgagee in respect of such debt; and for the purposes of this section the Minister shall be entitled to inspect or cause to be inspected on his behalf all or any books of account, mortgages, deeds, securities, conveyances, agreements or any documents or instruments relating to the said debt or the security therefor. The acceptance of any such extended leases by any mortgagee and mortgagor shall have the effect of discharging the mortgage debt in connection with such lease or other security worked in conjunction therewith to the extent determined upon in the common agreement referred to. The mortgages and other instruments by which the repayment of the debt is secured shall have endorsed thereon the particulars of such agreement and all parties thereto shall be bound by such agreement: Provided that the area which may be granted under the provisions of this section shall be inclusive of all lands previously granted on such holding to the applicant under improvement lease conditions. Any lease under this section shall be deemed to be a lease for pastoral purposes within the meaning of the Acts relating to mining.

Family

Crown Lands Act Amendment.

Family selections.

19. In any case where two or more holdings situated within working distance are held either under conditional purchase (whether fully paid up or otherwise), conditional lease, homestead selection, or settlement lease by members of one family, bona fide in their own separate interests, any condition of residence required to be performed by them in respect of their holdings shall be deemed to have been duly performed if such residence is carried out on any portion of the lands so held: Provided that the consent of the local land board shall have been obtained in the prescribed manner. Holdings by members of a family.

Ballots.

20. Section six of the Crown Lands (Amendment) Act of 1899, Ballot. is (except as to the repeals in the first clause thereof) hereby repealed.

When any applications simultaneously made for original holdings are conflicting, whether severally or collectively, the land agent shall determine by ballot in the prescribed manner the priority of such applications, and the local land board shall deal with the application which has gained priority in the ballot.

Where the land agent has omitted to hold a ballot, or has held a ballot but not in the prescribed manner, the local land board may direct the land agent to hold a ballot or a fresh ballot, as the case may be: Provided that if the application which by the first or any subsequent ballot is determined to have priority is withdrawn or disallowed a fresh ballot shall be held in every such case to determine the priority of those applications which remain and were included in the previous ballot.

The board may impose a penalty for the withdrawal or disallowance of any application by retaining the whole or such portion of the deposit money as may after due inquiry seem justifiable, and may at its discretion disqualify such applicant from making any fresh application for a period to be determined by such board.

Applications for conditional purchases and conditional leases of the same series, shall for the purposes of any ballot, be deemed to form together a single application for the whole of the land described in the said applications taken together.

Residential leases.

21. Subject to the provisions of section forty-eight of the Residential leases. Crown Lands Act of 1889, and section fifty of the Crown Lands Act of 1895, any holder of a residential lease not exceeding nineteen acres may make additional residential leases adjoining the original or any prior additional residential lease or may acquire by purchase or otherwise any residential lease so adjoining: Provided that the original and any

Crown Lands Act Amendment.

any additional residential leases do not exceed in the whole twenty acres. Residence may be carried out on any part of the land under lease. The term of any residential lease (whether applied for before or after the commencement of this Act) may be fixed for, or extended to, any term not exceeding twenty-eight years:

Provided further that any residential holder of an area whether freehold or otherwise on a gold-field may obtain a residential lease, subject to the approval of the board, of an area which when taken with the area he already holds on such gold-field does not exceed twenty acres. The condition of residence attached to the lease may be fulfilled on the lease or on the land on which he has already been residing.

Homestead selections or settlement leases may be acquired before survey.

Homestead selection
or settlement lease
before survey.

22. Notwithstanding the provisions of the Principal Acts, land may be made available for homestead selection or settlement lease before the blocks or farms are measured; but any block or farm shall be taken according to any published plan or design thereof. After survey any necessary adjustment of area or rent shall be made, and any roads deemed to be necessary may be reserved or excluded in the measurement of any block or farm. Any rent due for any excess of area, or other moneys due, shall be paid within such period as the Minister may allow, and if not so paid, the homestead selection or settlement lease shall be liable to forfeiture: Provided also that in cases of existing holdings the Minister may make any minor variation of the existing design or survey of such holding to enable a better boundary to be secured for fencing or other purposes.

Annual leases.

Annual leases.

23. An annual lease shall not exempt the land held thereunder from lease of any other kind, and upon the land being sold or leased the annual lease shall be held to have ceased and determined so far as regards the land so sold or leased.

Holder of annual
lease may apply for
improvement lease.

The holder of any annual lease or leases (held by him on the first day of January, one thousand nine hundred and three), may apply to the Minister for an improvement lease of the whole or any part of the lease or leases so held, and the Minister shall thereupon refer the application to the local land board, and if such board is of opinion that the applicant has not an area sufficient to support a family and that no valid objection in the public interest exists to the granting of such application the board may recommend and the Governor may grant a lease of an area sufficient for that purpose for a period not exceeding seven years, subject to such rent and conditions as may be set out by the

Crown Lands Act Amendment.

the Minister in such reference, or such other rent and conditions as the Minister may after such report determine. The balance of the area (if any) may be held by the applicant as an annual lease: Provided that no such lease shall be granted on any proclaimed gold or mineral field except with the approval of the Minister for Mines.

Any holder of land held under annual lease may apply to have the rent thereof determined in accordance with the provisions of section six of the Crown Lands Act, 1889.

Auction sales.

24. Section sixty-one of the Crown Lands Act of 1884 is hereby amended by the substitution of the words "one month" for the words "two months nor more than three months," and by the substitution of the words "other lands fifteen shillings" for the words "other lands one pound five shillings."

Sales by auction and after auction, selections.

The provisions of the Crown Lands (Auction Sales Balances) Act, 1887, and of section fifty-six of the Crown Lands Act, 1895, are hereby extended to any portion of country lands of a less area than forty acres.

Conversion of settlement leases into homestead selections.

25. The holder of any settlement lease which is not at the time of application hereunder liable to forfeiture, may at any time after the expiration of the first five years of the lease apply in the prescribed manner, subject to the provisions of section twenty-seven of the Crown Lands Act, 1895, for an area not exceeding one thousand two hundred and eighty acres of the land comprised under such lease as a homestead grant, and the board may allow such application in whole or in part if they find that the applicant is deserving of such grant, and the Governor may issue the same.

Conversion of settlement leases into homestead selections.

In all such cases the remaining area of such settlement lease may be held at a proportionate part of the rental thereof.

A refund of the rental shall not be granted until after the execution of the homestead grant, and, when granted, shall be calculated from the date of such execution. The condition of residence attached to the settlement lease and to the homestead selection may be fulfilled for both holdings conjointly either on the land held under homestead selection or on the land held under settlement lease, so long as both such selection and lease are held in the same interest.

The value of the land taken under homestead selection shall be determined by appraisement in accordance with the provisions of section six of the Crown Lands Act, 1889.

Enclosure

Crown Lands Act Amendment.

Enclosure of roads.

Amendment of s. 8
of Crown Lands
(Amendment) Act of
1899, and s. 14 of
Crown Lands Act of
1884.

26. Permission to enclose a road under the provisions of section eight of the Crown Lands (Amendment) Act, 1899, may be granted to an applicant, although such road at the time of application forms part of an occupation license or annual lease, and the granting of such permission shall have the effect of withdrawing the area of land comprised in such road from such license or lease.

Where permission to enclose a road is granted as aforesaid, the side of such road shall be deemed to be a common boundary line within the meaning of section one hundred and forty-one of the Crown Lands Act, 1884.

In every case where the boundaries of any holding must be fenced, the board may, on application in the prescribed manner, authorise a give-and-take fence, and such fence when erected shall be deemed a compliance with the law, and shall, for all purposes of law and equity, be the boundary between the parties.

Amendment of Acts.

Conditional leases.

27. The holder of any conditional lease may at any time exercise his right to make an additional conditional purchase of the whole or any part of such conditional lease not being less than forty acres, notwithstanding that the area included in such application shall exceed six hundred and forty acres.

Amendment of s. 30
of Crown Lands Act
of 1895.

28. Section thirty of the Act fifty-eighth Victoria number eighteen is amended by the insertion of the words "so long as the person upon whom the performance of the said condition would for the time being devolve is the person who applied for the original conditional purchase of the series and for the said additional conditional purchase or conditional lease," in substitution for the words inserted therein under section seventeen of the Crown Lands (Amendment) Act, 1899.

Amendment of s. 22
of Crown Lands Act
of 1834.

29. Section twenty-two of the Crown Lands Act of 1884 is hereby amended by the addition of the words "other than lands within a proclaimed special area" after the words "refer to Crown lands."

Conditions under
which applications
may be made by
freeholders.

30. The holder of any freehold the area of which is not less than forty acres, and in the opinion of the local land board is not sufficient to maintain his family, may, if he has for two years immediately prior to the passing of this Act and at the time of making application is residing on such freehold and using the same for the maintenance of his family by farming pursuits, apply under and subject to the provisions of section three for an additional conditional purchase or conditional lease in virtue thereof, and shall be entitled to the benefit and subject to the conditions of the said section as if such freehold area were a conditional purchase.

Crown Lands Act Amendment.

31. Section twenty-six of the Crown Lands Act of 1895 is hereby amended by inserting in the first line after the word "may" the words "upon the recommendation of the local land board."

Improvement lease
granted upon
recommendation of
local land board.

32. In addition to the matters specified in section thirty-seven of the Crown Lands Act of 1895, the chairman shall have power, subject to the provisions of that section, to deal with—

Power of chairman
of board.

- (i) inquiries as to fulfilment of conditions ;
- (ii) certificates of confirmation ;
- (iii) confirmation of applications ; and
- (iv) applications for annual leases.

Condition of residence.

33. Where a person is the holder of two holdings of any tenure under the Crown Lands Acts, and a condition of residence attaches to either or both holdings, he may, with the consent of the board, and subject to such conditions as the board may impose, perform the condition or conditions of residence by residing on one of such holdings

Holder may reside
on either holding.

34. This Act shall come into force on the first day of January, one thousand nine hundred and four.

Commencement of
Act.

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

HARRY H. RAWSON,

State Government House,

Governor.

Sydney, 5th December, 1903.

25th Dec 1893
The Hon. Secy of State

London

H. H. K. 1893

My dear Sir,

I have the pleasure to acknowledge the receipt of your letter of the 14th inst. in relation to the proposed amendment to the Act of 1892, and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,
Yours truly,
H. H. K.

I have the pleasure to acknowledge the receipt of your letter of the 14th inst. in relation to the proposed amendment to the Act of 1892, and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,
Yours truly,
H. H. K.

Very truly yours,

H. H. K.

CROWN LANDS ACT AMENDMENT BILL.

SCHEDULE showing the Legislative Assembly's Amendments upon the Legislative Council's Amendments, referred to in Message of 28th October, 1903.

RICHD. A. ARNOLD,
Acting Clerk of the Legislative Assembly.

Page 7, clause 9. *Add* at end of clause " But no such reappraisement shall reduce
" the rent below the price at which the land was offered. And no lease
" shall be reappraised more than once. This section shall not apply to
" leases hereafter granted."

Page 16, clause 33, line 42. *After* " board " *insert* " and subject to such conditions
" as the board may impose "

CROWN LANDS ACT (AMENDMENT) BILL

THE SECRETARY OF STATE for the Colonies, in pursuance of the Statute in that behalf enabling him, doth hereby lay before the House of Commons a Bill for the purpose aforesaid.

RICHARD A. ARDREY,
Attorney-General at the Law Office, 11, Abchurch Lane.

Page 7, clause 8. "And as soon as the clause" but no such amendment shall be made
"the first section of which the first was amended. And as soon
"shall be re-enacted more than once. This section shall not apply to
"cases where the clause"
Page 14, clause 32, line 12. "And as soon as the clause" and subject to such conditions
"as the board may impose."

CROWN LANDS ACT AMENDMENT BILL.

SCHEDULE of the Amendments referred to in Message of 28th October, 1903.

- Page 1, clause 1. At end of clause *add* "and shall apply only to the Eastern and
" **Central Divisions** "
- Page 3, clause 3, line 37. *Omit* "seventeen" *insert* "eighteen"
- Page 6, clause 5, line 2. *Omit* "may" *insert* "shall"
- Page 6, clause 6, line 37. *Omit* "may" *insert* "shall"
- Page 7, clause 8, line 21. *Omit* "purchase" *insert* "purchaser"
- Page 7. *After* clause 8 *insert* new clause 9.
- Page 7, clause 9, 10, line 41. *After* "lessee's" *insert* "or selector's"
- Page 9, clause 11, 12, line 5. *After* "thereafter" *insert* "prior to such forfeiture as
" aforesaid "
- Page 9, clause 11, 12, line 8. *After* "payment" *insert* "to the mortgagee or judgment
" creditor "
- Page 11, clause 15, 16, line 7. *Omit* "land"
- Page 13, clause 19, 20, line 8. *Omit* "applications in the order of priority so determined"
insert "application which has gained priority in the ballot"
- Page 13, clause 19, 20, line 14. *Omit* "be first in order of" *insert* "have"
- Page 13, clause 19, 20, line 16. *Omit* "order of"
- Page 13, clause 20, 21, line 32. *After* "lease" *insert* "or may acquire by purchase or
" otherwise any residential lease so adjoining "
- Page 14, clause 21, 22. At end of clause *add* "Provided also that in cases of existing
" holdings the Minister may make any minor variation of the existing
" design or survey of such holding to enable a better boundary to be
" secured for fencing or other purposes "
- Page 16, clause 26, 27, lines 2 and 3. *Omit* "applied for prior to the Act fifty-eighth
" Victoria number eighteen "
- Page 16. *After* clause 30, 31, *insert* new clauses 32, 33, and 34.

the new clauses 32, 33, and 34.

Added for prior to the Act fifty-eight

of such holding to ensure a better boundary to be
 made of survey of such holding for other purposes
 of the Act.

Provided also that in cases of existing
 leasehold interest in land, or may require by purchase or

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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, 23 September, 1903. } RICHD. A. ARNOLD,
Acting Clerk of the Legislative Assembly.

