

# Queensland.



ANNO TRICESIMO PRIMO

## VICTORIÆ REGINÆ.

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No. 46.

An Act to Consolidate and Amend the Laws relating to the Alienation of Crown Lands.

[ASSENTED TO 28TH FEBRUARY, 1868.]

WHEREAS it is expedient to consolidate and amend the laws <sup>Preamble.</sup> relating to the alienation of Crown lands Be it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled and by the authority of the same as follows—

### PART I.

#### *Introductory.*

1. At and from the time of the commencement of this Act the Orders in Council and several Acts mentioned in the schedule A <sup>Repeal of existing Acts &c.</sup> hereto annexed and all rules and regulations made thereunder respectively concerning the sale or other disposal of the waste lands of the Crown and all other Acts laws and regulations if any inconsistent with the provisions or spirit of this Act in force in the colony of Queensland at the time of the passing of this Act shall be and are hereby repealed saving always all rights claims penalties and liabilities already accrued or incurred and in existence But nothing herein contained shall alter or repeal the Act of the Parliament of New South Wales twenty Victoria

Victoria number twenty-nine Provided always that the satisfaction of all such rights and claims as aforesaid shall be carried out according to the modes of procedure and subject to the provisions of this Act and that no action suit or proceeding civil or criminal in any court of law or equity already commenced or hereafter to be commenced under or by virtue of any existing Act law or regulation in respect of any matter or contract already done suffered or entered into nor any penalty forfeiture or liability incurred or to be incurred under any existing Act law or regulation in respect of any contract already entered into or any act or matter already done or suffered shall abate or be waived prejudiced or hindered by anything herein contained but all such rights liabilities actions suits and proceedings shall be enforced and continue to their lawful termination as if this Act had not been passed.

I.—*Interpretation Clause.*

Interpretation of words.

2. The following terms within inverted commas shall for the purposes of this Act bear the meanings set against them respectively unless where the context implies otherwise—

Crown lands.

“Crown Lands”—All lands vested in Her Majesty which have not been dedicated to any public purpose or which have not been granted or lawfully contracted to be granted to any person in fee simple and all lands which at the time of the passing of this Act may have become or which after the passing of this Act may become forfeited by reason of any breach in the conditions on which the same have been granted or contracted to be granted.

Town lands.

“Town lands”—All Crown lands in any city town or village already proclaimed or to be hereafter proclaimed as a site for the same respectively.

Suburban lands.

“Suburban lands”—All Crown lands within a distance of two miles from any town lands.

Country land.

“Country land”—All lands not being town or suburban lands.

Mining purposes.

“Mining purposes”—The searching and working of land for and removal therefrom of any natural mineral body or liquid other than gold or water.

Agricultural land.

“Agricultural land”—All the rich scrub forest and open lands suitable for cultivation whether such be found near rivers creeks the sea or inland.

First-class pastoral land.

“First-class pastoral land”—All good open or lightly timbered country which though unfit for cultivation is well adapted for grazing purposes.

Second-class pastoral land.

“Second-class pastoral land”—All country lands not agricultural or first-class pastoral.

Runs.

“Runs”—All Crown lands held by lessees under any existing law for pastoral purposes and not divided by intermediate runs or distinct natural boundaries.

Settled districts.

“Settled districts”—All lands described in schedule B to this Act together with any lands which may be hereafter proclaimed as such as hereinafter provided.

Unsettled districts.

“Unsettled districts”—All Crown lands which at the time of the passing of this Act or at any time hereafter shall not have been brought within the settled districts.

Township reserves.

“Township reserves”—All lands within the limits described by proclamation of the Governor as forming a township reserve.

Railway reserves.

“Railway reserves”—All lands within three miles on either side of any railway at present constructed or the line for which has been surveyed and approved by Parliament with a view to future construction. “Governor”

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- “Governor” and “Governor in Council”—shall be held Governor shall mean  
indifferently to mean the Governor with the advice of  
the Executive Council. Governor in Council.
- “Minister”—The Secretary for Lands. Minister.  
Gazette.
- “Gazette”—The *Queensland Government Gazette*.
- “Pastoral lease and license” shall respectively include every Pastoral lease.  
lease or license of Crown lands for pastoral purposes  
issued under the provisions of any laws now in force.
- “Pastoral tenant” shall mean the lawful holder of any Pastoral tenant.  
such lease or license whether as original lessee or licensee  
or the lawful assignee of any such lessee or licensee.
- “Agricultural lessee” shall mean any person who at the com- Agricultural lessee.  
mencement of this Act shall have acquired any condi-  
tional right to become the purchaser of land in fee simple  
under any Act now in force relating to agricultural  
reserves or under any laws or regulations for encouraging  
the growth of cotton coffee sugar or any other special  
production or under the *Leasing Act of 1866*.
- “Conditional purchaser” “Lessee” or “Homestead lessee” Conditional purcha-  
ser—Lessees.  
shall mean any person selecting land under this Act  
with a right of acquiring the freehold of such land on  
fulfilling the conditions attached to the occupation  
thereof.
- “Depositor” shall mean any person paying any money to Depositor.  
any land agent for the purposes of this Act.
- “Selector” shall mean the individual person who shall be Selector.  
named as such in any selector’s certificate under the  
provisions of this Act.
- “Licensed surveyor”—Any person holding a certificate from Licensed surveyor.  
the Surveyor-General that he is competent to act as a  
surveyor under this Act.
- “Office days and hours”—Such days and such hours as shall Office days and hours.  
be notified as the days and hours respectively upon  
which the land agent for any particular district county  
area or portion thereof respectively shall have his office  
open for the transaction of business under this Act.
- “Appraisement”—Settlement of price value or damage by Appraisement.  
appraisers appointed in manner prescribed by this  
Act.
- “Arbitration”—Settlement in like manner by arbitrators of Arbitration.  
boundaries or of any question or matter in dispute not  
coming under the head of appraisement.
- “Frontage”—Frontage to the sea or to any road river stream Frontage.  
or watercourse which according to the regulations to be  
made under the provisions of this Act ought to form a  
boundary between different blocks or allotments of land.
- “Improvements”—Any head station homestead store stable hut Improvements.  
woolshed sheep pen drafting yard barn stockyard fencing  
well dam reservoir tank trough fencing of sheep paddocks  
artificial watercourse or watering-place garden clearing  
cultivation or plantation of trees shrubs or artificial  
grasses or any other building erection construction or  
appliance being a fixture for the working or manage-  
ment of a run farm grazing-farm or plantation and of  
any sheep cattle or horses depastured thereon and for  
maintaining or increasing the pastoral or agricultural  
capabilities thereof Provided that such improvements be  
upon land belonging to the Crown.

Regulations to be made.

Regulations to be laid before Parliament.

Governor in Council to determine the time of sitting of the Commissioner.

Commissioner's decisions to be confirmed by Governor in Council.

Application book to be kept.

Priority of right to be heard how determined.

Commissioner to keep minutes of proceedings.

Notice of resumption to be given to holders of runs.

Holders of runs may have their runs brought under operation of this Act.

lands who shall have power to exercise the provisions of this Act Provided that the Governor shall define and declare the duties of such commissioners in regulations to be made by him for that purpose All such regulations shall within fourteen days of the issue thereof be laid before Parliament if then sitting and if not within fourteen days of the commencement of the next session.

4. Each commissioner shall sit at the land offices of his district at certain stated times to be determined by the Governor in Council.

5. All questions shall be decided by the commissioner who shall give his decision in open court subject to confirmation by the Governor in Council.

6. A book to be called the "Application Book" shall be kept open during office hours and at all land offices in which the name of every person desiring to make any application to the commissioner shall be written in order by himself or any person duly authorised in his behalf and such applicant shall lodge a written statement of the subject of his application and the commissioner shall consider and determine all applications in the order in which they shall appear in the application book Provided that if any person shall not appear himself or by any person duly authorised on his behalf before the commissioner when called in his turn his application shall be dismissed until his name shall appear again in the book in order Provided also that if two or more persons shall apply at the same time for the same portion to write their names in the application book the land agent or his clerk shall bracket their names and shall initial the bracket and when they shall appear before the commissioner the commissioner shall determine the priority of right to be heard by lot and it shall not be lawful for the commissioner to hear any application except such as shall be made in accordance with this regulation.

7. The commissioner shall cause to be kept true and detailed minutes of all applications made and all decisions therein and of all sums of moneys paid to the land agent and of all proceedings and such minutes shall be signed by him and shall be open to the inspection of all persons desiring to inspect the same during office hours.

8. Within four weeks of the passing of this Act notice of resumption to the holders of runs within the settled districts as required by the forty-fourth clause of the Act twenty-seven Victoria number seventeen and not already resumed under the *Agricultural Reserves Act of 1863* shall be given by the Minister for Lands and on the expiration of the period fixed by said Act of twelve months from the date of such notices such lands shall be open to selection by conditional purchasers or for sale by public auction or subsequent selection as hereinafter provided Provided always that should any pastoral tenant within the said settled districts signify in writing to the Minister for Lands within six months from the date of the aforesaid notice his desire to have his run at once brought under the operation of this Act the commissioner for the district in which such run is situated shall indicate to the Minister for Lands such portions of such run as may probably be needed for townships or railway reserves and it shall be lawful for the commissioner to call on the pastoral tenant to divide the remainder of the run into two parts as nearly as may be by a right line or natural feature and the commissioner shall then recommend to the Minister for Lands which portion shall be resumed by the Government and that a lease be granted in favor of such pastoral tenant for a term of ten years of the part of the run least likely to be required for selection or sale by auction not exceeding one half of the entire run.

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9. In cases where one proprietor holds two or more runs adjoining each other it shall be lawful for him within three months from the passing of this Act to apply to the Minister for Lands to have such runs consolidated into one and thereafter they shall be considered for the purposes of this Act as one run. Runs may be consolidated.

10. No land within the part so leased to any pastoral tenants shall be resumable during the term of the lease except by a resolution of both Houses of Parliament when it shall be lawful for the Governor in Council to resume any tracts of land not less than eight square miles in area in one block and in respect of such land so resumed to make a proportionate reduction of the yearly rents paid by such pastoral tenants. Leased lands in settled districts to be resumed by resolution of both Houses of Parliament.

11. Any applicant for a lease as aforesaid shall furnish within six months after being called on to do so by the commissioner for the district in which such run may be situated a feature survey of the same by a licensed surveyor to enable the said commissioner to proceed to a subdivision of the said run and shall further cause to be surveyed and marked out without delay by proper boundary marks as the commissioner may direct the division lines or boundaries between that portion of the run intended to be held by him under lease and those portions resumed for public uses as aforesaid the cost of such survey shall be borne in equal proportions by the Government and the lessee. Provided that such cost shall not exceed the usual Government scale. Provided also that if the lessee is unable to comply with the aforesaid conditions he may within two months of receiving the notice as aforesaid apply to the Government to survey the run the cost of the same to be defrayed as hereinbefore mentioned. Provided further that the ten years' lease of the unresumed half of the run shall date not later than thirteen months from the notice of resumption. Feature survey of run to be made.

12. The rent payable by a pastoral tenant under the foregoing provisions for that part of the original run leased to him as aforesaid shall be the same as that paid by way of rent and assessment for the run prior to such division as hereinbefore provided. Provided always that any pastoral tenant to whom a lease of any portion of any run so divided as aforesaid shall be granted shall have during the continuance of the term of such lease a right of depasture over the portion of the run not included in the lease granted under this Act until such portion may be by selection auction or otherwise required for public purposes and on application to the Minister for Lands shall receive a grazing license to that effect but such grazing license shall not be deemed to interfere with any grazing rights which may be accorded to selectors or purchasers of land under this Act as may in that behalf be provided. Pastoral tenant to have right of depasture on portion of run open for selection.

13. Any pastoral tenant in the settled districts who shall not have signified his desire to take advantage of the foregoing provisions of this Act may hold his run or runs at the same rates as at present for rent and assessment till the end of the present term of his lease subject at the expiration of twelve months' notice as before mentioned to free selection by conditional purchasers or to sales by auction or selection of the whole or any part of his run or runs allowance in the rent being made at the end of each year in proportion to the quantity of land selected or sold during the year. Provided always that not less than twelve months before the expiration of his present term and from time to time afterwards leases for periods of five years at the upset price of one pound per square mile in one or more lots of those portions of the runs still unoccupied or unsold subject always to immediate free selection or sale as hereinafter provided may be offered for sale by public auction at the land office of the district after at least one month's notice   
in

Right of purchase of  
pastoral tenants for  
improvements.

in the *Government Gazette* with proviso for allowance in rent for any land selected or sold during each year of the terms of such leases.

14. Pastoral tenants in settled districts may previous to the expiration of the twelve months' notice of resumption make pre-emptive selections to the extent of one acre for every ten shillings value of improvements at the same rates as those demanded from conditional purchasers to secure their homesteads and improvements in lieu of compensation thereof. Provided always that such pre-emptive selections shall not in all contain more than two thousand five hundred and sixty acres nor be in more than three separate portions. Provided also that in the case of any runs that may be brought under the operation of this Act pre-emptive selections to the above extent and with the like restrictions and conditions may also be made at any time during the currency of the ten years' lease in the lands included in the said lease. Provided further that the boundaries of all such selections shall bear the same proportion of frontage to depth as required in the case of any other lands selected under the provisions of this Act and that they shall in no case be so measured as to secure to such selector exclusive control over any valuable permanent water. In consideration of the above pre-emptive privileges or either of them being exercised all claims on the Government for compensation for resumed improvements shall be relinquished.

Country lands open  
to selection in certain  
cases.

15. Any country lands in the settled districts which are not included in any lease or license for pastoral purposes shall be open for selection from and after the passing of this Act.

Crown lands in un-  
settled districts open  
to selection as second  
class pastoral lands.

16. Any country lands in the unsettled districts which have not at any time been leased and which are not under license for pastoral purposes shall be open to selection as second-class pastoral lands and should such lands so selected be within twelve months after such selection included within the limits of any run taken up by the same person such person shall be entitled for the space of two years to select any additional portion of such run provided that such further purchase shall be in one portion and shall adjoin the original purchase and the maximum area shall not be restricted by the provisions of this Act.

*Fencing Act* to apply  
to lands held on  
leases.

17. The provisions of the *Fencing Act* twenty-five Victoria number twelve shall apply to all land held on leases for ten years by pastoral tenants and to the conditional purchases or selections made under this Act.

#### *General Provisions.*

Proclamation of town  
and other reserves.

18. It shall be lawful for the Governor with the advice of the Executive Council by proclamation in the *Gazette* to declare what portions of Crown lands shall be set apart as the sites of new cities towns or villages and also to declare what lands shall be reserved from sale for any public purpose. Provided that the Governor with the advice aforesaid may by proclamation in the *Gazette* rescind either in whole or in part any such proclamation as aforesaid in all cases in which sales of town lots shall not have taken place pursuant thereto.

Railway reserves.

19. All Crown lands within three miles in a direct straight line from any railway already constructed or in course of construction or of which for the time being the plans shall have been approved by the Parliament shall be deemed and taken as railway reserves subject to be dealt with as hereinafter directed.

Division of land into  
counties and parishes.

20. The Governor may divide into counties any Crown lands not already included in any county and divide any county already existing or so to be created into parishes where such parishes are not already defined and may distinguish such counties and parishes respectively by names and proclaim the same and the boundaries thereof

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thereof respectively and after such proclamation the lands comprised within such counties and parishes respectively shall thenceforward be recognised by such names as counties and parishes respectively.

21. It shall be lawful for the Governor from time to time to grant in trust or by proclamation to reserve either temporarily or permanently any Crown lands which in his opinion are or may be required for quays landing places tramways railways railway stations roads bridges ferries canals or other internal communications or for the approaches or other purposes necessarily appertaining to any such works or for reservoirs aqueducts or water-courses or for the use or benefit of the aboriginal inhabitants or for the sites of markets abattoirs public baths or washhouses schools or colleges established under the supervision of the Government according to any Acts for the time being in force mechanics' institutes libraries museums or other institutions for public non-scholastic instruction public gardens or experimental farms and parks agricultural and horticultural societies hospitals asylums infirmaries establishments for relief of indigent persons lock-ups police stations or paddocks gaols places for the interment of the dead or for the recreation convenience health or amusement of the people or for any other purpose of public defence safety utility convenience or enjoyment or for otherwise facilitating the improvement and settlement of the colony.

Power to reserve lands from sale for public purposes.

22. Where before the commencement of this Act any Crown lands have been promised and set apart for any of the purposes hereinbefore mentioned if possession thereof have been given or if trustees thereof have been appointed or if a written promise to grant the same have been given by the Government and if such promise be established to the satisfaction of the Governor and the fulfilment thereof be claimed within twelve months from the commencement of this Act and if notice of such claim has been proclaimed for four successive weeks the Governor on behalf of Her Majesty may lawfully grant such lands in fee to trustees for such purposes.