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

Legislative Council Chamber,
Sydney, 28th October, 1903. } JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO TERTIO

EDWARDI VII REGIS.

Act No. , 1903.

An Act to amend the Crown Lands Acts so as to provide for granting increased areas to present holders ; permitting a present holder to sell to another ; for the reduction of interest on unpaid balances and the issue of certificates in certain cases ; to alter the present conditions of residence on, and selling, exchanging, and leasing lands ; to alter the present system of balloting ; to defer payments and provide for family holdings and the right of parents to assist their children ; to provide for the conversion and extension of settlement leases and annual leases ; 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 :—

5 1. This Act may be cited as the "Crown Lands Act Amendment Act, 1903," and shall be read and construed with the Principal Acts, and shall apply only to the Eastern and Central Divisions.

10 2. "Principal Acts" means the Crown Lands Act of 1884, the Crown Lands Act, 1889, and the Crown Lands Act, 1895, together with the Acts amending the same.

*Crown Lands Act Amendment.**Additional conditional purchases, homestead selections, or settlement or conditional leases.***3. The holder of—**

Additional holdings.

any homestead selection ; or

5 any settlement lease ; or

any original conditional purchase, other than the holder of a non-residential conditional purchase ;

may make application as prescribed, and accompanied by such provisional deposit as may be prescribed, for additional land, to be held
10 by him as an additional holding under the same class of tenure (except that the holder of an original or additional conditional purchase may apply for a conditional lease, subject to the limitation of section twenty-six of the Crown Lands Act of 1889), as that under which he holds the land by virtue of which he applies—

15 (a) Subject to the provisions of section four of this Act, land shall be available for the purpose of any such application which is available for homestead selection or settlement lease, or conditional purchase or conditional lease, whether specifically set apart for the class of holding applied for or not.

20 (b) Not more than one application shall be made by virtue of the same conditional purchase selection or lease, unless and until any previous application or all previous applications under this section have been disposed of, unless the total area applied for (when taken with the area of all conditional purchases
25 or conditional leases of the series) does not exceed the maximum area prescribed by the Principal Acts.

(c) The mere fact that the land applied for does not adjoin the original conditional purchase or any purchase or lease of the series, or the original homestead selection or settlement lease,
30 shall not be a bar to the additional purchase, homestead selection or lease applied for.

All available land adjoining the original or prior additional purchases or leases of the series, or the original homestead selection or settlement lease, shall first be exhausted, and the lands applied for or allotted shall be, in
35 the opinion of the board, within a reasonable working distance of the land by virtue of which the application is made :

40 Provided that the board may confirm any application made under the provisions of this section, although all the available land adjoining the original or prior additional purchases or leases of the series, or the original homestead selection or settlement lease, has not been exhausted, if, in the opinion of such board the facts of the case warrant it.

The

Crown Lands Act Amendment.

The board may disallow any application if of opinion that the applicant is seeking to take an unfair advantage of the provisions of this section.

- 5 (d) The board shall inquire into the merits of every application under this section, and may disallow such application or confirm it for such an area and in such a position (whether different from that applied for or not) as such board may, with the consent of the applicant, determine, notwithstanding that the area confirmed may, by itself or with the area of
10 the original conditional purchase, homestead selection, or settlement lease, or conditional purchases or leases of the series, exceed the maximum area prescribed by the Principal Acts.

15 The board shall not confirm any application under the provisions of this section for any area which, shall together with all other lands held by the applicant under whatever tenure (other than annual tenure), exceed such an area as, in the opinion of the board, is sufficient for the maintenance of his home thereon in average seasons and circumstances.

20 Where two or more persons simultaneously apply for the same land the board may confirm the application of each or either applicant as to part of the land applied for, and shall, as far as practicable, give preference to the applicant whose land adjoins, or is nearest to, the land applied for,
25 but shall not be compelled to give such preference if of opinion that such applicant is less in need of additional land than an applicant whose land does not adjoin, or is not nearest to, the land applied for.

- 30 (e) Except as hereinafter provided, an application under this section shall not, unless and until confirmed, give the applicant any right to use or occupy the land applied for, nor affect any lease or license under which the land may be held, but every such application shall give the applicant, pending the disposal of his application, a preferent claim to the land over any
35 applicant for any original holding who may simultaneously or subsequently apply for the same land under any provisions of the Principal Acts or section ~~seventeen~~ **eighteen** of this Act. The title to the land included in the simultaneous or subsequent application for the original holding, and the effect of such application, shall in the meantime be suspended.
40

Upon the confirmation of an application (the effect of which has not been to immediately withdraw the land applied for from any annual lease or occupation license), the land allotted by the board shall be deemed to be withdrawn from any

Crown Lands Act Amendment.

any annual lease or occupation license under which it may be held, and the title to the additional purchase selection or to the lease shall thereupon commence.

5 In the case of an additional conditional purchase or
a conditional lease, the area of which (when taken with the
area of the purchases and leases of the series) does not exceed
the maximum area prescribed by the Principal Acts, the title
to the land shall commence from the date of application, if
10 valid, and the application shall withdraw such of the lands
therein described as may be available for the purpose from
any annual lease or occupation license under which they may
be held.

15 In the case of an additional settlement lease or a
conditional lease the rent of the land, if it has not been
determined and notified prior to the date of application, shall,
for the first period of the lease, be determined in accordance
with the provisions of section six of the Crown Lands Act of
1889.

20 In the case of a conditional purchase the price or, in
the case of a homestead selection, the capital value of the
land shall, if not notified prior to the date of application, be
determined in accordance with that section. The deposit
payable on any such conditional purchase shall be ten per
25 centum, and the annual instalments shall be five per centum,
of the value of the land as so determined, and every instal-
ment except the first shall be deemed to include interest at
the rate of two and one half per centum per annum on the
balance of the purchase money. The provisional deposit
shall be applied in payment of the deposit of ten per centum,
30 and any excess shall be returned to the applicant; and if the
provisional deposit is less than the deposit of ten per centum,
the applicant shall pay the amount required to complete the
deposit within one month after the value of the land applied
for has been determined.

35 (f) The general provisions and conditions of the Principal Acts
shall apply to every purchase selection or lease under this
section; except that the condition of residence attached to
the original and additional holdings may be fulfilled on one
of such holdings. The board may attach any of the prescribed
40 conditions to any additional homestead selection or settlement
lease: Provided that no application under this section shall
be entertained from the transferee of an original conditional
purchase unless such applicant be in residence on his holding
for six months immediately prior to his application, unless
the

Crown Lands Act Amendment.

the local land board find that the applicant was forced to discontinue his residence under adverse conditions beyond his control.

- 5 (g) Original and additional homestead selections or settlement leases shall be deemed to be one holding, and shall not be transferred apart or held separately.
- (h) The board may impose a penalty for the withdrawal or disallowance of any application by retaining the whole or such portion of the provisional deposit money as may after due inquiry seem justifiable.
- 10 (i) The provisions of this section shall not apply to an additional conditional purchase if made out of a conditional lease held before the passing of this Act, but save as aforesaid shall extend to and govern all additional conditional purchases or conditional leases applied for after the passing of this Act.
- 15 (j) Sections twelve and seventeen of the Crown Lands (Amendment) Act, 1899, are hereby repealed.

Lands set apart for additional conditional purchase, &c.

- 20 4. Notwithstanding anything to the contrary in the Principal Acts, the Minister may, by notification in the Gazette, set apart areas (to become available on and after such dates as may be specified) for additional conditional purchases or conditional leases, or additional homestead selections or additional settlement leases (whether for one or more of such additional holdings), at such rents, capital values, or
- 25 prices whether above, below, or at one pound per acre, as may be specified in the notification aforesaid, and may in a similar manner set apart areas for any original holdings to the exclusion of any or all of the additional holdings herein mentioned.

Reservation for original or additional holdings.

- The Minister may amend or revoke, wholly or in part, any
- 30 notification under this section by notification in the Gazette.

Settlement leases.

5. Any settlement lease applied for after the passing of this Act shall have a term of forty years. Such term shall be divided into four periods each of ten years. The annual rent of the first period shall
- 35 (subject to the provisions of section three of this Act as far as regards additional leases) be notified by the Minister before the land is made available for lease, and the lessee may, if dissatisfied with the amount so notified, within three months require the said rent to be determined under section six of the Crown Lands Act of 1889, and the annual
- 40 rent for each succeeding period may, on the application of the lessee, or on a reference by the Minister, be separately determined in accordance with the provisions of section six of the Crown Lands Act of 1889.

The

Crown Lands Act Amendment.

The holder of any settlement lease applied for before the passing of this Act ~~may~~ shall, on application as prescribed, have the term of his lease extended under the provisions of this section; and in any such case the term of forty years shall be held to have commenced when
5 the lease commenced.

The rent for each period commencing after the date of application under this section shall be separately determined as aforesaid, but the unexpired portion of any period current at the date of such application shall, if it does not exceed five years, be joined with the
10 period next succeeding, and the annual rent determined for the combined period.

If the unexpired portion of the period exceeds five years, the annual rent for such unexpired period shall be appraised as for a separate period.

15 Where any settlement lease applied for before the commencement of this Act, and not brought under the provisions of this section, is transferred or comes, other than by way of bona fide mortgage, into the possession of any person other than the owner thereof at the commencement of this Act, the rent payable for the
20 unexpired term of the lease shall be determined in accordance with the provisions of section six of the Crown Lands Act of 1889, provided that the provision of this section shall not apply to a lease which may come into the possession of any person through the death or lunacy of the holder thereof.

25 So much of the Principal Acts as prescribe that the annual rent of a settlement lease shall be one and one quarter per centum of the capital value of the land is hereby repealed so far as regards settlement leases which come under the provisions of this section.

Conditional leases.

30 6. Any conditional lease applied for after the passing of this Act shall have a term of forty years. Such term shall be divided into four periods each of ten years. The annual rent for each period may, on the application of the lessee or on a reference by the Minister, be separately determined in accordance with the provisions of section
35 six of the Crown Lands Act of 1889. Conditional leases.

The holder of any conditional lease applied for before the passing of this Act ~~may~~ shall, on application as prescribed, have the term of his lease extended under the provisions of this section; and in any such case the term of forty years shall be held to have commenced when
40 the lease commenced.

The rent for each period commencing after the date of application under this section shall be separately determined as aforesaid, but the unexpired portion of any period current at the date of such
application

Crown Lands Act Amendment.

application shall, if it does not exceed five years, be joined with the period next succeeding, and the annual rent determined for the combined period.

If the unexpired portion of the period exceeds five years, the annual rent for such unexpired period shall be appraised as for a separate period.

Rent of homestead selections.

7. The holder of any homestead selection applied for before or after the commencement of this Act, where the grant of such homestead selection has not issued, shall from and after the expiration of the first six years of such selection pay an annual rent of two and a half per centum of the capital value of the selection.

Rent payable on homestead selections.

Transfers of conditional purchases.

8. Notwithstanding anything contained in section twenty-nine of the Act of 1895, if any conditional purchaser shall die or be declared a lunatic or become an insane patient before the issue of the first certificate on his conditional purchase, such conditional purchase may be transferred to his representatives or their assigns, but may not be again transferred except in similar circumstances until after such certificate has been issued. And upon any sale, transfer, or disposition of the estate or interest of any conditional purchase purchaser, as provided in section one hundred and twenty-five of the Crown Lands Act of 1884, such conditional purchase may be transferred to the purchaser in like manner before the issue of the first certificate on the conditional purchase, but may not be again transferred, except in similar circumstances, until after such certificate has been issued.

Transfers of conditional purchases.

9. Notwithstanding anything hereinbefore contained, the Minister may, upon application being made to him in the prescribed form, grant a reappraisal of rent of any improvement lease to any Crown tenant who shall lodge such application, together with a deposit of ten pounds to cover the expenses of inquiry and report by the local land board upon such application.

Reappraisal of rent of improvement leases.

Devolution of holder's interest.

9. 10. If any holder of a homestead selection or any lease of land under the Crown Lands Acts dies or is declared a lunatic, his interest in such land may be held by his representatives, subject to the fulfilment by them of all unfulfilled conditions except the condition of residence (if any such condition of residence attaches to the holding) in trust for the benefit of the persons entitled: Provided that such representatives shall, where a condition of residence attaches to the holding, either sell and assign the lessee's or selector's interest in the land to a bona fide purchaser within twelve months from the date of their becoming entitled to possession hereunder, or else with the approval of the Minister, and for such time as he may permit, appoint a person as their nominee to reside upon the land.

Personal representatives may hold leased land.

Transfer

Crown Lands Act Amendment.

Transfer and exchange of holdings.

10. 11. (1) The holder of any conditional purchase or homestead selection or settlement lease may, subject to the approval of the board and subject to such board being of opinion that such holder does not hold an area which added to the area proposed to be acquired is more than sufficient to maintain his home thereon, acquire by transfer one or more conditional purchases (although a condition of residence attaches thereto) or homestead selections or settlement leases as additional selections or leases, and in any such case, the condition of residence attached to the original and additional holdings may be fulfilled on any one of such holdings. Holders may acquire other holdings.

(2) Holders of conditional purchases, conditional leases, settlement leases, or homestead selections or grants may, subject to the approval of the Minister upon the recommendation of the board, acquire by exchange portions of land held under conditional purchase or conditional or settlement lease or homestead selection or grant by adjoining holders, and the condition of residence attaching to any such portion may be fulfilled by residence on the holding to which such portion has by the exchange become attached. Holders may exchange land.

20 (3) The lands to be acquired by transfer under this section shall be of the same tenure as the lands in virtue of which they are so acquired; and lands shall only be exchanged under the preceding subsections for lands of identical tenure. Limitation.

25 (4) In order to complete an exchange of conditionally purchased or conditionally leased land for Crown lands, it shall not be necessary for the purchaser or lessee of such land to convert the same into freehold or conditionally purchased land. Exchanges with the Crown.

Possession by mortgagee or execution creditor.