Any previous promise to grant for public purposes to be carried out.

23. After any land has been temporarily reserved the same shall not be sold until such temporary reservation be revoked by the Governor and after any land has been permanently reserved every conveyance or alienation thereof except for the purpose for which such reservation has been made shall be absolutely void against all persons whomsoever except as against the Crown.

Lands reserved permanently not to be sold.

24. When any land shall be temporarily reserved by virtue of the provisions of this Act notice of such reservation shall be inserted for a period of not less than four consecutive weeks and not more than thirteen consecutive weeks as circumstances may require in the *Government Gazette* and before any such temporary reservation is revoked notice of such revocation shall be in like manner inserted as aforesaid.

Notice of reservation by Crown to be inserted in *Gazette*.

25. Before any land is permanently reserved under the powers of this Act notice of the intention of such reservation shall be inserted in the *Government Gazette* for thirteen consecutive weeks and in every such notice the land proposed to be reserved and the purpose for which it is to be reserved shall be fully described and stated.

Notice prior to permanent reservation.

26. When Her Majesty has become or may hereafter become entitled to any lands either by escheat for want of heirs or by reason of any forfeiture for treason felony or otherwise or by reason that the same has upon inquisition been found to have been granted or otherwise vested into the use of or in trust for any alien or aliens it shall be lawful for the Governor on behalf of Her Majesty and according to the forms of this Act to grant such lands in fee-simple to any person for the purpose of restoring the same to any of the family

Power to grant in case of escheat &c.

family of the person in whom or for whose benefit the same had been vested or of carrying into effect any intended grant conveyance or devise of such last-mentioned person in relation to such or of rewarding any person making discovery of such escheat or forfeiture or of Her Majesty's right and title thereto. Provided that before any land under escheat is re-conveyed by the Crown such shall be advertised for two consecutive months in the *Government Gazette*.

Application for closing unnecessary roads.

27. It shall be lawful for the owner or owners of any purchased land adjoining a road which is required for access to such lands only and not otherwise for public use or convenience to make application in writing to the Minister that such road may be closed.

Application to be advertised.

28. On the receipt of such application the Minister shall cause notice thereof to be inserted in the *Gazette* and in such local newspapers if any as he may think advisable and for such period not less than two nor more than six calendar months consecutively as he may think right.

Consequent alienation.

29. At the expiration of such period as last aforesaid if the Governor approves of such application he may order the closing of such road and upon payment of such price as he may think reasonable (not being less than the original upset price of such adjoining lands) together with all deed fees under this Act a grant in fee of the soil of such road shall be issued to the owner or rateably to the various owners of such adjoining land or as they may request in the same manner as if such road had been purchased by him or them at auction under the provisions hereinbefore contained.

Sale in consideration of improvements.

30. Upon application made within twelve months after the passing of this Act by any person who may prior thereto have made improvements of not less value than twenty pounds upon lands comprised within the boundaries of any city town or village or upon application within twelve months after the proclamation in the *Government Gazette* of the first sale of town lots situated within any new city town or village reserve within which improvements may be situated it shall be lawful for the Governor to sell and grant the allotment or allotments containing such improvements to the owner of such improvements without competition at its fair value in an unimproved state not being less than the minimum upset price of such lands.

Sales without competition in special cases.

31. In cases in which there may be no convenient way of access to any portion of Crown land or in which any portion may be insufficient in area for public sale or in which a portion of Crown land may lie between land already granted and a street or road which forms or should form the way of approach to such granted land or in which buildings erected on lands already granted may have extended over Crown lands or in any other cases of a like kind the Governor may sell and grant such lands to the holder or holders of adjacent lands without competition and at a price to be determined by the Minister or other officer duly authorised in that behalf.

#### *Mining Purchases.*

Limitation of area thereof.

32. In cases where persons or companies shall be desirous of purchasing lands for mining purposes other than for gold it shall be lawful for the Governor to sell the same to such person or company subject to the following conditions—

- (1.) The area to be sold to any one person or company shall in no case exceed six hundred and forty acres nor less than forty acres except where the land may have been previously surveyed for sale in which case the application may be restricted to the boundaries already marked not being in any case less than forty acres.

(2.) The



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- (2.) The price shall in no case be less than one pound per acre and the Governor may affix any higher price which he may deem to be the market value of the land without regard to the minerals therein contained.
- (3.) A deposit of five shillings per acre shall be paid at the time of application and the balance of the purchase money within twelve months (but if the land is situated in either the pastoral districts of the Kennedy Burke Cook Mitchell Warrego or Gregory within eighteen months) from the date of the application being approved and the applicant shall also produce satisfactory evidence that he has expended a sum equal to one pound per acre in *bonâ fide* working the minerals on said land.

*Land Agents.*

33. It shall be lawful for the Governor in Council from time to time to appoint persons to act on behalf of the Government for the sale selection leasing and otherwise dealing with the various descriptions of Crown lands according to the several provisions of this Act and such persons shall be styled "land agents" with the duties powers and liabilities as hereinafter provided. Power to appoint.

34. The Governor in Council shall require a fidelity bond issued by a public company from each land agent in a sum of not less than five hundred pounds sterling. Government may require security

35. On receipt of any moneys payable under the provisions of this Act the land agent shall give the depositor a receipt for the same and shall within seven days thereafter forward a duplicate of said receipt to the Auditor-General and every such receipt shall be in such form as the said Auditor-General shall direct. Receipts to be given by land agent.

36. In any case in which any land agent shall upon demand fail to account for and pay over to the Colonial Treasurer any money which he shall have received from any depositor whether he shall have given a receipt for the same or not and whether such receipt be or be not formally accurate and notwithstanding any error or omission on the part of the depositor or of the land agent such land agent shall be *prima facie* deemed guilty of embezzling money under the provisions of the *Larceny Act of 1865* relating to public servants and it shall not be necessary to prove any fraudulent intention on the part of such land agent. Land agent to be subject to provisions of Larceny Act of 1865.

37. Provided always that a prosecution under the said Act for any such default shall not whatever be its result in any way prejudice or interfere with any civil proceedings or forfeiture against any such land agent with respect to the money unaccounted for. Prosecution under Larceny Act not to prejudice any civil proceeding against land agent.

38. Every land agent shall keep a register in which he shall enter all applications to select Crown lands which shall be lodged at his office and in the event of any such application being subsequently rejected shall record such rejection against the entry of the application and such register shall be open to public inspection during office hours. Agent to keep register.

*Sales by Selection.*

39. For the purposes of this Act the settled districts of the colony shall comprise the area specified in schedule B to this Act with further extensions that may from time to time be made by proclamation of the Governor in conformity with resolutions to that effect passed by both Houses of Parliament or by proclamation of township or railway reserves. Settled districts.

40. At the expiration of two months from the passing of this Act all lands within railway reserves which as such are to be excluded from the part leased to the pastoral tenant and counted as part of the resumed half on the subdivision of any run as also the country land Certain descriptions of lands to be agricultural land open to selection.

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in the township reserves as well as all land in the reserves made or proclaimed under the *Agricultural Reserves Act of 1863* shall till otherwise classified be deemed and taken to be agricultural land and shall as such be open to selection by conditional purchasers or sale by auction as hereinafter provided. Provided always that the commissioner shall not at any time have the power to classify any land in such railway or township reserve as second-class pastoral land. Provided also that anything in this Act to the contrary notwithstanding the lessee shall be entitled to the lease of half his run for ten years under the provisions of this Act even if the same or any portion of the same shall be included in any agricultural reserve.

Proclamation of land open to selection.

41. Previous to any land being open to selection under this Act except as mentioned in the preceding clause notification of its boundaries and the day from and after which it shall be open shall be given at least one month prior thereto by proclamation in the *Government Gazette* and nearest local newspaper. Provided that the Governor may withdraw from selection any land for the purpose of survey with a view to its being brought forward for sale as surveyed lots.

Division into classes.

42. All lands within the settled districts that under this Act may be proclaimed open for selection shall according as they are allotted by the commissioner of such district to conditional purchasers or home-stead lessees be divided into three classes namely—

Agricultural land  
First-class pastoral land  
Second-class pastoral land

Limit to conditional purchasers.

43. Selections by conditional purchasers of agricultural land except such selections as come within the provisions of sections seventy and seventy-one of this Act shall not be less than forty nor more than six hundred and forty acres.

Limit to conditional purchasers.

44. Selections by conditional purchasers of first-class pastoral land shall not be less than eighty nor more than two thousand five hundred and sixty acres.

Limit to conditional purchasers.

45. Selections by conditional purchasers of second-class pastoral land shall not be less than eighty nor more than seven thousand six hundred and eighty acres.

Form and notice of application.

46. The mode and terms of selection shall be as follows—Any person (except as hereinafter excepted) may on any office day during office hours tender to the commissioner or land agent for the district an application in the form contained in schedule E of this Act for selection of land within any area proclaimed as open for selection as aforesaid accompanied by a deposit in cash or land orders equal to the first instalment payable on the land to be selected at the price of—

Prices.

Fifteen shillings per acre payable in ten annual instalments of one shilling and sixpence per acre for agricultural land

Ten shillings per acre payable in ten annual instalments of one shilling per acre for first-class pastoral land

Five shillings per acre payable in ten annual instalments of sixpence per acre for second-class pastoral land.

Together with the survey fees payable respectively in each case.

Applications to be received by land agent.

47. Applications for the conditional purchase of agricultural land shall be received by the land agent and the land at once allotted subject to such general regulations concerning survey roads or the prevention of a monopoly of permanent water or otherwise as may be made pursuant to the provisions of this Act.

Applications to be registered.

48. Previous to survey applications for first and second class pastoral land shall only be provisionally registered by the land agent

agent and after survey the evidence of the surveyor or other credible witness or witnesses and his or their solemn declaration of its quality to the best of his or their judgment shall be obtained and should any doubts exist the matter shall be determined by personal inspection of the commissioner subject to such general regulations concerning survey roads or the prevention of a monopoly of permanent water or otherwise as may be made pursuant to the provisions of this Act.

49. Any person making application to select land under this Act shall at the time of delivering such application to the land agent deposit the amount of the survey fees payable according to schedule H of this Act. Cost of survey lodged or survey made by applicant. Provided that if the Government shall not have surveyed the land within three months of the date of such application the applicant shall be at liberty to have the land surveyed by a licensed surveyor and the survey fees paid by him shall be returned.

50. Crown lands selected by lease before survey and having frontage to any watercourse or main road shall not have a greater breadth of frontage thereto than equal to half the depth of said portion where the area does not exceed one hundred and sixty acres or two-thirds of the depth where the area exceeds one hundred and sixty acres but is not greater than three hundred and twenty acres or equal to the whole depth where the area exceeds three hundred and twenty acres and the boundaries not having frontage to roads or natural features shall be rectangular and be directed to the cardinal points unless the commissioner shall deem it desirable to direct that any other general bearing shall be adopted for that portion of country. Proportion of frontage in respect to such boundaries.

51. When any land selected as aforesaid shall have been surveyed and approved by the Minister for Lands the Governor shall issue to the selector a lease of said land subject to the conditions and provisions hereinafter contained. Governor to issue lease.

(1.) The term of every such lease shall be for ten years computed from the first day of January or July nearest to the date of application to select. Term of lease to be ten years.

(2.) The annual rent to be reserved under every such lease shall be as follows for every acre or fraction of an acre comprised therein— Rent.

For agricultural lands one shilling and sixpence

For first-class pastoral lands one shilling

For second-class pastoral land sixpence

and the second and all subsequent years annual rents shall be paid to the land agent on or before the thirty-first day of March in each year of the term of lease for which the rent is due and in default of such payment the lease shall be forfeited and the land selected and all improvements thereon shall revert to the Crown. Provided that the lessee may defeat such forfeiture for non-payment of rent by paying to the land agent in cash within ninety days of the day on which the rent shall have fallen due a sum equal to the annual rent together with an additional sum equal to one-fourth part thereof by way of penalty but in default of such payment of rent and penalty within such ninety days the lease shall be absolutely forfeited and the said lessee and any person claiming under him shall be deemed a trespasser upon Crown land and liable to be removed therefrom as such under the provisions of this Act.

Forfeiture may be defeated by payment of rent and fine within ninety days of original rent day.

(3.) The

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Selector to erect and maintain boundary marks.

- (3.) The lessee of any lands shall within six months from the date of selection if the land be previously surveyed or within six months from the completion of the survey if selected before survey erect boundary posts along those boundary lines of said land which shall not be defined by a watercourse or clearly defined natural feature such posts to be not less than six inches in diameter and sunk two feet into the ground and be at least two feet above the surface and in no case shall the distance between the posts exceed five chains or the lessee shall erect a good and substantial fence along such boundary and if such lessee shall allow said boundary posts to fall into decay the commissioner shall cause a notice to be served on such lessee requiring him to replace or renew such boundary posts within three months and if the lessee shall fail or refuse to replace the same accordingly the commissioner shall on proof thereof inflict such fine as he shall see fit not exceeding sixpence for each post and in default of payment of such fine into the hands of the land agent within one month from the date of notification thereof the lease may be cancelled by the Governor.

Right of entry to work minerals.

- (4.) During the currency of such lease the Governor or any person authorised in that behalf may enter on any part of the lands included in such lease and dig and remove therefrom any gold or other metal or metallic ore provided that any person so entering the land and removing any such minerals shall pay to the lessee a sum equal to the amount of the actual damage which the lessee shall sustain therefrom and the amount of such damage shall be determined by arbitration as provided by this Act.

Residence necessary.

- (5.) The lessee of any agricultural or pastoral land his agent or bailiff shall reside on such selection continuously and *bonâ fide* during the term of his lease Provided that if at any time during the currency of a lease it shall be proved to the satisfaction of the commissioner that the lessee has abandoned his selection and failed in regard to the performance of the conditions of residence during a period of six months it shall be lawful for the Governor to declare the lease absolutely forfeited and vacated.

Grant in fee on proof of fulfilment of conditions of improvement.

- (6.) If within three years from the date of selection by lease of any pastoral land the lessee shall prove by two credible witnesses to the satisfaction of the commissioner that he has resided in person or by bailiff on the said land for a period of two years and that a sum at the rate of not less than ten shillings per acre for first-class pastoral land and five shillings per acre for second-class pastoral land has been expended in substantial improvements on the said land or that he has fenced in the whole of the said land with a good and substantial fence then the commissioner shall issue a certificate that the conditions aforesaid have been duly performed and the said lessee shall be entitled to a deed of grant in fee simple on the payment of the balance of the ten years' rent.

Grant in fee on fulfilment of conditions.

- (7.) If within three years from the date of selection of any agricultural land the lessee shall prove by two credible witnesses

witnesses to the satisfaction of the commissioner that he or his bailiff has resided on the land for a period of not less than two years and that he has expended a sum equal to ten shillings per acre on the land comprised in such lease or if at any time during the currency of any such lease the lessee shall prove by two credible witnesses to the satisfaction of the said commissioner that he has cultivated one-tenth part of the land or if within three years from the date of selection the lessee shall prove by two credible witnesses to the satisfaction of the said commissioner that he or his bailiff has resided two years on the said land and fenced in the whole with a good and substantial fence then the said commissioner shall issue to such lessee a certificate that he has duly complied with the conditions of this Act and the said lessee shall be entitled to a grant of the land in fee simple on the payment of the balance of the ten years' rent.

- (8.) No lease shall be transferred or assigned until the original selector has obtained a certificate from the commissioner that he has duly performed the conditions entitling him to a deed of grant in fee simple on the due payment of the tenth year's rent. But after the issue of such certificate the lessee may transfer his lease by application to the Minister for Lands in the form contained in the schedule G to this Act and the payment of a fee of ten shillings for the registration of every such transfer. Conditions under which transfer may be effected.
- (9.) If after a lessee has obtained a certificate by the commissioner that he has duly completed the conditions of cultivation or improvement and residence required by this Act he shall pay into the hands of the land agent a sum equal to the aggregate amount of the annual rents which would become due during the unexpired portion of the term of ten years' lease together with the amount of the deed fee such lessee shall be entitled to a deed of grant in fee simple of the lands comprised in such lease. If during the currency of any such lease the lessee shall not have duly fulfilled the conditions hereinbefore specified then on the expiration of the term of lease it shall absolutely cease and determine and the lessee shall not have any claim whatsoever to any renewed lease or priority of claim to either lease or to purchase the land comprised therein or the improvements or to compensation for any part thereof. Lessee may acquire fee simple on payment of balance of rents.
- (10.) If within ten years from the date of selection of any land as aforesaid it shall be deemed necessary to open any public road through the same it shall be lawful for the Governor to proclaim a public road one chain wide through said land and the lessee or owner of such land shall only be entitled to compensation for the land taken for such road at the rate of twice the sum which shall have been paid either as rent or purchase money to the Government for the area so resumed together with the value of the improvements or cultivation thereon such value to be determined by arbitration. Provided that where such road shall be proclaimed through any enclosed lands the Government shall fence off the said road from the adjacent enclosed lands with a fence equally serviceable with the fence within which the land Resumption of roads.