11. 12. Any mortgagee who has under the powers of the mortgage submitted any homestead selection, or settlement lease, or area consisting of land of both tenures, for sale by public auction, and any execution creditor who has seized under process of any court any such selection, lease, or area, if the mortgagor's or debtor's interest in the land is not then sold to a bona fide purchaser, may, in the prescribed manner, go into possession of the land, and the condition of residence shall for a period of twelve months after the commencement of such possession, or for such further period as may be approved by the Minister, be deemed to be fulfilled, if a nominee of such mortgagee or creditor, to be approved by the local land board, resides upon the land. The mortgagee or creditor shall, within such period or further period, sell the mortgagor's or debtor's interest in the land to a bona fide purchaser, who thereafter shall be subject to all conditions affecting Mortgagee or judgment creditor may go into possession.

Crown Lands Act Amendment.

affecting the original holder, and in default of such sale the holding or holdings shall be forfeited: Provided that before any person shall take advantage of this section he shall register at the local lands office the total amount of his mortgage or judgment debt and other
 5 particulars as prescribed, and any person may thereafter prior to such forfeiture as aforesaid apply to the local land board to purchase the said holding for the amount of such debt, and the board may grant such application, and upon payment to the mortgagee or judgment creditor of the amount then due the applicant shall become the holder of
 10 such land free of such debt, but subject to all unfulfilled conditions attaching to such land: Provided also, that no mortgagee or judgment creditor shall take proceedings hereunder until two years after the passing of this Act, and no such proceedings shall hereafter be taken unless the mortgagor has been in default for one year, or in the case
 15 of an execution creditor until one year after judgment has been signed: Provided further, that this section shall not in any way abrogate the provisions of section twenty-three of the Crown Lands Act of 1895.

Reduction of purchase money of conditional purchases under the repealed Act.

20 ~~12.~~ 13. Where any conditional purchase (other than a mining conditional purchase) made under the provisions of the Crown Lands Alienation Act of 1861, and not brought in respect of payment under the provisions of the Lands Acts Amendment Act, 1875, or the Crown
 25 Lands Act Further Amendment Act, 1880, or the Crown Lands Act of 1884, is, after the passing of this Act, brought under the instalment system under the provisions of the last-mentioned Act, the balance of purchase money on such conditional purchase shall be reduced by an amount equal to one-fifth of the total amount of interest (exclusive of fines) paid on such balance of purchase money between the date of
 30 commencement of the purchase and the date from which the conversion of such purchase under the instalment system takes effect; and the balance of purchase money as so reduced shall be accepted as the balance of purchase money then due and payable on such conditional purchase. Conversion shall take effect from the first day of January
 35 of the year during which application to convert is made if such application is made during the first six months of the year, but otherwise shall take effect from the first day of January of the succeeding year. The provisions of this section shall not apply to any conditional purchase unless brought under the instalment system within two
 40 years after the passing of this Act, and shall in any case apply only to so much of the area held by any one holder as the board may find to be sufficient to maintain the home of such holder, and the board in their determination of this matter shall take into consideration the number of persons who are to be maintained upon or by means of such

Balance of purchase money on conditional purchases made under the Repealed Land Acts.

Crown Lands Act Amendment.

such land and shall apply only in cases where the holder has resided continuously on some part of such land for two years immediately preceding the passing of this Act: Provided that the Board may waive such condition of residence in any case where it is satisfied
 5 that the land is held and used bona fide for the maintenance of the holder and his family.

Rate of interest on conditional purchases.

13- 14. After the passing of this Act, the rate of interest payable on the balance of purchase money on any conditional purchase (other
 10 than a mining conditional purchase), whether applied for before or after the passing of this Act, shall (if the balance of purchase money is payable by annual instalments) be two and one half per centum per annum, instead of four per centum per annum: Provided that interest shall not be computed at the lower rate except where it commences
 15 to accrue for a full year of the purchase after the thirty-first day of December, one thousand nine hundred and two, and shall be charged at the original rate where it has commenced to accrue before the first day of January, one thousand nine hundred and three, for such year of the purchase as may be current at the passing of this Act.

20 This section shall in any case, as to conditional purchases held at the passing of this Act, apply only to so much of the area held by any one holder as the board may find to be sufficient to maintain the home of such holder, and the board in their determination of this matter shall take into consideration the number of persons who are to
 25 be maintained upon or by means of such land and shall apply only in cases where the holder has for two years immediately before such date continuously resided on some part of such area or on a conditional purchase or conditional lease of the same series.

Provided that the board may waive such condition of residence
 30 in any case where it is satisfied that the land is held and used bona fide for the maintenance of the holder and his family. In any case where the rate of interest is reduced to two and one half per centum as well as in respect of all conditional purchases hereafter to be made the annual payment may be made at the rate of nine pence per acre
 35 per annum.

Payments may be deferred.

14- 15. The Minister may, at any time, defer the payment of any amount due, or to become due, within twelve months from the date of the application, on any holding under the Crown Lands Acts for any
 40 period not exceeding five years. Any payment so deferred shall bear interest at the rate of five per centum per annum from the date it became

Reduction of interest
on conditional
purchases.

Deferment of
payments.

Crown Lands Act Amendment.

became due until it is paid; and such interest shall, if the Minister so directs, be payable on such dates as he may determine. The Minister may allow the deferred amounts to be repaid by annual instalments, with interest at the rate mentioned in this section. Nothing in this 5 section shall prevent the payment of any amount before it becomes due.

Parents may assist children to acquire land.

15. 16. The land board shall not disallow an application for any holding under the Principal Acts or this Act as not having been made in good faith merely because the applicant has been or is to be 10 financially assisted in connection with such holding by a parent of such applicant. Assistance of children by parents.

Married women may acquire land.

16. 17. Any married woman (the provisions of the Principal Acts 15 to the contrary notwithstanding) may, with the consent of the Minister, out of moneys belonging to her for her separate use, acquire by purchase or otherwise other than by an original application a conditional purchase, conditional lease, homestead selection, or settlement lease, and she shall have the same power of dealing with and disposing of the same both at law and in equity as if she were a femme sole, 20 and it shall be a sufficient compliance with the Principal Acts, so far as residence is concerned, if she shall reside upon any conditional purchase, conditional lease, homestead selection, or settlement lease held by her husband; or her husband may fulfil the condition of residence on any conditional purchase, conditional lease, homestead 25 selection, or settlement lease held by himself or any holding held by his wife under this section. In either case notice as prescribed shall be forwarded to the chairman of the local land board of the intention so to reside. Married woman.

Leases to outgoing pastoral lessees.

30 17. 18. The registered holder or person entitled to the equity of redemption of any pastoral lease, preferential occupation license, or occupation license may apply for a lease of an area not exceeding one-third of the total area of the land comprised within the lease or license or lease and license at the date of expiration of the pastoral 35 lease, and the Minister shall thereupon refer such application to the local land board for report as to the area of and class of all leases held by the applicant or on his behalf, and as to whether the whole or any part of the land comprised in such application is suitable for closer settlement or to enable present holders not having a living 40 area to add to their holdings. Pastoral lessee may apply for lease.

The Governor may, upon a report from the board recommending such lease, grant such application, either wholly or in part, for

Crown Lands Act Amendment.

a period not exceeding twenty-eight years, subject to the rent conditions of improvement and withdrawal for settlement named in such reference, or such other rent and conditions as the Governor may determine.

5 No lease shall be granted under this section of any land in respect of which an earlier or simultaneous application under section three of this Act is pending.

A return of every such lease granted shall be laid before Parliament if in session within one month from date of the granting
10 of the same or otherwise within one month after the commencement of the next ensuing session.

No extension of any such lease or license held by way of mortgage on or since the first day of January, one thousand nine hundred and three, shall be granted unless and until a common agreement
15 shall have been arrived at between the mortgagor, the mortgagee, and the Minister as to any adjustment or otherwise of the mortgage debt and as to the terms and conditions to be entered into by such mortgagor and mortgagee in respect of such debt; and for the purposes of this section the Minister shall be entitled to inspect or
20 cause to be inspected on his behalf all or any books of account, mortgages, deeds, securities, conveyances, agreements or any documents or instruments relating to the said debt or the security therefor. The acceptance of any such extended leases by any mortgagee and mortgagor shall have the effect of discharging the mortgage debt in
30 connection with such lease or other security worked in conjunction therewith to the extent determined upon in the common agreement referred to. The mortgages and other instruments by which the repayment of the debt is secured shall have endorsed thereon the particulars of such agreement and all parties thereto shall be bound
35 by such agreement: Provided that the area which may be granted under the provisions of this section shall be inclusive of all lands previously granted on such holding to the applicant under improvement lease conditions. Any lease under this section shall be deemed to be a lease for pastoral purposes within the meaning of the Acts relating
40 to mining.

Family selections.

18. 19. In any case where two or more holdings situated within
working distance are held either under conditional purchase (whether
fully paid up or otherwise), conditional lease, homestead selection, or
45 settlement lease by members of one family, bona fide in their own separate interests, any condition of residence required to be performed by them in respect of their holdings shall be deemed to have been duly performed if such residence is carried out on any portion of the lands so held: Provided that the consent of the local land board shall
50 have been obtained in the prescribed manner.

Holdings by members
of a family.

Ballots.

*Crown Lands Act Amendment.**Ballots.*

19. 20. Section six of the Crown Lands (Amendment) Act of 1899, ^{Ballot.} is (except as to the repeals in the first clause thereof) hereby repealed.

When any applications simultaneously made for original
5 holdings are conflicting, whether severally or collectively, the land agent shall determine by ballot in the prescribed manner the priority of such applications, and the local land board shall deal with the applications in the order of priority so determined **application which has gained priority in the ballot.**

10 Where the land agent has omitted to hold a ballot, or has held a ballot but not in the prescribed manner, the local land board may direct the land agent to hold a ballot or a fresh ballot as the case may be: Provided that if the application which by the first or any subsequent ballot is determined to be ~~first in order of~~ **have** priority is
15 withdrawn or disallowed a fresh ballot shall be held in every such case to determine the ~~order of~~ priority of those applications which remain and were included in the previous ballot.

The board may impose a penalty for the withdrawal or disallowance of any application by retaining the whole or such portion of the
20 deposit money as may after due inquiry seem justifiable, and may at its discretion disqualify such applicant from making any fresh application for a period to be determined by such board.

Applications for conditional purchases and conditional leases of the same series, shall for the purposes of any ballot, be deemed to form
25 together a single application for the whole of the land described in the said applications taken together.

Residential leases.

20. 21. Subject to the provisions of section forty-eight of the ^{Residential leases.} Crown Lands Act of 1889, and section fifty of the Crown Lands Act
30 of 1895, any holder of a residential lease not exceeding nineteen acres may make additional residential leases adjoining the original or any prior additional residential lease **or may acquire by purchase or otherwise any residential lease so adjoining**: Provided that the original and any additional residential leases do not exceed in the whole twenty acres.
35 Residence may be carried out on any part of the land under lease. The term of any residential lease (whether applied for before or after the commencement of this Act) may be fixed for, or extended to, any term not exceeding twenty-eight years:

Provided further that any residential holder of an area whether
40 freehold or otherwise on a gold-field may obtain a residential lease, subject to the approval of the board, of an area which when taken with the area he already holds on such gold-field does not exceed twenty acres. The condition of residence attached to the lease may be fulfilled on the lease or on the land on which he has already been
45 residing.

Homestead

*Crown Lands Act Amendment.**Homestead selections or settlement leases may be acquired before survey.*

21. 22. Notwithstanding the provisions of the Principal Acts, land may be made available for homestead selection or settlement lease before the blocks or farms are measured ; but any block or farm shall be taken according to any published plan or design thereof. After survey any necessary adjustment of area or rent shall be made, and any roads deemed to be necessary may be reserved or excluded in the measurement of any block or farm. Any rent due for any excess of area, or other moneys due, shall be paid within such period as the Minister may allow, and if not so paid, the homestead selection or settlement lease shall be liable to forfeiture: **Provided also that in cases of existing holdings the Minister may make any minor variation of the existing design or survey of such holding to enable a better boundary to be secured for fencing or other purposes.**

Homestead selection
or settlement lease
before survey.

Annual leases.

22. 23. An annual lease shall not exempt the land held thereunder from lease of any other kind, and upon the land being sold or leased the annual lease shall be held to have ceased and determined so far as regards the land so sold or leased.

Annual leases.

The holder of any annual lease or leases (held by him on the first day of January, one thousand nine hundred and three), may apply to the Minister for an improvement lease of the whole or any part of the lease or leases so held, and the Minister shall thereupon refer the application to the local land board, and if such board is of opinion that the applicant has not an area sufficient to support a family and that no valid objection in the public interest exists to the granting of such application the board may recommend and the Governor may grant a lease of an area sufficient for that purpose for a period not exceeding seven years, subject to such rent and conditions as may be set out by the Minister in such reference, or such other rent and conditions as the Minister may after such report determine. The balance of the area (if any) may be held by the applicant as an annual lease: **Provided that no such lease shall be granted on any proclaimed gold or mineral field except with the approval of the Minister for Mines.**

Holder of annual
lease may apply for
improvement lease.

Any holder of land held under annual lease may apply to have the rent thereof determined in accordance with the provisions of section six of the Crown Lands Act, 1889.

Auction sales.

23. 24. Section sixty-one of the Crown Lands Act of 1884 is hereby amended by the substitution of the words "one month" for the words "two months nor more than three months," and by the substitution of the words "other lands fifteen shillings" for the words "other lands one pound five shillings."

Sales by auction and
after auction,
selections.

The

Crown Lands Act Amendment.

The provisions of the Crown Lands (Auction Sales Balances) Act, 1887, and of section fifty-six of the Crown Lands Act, 1895, are hereby extended to any portion of country lands of a less area than forty acres.

5 *Conversion of settlement leases into homestead selections.*

24. 25. The holder of any settlement lease which is not at the time of application hereunder liable to forfeiture, may at any time after the expiration of the first five years of the lease apply in the prescribed manner, subject to the provisions of section twenty-seven 10 of the Crown Lands Act, 1895, for an area not exceeding one thousand two hundred and eighty acres of the land comprised under such lease as a homestead grant, and the board may allow such application in whole or in part if they find that the applicant is deserving of such grant, and the Governor may issue the same.

15 In all such cases the remaining area of such settlement lease may be held at a proportionate part of the rental thereof.

A refund of the rental shall not be granted until after the execution of the homestead grant, and, when granted, shall be calculated from the date of such execution. The condition of residence 20 attached to the settlement lease and to the homestead selection may be fulfilled for both holdings conjointly either on the land held under homestead selection or on the land held under settlement lease, so long as both such selection and lease are held in the same interest.

The value of the land taken under homestead selection shall 25 be determined by appraisalment in accordance with the provisions of section six of the Crown Lands Act, 1889.

Enclosure of roads.

25. 26. Permission to enclose a road under the provisions of section eight of the Crown Lands Amendment Act, 1899, may be granted to 30 an applicant, although such road at the time of application forms part of an occupation license or annual lease, and the granting of such permission shall have the effect of withdrawing the area of land comprised in such road from such license or lease.

Where permission to enclose a road is granted as aforesaid, 35 the side of such road shall be deemed to be a common boundary line within the meaning of section one hundred and forty-one of the Crown Lands Act, 1884.

In every case where the boundaries of any holding must be fenced, the board may, on application in the prescribed manner, authorise 40 a give-and-take fence, and such fence when erected shall be deemed a compliance with the law, and shall, for all purposes of law and equity be the boundary between the parties.

Amendment

Conversion of settlement leases into homestead selections.

Amendment of s. 8 of Crown Lands (Amendment) Act of 1899, and s. 14 of Crown Lands Act of 1884.

*Crown Lands Act Amendment.**Amendment of Acts.*

26- 27. The holder of any conditional lease applied for prior to the Act fifty-eighth Victoria number eighteen may at any time exercise his right to make an additional conditional purchase of the whole or any part of such conditional lease not being less than forty acres, notwithstanding that the area included in such application shall exceed six hundred and forty acres. Conditional leases, held since 1895.

27- 28. Section thirty of the Act fifty-eighth Victoria number eighteen is amended by the insertion of the words "so long as the person upon whom the performance of the said condition would for the time being devolve is the person who applied for the original conditional purchase of the series and for the said additional conditional purchase or conditional lease," in substitution for the words inserted therein under section seventeen of the Crown Lands (Amendment) Act, 1899. Amendment of s. 30 of Crown Lands Act of 1895.

28- 29. Section twenty-two of the Crown Lands Act of 1884 is hereby amended by the addition of the words "other than lands within a proclaimed special area" after the words "refer to Crown lands." Amendment of s. 22 of Crown Lands Act of 1884.

29- 30. The holder of any freehold the area of which is not less than forty acres, and in the opinion of the local land board is not sufficient to maintain his family, may, if he has for two years immediately prior to the passing of this Act and at the time of making application is residing on such freehold and using the same for the maintenance of his family by farming pursuits, apply under and subject to the provisions of section three for an additional conditional purchase or conditional lease in virtue thereof, and shall be entitled to the benefit and subject to the conditions of the said section as if such freehold area were a conditional purchase. Conditions under which applications may be made by freeholders.

30- 31. Section twenty-six of the Crown Lands Act of 1895 is hereby amended by inserting in the first line after the word "may" the words "upon the recommendation of the local land board." Improvement lease granted upon recommendation of local land board.

32. In addition to the matters specified in section thirty-seven of the Crown Lands Act of 1895, the chairman shall have power, subject to the provisions of that section to deal with— Power of chairman of board.

- 35 (i) inquiries as to fulfilment of conditions;
(ii) certificates of confirmation;
(iii) confirmation of applications; and
(iv) applications for annual leases.

Condition of residence.

40 33. Where a person is the holder of two holdings of any tenure under the Crown Lands Acts, and a condition of residence attaches to either or both holdings, he may, with the consent of the board, perform the condition or conditions of residence by residing on one of such holdings. Holder may reside on either holding.

45 34. This Act shall come into force on the first day of January, one thousand nine hundred and four. Commencement of Act.

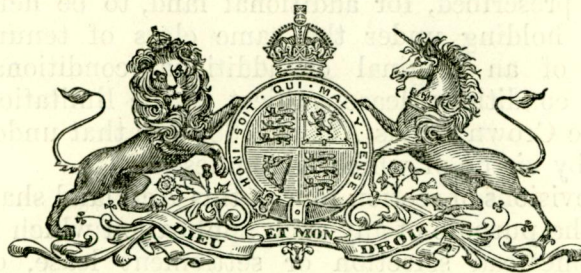
This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber, } *RICHD. A. ARNOLD,*
Sydney, 23 September, 1903. } Acting Clerk of the Legislative Assembly.

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

Legislative Council Chamber, }
Sydney, October, 1903. } *Clerk of the Parliaments.*

New South Wales.



ANNO TERTIO

EDWARDI VII REGIS.

Act No. , 1903.

An Act to amend the Crown Lands Acts so as to provide for granting increased areas to present holders ; permitting a present holder to sell to another ; for the reduction of interest on unpaid balances and the issue of certificates in certain cases ; to alter the present conditions of residence on, and selling, exchanging, and leasing lands ; to alter the present system of balloting ; to defer payments and provide for family holdings and the right of parents to assist their children ; to provide for the conversion and extension of settlement leases and annual leases ; 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 :—

5 1. This Act may be cited as the "Crown Lands Act Amendment Act, 1903," and shall be read and construed with the Principal Acts, and shall apply only to the Eastern and Central Divisions.

2. "Principal Acts" means the Crown Lands Act of 1884, the Crown Lands Act, 1889, and the Crown Lands Act, 1895, together with the Acts amending the same.

Crown Lands Act Amendment.

Additional conditional purchases, homestead selections, or settlement or conditional leases.

3. The holder of—

Additional holdings.

- 5 any homestead selection ; or
any settlement lease ; or
any original conditional purchase, other than the holder of a non-residential conditional purchase ;
may make application as prescribed, and accompanied by such provisional deposit as may be prescribed, for additional land, to be held
10 by him as an additional holding under the same class of tenure (except that the holder of an original or additional conditional purchase may apply for a conditional lease, subject to the limitation of section twenty-six of the Crown Lands Act of 1889), as that under which he holds the land by virtue of which he applies—
- 15 (a) Subject to the provisions of section four of this Act, land shall be available for the purpose of any such application which is available for homestead selection or settlement lease, or conditional purchase or conditional lease, whether specifically set apart for the class of holding applied for or not.
- 20 (b) Not more than one application shall be made by virtue of the same conditional purchase selection or lease, unless and until any previous application or all previous applications under this section have been disposed of, unless the total area applied for (when taken with the area of all conditional purchases or conditional leases of the series) does not exceed the
- 25 maximum area prescribed by the Principal Acts.
- 30 (c) The mere fact that the land applied for does not adjoin the original conditional purchase or any purchase or lease of the series, or the original homestead selection or settlement lease, shall not be a bar to the additional purchase, homestead selection or lease applied for.

35 All available land adjoining the original or prior additional purchases or leases of the series, or the original homestead selection or settlement lease, shall first be exhausted, and the lands applied for or allotted shall be, in the opinion of the board, within a reasonable working distance of the land by virtue of which the application is made :

- 40 Provided that the board may confirm any application made under the provisions of this section, although all the available land adjoining the original or prior additional purchases or leases of the series, or the original homestead selection or settlement lease, has not been exhausted, if, in the opinion of such board the facts of the case warrant it.

The

Crown Lands Act Amendment.

The board may disallow any application if of opinion that the applicant is seeking to take an unfair advantage of the provisions of this section.

- 5 (d) The board shall inquire into the merits of every application under this section, and may disallow such application or confirm it for such an area and in such a position (whether different from that applied for or not) as such board may, with the consent of the applicant, determine, notwithstanding that the area confirmed may, by itself or with the area of the original conditional purchase, homestead selection, or settlement lease, or conditional purchases or leases of the series, exceed the maximum area prescribed by the Principal Acts.

10 The board shall not confirm any application under the provisions of this section for any area which, shall together with all other lands held by the applicant under whatever tenure (other than annual tenure), exceed such an area as, in the opinion of the board, is sufficient for the maintenance of his home thereon in average seasons and circumstances.

20 Where two or more persons simultaneously apply for the same land the board may confirm the application of each or either applicant as to part of the land applied for, and shall, as far as practicable, give preference to the applicant whose land adjoins, or is nearest to, the land applied for, but shall not be compelled to give such preference if of opinion that such applicant is less in need of additional land than an applicant whose land does not adjoin, or is not nearest to, the land applied for.

- 25 (e) Except as hereinafter provided, an application under this section shall not, unless and until confirmed, give the applicant any right to use or occupy the land applied for, nor affect any lease or license under which the land may be held, but every such application shall give the applicant, pending the disposal of his application, a preferent claim to the land over any applicant for any original holding who may simultaneously or subsequently apply for the same land under any provisions of the Principal Acts or section ~~seventeen~~ **eighteen** of this Act. The title to the land included in the simultaneous or subsequent application for the original holding, and the effect of such application, shall in the meantime be suspended.

30 Upon the confirmation of an application (the effect of which has not been to immediately withdraw the land applied for from any annual lease or occupation license), the land allotted by the board shall be deemed to be withdrawn from any

Crown Lands Act Amendment.

any annual lease or occupation license under which it may be held, and the title to the additional purchase selection or to the lease shall thereupon commence.

5 In the case of an additional conditional purchase or a conditional lease, the area of which (when taken with the area of the purchases and leases of the series) does not exceed the maximum area prescribed by the Principal Acts, the title to the land shall commence from the date of application, if valid, and the application shall withdraw such of the lands
10 therein described as may be available for the purpose from any annual lease or occupation license under which they may be held.

15 In the case of an additional settlement lease or a conditional lease the rent of the land, if it has not been determined and notified prior to the date of application, shall, for the first period of the lease, be determined in accordance with the provisions of section six of the Crown Lands Act of 1889.

20 In the case of a conditional purchase the price or, in the case of a homestead selection, the capital value of the land shall, if not notified prior to the date of application, be determined in accordance with that section. The deposit payable on any such conditional purchase shall be ten per centum, and the annual instalments shall be five per centum,
25 of the value of the land as so determined, and every instalment except the first shall be deemed to include interest at the rate of two and one half per centum per annum on the balance of the purchase money. The provisional deposit shall be applied in payment of the deposit of ten per centum,
30 and any excess shall be returned to the applicant; and if the provisional deposit is less than the deposit of ten per centum, the applicant shall pay the amount required to complete the deposit within one month after the value of the land applied for has been determined.

35 (f) The general provisions and conditions of the Principal Acts shall apply to every purchase selection or lease under this section; except that the condition of residence attached to the original and additional holdings may be fulfilled on one of such holdings. The board may attach any of the prescribed
40 conditions to any additional homestead selection or settlement lease: Provided that no application under this section shall be entertained from the transferee of an original conditional purchase unless such applicant be in residence on his holding for six months immediately prior to his application, unless
the

Crown Lands Act Amendment.

the local land board find that the applicant was forced to discontinue his residence under adverse conditions beyond his control.

- 5 (g) Original and additional homestead selections or settlement leases shall be deemed to be one holding, and shall not be transferred apart or held separately.
- (h) The board may impose a penalty for the withdrawal or disallowance of any application by retaining the whole or such portion of the provisional deposit money as may after due inquiry
- 10 seem justifiable.
- (i) The provisions of this section shall not apply to an additional conditional purchase if made out of a conditional lease held before the passing of this Act, but save as aforesaid shall extend to and govern all additional conditional purchases or
- 15 conditional leases applied for after the passing of this Act.
- (j) Sections twelve and seventeen of the Crown Lands (Amendment) Act, 1899, are hereby repealed.

Lands set apart for additional conditional purchase, &c.

4. Notwithstanding anything to the contrary in the Principal Acts, the Minister may, by notification in the Gazette, set apart areas (to become available on and after such dates as may be specified) for additional conditional purchases or conditional leases, or additional homestead selections or additional settlement leases (whether for one or more of such additional holdings), at such rents, capital values, or
- 25 prices whether above, below, or at one pound per acre, as may be specified in the notification aforesaid, and may in a similar manner set apart areas for any original holdings to the exclusion of any or all of the additional holdings herein mentioned.

Reservation for original or additional holdings.

The Minister may amend or revoke, wholly or in part, any notification under this section by notification in the Gazette.

Settlement leases.

5. Any settlement lease applied for after the passing of this Act shall have a term of forty years. Such term shall be divided into four periods each of ten years. The annual rent of the first period shall
- 35 (subject to the provisions of section three of this Act as far as regards additional leases) be notified by the Minister before the land is made available for lease, and the lessee may, if dissatisfied with the amount so notified, within three months require the said rent to be determined under section six of the Crown Lands Act of 1889, and the annual
- 40 rent for each succeeding period may, on the application of the lessee, or on a reference by the Minister, be separately determined in accordance with the provisions of section six of the Crown Lands Act of 1889.

Settlement leases.

The

Crown Lands Act Amendment.

The holder of any settlement lease applied for before the passing of this Act ~~may~~ shall, on application as prescribed, have the term of his lease extended under the provisions of this section; and in any such case the term of forty years shall be held to have commenced when
5 the lease commenced.

The rent for each period commencing after the date of application under this section shall be separately determined as aforesaid, but the unexpired portion of any period current at the date of such application shall, if it does not exceed five years, be joined with the
10 period next succeeding, and the annual rent determined for the combined period.

If the unexpired portion of the period exceeds five years, the annual rent for such unexpired period shall be appraised as for a separate period.