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land is otherwise enclosed but such fence shall after its erection be maintained at the cost of the owner or occupant of the adjacent land.

Limit to conditional purchaser.

52. No conditional purchaser shall hold as such at any one time within the entire colony more of the different classes of land than the maximum quantity of—

Six hundred and forty acres of agricultural land

Two thousand five hundred and sixty acres of first-class pastoral land

Seven thousand six hundred and eighty acres of second-class pastoral land

exclusive of lands held by the selector as a lessee under the provisions of the *Alienation of Crown Lands Act of 1860* or the *Agricultural Reserves Act of 1863* or the *Leasing Act of 1866* or any of said Acts at the time of the passing of this Act or of land selected for the growth of sugar and coffee under the provisions hereinafter contained.

Conditional purchaser to make declaration.

53. On making application for any land under the foregoing clauses of this Act a conditional purchaser shall be required to make a solemn declaration to the effect contained in schedule E Provided always that this shall not apply to conditional purchases or selections of land made by a pastoral tenant to secure his homestead or improvements on the resumed half of his original run or to secure his improvements on the leased half as provided by this Act.

No minor or married woman to be lessee or assignee.

54. No person shall become the lessee or assignee of any of such land who is an infant or a married woman not having obtained a decree for judicial separation or an order protecting her separate property binding in Queensland or who is not a natural born or naturalized subject of Her Majesty or who is in respect of the land which he applies to select or any part thereof an agent or a servant of or a trustee for any other person or who at the time of his application has entered into any agreement expressed or implied to permit any other person to acquire by purchase or otherwise the land for which he applies And all land applied for under this part of this Act shall be so applied for the *bond fide* use and benefit of the applicant in his own proper person and not as the agent servant or trustee of any other person Provided always that if any person shall in violation of any of the provisions of this section become the lessee or assignee of any land under the above provisions the Governor may declare the lease of such land to be forfeited And on proclamation of such forfeiture the term created by such lease shall cease and determine and all the right title and interest of the lessee and of every assignee in and to such lease or the land to which it refers and all moneys paid in respect of the land comprised therein and the said land itself with all improvements thereon shall be absolutely forfeited and the said land shall revert to the Crown to be dealt with as herein provided Provided also that all contracts agreements and securities made entered into or given with the intent or which (if the same were valid) would have the effect of violating all or any of the provisions of this part of the Act or of any covenant or condition of a lease granted under this part of the Act and all contracts and agreements relating to land selected under the foregoing provisions made and entered into before at or after the execution of a lease and to take effect wholly or in part at or after the termination of the lease on completion of conditions shall be and are hereby declared to be illegal and absolutely void whether at law or in equity.

Proviso in case of breach of conditions.

Power to select lands adjoining selections.

55. It shall be lawful for any selector of any piece of land or his legal alienee to make additional selection of lands adjoining to his

his first selection or to each other but not otherwise and not exceeding in the aggregate including such first selection six hundred and forty acres of agricultural land two thousand five hundred and sixty acres of first-class pastoral land and seven thousand six hundred and eighty acres of second-class pastoral land and subject to all the conditions applicable to such first selection except residence. Provided that in the measurement of such aggregate the proportion of frontage to depth shall not exceed the proportion required by the provisions of this Act in the case of an original selection. Provided also that nothing herein contained shall prevent the sale of the adjoining lands to any other person before such additional selection shall have been applied for.

56. It shall be lawful for the Crown grantee of any lands within the settled districts *bond fide* residing on some part of such land to select adjoining Crown lands open for selection the area of which shall not exceed the maximum quantity allowed which selected lands shall be subject to all the conditions other than that of residence. Provided that nothing herein contained shall prevent the sale of such adjoining lands to any other person before selection shall have been applied for by such grantee.

Power to select lands adjoining lands granted.

57. So soon as a lessee shall have made the last payment of instalments as hereinbefore provided he shall be entitled to a grant in fee simple of the land leased to him subject however to the payment of the fees chargeable on the issue of deeds of grant and provided that he shall prove to the Governor in Council that he has faithfully complied with all the covenants and conditions contained in or implied by his lease under the provisions of this Act.

Right to grant.

58. It shall not be lawful for the lessee of any land under the provisions of this Act or any person claiming through or under him to transfer or assign the same without the consent of the Minister for Lands and registering the transfer or assignment in the district land office and any transfer or assignment made or attempted to be made shall be absolutely void and of no effect until such registration and a fee of ten shillings shall be paid for every such registration.

Transfer &c. to be registered.

59. A transmission of interest by death or marriage shall not be deemed a transfer under the provisions of this Act.

60. No judgment of the Supreme Court or of any district court or court of petty sessions nor any writ of *fieri facias* or warrant of execution issued upon any such judgment shall have any effect upon land selected under the provisions of this part of this Act unless and until a grant of such land in fee-simple shall have been issued.

Transmission by death &c.

Judgments not to attach.

61. If the Governor shall make or cause to be made on behalf of the Crown entry upon any land selected and leased as above for breach of any of the provisions of this Act or for non-payment of instalments or breach of any condition or covenant contained in any such lease as aforesaid such forfeiture shall be proclaimed and the Governor may cause the same to be notified as again open for selection or direct it to be sold by auction in fee-simple.

Forfeiture to be proclaimed by Governor.

62. It shall not be lawful for any conditional or other purchaser of land under this Act to depasture upon his land so conditionally or otherwise purchased until such land is securely fenced more than in the proportion of twenty head of cattle or horses or fifty sheep for every hundred acres of land. And the brands of all such sheep cattle or horses shall be registered at the office of the commissioner of the district.

Proportion of pasturage allowed to purchasers.

63. Upon proof being given to the satisfaction of the commissioner for the district that any conditional or other purchaser of land or pastoral lessee under this Act has broken the conditions of this

Penalty for over pasturage.

Act

Act either by not registering the brands of his sheep cattle or horses or by running a greater number of such sheep cattle or horses on his land than allowed in clauses sixty-two and sixty-four of this Act such conditional or other purchaser or pastoral lessee shall be liable to a fine of not more than two shillings and sixpence per head of cattle or horses and threepence per head of sheep in excess of the number allowed to be depastured under the conditions of this Act.

Right of pastoral  
tenant to depasture.

64. The right of the pastoral tenant to depasture on the unleased portion of his run during the unexpired period of the lease originally granted as set forth in clause seven of this Act shall be limited to not more than one-third of the number of sheep cattle and horses actually depastured on the Crown lands of the run at the time of its subdivision or as many less as the commissioner may direct and the license as renewed from time to time shall be still further limited in proportion to the land alienated on such run to any conditional or other purchaser Provided that it shall not be lawful for the pastoral tenant holding such grazing license as aforesaid to impound any cattle or horses belonging to any conditional or other purchaser of land on such run found on the land held by him under such grazing license or any sheep belonging to any conditional or other purchaser as aforesaid found less than one quarter of a mile from the boundary of the land of such purchaser.

*Selections for Sugar and Coffee Plantations.*

Selection for sugar  
and coffee.

65. Whenever any applicant for selection of land within ten miles from the coast or any navigable river not being included in lands leased to the pastoral tenant for ten years as hereinbefore provided shall state in his application that he intends to use the land applied for in the cultivation of sugar or coffee he shall be allowed to select a block of agricultural land in area not less than three hundred and twenty nor more than one thousand two hundred and eighty acres the boundaries of which shall bear the same proportion of frontage to depth as required in the case of any other lands selected under the provisions of this Act and provided such selector shall within three years from the date of his application prove to the satisfaction of the Governor that one-tenth part of the land selected is under cultivation in either sugar or coffee he shall be relieved on applying for his grant from proof of residence or of further or other cultivation but in all other respects he shall be liable to the same conditions and covenants as any other selector under the provisions of this Act.

Lessees in agricul-  
tural areas or under  
coffee or sugar regu-  
lations may purchase  
by selection.