15 Where any settlement lease applied for before the commencement of this Act, and not brought under the provisions of this section, is transferred or comes, other than by way of bona fide mortgage, into the possession of any person other than the owner thereof at the commencement of this Act, the rent payable for the
20 unexpired term of the lease shall be determined in accordance with the provisions of section six of the Crown Lands Act of 1889, provided that the provision of this section shall not apply to a lease which may come into the possession of any person through the death or lunacy of the holder thereof.

25 So much of the Principal Acts as prescribe that the annual rent of a settlement lease shall be one and one quarter per centum of the capital value of the land is hereby repealed so far as regards settlement leases which come under the provisions of this section.

Conditional leases.

30 6. Any conditional lease applied for after the passing of this Act shall have a term of forty years. Such term shall be divided into four periods each of ten years. The annual rent for each period may, on the application of the lessee or on a reference by the Minister, be separately determined in accordance with the provisions of section
35 six of the Crown Lands Act of 1889.

The holder of any conditional lease applied for before the passing of this Act ~~may~~ shall, on application as prescribed, have the term of his lease extended under the provisions of this section; and in any such case the term of forty years shall be held to have commenced when
40 the lease commenced.

The rent for each period commencing after the date of application under this section shall be separately determined as aforesaid, but the unexpired portion of any period current at the date of such application

Crown Lands Act Amendment.

application shall, if it does not exceed five years, be joined with the period next succeeding, and the annual rent determined for the combined period.

If the unexpired portion of the period exceeds five years, the annual rent for such unexpired period shall be appraised as for a separate period.

Rent of homestead selections.

7. The holder of any homestead selection applied for before or after the commencement of this Act, where the grant of such homestead selection has not issued, shall from and after the expiration of the first six years of such selection pay an annual rent of two and a half per centum of the capital value of the selection.

Rent payable on homestead selections.

Transfers of conditional purchases.

8. Notwithstanding anything contained in section twenty-nine of the Act of 1895, if any conditional purchaser shall die or be declared a lunatic or become an insane patient before the issue of the first certificate on his conditional purchase, such conditional purchase may be transferred to his representatives or their assigns, but may not be again transferred except in similar circumstances until after such certificate has been issued. And upon any sale, transfer, or disposition of the estate or interest of any conditional purchase purchaser, as provided in section one hundred and twenty-five of the Crown Lands Act of 1884, such conditional purchase may be transferred to the purchaser in like manner before the issue of the first certificate on the conditional purchase, but may not be again transferred, except in similar circumstances, until after such certificate has been issued.

Transfers of conditional purchases.

9. Notwithstanding anything hereinbefore contained, the Minister may, upon application being made to him in the prescribed form, grant a reappraisal of rent of any improvement lease to any Crown tenant who shall lodge such application, together with a deposit of ten pounds to cover the expenses of inquiry and report by the local land board upon such application.

Reappraisal of rent of improvement leases.

Devolution of holder's interest.

9. 10. If any holder of a homestead selection or any lease of land under the Crown Lands Acts dies or is declared a lunatic, his interest in such land may be held by his representatives, subject to the fulfilment by them of all unfulfilled conditions except the condition of residence (if any such condition of residence attaches to the holding) in trust for the benefit of the persons entitled: Provided that such representatives shall, where a condition of residence attaches to the holding, either sell and assign the lessee's or selector's interest in the land to a bona fide purchaser within twelve months from the date of their becoming entitled to possession hereunder, or else with the approval of the Minister, and for such time as he may permit, appoint a person as their nominee to reside upon the land.

Personal representatives may hold leased land.

Transfer

Crown Lands Act Amendment.

affecting the original holder, and in default of such sale the holding or holdings shall be forfeited: Provided that before any person shall take advantage of this section he shall register at the local lands office the total amount of his mortgage or judgment debt and other particulars as prescribed, and any person may thereafter prior to such forfeiture as aforesaid apply to the local land board to purchase the said holding for the amount of such debt, and the board may grant such application, and upon payment to the mortgagee or judgment creditor of the amount then due the applicant shall become the holder of such land free of such debt, but subject to all unfulfilled conditions attaching to such land: Provided also, that no mortgagee or judgment creditor shall take proceedings hereunder until two years after the passing of this Act, and no such proceedings shall hereafter be taken unless the mortgagor has been in default for one year, or in the case of an execution creditor until one year after judgment has been signed: Provided further, that this section shall not in any way abrogate the provisions of section twenty-three of the Crown Lands Act of 1895.

Reduction of purchase money of conditional purchases under the repealed Act.

20 ~~12.~~ 13. Where any conditional purchase (other than a mining conditional purchase) made under the provisions of the Crown Lands Alienation Act of 1861, and not brought in respect of payment under the provisions of the Lands Acts Amendment Act, 1875, or the Crown Lands Act Further Amendment Act, 1880, or the Crown Lands Act of 1884, is, after the passing of this Act, brought under the instalment system under the provisions of the last-mentioned Act, the balance of purchase money on such conditional purchase shall be reduced by an amount equal to one-fifth of the total amount of interest (exclusive of fines) paid on such balance of purchase money between the date of commencement of the purchase and the date from which the conversion of such purchase under the instalment system takes effect; and the balance of purchase money as so reduced shall be accepted as the balance of purchase money then due and payable on such conditional purchase. Conversion shall take effect from the first day of January of the year during which application to convert is made if such application is made during the first six months of the year, but otherwise shall take effect from the first day of January of the succeeding year. The provisions of this section shall not apply to any conditional purchase unless brought under the instalment system within two years after the passing of this Act, and shall in any case apply only to so much of the area held by any one holder as the board may find to be sufficient to maintain the home of such holder, and the board in their determination of this matter shall take into consideration the number of persons who are to be maintained upon or by means of such

Balance of purchase money on conditional purchases made under the Repealed Land Acts.

Crown Lands Act Amendment.

Transfer and exchange of holdings.

10- 11. (1) The holder of any conditional purchase or homestead selection or settlement lease may, subject to the approval of the board and subject to such board being of opinion that such holder does not
5 hold an area which added to the area proposed to be acquired is more than sufficient to maintain his home thereon, acquire by transfer one or more conditional purchases (although a condition of residence attaches thereto) or homestead selections or settlement leases as additional selections or leases, and in any such case, the
10 condition of residence attached to the original and additional holdings may be fulfilled on any one of such holdings.

Holders may acquire other holdings.

(2) Holders of conditional purchases, conditional leases, settlement leases, or homestead selections or grants may, subject to the approval of the Minister upon the recommendation of the board,
15 acquire by exchange portions of land held under conditional purchase or conditional or settlement lease or homestead selection or grant by adjoining holders, and the condition of residence attaching to any such portion may be fulfilled by residence on the holding to which such portion has by the exchange become attached.

Holders may exchange land.

20 (3) The lands to be acquired by transfer under this section shall be of the same tenure as the lands in virtue of which they are so acquired; and lands shall only be exchanged under the preceding subsections for lands of identical tenure.

Limitation.

(4) In order to complete an exchange of conditionally
25 purchased or conditionally leased land for Crown lands, it shall not be necessary for the purchaser or lessee of such land to convert the same into freehold or conditionally purchased land.

Exchanges with the Crown.

Possession by mortgagee or execution creditor.

11. 12. Any mortgagee who has under the powers of the mortgage
30 submitted any homestead selection, or settlement lease, or area consisting of land of both tenures, for sale by public auction, and any execution creditor who has seized under process of any court any such selection, lease, or area, if the mortgagor's or debtor's interest in the land is not then sold to a bona fide purchaser, may, in the prescribed
35 manner, go into possession of the land, and the condition of residence shall for a period of twelve months after the commencement of such possession, or for such further period as may be approved by the Minister, be deemed to be fulfilled, if a nominee of such mortgagee or creditor, to be approved by the local land board, resides upon the
40 land. The mortgagee or creditor shall, within such period or further period, sell the mortgagor's or debtor's interest in the land to a bona fide purchaser, who thereafter shall be subject to all conditions affecting

Mortgagee or judgment creditor may go into possession.

Crown Lands Act Amendment.

such land and shall apply only in cases where the holder has resided continuously on some part of such land for two years immediately preceding the passing of this Act: Provided that the Board may waive such condition of residence in any case where it is satisfied
 5 that the land is held and used bona fide for the maintenance of the holder and his family.

Rate of interest on conditional purchases.

13- 14. After the passing of this Act, the rate of interest payable on the balance of purchase money on any conditional purchase (other
 10 than a mining conditional purchase), whether applied for before or after the passing of this Act, shall (if the balance of purchase money is payable by annual instalments) be two and one half per centum per annum, instead of four per centum per annum: Provided that interest shall not be computed at the lower rate except where it commences
 15 to accrue for a full year of the purchase after the thirty-first day of December, one thousand nine hundred and two, and shall be charged at the original rate where it has commenced to accrue before the first day of January, one thousand nine hundred and three, for such year of the purchase as may be current at the passing of this Act.

20 This section shall in any case, as to conditional purchases held at the passing of this Act, apply only to so much of the area held by any one holder as the board may find to be sufficient to maintain the home of such holder, and the board in their determination of this matter shall take into consideration the number of persons who are to
 25 be maintained upon or by means of such land and shall apply only in cases where the holder has for two years immediately before such date continuously resided on some part of such area or on a conditional purchase or conditional lease of the same series.

Provided that the board may waive such condition of residence
 30 in any case where it is satisfied that the land is held and used bona fide for the maintenance of the holder and his family. In any case where the rate of interest is reduced to two and one half per centum as well as in respect of all conditional purchases hereafter to be made the annual payment may be made at the rate of nine pence per acre
 35 per annum.

Payments may be deferred.

14- 15. The Minister may, at any time, defer the payment of any
 amount due, or to become due, within twelve months from the date of
 the application, on any holding under the Crown Lands Acts for any
 40 period not exceeding five years. Any payment so deferred shall bear interest at the rate of five per centum per annum from the date it became

Crown Lands Act Amendment.

became due until it is paid ; and such interest shall, if the Minister so directs, be payable on such dates as he may determine. The Minister may allow the deferred amounts to be repaid by annual instalments, with interest at the rate mentioned in this section. Nothing in this
5 section shall prevent the payment of any amount before it becomes due.

Parents may assist children to acquire land.

15. 16. The land board shall not disallow an application for any holding under the Principal Acts or this Act as not having been made in good faith merely because the applicant has been or is to be
10 financially assisted in connection with such holding by a parent of such applicant. Assistance of children by parents.

Married women may acquire land.

16. 17. Any married woman (the provisions of the Principal Acts Married woman. to the contrary notwithstanding) may, with the consent of the Minister, out of moneys belonging to her for her separate use, acquire by purchase or otherwise other than by an original application a conditional purchase, conditional lease, homestead selection, or settlement lease, and she shall have the same power of dealing with and disposing of the same both at law and in equity as if she were a femme sole,
20 and it shall be a sufficient compliance with the Principal Acts, so far as residence is concerned, if she shall reside upon any conditional purchase, conditional lease, homestead selection, or settlement lease held by her husband ; or her husband may fulfil the condition of residence on any conditional purchase, conditional lease, homestead
25 selection, or settlement lease held by himself or any holding held by his wife under this section. In either case notice as prescribed shall be forwarded to the chairman of the local land board of the intention so to reside.

Leases to outgoing pastoral lessees.

30 17. 18. The registered holder or person entitled to the equity of redemption of any pastoral lease, preferential occupation license, or occupation license may apply for a lease of an area not exceeding one-third of the total area of the land comprised within the lease or license or lease and license at the date of expiration of the pastoral
35 lease, and the Minister shall thereupon refer such application to the local land board for report as to the area of and class of all leases held by the applicant or on his behalf, and as to whether the whole or any part of the land comprised in such application is suitable for closer settlement or to enable present holders not having a living
40 area to add to their holdings. Pastoral lessee may apply for lease.

The Governor may, upon a report from the board recommending such lease, grant such application, either wholly or in part, for

Crown Lands Act Amendment.

a period not exceeding twenty-eight years, subject to the rent conditions of improvement and withdrawal for settlement named in such reference, or such other rent and conditions as the Governor may determine.

5 No lease shall be granted under this section of any land in respect of which an earlier or simultaneous application under section three of this Act is pending.

A return of every such lease granted shall be laid before Parliament if in session within one month from date of the granting
10 of the same or otherwise within one month after the commencement of the next ensuing session.

No extension of any such lease or license held by way of mortgage on or since the first day of January, one thousand nine hundred and three, shall be granted unless and until a common agreement
15 shall have been arrived at between the mortgagor, the mortgagee, and the Minister as to any adjustment or otherwise of the mortgage debt and as to the terms and conditions to be entered into by such mortgagor and mortgagee in respect of such debt; and for the purposes of this section the Minister shall be entitled to inspect or
20 cause to be inspected on his behalf all or any books of account, mortgages, deeds, securities, conveyances, agreements or any documents or instruments relating to the said debt or the security therefor. The acceptance of any such extended leases by any mortgagee and mortgagor shall have the effect of discharging the mortgage debt in
30 connection with such lease or other security worked in conjunction therewith to the extent determined upon in the common agreement referred to. The mortgages and other instruments by which the repayment of the debt is secured shall have endorsed thereon the particulars of such agreement and all parties thereto shall be bound
35 by such agreement: Provided that the area which may be granted under the provisions of this section shall be inclusive of all lands previously granted on such holding to the applicant under improvement lease conditions. Any lease under this section shall be deemed to be a lease for pastoral purposes within the meaning of the Acts relating
40 to mining.

Family selections.

18- 19. In any case where two or more holdings situated within
working distance are held either under conditional purchase (whether
fully paid up or otherwise), conditional lease, homestead selection, or
45 settlement lease by members of one family, bona fide in their own separate interests, any condition of residence required to be performed by them in respect of their holdings shall be deemed to have been duly performed if such residence is carried out on any portion of the lands so held: Provided that the consent of the local land board shall
50 have been obtained in the prescribed manner.

Holdings by members
of a family.

Ballots.

*Crown Lands Act Amendment.**Ballots.*

19. 20. Section six of the Crown Lands (Amendment) Act of 1899, ^{Ballot.} is (except as to the repeals in the first clause thereof) hereby repealed.

When any applications simultaneously made for original
5 holdings are conflicting, whether severally or collectively, the land agent shall determine by ballot in the prescribed manner the priority of such applications, and the local land board shall deal with the applications in the order of priority so determined **application which has gained priority in the ballot.**

10 Where the land agent has omitted to hold a ballot, or has held a ballot but not in the prescribed manner, the local land board may direct the land agent to hold a ballot or a fresh ballot as the case may be: Provided that if the application which by the first or any subsequent ballot is determined to be ~~first in order of~~ **have** priority is
15 withdrawn or disallowed a fresh ballot shall be held in every such case to determine the ~~order of~~ priority of those applications which remain and were included in the previous ballot.

The board may impose a penalty for the withdrawal or disallowance of any application by retaining the whole or such portion of the
20 deposit money as may after due inquiry seem justifiable, and may at its discretion disqualify such applicant from making any fresh application for a period to be determined by such board.

Applications for conditional purchases and conditional leases of the same series, shall for the purposes of any ballot, be deemed to form
25 together a single application for the whole of the land described in the said applications taken together.

Residential leases.

20. 21. Subject to the provisions of section forty-eight of the ^{Residential leases.} Crown Lands Act of 1889, and section fifty of the Crown Lands Act
30 of 1895, any holder of a residential lease not exceeding nineteen acres may make additional residential leases adjoining the original or any prior additional residential lease **or may acquire by purchase or otherwise any residential lease so adjoining:** Provided that the original and any additional residential leases do not exceed in the whole twenty acres.
35 Residence may be carried out on any part of the land under lease. The term of any residential lease (whether applied for before or after the commencement of this Act) may be fixed for, or extended to, any term not exceeding twenty-eight years:

Provided further that any residential holder of an area whether
40 freehold or otherwise on a gold-field may obtain a residential lease, subject to the approval of the board, of an area which when taken with the area he already holds on such gold-field does not exceed twenty acres. The condition of residence attached to the lease may be fulfilled on the lease or on the land on which he has already been
45 residing. *Hamestead*

*Crown Lands Act Amendment.**Homestead selections or settlement leases may be acquired before survey.*

21. 22. Notwithstanding the provisions of the Principal Acts, land may be made available for homestead selection or settlement lease before the blocks or farms are measured ; but any block or farm shall be taken according to any published plan or design thereof. After survey any necessary adjustment of area or rent shall be made, and any roads deemed to be necessary may be reserved or excluded in the measurement of any block or farm. Any rent due for any excess of area, or other moneys due, shall be paid within such period as the Minister may allow, and if not so paid, the homestead selection or settlement lease shall be liable to forfeiture: **Provided also that in cases of existing holdings the Minister may make any minor variation of the existing design or survey of such holding to enable a better boundary to be secured for fencing or other purposes.**

Homestead selection
or settlement lease
before survey.

Annual leases.

22. 23. An annual lease shall not exempt the land held thereunder from lease of any other kind, and upon the land being sold or leased the annual lease shall be held to have ceased and determined so far as regards the land so sold or leased.

Annual leases.

The holder of any annual lease or leases (held by him on the first day of January, one thousand nine hundred and three), may apply to the Minister for an improvement lease of the whole or any part of the lease or leases so held, and the Minister shall thereupon refer the application to the local land board, and if such board is of opinion that the applicant has not an area sufficient to support a family and that no valid objection in the public interest exists to the granting of such application the board may recommend and the Governor may grant a lease of an area sufficient for that purpose for a period not exceeding seven years, subject to such rent and conditions as may be set out by the Minister in such reference, or such other rent and conditions as the Minister may after such report determine. The balance of the area (if any) may be held by the applicant as an annual lease: **Provided that no such lease shall be granted on any proclaimed gold or mineral field except with the approval of the Minister for Mines.**

Holder of annual
lease may apply for
improvement lease.

Any holder of land held under annual lease may apply to have the rent thereof determined in accordance with the provisions of section six of the Crown Lands Act, 1889.

Auction sales.

23. 24. Section sixty-one of the Crown Lands Act of 1884 is hereby amended by the substitution of the words "one month" for the words "two months nor more than three months," and by the substitution of the words "other lands fifteen shillings" for the words "other lands one pound five shillings."

Sales by auction and
after auction,
selections.

The

Crown Lands Act Amendment.

The provisions of the Crown Lands (Auction Sales Balances) Act, 1887, and of section fifty-six of the Crown Lands Act, 1895, are hereby extended to any portion of country lands of a less area than forty acres.

5 *Conversion of settlement leases into homestead selections.*

24. 25. The holder of any settlement lease which is not at the time of application hereunder liable to forfeiture, may at any time after the expiration of the first five years of the lease apply in the prescribed manner, subject to the provisions of section twenty-seven of the Crown Lands Act, 1895, for an area not exceeding one thousand two hundred and eighty acres of the land comprised under such lease as a homestead grant, and the board may allow such application in whole or in part if they find that the applicant is deserving of such grant, and the Governor may issue the same.

Conversion of
settlement leases
into homestead
selections.

15 In all such cases the remaining area of such settlement lease may be held at a proportionate part of the rental thereof.

A refund of the rental shall not be granted until after the execution of the homestead grant, and, when granted, shall be calculated from the date of such execution. The condition of residence attached to the settlement lease and to the homestead selection may be fulfilled for both holdings conjointly either on the land held under homestead selection or on the land held under settlement lease, so long as both such selection and lease are held in the same interest.

25 The value of the land taken under homestead selection shall be determined by appraisalment in accordance with the provisions of section six of the Crown Lands Act, 1889.

Enclosure of roads.

25. 26. Permission to enclose a road under the provisions of section eight of the Crown Lands Amendment Act, 1899, may be granted to an applicant, although such road at the time of application forms part of an occupation license or annual lease, and the granting of such permission shall have the effect of withdrawing the area of land comprised in such road from such license or lease.

Amendment of s. 8
of Crown Lands
(Amendment) Act of
1899, and s. 14 of
Crown Lands Act of
1884.

35 Where permission to enclose a road is granted as aforesaid, the side of such road shall be deemed to be a common boundary line within the meaning of section one hundred and forty-one of the Crown Lands Act, 1884.

40 In every case where the boundaries of any holding must be fenced, the board may, on application in the prescribed manner, authorise a give-and-take fence, and such fence when erected shall be deemed a compliance with the law, and shall, for all purposes of law and equity be the boundary between the parties.

Amendment

*Crown Lands Act Amendment.**Amendment of Acts.*

26- 27. The holder of any conditional lease applied for prior to the Act fifty-eighth Victoria number eighteen may at any time exercise his right to make an additional conditional purchase of the whole or any part of such conditional lease not being less than forty acres, notwithstanding that the area included in such application shall exceed six hundred and forty acres.

Conditional leases.
held since 1895.

27- 28. Section thirty of the Act fifty-eighth Victoria number eighteen is amended by the insertion of the words "so long as the person upon whom the performance of the said condition would for the time being devolve is the person who applied for the original conditional purchase of the series and for the said additional conditional purchase or conditional lease," in substitution for the words inserted therein under section seventeen of the Crown Lands (Amendment) Act, 1899.

Amendment of s. 30
of Crown Lands Act
of 1895.

28- 29. Section twenty-two of the Crown Lands Act of 1884 is hereby amended by the addition of the words "other than lands within a proclaimed special area" after the words "refer to Crown lands."

Amendment of s. 22
of Crown Lands Act
of 1884.

29- 30. The holder of any freehold the area of which is not less than forty acres, and in the opinion of the local land board is not sufficient to maintain his family, may, if he has for two years immediately prior to the passing of this Act and at the time of making application is residing on such freehold and using the same for the maintenance of his family by farming pursuits, apply under and subject to the provisions of section three for an additional conditional purchase or conditional lease in virtue thereof, and shall be entitled to the benefit and subject to the conditions of the said section as if such freehold area were a conditional purchase.

Conditions under
which applications
may be made by
freeholders.

30- 31. Section twenty-six of the Crown Lands Act of 1895 is hereby amended by inserting in the first line after the word "may" the words "upon the recommendation of the local land board."

Improvement lease
granted upon
recommendation of
local land board.

32. In addition to the matters specified in section thirty-seven of the Crown Lands Act of 1895, the chairman shall have power, subject to the provisions of that section to deal with—

Power of chair-
man of board.

- 35 (i) inquiries as to fulfilment of conditions;
(ii) certificates of confirmation;
(iii) confirmation of applications; and
(iv) applications for annual leases.

Condition of residence.

40 33. Where a person is the holder of two holdings of any tenure under the Crown Lands Acts, and a condition of residence attaches to either or both holdings, he may, with the consent of the board, perform the condition or conditions of residence by residing on one of such holdings.

Holder may
reside on either
holding.

45 34. This Act shall come into force on the first day of January, one thousand nine hundred and four.

Commencement of
Act.

1903.

Legislative Council.

CROWN LANDS ACT AMENDMENT BILL.

*(New clause to be proposed in Committee of the Whole by
MR. DANGAR.)*

(To follow clause 8 as printed.)

Notwithstanding anything hereinbefore contained, the Minister may, upon application being made to him in the prescribed form, grant a reappraisement of rent of any improvement lease to any Crown tenant who shall lodge such application, together with a deposit of ten pounds to cover the expenses of inquiry and report by the local land board upon such application.

1903.

Legislative Council.

CROWN LANDS ACT AMENDMENT BILL.

(Amendments to be proposed in Committee of the Whole by
THE HON. COLONEL MACKAY.)

- Clause 1, line 6. *After* "Principal Acts" *insert* "and shall apply
"only to the Eastern and Central Divisions"
- Clause 8, line 24. *Omit* "purchase" *insert* "purchaser"
- Clause 9, line 38. *Before* "lessees" *insert* "selector's or"
- Clause 19, line 8. *Omit* "applications in the order of priority so
"determined" *insert* "application which has gained priority
"in the ballot"
- Clause 19, line 13. *Omit* "be first in order of" *insert* "have"
- Clause 19, line 15. *Omit* "order of"
- Clause 20, page 13, line 31. *After* "residential lease" *insert* "or may
"acquire by purchase or otherwise any residential lease so
"adjoining"
- Add* to clause 21. Provided also that in cases of existing holdings the
Minister may make any minor variation of the existing
design or survey of such holding to enable a better boundary
to be secured for fencing or other purposes.

New clauses.

31. In addition to the matters specified in section thirty-seven of the Crown Lands Act of 1895, the chairman shall have power, subject to the provisions of that section to deal with—

- (i) inquiries as to fulfilment of conditions;
- (ii) certificates of confirmation;
- (iii) confirmation of applications; and
- (iv) applications for annual leases.

Power of chairman
of board.

Condition of residence.

32. Where a person is the holder of two holdings of any tenure under the Crown Lands Acts, and a condition of residence attaches to either or both holdings, he may, with the consent of the board, perform the condition or conditions of residence by residing on one of such holdings.

Holder may reside
on either holding.

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THE UNIVERSITY OF CHICAGO

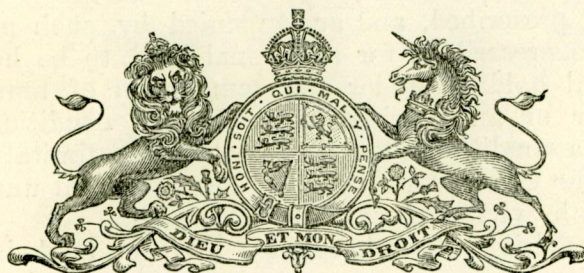
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1900

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, } RICHD. A. ARNOLD,
Sydney, 23 September, 1903. } Acting Clerk of the Legislative Assembly.*

New South Wales.



ANNO TERTIO

EDWARDI VII REGIS.

Act No. , 1903.

An Act to amend the Crown Lands Acts so as to provide for granting increased areas to present holders ; permitting a present holder to sell to another ; for the reduction of interest on unpaid balances and the issue of certificates in certain cases ; to alter the present conditions of residence on, and selling, exchanging, and leasing lands ; to alter the present system of balloting ; to defer payments and provide for family holdings and the right of parents to assist their children ; to provide for the conversion and extension of settlement leases and annual leases ; 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 :—

5 1. This Act may be cited as the "Crown Lands Act Amendment Act, 1903," and shall be read and construed with the Principal Acts.

2. "Principal Acts" means the Crown Lands Act of 1884, the Crown Lands Act, 1889, and the Crown Lands Act, 1895, together with the Acts amending the same.

*Crown Lands Act Amendment.**Additional conditional purchases, homestead selections, or settlement or conditional leases.*

3. The holder of—

Additional holdings

- 5 any homestead selection ; or
 any settlement lease ; or
 any original conditional purchase, other than the holder of a non-
 residential conditional purchase ;
 10 may make application as prescribed, and accompanied by such pro-
 visional deposit as may be prescribed, for additional land, to be held
 10 by him as an additional holding under the same class of tenure
 (except that the holder of an original or additional conditional
 purchase may apply for a conditional lease, subject to the limitation
 of section twenty-six of the Crown Lands Act of 1889), as that under
 which he holds the land by virtue of which he applies—
 15 (a) Subject to the provisions of section four of this Act, land shall
 be available for the purpose of any such application which is
 available for homestead selection or settlement lease, or
 conditional purchase or conditional lease, whether specifically
 set apart for the class of holding applied for or not.
 20 (b) Not more than one application shall be made by virtue of the
 same conditional purchase selection or lease, unless and until
 any previous application or all previous applications under
 this section have been disposed of, unless the total area applied
 for (when taken with the area of all conditional purchases
 25 or conditional leases of the series) does not exceed the
 maximum area prescribed by the Principal Acts.
 (c) The mere fact that the land applied for does not adjoin the
 original conditional purchase or any purchase or lease of the
 series, or the original homestead selection or settlement lease,
 30 shall not be a bar to the additional purchase, homestead
 selection or lease applied for.