66. It shall be lawful for any person who shall at the commencement of this Act hold land under a lease issued under the sugar and coffee regulations hitherto existing to apply to the Minister for leave to bring the same under the provisions for selection of agricultural land by conditional purchasers contained in this Act and if such lessee shall have at the time of his application fully complied with all the conditions binding upon him in respect of such land such application shall be granted Provided that for the money already paid as rent credit shall be given the holder as instalments of the purchase money and that in such case no covenants shall apply except those having reference to the regular payment of the instalments of purchase money still due.

Lands in some cases  
may be held under  
provisions of this Act.

67. Any person who shall at the commencement of this Act be the lessee under the twelfth section of the *Alienation of Crown Lands Act of 1860* of any lands within an agricultural reserve may apply within six months after the passing of this Act to the Minister for leave to hold the same as agricultural lands as hereinbefore provided under the provisions of this Act Provided always that payments of rent already made shall be credited as instalments of the purchase money And provided further that in the case of leases under the  
twelfth



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twelfth section of the *Alienation of Crown Lands Act of 1860* which leases expired on the thirty-first day of December one thousand eight hundred and sixty-six the lessee may apply for renewed leases under this Act within six months from the passing of the same And that in both such cases no covenants shall apply except those having reference to the regular payment of the instalments of purchase money still due.

*Leases for Special Purposes.*

68. Any selector who before the passing of this Act shall have selected land in any agricultural reserve under the fourth and fifth sections of the *Agricultural Reserves Act of 1863* or *Leasing Act of 1866* and who shall have proved by two credible witnesses to the satisfaction of the commissioner that he his heirs assigns or lessees is or at the time of selection was a resident within the district over which such commissioner may have jurisdiction is hereby empowered at his option to substitute improvements in lieu of cultivation the fencing of the said land to be deemed and taken to be part of the said improvements Provided that such improvements shall in the aggregate be equal to the sum of five shillings per acre on the total number of acres so selected by him as aforesaid and upon the said selector proving by two credible witnesses to the satisfaction of the commissioner of the district that he has performed the conditions aforesaid then the said commissioner shall issue a certificate accordingly and the said selector shall thereupon be entitled to a deed of grant in fee simple subject however to the payment of the fees chargeable in the issue of the said deed of grant and balance of rent due.

Selector may substitute improvements in lieu of cultivation.

69. It shall be lawful for the Governor to lease any portion of land not exceeding five acres to any one person or company for any special purpose such as for the erection of wharves storehouses slips for building or repairing vessels baths works for supplying water or gas to any town Provided that the term of lease shall not in any case exceed five years and that it shall be a condition that such lease may at any time be cancelled on giving six months' notice and payment of the value of the improvements and that the annual rent shall in no case be less than one pound per acre.

Governor may grant leases for five years for special purposes.

70. If at any time after the filing of the affidavit required in clause seventy-three and before the expiration of the five years aforesaid it shall be proven to the satisfaction of the commissioner subject however to appeal to the Governor in Council that the person having filed such affidavit his family or his or her heirs shall not have actually resided continuously on the said land then and in that event the land so entered shall revert to the Crown.

Provision for abandonment of land.

*Homesteads.*

71. It shall be lawful for any person who is the head of a family or who has arrived at the age of twenty-one years and who would be enabled under clause fifty-four to make a selection of land to enter upon one hundred and sixty acres or a less quantity of unappropriated public lands which may be open for selection Provided that any person owning and residing on land may under the provisions of this Act enter other land lying contiguous to his or her said land which shall not with the land so already owned and occupied exceed in the aggregate one hundred and sixty acres Provided that any person who shall hereafter arrive in the colony at the public expense either wholly or in part shall not be entitled to the benefit of this section of the Act until he shall have resided in the colony continuously for the period of three years.

Homesteads.

72. Selections by homestead lessees shall be in one block and not exceed eighty acres of agricultural or one hundred and sixty acres of

Homesteads must be in one block.

of first or second-class pastoral lands subject to the yearly payment in advance for five years from the date of entry of a quit rent of ninepence per acre in agricultural land and sixpence per acre on first and second class pastoral land.

Applicant to make affidavit.

73. The person applying for a homestead shall upon application to the land agent in the district in which he is about to make such entry make affidavits before the said land agent that he or she is the head of a family or is twenty-one or more years of age and that such application is made for his or her exclusive use and benefit that he or she has not on any former occasion exercised such right or homestead selection and that said entry is made for the purpose of actual settlement or cultivation and not either directly or indirectly for the use or benefit of any other person or persons whomsoever and upon filing the said affidavit and on payment of the survey fees he or she shall thereupon be permitted to enter the quantity of land specified. Provided however that no grant shall be given or title issued therefor until the expiration of five years from the date of such entry and if at the expiration of such time or of any time within two years thereafter the person making such entry or if he be dead his widow or in case of her death his heirs or devisees or in case of a widow making such entry her heirs or devisees in case of her death shall prove to the satisfaction of the commissioner of the district by two credible witnesses that he she or they have resided continuously upon the land and cultivated one tenth part of the same or that in addition to residence as aforesaid he she or they shall prove to the satisfaction of the said commissioner that the said land has been fenced in with a good and substantial fence during the time of five years immediately succeeding the time of filing the affidavit aforesaid and shall make affidavit that no part of said land has been alienated and then in such case he she or they shall be entitled to a Crown grant. And provided further that in case of the death of both father and mother having an infant child or children under twenty-one years of age the right or fee shall ensue to the benefit of said infant child or children and the executors administrators or guardians may at any time within two years after the death of the surviving parent sell said lands for the benefit of said infants but for no other purpose and the purchaser shall acquire the absolute title by the purchase and be entitled to a Crown grant on payment of the deed fees.

Lands not liable to debt.

74. No lands acquired under the foregoing provisions shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the Crown grant thereof.

Limits to applicants.

75. No individual shall be permitted to acquire title to more than one hundred and sixty acres under the provisions of the foregoing sections and the Minister for Lands is hereby required to prepare and issue such rules and regulations consistent with this portion of this Act as shall be necessary and proper to carry its provisions into effect.

May in some cases purchase at upset price.

76. Nothing in this portion of this Act shall be so construed as to prevent any person who has availed himself of the benefits of the foregoing sections of this portion of this Act from paying the upset price for the quantity of land so entered at any time after two years and before the expiration of the five years and obtaining a grant therefor from the Governor on making proof of residence and cultivation as required by this Act.

*Gold Field and Township Commons.*

Gold field reserver to be commons.

77. All existing gold field reserves or any hereafter to be proclaimed shall be deemed to be commons subject to the provisions herein set forth.

78. It

78. It shall be lawful for the Governor in Council to proclaim any unsold land as a township common upon the following conditions—

Conditions upon which commons may be proclaimed.

- (1.) That a petition signed by not less than thirty freeholders resident within such township praying for the proclamation of a common adjoining thereto shall have been presented to the Governor in Council.
- (2.) That after the said petition shall have been notified in the *Government Gazette* for a period of sixty days no counter petition shall have been presented signed by a larger number of freeholders resident within the said township.

79. Every such common shall be proportioned to the number and wants of the freeholders resident in the said township but shall in no case exceed twenty square miles.

Extent of common.

80. Notwithstanding proclamation the fee simple of all common lands shall be deemed to be vested in the Crown and unalienated and nothing herein contained shall prevent the sale of any land comprised in any common. Provided that it shall be lawful for the Governor in Council to extend such common proportionally to any such sales which may be effected subsequent to its proclamation.

Crown to retain commonages.

Commonages may be extended.

81. The Minister for Lands shall be empowered to frame regulations impose fines and constitute the machinery requisite to give effect to commonage rights subject however to the following conditions—

Minister for Lands to frame common regulations.

That such regulations shall have received the assent of the Governor in Council

That commonage rights shall appertain solely to residents in such townships. Provided that nothing herein contained shall prevent *bonâ fide* travellers from depasturing their bullocks horses or other stock. Provided also that no person travelling with stock shall be deemed a *bonâ fide* traveller who shall not proceed four miles in one direction during every twenty-four hours unless delayed by floods.

That the depasturing of sheep except under special conditions shall be prohibited

That payment be made for the depasturing of cattle at a rate not less than two shillings per head per annum and that in no case any one freeholder be allowed to run more than twenty head on the same common.