35 All available land adjoining the original or prior
 additional purchases or leases of the series, or the original
 homestead selection or settlement lease, shall first be
 exhausted, and the lands applied for or allotted shall be, in
 the opinion of the board, within a reasonable working
 distance of the land by virtue of which the application is
 made :

40 Provided that the board may confirm any application
 made under the provisions of this section, although all
 the available land adjoining the original or prior additional
 purchases or leases of the series, or the original homestead
 selection or settlement lease, has not been exhausted, if, in
 the opinion of such board the facts of the case warrant it.

The

Crown Lands Act Amendment.

The board may disallow any application if of opinion that the applicant is seeking to take an unfair advantage of the provisions of this section.

- 5 (d) The board shall inquire into the merits of every application under this section, and may disallow such application or confirm it for such an area and in such a position (whether different from that applied for or not) as such board may, with the consent of the applicant, determine, notwithstanding that the area confirmed may, by itself or with the area of
10 the original conditional purchase, homestead selection, or settlement lease, or conditional purchases or leases of the series, exceed the maximum area prescribed by the Principal Acts.

15 The board shall not confirm any application under the provisions of this section for any area which, shall together with all other lands held by the applicant under whatever tenure (other than annual tenure), exceed such an area as, in the opinion of the board, is sufficient for the maintenance of his home thereon in average seasons and circumstances.

20 Where two or more persons simultaneously apply for the same land the board may confirm the application of each or either applicant as to part of the land applied for, and shall, as far as practicable, give preference to the applicant whose land adjoins, or is nearest to, the land applied for,
25 but shall not be compelled to give such preference if of opinion that such applicant is less in need of additional land than an applicant whose land does not adjoin, or is not nearest to, the land applied for.

- 30 (e) Except as hereinafter provided, an application under this section shall not, unless and until confirmed, give the applicant any right to use or occupy the land applied for, nor affect any lease or license under which the land may be held, but every such application shall give the applicant, pending the disposal of his application, a preferent claim to the land over any
35 applicant for any original holding who may simultaneously or subsequently apply for the same land under any provisions of the Principal Acts or section seventeen of this Act. The title to the land included in the simultaneous or subsequent application for the original holding, and the effect of such application, shall in the meantime be suspended.
40

Upon the confirmation of an application (the effect of which has not been to immediately withdraw the land applied for from any annual lease or occupation license), the land allotted by the board shall be deemed to be withdrawn from any

Crown Lands Act Amendment.

any annual lease or occupation license under which it may be held, and the title to the additional purchase selection or to the lease shall thereupon commence.

5 In the case of an additional conditional purchase or
a conditional lease, the area of which (when taken with the
area of the purchases and leases of the series) does not exceed
the maximum area prescribed by the Principal Acts, the title
to the land shall commence from the date of application, if
10 valid, and the application shall withdraw such of the lands
therein described as may be available for the purpose from
any annual lease or occupation license under which they may
be held.

15 In the case of an additional settlement lease or a
conditional lease the rent of the land, if it has not been
determined and notified prior to the date of application, shall,
for the first period of the lease, be determined in accordance
with the provisions of section six of the Crown Lands Act of
1889.

20 In the case of a conditional purchase the price or, in
the case of a homestead selection, the capital value of the
land shall, if not notified prior to the date of application, be
determined in accordance with that section. The deposit
payable on any such conditional purchase shall be ten per
25 centum, and the annual instalments shall be five per centum,
of the value of the land as so determined, and every instal-
ment except the first shall be deemed to include interest at
the rate of two and one half per centum per annum on the
balance of the purchase money. The provisional deposit
shall be applied in payment of the deposit of ten per centum,
30 and any excess shall be returned to the applicant; and if the
provisional deposit is less than the deposit of ten per centum,
the applicant shall pay the amount required to complete the
deposit within one month after the value of the land applied
for has been determined.

35 (f) The general provisions and conditions of the Principal Acts
shall apply to every purchase selection or lease under this
section; except that the condition of residence attached to
the original and additional holdings may be fulfilled on one
of such holdings. The board may attach any of the prescribed
40 conditions to any additional homestead selection or settlement
lease: Provided that no application under this section shall
be entertained from the transferee of an original conditional
purchase unless such applicant be in residence on his holding
for six months immediately prior to his application, unless
the

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- the local land board find that the applicant was forced to discontinue his residence under adverse conditions beyond his control.
- 5 (g) Original and additional homestead selections or settlement leases shall be deemed to be one holding, and shall not be transferred apart or held separately.
- (h) The board may impose a penalty for the withdrawal or disallowance of any application by retaining the whole or such portion of the provisional deposit money as may after due inquiry
- 10 seem justifiable.
- (i) The provisions of this section shall not apply to an additional conditional purchase if made out of a conditional lease held before the passing of this Act, but save as aforesaid shall extend to and govern all additional conditional purchases or
- 15 conditional leases applied for after the passing of this Act.
- (j) Sections twelve and seventeen of the Crown Lands (Amendment) Act, 1899, are hereby repealed.

Lands set apart for additional conditional purchase, &c.

4. Notwithstanding anything to the contrary in the Principal
- 20 Acts, the Minister may, by notification in the Gazette, set apart areas (to become available on and after such dates as may be specified) for additional conditional purchases or conditional leases, or additional homestead selections or additional settlement leases (whether for one or more of such additional holdings), at such rents, capital values, or
- 25 prices whether above, below, or at one pound per acre, as may be specified in the notification aforesaid, and may in a similar manner set apart areas for any original holdings to the exclusion of any or all of the additional holdings herein mentioned.

Reservation for original or additional holdings.

- The Minister may amend or revoke, wholly or in part, any
- 30 notification under this section by notification in the Gazette.

Settlement leases.

5. Any settlement lease applied for after the passing of this Act
- shall have a term of forty years. Such term shall be divided into four periods each of ten years. The annual rent of the first period shall
- 35 (subject to the provisions of section three of this Act as far as regards additional leases) be notified by the Minister before the land is made available for lease, and the lessee may, if dissatisfied with the amount so notified, within three months require the said rent to be determined under section six of the Crown Lands Act of 1889, and the annual
- 40 rent for each succeeding period may, on the application of the lessee,
- or

Settlement leases.

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or on a reference by the Minister, be separately determined in accordance with the provisions of section six of the Crown Lands Act of 1889.

5 The holder of any settlement lease applied for before the passing of this Act may, on application as prescribed, have the term of his lease extended under the provisions of this section; and in any such case the term of forty years shall be held to have commenced when the lease commenced.

10 The rent for each period commencing after the date of application under this section shall be separately determined as aforesaid, but the unexpired portion of any period current at the date of such application shall, if it does not exceed five years, be joined with the period next succeeding, and the annual rent determined for the combined period.

15 If the unexpired portion of the period exceeds five years, the annual rent for such unexpired period shall be appraised as for a separate period.

Where any settlement lease applied for before the commencement of this Act, and not brought under the provisions of this section, is transferred or comes, other than by way of bona fide mortgage, into the possession of any person other than the owner thereof at the commencement of this Act, the rent payable for the unexpired term of the lease shall be determined in accordance with the provisions of section six of the Crown Lands Act of 1889, provided that the provision of this section shall not apply to a lease which may come into the possession of any person through the death or lunacy of the holder thereof.

25 So much of the Principal Acts as prescribe that the annual rent or a settlement lease shall be one and one quarter per centum of the capital value of the land is hereby repealed so far as regards settlement leases which come under the provisions of this section.

Conditional leases.

6. Any conditional lease applied for after the passing of this Act shall have a term of forty years. Such term shall be divided into 35 four periods each of ten years. The annual rent for each period may, on the application of the lessee or on a reference by the Minister, be separately determined in accordance with the provisions of section six of the Crown Lands Act of 1889.

The holder of any conditional lease applied for before the passing of this Act may, on application as prescribed, have the term of his lease extended under the provisions of this section; and in any such case the term of forty years shall be held to have commenced when the lease commenced.

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The rent for each period commencing after the date of application under this section shall be separately determined as aforesaid, but the unexpired portion of any period current at the date of such application shall, if it does not exceed five years, be joined with the period next succeeding, and the annual rent determined for the combined period.

If the unexpired portion of the period exceeds five years, the annual rent for such unexpired period shall be appraised as for a separate period.

10 *Rent of homestead selections.*

7. The holder of any homestead selection applied for before or after the commencement of this Act, where the grant of such homestead selection has not issued, shall from and after the expiration of the first six years of such selection pay an annual rent of two and a half per centum of the capital value of the selection. Rent payable on homestead selections.

Transfers of conditional purchases.

8. Notwithstanding anything contained in section twenty-nine of the Act of 1895, if any conditional purchaser shall die or be declared a lunatic or become an insane patient before the issue of the first certificate on his conditional purchase, such conditional purchase may be transferred to his representatives or their assigns, but may not be again transferred except in similar circumstances until after such certificate has been issued. And upon any sale, transfer, or disposition of the estate or interest of any conditional purchase, as provided in section one hundred and twenty-five of the Crown Lands Act of 1884, such conditional purchase may be transferred to the purchaser in like manner before the issue of the first certificate on the conditional purchase, but may not be again transferred, except in similar circumstances, until after such certificate has been issued. Transfers of conditional purchases.

30 *Devolution of holder's interest.*

9. If any holder of a homestead selection or any lease of land under the Crown Lands Acts dies or is declared a lunatic, his interest in such land may be held by his representatives, subject to the fulfilment by them of all unfulfilled conditions except the condition of residence (if any such condition of residence attaches to the holding) in trust for the benefit of the persons entitled: Provided that such representatives shall, where a condition of residence attaches to the holding, either sell and assign the lessee's interest in the land to a bona fide purchaser within twelve months from the date of their becoming entitled to possession hereunder, or else with the approval of the Minister, and for such time as he may permit, appoint a person as their nominee to reside upon the land. Personal representatives may hold leased land.

Transfer

*Crown Lands Act Amendment.**Transfer and exchange of holdings.*

10. (1) The holder of any conditional purchase or homestead selection or settlement lease may, subject to the approval of the board and subject to such board being of opinion that such holder does not hold an area which added to the area proposed to be acquired is more than sufficient to maintain his home thereon, acquire by transfer one or more conditional purchases (although a condition of residence attaches thereto) or homestead selections or settlement leases as additional selections or leases, and in any such case, the condition of residence attached to the original and additional holdings may be fulfilled on any one of such holdings. Holder may acquire other holdings.
- (2) Holders of conditional purchases, conditional leases, settlement leases, or homestead selections or grants may, subject to the approval of the Minister upon the recommendation of the board, acquire by exchange portions of land held under conditional purchase or conditional or settlement lease or homestead selection or grant by adjoining holders, and the condition of residence attaching to any such portion may be fulfilled by residence on the holding to which such portion has by the exchange become attached. Holders may exchange land.
- (3) The lands to be acquired by transfer under this section shall be of the same tenure as the lands in virtue of which they are so acquired; and lands shall only be exchanged under the preceding subsections for lands of identical tenure. Limitation.
- (4) In order to complete an exchange of conditionally purchased or conditionally leased land for Crown lands, it shall not be necessary for the purchaser or lessee of such land to convert the same into freehold or conditionally purchased land. Exchanges with the Crown.

Possession by mortgagee or execution creditor.

11. Any mortgagee who has under the powers of the mortgage submitted any homestead selection, or settlement lease, or area consisting of land of both tenures, for sale by public auction, and any execution creditor who has seized under process of any court any such selection, lease, or area, if the mortgagor's or debtor's interest in the land is not then sold to a bona fide purchaser, may, in the prescribed manner, go into possession of the land, and the condition of residence shall for a period of twelve months after the commencement of such possession, or for such further period as may be approved by the Minister, be deemed to be fulfilled, if a nominee of such mortgagee or creditor, to be approved by the local land board, resides upon the land. The mortgagee or creditor shall, within such period or further period, sell the mortgagor's or debtor's interest in the land to a bona fide purchaser, who thereafter shall be subject to all conditions affecting
- Mortgagee or judgment creditor may go into possession.

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affecting the original holder, and in default of such sale the holding or holdings shall be forfeited: Provided that before any person shall take advantage of this section he shall register at the local lands office the total amount of his mortgage or judgment debt and other
 5 particulars as prescribed, and any person may thereafter apply to the local land board to purchase the said holding for the amount of such debt, and the board may grant such application, and upon payment of the amount then due the applicant shall become the holder of such land free of such debt, but subject to all unfulfilled conditions
 10 attaching to such land: Provided also, that no mortgagee or judgment creditor shall take proceedings hereunder until two years after the passing of this Act, and no such proceedings shall hereafter be taken unless the mortgagor has been in default for one year, or in the case of an execution creditor until one year after judgment has been signed:
 15 Provided further, that this section shall not in any way abrogate the provisions of section twenty-three of the Crown Lands Act of 1895.

Reduction of purchase money of conditional purchases under the repealed Act.

12. Where any conditional purchase (other than a mining
 20 conditional purchase) made under the provisions of the Crown Lands Alienation Act of 1861, and not brought in respect of payment under the provisions of the Lands Acts Amendment Act, 1875, or the Crown Lands Act Further Amendment Act, 1880, or the Crown Lands Act of 1884, is, after the passing of this Act, brought under the instalment
 25 system under the provisions of the last-mentioned Act, the balance of purchase money on such conditional purchase shall be reduced by an amount equal to one-fifth of the total amount of interest (exclusive of fines) paid on such balance of purchase money between the date of commencement of the purchase and the date from which the conversion
 30 of such purchase under the instalment system takes effect; and the balance of purchase money as so reduced shall be accepted as the balance of purchase money then due and payable on such conditional purchase. Conversion shall take effect from the first day of January of the year during which application to convert is made if such
 35 application is made during the first six months of the year, but otherwise shall take effect from the first day of January of the succeeding year. The provisions of this section shall not apply to any conditional purchase unless brought under the instalment system within two years after the passing of this Act, and shall in any case apply only
 40 to so much of the area held by any one holder as the board may find to be sufficient to maintain the home of such holder, and the board in their determination of this matter shall take into consideration the number of persons who are to be maintained upon or by means of
 such

Balance of purchase money on conditional purchases made under the Repealed Land Acts.

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such land and shall apply only in cases where the holder has resided continuously on some part of such land for two years immediately preceding the passing of this Act: Provided that the Board may waive such condition of residence in any case where it is satisfied
5 that the land is held and used bona fide for the maintenance of the holder and his family.

Rate of interest on conditional purchases.

Reduction of interest
on conditional
purchases.

13. After the passing of this Act, the rate of interest payable on the balance of purchase money on any conditional purchase (other
10 than a mining conditional purchase), whether applied for before or after the passing of this Act, shall (if the balance of purchase money is payable by annual instalments) be two and one half per centum per annum, instead of four per centum per annum: Provided that interest shall not be computed at the lower rate except where it commences
15 to accrue for a full year of the purchase after the thirty-first day of December, one thousand nine hundred and two, and shall be charged at the original rate where it has commenced to accrue before the first day of January, one thousand nine hundred and three, for such year of the purchase as may be current at the passing of this Act.

20 This section shall in any case, as to conditional purchases held at the passing of this Act, apply only to so much of the area held by any one holder as the board may find to be sufficient to maintain the home of such holder, and the board in their determination of this matter shall take into consideration the number of persons who are to
25 be maintained upon or by means of such land and shall apply only in cases where the holder has for two years immediately before such date continuously resided on some part of such area or on a conditional purchase or conditional lease of the same series.

Provided that the board may waive such condition of residence
30 in any case where it is satisfied that the land is held and used bona fide for the maintenance of the holder and his family. In any case where the rate of interest is reduced to two and one half per centum as well as in respect of all conditional purchases hereafter to be made the annual payment may be made at the rate of nine pence per acre
35 per annum.

Payments may be deferred.

14. The Minister may, at any time, defer the payment of any amount due, or to become due, within twelve months from the date of the application, on any holding under the Crown Lands Acts for any
40 period not exceeding five years. Any payment so deferred shall bear interest at the rate of five per centum per annum from the date it became
became

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became due until it is paid ; and such interest shall, if the Minister so directs, be payable on such dates as he may determine. The Minister may allow the deferred amounts to be repaid by annual instalments, with interest at the rate mentioned in this section. Nothing in this
5 section shall prevent the payment of any amount before it becomes due.

Parents may assist children to acquire land.

15. The land board shall not disallow an application for any holding under the Principal Acts or this Act as not having been made in good faith merely because the applicant has been or is to be
10 financially assisted in connection with such holding by a parent of such applicant. Assistance of children by parents.

Married women may acquire land.

16. Any married woman (the provisions of the Principal Acts Married woman. to the contrary notwithstanding) may, with the consent of the Minister, out of moneys belonging to her for her separate use, acquire by
15 purchase or otherwise other than by an original application a conditional purchase, conditional lease, homestead selection, or settlement lease, and she shall have the same power of dealing with and disposing of the same both at law and in equity as if she were a femme sole,
20 and it shall be a sufficient compliance with the Principal Acts, so far as residence is concerned, if she shall reside upon any conditional purchase, conditional lease, homestead selection, or settlement lease held by her husband ; or her husband may fulfil the condition of residence on any conditional purchase, conditional lease, homestead
25 selection, or settlement lease held by himself or any holding held by his wife under this section. In either case notice as prescribed shall be forwarded to the chairman of the local land board of the intention so to reside.

Leases to outgoing pastoral lessees.

30 17. The registered holder or person entitled to the equity of redemption of any pastoral lease, preferential occupation license, or occupation license may apply for a lease of an area not exceeding one-third of the total area of the land comprised within the lease or
35 license or lease and license at the date of expiration of the pastoral lease, and the Minister shall thereupon refer such application to the local land board for report as to the area of and class of all leases held by the applicant or on his behalf, and as to whether the whole or any part of the land comprised in such application is suitable for closer settlement or to enable present holders not having a living
40 area to add to their holdings. Pastoral lessee may apply for lease.

The Governor may, upon a report from the board recommending such lease, grant such application, either wholly or in part, for

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a period not exceeding twenty-eight years, subject to the rent conditions of improvement and withdrawal for settlement named in such reference, or such other rent and conditions as the Governor may determine.

5 No lease shall be granted under this section of any land in respect of which an earlier or simultaneous application under section three of this Act is pending.

A return of every such lease granted shall be laid before Parliament if in session within one month from date of the granting
10 of the same or otherwise within one month after the commencement of the next ensuing session.

No extension of any such lease or license held by way of mortgage on or since the first day of January, one thousand nine hundred and three, shall be granted unless and until a common agreement
15 shall have been arrived at between the mortgagor, the mortgagee, and the Minister as to any adjustment or otherwise of the mortgage debt and as to the terms and conditions to be entered into by such mortgagor and mortgagee in respect of such debt; and for the purposes of this section the Minister shall be entitled to inspect or
20 cause to be inspected on his behalf all or any books of account, mortgages, deeds, securities, conveyances, agreements or any documents or instruments relating to the said debt or the security therefor. The acceptance of any such extended leases by any mortgagee and mortgagor shall have the effect of discharging the mortgage debt in
30 connection with such lease or other security worked in conjunction therewith to the extent determined upon in the common agreement referred to. The mortgages and other instruments by which the repayment of the debt is secured shall have endorsed thereon the particulars of such agreement and all parties thereto shall be bound
35 by such agreement: Provided that the area which may be granted under the provisions of this section shall be inclusive of all lands previously granted on such holding to the applicant under improvement lease conditions. Any lease under this section shall be deemed to be a lease for pastoral purposes within the meaning of the Acts relating
40 to mining.

Family selections.

18. In any case where two or more holdings situated within working distance are held either under conditional purchase (whether fully paid up or otherwise), conditional lease, homestead selection, or
45 settlement lease by members of one family, bona fide in their own separate interests, any condition of residence required to be performed by them in respect of their holdings shall be deemed to have been duly performed if such residence is carried out on any portion of the lands so held: Provided that the consent of the local land board shall
50 have been obtained in the prescribed manner.

Holdings by members
of a family.

Ballots.

Crown Lands Act Amendment.

Ballots.

19. Section six of the Crown Lands (Amendment) Act of 1899, ^{Ballot.} is (except as to the repeals in the first clause thereof) hereby repealed.

When any applications simultaneously made for original 5 holdings are conflicting, whether severally or collectively, the land agent shall determine by ballot in the prescribed manner the priority of such applications, and the local land board shall deal with the applications in the order of priority so determined.

Where the land agent has omitted to hold a ballot, or has held 10 a ballot but not in the prescribed manner, the local land board may direct the land agent to hold a ballot or a fresh ballot as the case may be: Provided that if the application which by the first or any subsequent ballot is determined to be first in order of priority is withdrawn or disallowed a fresh ballot shall be held in every such case 15 to determine the order of priority of those applications which remain and were included in the previous ballot.

The board may impose a penalty for the withdrawal or disallow-
ance of any application by retaining the whole or such portion of the
deposit money as may after due inquiry seem justifiable, and may at 20
its discretion disqualify such applicant from making any fresh applica-
tion for a period to be determined by such board.

Applications for conditional purchases and conditional leases of
the same series, shall for the purposes of any ballot, be deemed to form
together a single application for the whole of the land described in the 25
said applications taken together.

Residential leases.

20. Subject to the provisions of section forty-eight of the ^{Residential leases.}
Crown Lands Act of 1889, and section fifty of the Crown Lands Act
of 1895, any holder of a residential lease not exceeding nineteen acres
30 may make additional residential leases adjoining the original or any
prior additional residential lease: Provided that the original and any
additional residential leases do not exceed in the whole twenty acres.
Residence may be carried out on any part of the land under lease.
The term of any residential lease (whether applied for before or after
35 the commencement of this Act) may be fixed for, or extended to, any
term not exceeding twenty-eight years:

Provided further that any residential holder of an area whether
freehold or otherwise on a gold-field may obtain a residential lease,
subject to the approval of the board, of an area which when taken
40 with the area he already holds on such gold-field does not exceed
twenty acres. The condition of residence attached to the lease may be
fulfilled on the lease or on the land on which he has already been
residing.

Hamestead

Crown Lands Act Amendment.

Homestead selections or settlement leases may be acquired before survey.

21. Notwithstanding the provisions of the Principal Acts, land may be made available for homestead selection or settlement lease before the blocks or farms are measured ; but any block or farm shall be taken according to any published plan or design thereof. After survey any necessary adjustment of area or rent shall be made, and any roads deemed to be necessary may be reserved or excluded in the measurement of any block or farm. Any rent due for any excess of area, or other moneys due, shall be paid within such period as the Minister may allow, and if not so paid, the homestead selection or settlement lease shall be liable to forfeiture.

Annual leases.

22. An annual lease shall not exempt the land held thereunder from lease of any other kind, and upon the land being sold or leased the annual lease shall be held to have ceased and determined so far as regards the land so sold or leased.

The holder of any annual lease or leases (held by him on the first day of January, one thousand nine hundred and three), may apply to the Minister for an improvement lease of the whole or any part of the lease or leases so held, and the Minister shall thereupon refer the application to the local land board, and if such board is of opinion that the applicant has not an area sufficient to support a family and that no valid objection in the public interest exists to the granting of such application the board may recommend and the Governor may grant a lease of an area sufficient for that purpose for a period not exceeding seven years, subject to such rent and conditions as may be set out by the Minister in such reference, or such other rent and conditions as the Minister may after such report determine. The balance of the area (if any) may be held by the applicant as an annual lease: Provided that no such lease shall be granted on any proclaimed gold or mineral field except with the approval of the Minister for Mines.

Any holder of land held under annual lease may apply to have the rent thereof determined in accordance with the provisions of section six of the Crown Lands Act, 1889.

Auction sales.

23. Section sixty-one of the Crown Lands Act of 1884 is hereby amended by the substitution of the words "one month" for the words "two months nor more than three months," and by the substitution of the words "other lands fifteen shillings" for the words "other lands one pound five shillings."

Sales by auction and after auction selections.

The

Crown Lands Act Amendment.

The provisions of the Crown Lands (Auction Sales Balances) Act, 1887, and of section fifty-six of the Crown Lands Act, 1895, are hereby extended to any portion of country lands of a less area than forty acres.

5 *Conversion of settlement leases into homestead selections.*

24. The holder of any settlement lease which is not at the time of application hereunder liable to forfeiture, may at any time after the expiration of the first five years of the lease apply in the prescribed manner, subject to the provisions of section twenty-seven of the Crown Lands Act, 1895, for an area not exceeding one thousand two hundred and eighty acres of the land comprised under such lease as a homestead grant, and the board may allow such application in whole or in part if they find that the applicant is deserving of such grant, and the Governor may issue the same.

Conversion of
settlement leases
into homestead
selections.

15 In all such cases the remaining area of such settlement lease may be held at a proportionate part of the rental thereof.

A refund of the rental shall not be granted until after the execution of the homestead grant, and, when granted, shall be calculated from the date of such execution. The condition of residence attached to the settlement lease and to the homestead selection may be fulfilled for both holdings conjointly either on the land held under homestead selection or on the land held under settlement lease, so long as both such selection and lease are held in the same interest.

The value of the land taken under homestead selection shall be determined by appraisalment in accordance with the provisions of section six of the Crown Lands Act, 1889.

Enclosure of roads.

25. Permission to enclose a road under the provisions of section eight of the Crown Lands Amendment Act, 1899, may be granted to an applicant, although such road at the time of application forms part of an occupation license or annual lease, and the granting of such permission shall have the effect of withdrawing the area of land comprised in such road from such license or lease.

Amendment of s. 8
of Crown Lands
(Amendment) Act of
1899, and s. 14 of
Crown Lands Act of
1884.

Where permission to enclose a road is granted as aforesaid, the side of such road shall be deemed to be a common boundary line within the meaning of section one hundred and forty-one of the Crown Lands Act, 1884.

In every case where the boundaries of any holding must be fenced, the board may, on application in the prescribed manner, authorise a give-and-take fence, and such fence when erected shall be deemed a compliance with the law, and shall, for all purposes of law and equity be the boundary between the parties.

Amendment

*Crown Lands Act Amendment.**Amendment of Acts.*

26. The holder of any conditional lease applied for prior to the Act fifty-eighth Victoria number eighteen may at any time exercise his right to make an additional conditional purchase of the whole or any part of such conditional lease not being less than forty acres, notwithstanding that the area included in such application shall exceed six hundred and forty acres.

Conditional leases held since 1895.

27. Section thirty of the Act fifty-eighth Victoria number eighteen is amended by the insertion of the words "so long as the person upon whom the performance of the said condition would for the time being devolve is the person who applied for the original conditional purchase of the series and for the said additional conditional purchase or conditional lease," in substitution for the words inserted therein under section seventeen of the Crown Lands (Amendment) Act, 1899.

Amendment of s. 30 of Crown Lands Act of 1895.

28. Section twenty-two of the Crown Lands Act of 1884 is hereby amended by the addition of the words "other than lands within a proclaimed special area" after the words "refer to Crown lands."

Amendment of s. 22 of Crown Lands Act of 1884.

29. The holder of any freehold the area of which is not less than forty acres, and in the opinion of the local land board is not sufficient to maintain his family, may, if he has for two years immediately prior to the passing of this Act and at the time of making application is residing on such freehold and using the same for the maintenance of his family by farming pursuits, apply under and subject to the provisions of section three for an additional conditional purchase or conditional lease in virtue thereof, and shall be entitled to the benefit and subject to the conditions of the said section as if such freehold area were a conditional purchase.

Conditions under which applications may be made by freeholders.

30. Section twenty-six of the Crown Lands Act of 1895 is hereby amended by inserting in the first line after the word "may" the words "upon the recommendation of the local land board."

Improvement lease granted upon recommendation of local land board.