82. For the purpose of the foregoing clause "cattle" shall mean and include mares geldings colts fillies asses mules cows oxen heifers steers and calves but shall not apply to any entire male animals exceeding six months old.

Definition of "cattle."

#### *Sales by Auction.*

83. It shall be lawful for the Governor to cause town suburban or country lands of different classes or any such lands as may have been leased by selection and thereafter forfeited to be offered for unconditional sale by public auction and to cause maps of such lands to be prepared showing and specifying the counties parishes or towns as the case may be in which the same shall be respectively situated and also showing all intended reserves for water roads or other purposes in accordance with the provisions of this Act as also the boundaries and giving the areas of all allotments therein and the length and bearings of all outside lines comprised in such surveys and such maps shall be deposited as public maps in the office of the Surveyor-General.

Governor may cause lands to be surveyed.

84. All such lands shall be distinguished into classes as town suburban and country lots according to their respective positions as the Governor may deem advisable.

Subdivision.

85. Such

- Lands to be allotted. 85. Such lands shall be allotted as nearly as may be in areas according to the following scale—  
 Town lands in allotments of from one rood to one acre.  
 Suburban lands within one mile from town lands in lots of one acre to eighty acres  
 Suburban lands over one mile from town lands in lots of forty acres to one hundred and sixty acres.  
 Country lands in lots of from forty to six hundred and forty acres.
- Proclamation of lands for sale. 86. It shall be lawful for the Governor after such maps as aforesaid have been deposited in the office of the Surveyor-General to proclaim any of the lands comprised therein for sale by public auction.
- Upset price. 87. It shall be lawful for the Governor from time to time to fix the upset price at which any such lands shall be sold Provided always that such upset price shall not in any case be less than—  
 For town lands eight pounds per acre  
 For suburban lands one pound per acre when within one mile from town lands and fifteen shillings per acre when beyond one mile from town lands  
 For agricultural lands fifteen shillings per acre  
 For first-class pastoral lands ten shillings per acre  
 For second-class pastoral lands five shillings per acre  
 And such lands shall be so proclaimed for sale as aforesaid for not less than four consecutive weeks nor more than three calendar months previous to the intended date of sale.
88. Every proclamation shall specify—  
 The day and hour of sale  
 The place of sale  
 The classes of the land to be sold  
 The number of the allotments  
 The respective areas of the same  
 The upset price thereof respectively with the value as approved of any improvements thereon as aforesaid  
 And it shall be lawful for the Governor in selling such lands as aforesaid to add to the upset prices as hereinbefore provided the value of such improvements as may have been made on such lands the value of such improvements to be appraised as hereinafter provided and to pay to the lessee or lessees of such lands or his or their executors or administrators the amount or amounts which may have been fixed as the value of such improvements as aforesaid or such portion thereof as may be deemed advisable.
- Land agent to conduct sale. 89. Every such sale shall be conducted either by a licensed auctioneer to be appointed by the Governor or by the land agent nearest to the land offered for sale or such other place as the Minister may appoint and such land agent shall not require to be licensed as an auctioneer for any such sale nor incur any penalty on account of not being so licensed.
- Power to withdraw. 90. It shall be lawful for the Governor or any officer authorised in that behalf to withdraw any allotment or allotments from sale at any time from the first proclamation thereof up to the hour of the commencement of such sale as proclaimed.
- Preparation of conditions of sale. 91. It shall be lawful for the Governor to prepare or cause to be prepared for any such sale such conditions as may appear advisable and consistent with the provisions of this Act.
- Conditions to be read. 92. At the time and place of sale the auctioneer or land agent shall read openly the conditions under which such sale is held and also exhibit openly a copy of such conditions and all purchasers and bidders at any such sale shall be bound by such conditions.
- Deposit payable at sale. 93. The highest bidding for each allotment sold together with the name of the purchaser shall be announced by the auctioneer or land

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land agent at the time of sale and the purchaser shall thereupon pay to such agent a deposit at the rate of twenty pounds per centum upon and on account of the purchase money.

94. The residue of such purchase money together with the deed fees and survey fees as per schedule shall be paid to such land agent at his office or into the Treasury within one calendar month from the date of such sale and upon such payment of such residue and fees the purchase shall be deemed complete and a deed of grant in fee-simple shall then issue to the purchaser. Payment of residue.

95. In case such residue shall not be so paid such deposit shall be absolutely forfeited to the Crown and the depositor shall not nor shall any one claiming through under or in trust for him have any claim whatsoever against either the land agent the Government or any other person whomsoever either for the deposit paid or the land intended to be purchased or any part thereof respectively. Forfeiture for default.

96. Any country lots which may have been offered at auction under the provisions of this Act and not sold or withdrawn from sale may be purchased by selection at the same rate as previously offered at auction as hereinafter specified— Country lands offered at auction and not sold may be purchased by selection at an advanced price.

Country lots of agricultural lands fifteen shillings per acre.  
Country lots of first-class pastoral lands ten shillings per acre.  
Country lots of second-class pastoral lands five shillings per acre.

97. Any person desiring to purchase country lots by selection after the same shall have been offered at auction and not sold shall apply to the land agent in the form in the schedule C to this Act and shall at the same time pay into the hands of the land agent the full price of the land together with the deed and survey fees and such applicant shall thereupon be deemed to be the purchaser of such lot. Purchasing country lots by selection.

98. Every officer non-commissioned officer and member of the volunteer force of Queensland not being on the paid staff of or serving for regular pay in the said force shall be entitled after having served as an efficient member of such force for a continuous period of five years from the passing of this Act to receive from the Government in consideration of his efficient service a free grant of ten acres of suburban lands or fifty acres of country land subject to such regulations and conditions as may from time to time be approved of by the Governor and laid before both Houses of Parliament and the certificate of the officer commanding the volunteer force shall be sufficient evidence that any officer non-commissioned officer or volunteer has served as an efficient volunteer the prescribed term of five years. Grants to volunteers  
Provided that in the case of volunteers who have previously served in this colony five years' service shall be deemed to count for three years and three years for eighteen months for the purposes of this Act. Previous service of volunteer to count.

*Conditions of Sale of Improved Lands Forfeited by Lessees.*

99. When any improved lands shall be forfeited by a lessee or licensed occupant it shall be lawful for the Governor to cause such improved lands to be offered for sale at auction at the upset price of unimproved lands similarly situated and if such land shall be sold together with the improvements thereon for a higher price than the upset then such additional sum not exceeding the value of such improvements may be paid to the person who forfeited the improved land. Governor may sell forfeited improved lands at auction and pay value of improvements to lessee who has forfeited. Provided that if any such improved lands shall have been offered twice at auction at the upset price of unimproved lands and shall not be sold the whole of the proceeds of any subsequent sale shall be paid to the Government and all claims on the part of the persons who effected the improvements on the land shall absolutely cease.

100. The Governor in Council may (subject to any regulations to be issued by Government) authorise the commissioners or bench of magistrates Licenses to cut timber &c. may be granted.

Provided any reasonable objection may be entertained by Government.

magistrates to issue licenses for any term not exceeding one year to enter any Crown lands whether under pastoral lease or license or not and to cut and take therefrom any timber and to dig for and remove any gravel stone brick earth shells or other material but not within two miles of any head station unless by the consent of the lessee. Provided that the fee fixed for such license shall be paid in advance. Provided also that any pastoral lessee or licensee under this Act may make any reasonable objection to the granting of such license and the granting or withholding of such license after any objection shall have been made to the commissioner or bench of magistrates shall be determined by the Governor with the advice aforesaid. Provided that any pastoral lessee may by notice in writing to that effect given to any such licensee restrict him or her from exercising his or her rights as such licensee in any given spot to be mentioned in such notice for a period not exceeding one month and such licensee shall within such period appeal to the commissioner or nearest bench of magistrates who shall have power respectively to decide the matter in issue between the parties and such licensee shall be liable to a penalty not exceeding twenty pounds if after such notice given as aforesaid or in the event of the matter in issue being decided against him or her he or she shall exercise the right of a licensee which penalty may be recovered before any two of Her Majesty's justices of the peace in petty sessions in the manner prescribed by law.

Persons authorised by Government not to be obstructed by pastoral lessees in cutting timber &c.

101. Except as provided in the foregoing clause pastoral lessees or licensees of runs under this Act shall not have power to restrict other persons duly authorised by the Government either from cutting or removing timber or material for building or other purposes or from searching for any metal or mineral within the run leased.

#### *Appraisement and Arbitration.*

Mode of appraisement or arbitration.

102. Whenever it shall become necessary under the provisions of this Act to fix or ascertain any price value or sum of money or to settle any question or other matter not otherwise provided for by this Act the Minister and the claimant in matters concerning the rights of the Crown and each of the respective parties interested in any other case may concur in the appointment of a single appraiser or arbitrator as the case may require and failing such concurrence it shall be lawful for each party of his own accord or on the request of the other to appoint an appraiser or arbitrator as the case may require and upon such appointment to give notice thereof to the other party or parties and the matter in question shall be inquired into and determined by such single appraiser or arbitrator or such appraisers or arbitrators or their umpire hereinafter referred to.

Arbitrators to appoint umpire.

103. If there be more than one appraiser or arbitrator the appraisers or arbitrators shall before they enter upon the reference appoint by writing under their respective hands an umpire and if any such umpire die or become incapable to act the appraisers or arbitrators shall proceed to appoint another in his place as if they had not already appointed one and in case the appraisers or arbitrators fail to appoint an umpire within thirty days after being requested so to do by any party to the appraisement or arbitration the Minister may appoint an umpire whose powers shall be as ample and complete as if he had been appointed by all parties but such umpire shall not be a Government officer.

Costs in discretion

104. All costs charges and expenses of and attending any such appraisement or arbitration shall be in the discretion of the appraiser or appraisers arbitrator or arbitrators or umpire who shall make the final award subject to appeal in case of dispute to the Governor in Council.

Appointment of umpires to be under hands of arbitrators.

105. Every such appointment and notice respectively shall be in writing under the hand or hands of the party or parties making or giving

giving the same respectively or if any such party be a corporation with a corporate seal under such corporate seal and each such appointment shall be delivered to the appraiser or arbitrator appraisers or arbitrators and by him or them attached to the award when made and shall be deemed a submission by the parties signing the same to appraisement or arbitration as the case may be.

106. After the making of any such appointment the same shall not be revocable without the consent of both or all parties to the dispute nor shall the death of either or any such party operate as a revocation. Appointments irrevocable.

107. If for the space of sixty days next after either party shall have given to the other such notice as above referred to of the appointment of an appraiser or arbitrator such notice including a statement of the matter in dispute and a copy of such appointment the party to whom notice is given shall fail to appoint an appraiser or arbitrator on his own account and to give similar notice of such appointment the appraiser or arbitrator appointed by the party giving the notice shall be deemed and taken to be concurrently appointed by and shall act on behalf of both parties. Arbitrator in certain cases to act for both parties.

108. The award under the provisions of this Act of any such single appraiser or arbitrator concurrently appointed or the joint award of the appraisers or arbitrators when they can agree and when they cannot the award of their umpire appointed as above stated shall be binding final and conclusive upon all persons and to all intents and purposes whatsoever. Award final.

109. Any submission to appraisement or arbitration under the provisions of this Act as also any valuation or award made thereupon respectively may and shall be made a rule of the Supreme Court of Queensland at the instance of any party thereto respectively. Award may be made a rule of court.

110. Before any appraiser arbitrator or umpire shall enter upon the consideration of any matter referred to him as aforesaid he shall make out and subscribe a declaration before a justice of the peace in the form following (that is to say)— Appraiser and arbitrator or umpire to make declaration.

I A B do solemnly and sincerely declare that I am not directly or indirectly interested in the matter referred to me and that I will faithfully honestly and to the best of my skill and ability hear and determine the matter referred to me under the provisions of the "*Crown Lands Alienation Act of 1868.*"

111. Such declaration as aforesaid shall be annexed to the appraisement or award when made and if any appraiser arbitrator or umpire shall wilfully act contrary to such declaration he shall be guilty of a misdemeanor independent of and in addition to any charge of perjury that may be brought against him in respect of a false declaration. Any breach of declaration to be a misdemeanor in addition to perjury.

112. Every appraisement or award under the foregoing provisions shall be in writing under the hands of the appraiser or appraisers arbitrator or arbitrators or umpire making the same and together with the papers hereinbefore directed to be attached to it shall be forwarded with all convenient speed to the Minister and deposited as a record in his office. Appraisement or award to be in writing.

113. In case appraisers or arbitrators fail to make their award within sixty days after the day on which the last of them was appointed or within such extended time if any not exceeding thirty days as shall have been duly appointed by them for that purpose the matters referred shall be left to the sole decision of the umpire and the sole decision of the umpire and the provisions of this Act with respect to the time for making the appraisement or award and with respect to extending the same in the case of a single arbitrator concurrently appointed shall apply to any umpirage. If default made in making award the umpire shall divide.

114. If one of two or more appraisers or arbitrators before the making of their award die or become incapable to act the party by whom Appointment of new arbitrators.

whom such appraiser or arbitrator was appointed may appoint another in his stead and if he fail to do so for sixty days next after notice in writing from the other party in that behalf the remaining appraiser or arbitrator may proceed and shall be deemed to have been concurrently appointed by both parties.

In case of death of single arbitrator proceedings to commence *de novo*.

115. If a single appraiser or arbitrator concurrently appointed die or become incapable to act before the making of his award or fail to make his award within sixty days after his appointment or within such extended time if any not exceeding thirty days as shall have been duly appointed by him for that purpose the matters referred to him shall be again referred to appraisement or arbitration under the provisions hereinbefore contained as if no reference had been already made.

*Misdemeanor Trespass Penalties and General Clauses.*

Power to appoint Crown bailiffs

116. It shall be lawful for the Governor from time to time to appoint a sufficient number of persons as bailiffs of Crown lands and every such bailiff may and shall during his continuance in office and without prejudice to the rights and duties of any land agent or commissioner of Crown lands do on behalf of Her Majesty or on behalf of the Governor or the Minister in respect of all and any Crown lands or lands selected prior to grant all necessary acts for preventing intrusion encroachment or trespass on such lands or for levying or recovering the rent or the license fee payable in respect thereof or for taking and recovering possession of any allotment or lands in case of forfeiture or for such other purpose as any bailiff lawfully appointed may by law do in respect of any lands tenements or hereditaments of his employer.

Proceedings against trespassers.

117. Whenever any person is in the occupation of any Crown lands such person being unauthorised as a pastoral lessee or licensee or if so authorised contrary to or in hindrance of the provisions of this Act or under color of any lease issued under the provisions of this Act which shall have become forfeited or revoked it shall be lawful for any land agent bailiff of Crown lands or police constable to prefer to any justice an information in writing setting forth such occupation and such justice shall thereupon issue his summons for the appearance before any two justices at a place and time to be therein specified of the person against whom any such complaint is made and the justices if on hearing the case they are satisfied of the truth of the complaint shall issue under their hands a warrant to dispossess and remove such person from such Crown lands and to take possession of the same on behalf of Her Majesty and any constable to whom any such warrant shall be directed shall forthwith execute the same according to the tenor and exigency thereof.

No land agent or licensed surveyor may purchase land in respect of which he may be employed.

118. If any commissioner land agent or licensed surveyor or any district surveyor directly or indirectly purchase any land declared open for selection in any proclamation in which he is named or being land respecting which he acts as land agent or in the survey or classification of which lands he may have been concerned he shall thereby forfeit his office or license as the case may be and shall also forfeit the sum of one hundred pounds with full costs of suit which may be recovered by any person who may sue for the same in the nearest district court or in the Supreme Court of Queensland.

Removal of boundary mark to be a misdemeanor.

119. If any person shall wilfully obliterate remove or deface any boundary mark which may have been made or erected by or under the direction of any licensed surveyor land agent bailiff of Crown lands arbitrator valuer or other person who shall have lawfully made or erected the same under or in pursuance of any of the provisions of this Act such person so offending shall be guilty of a misdemeanor.



120. All actions or other proceedings unless undertaken on behalf of the Crown against any land agent bailiff of Crown lands or other officer acting under the provisions of this Act for anything wrongfully done under or against the provisions of this Act shall be commenced within twelve months after the matter complained of was committed and not otherwise. And notice in writing of any such action or proceeding and of the cause thereof shall be given to the defendant one month at least before the commencement of such action or proceeding. And in every such action or proceeding the defendant may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon. And the plaintiff in any such action shall not recover if tender of sufficient amends shall have been made before the commencement of such action or if a sufficient sum of money shall have been paid into court after such commencement by or on behalf of the defendant together with costs incurred up to that time. And if a verdict shall pass for the defendant or the plaintiff shall become nonsuit or discontinue his action or proceeding or if upon demurrer or otherwise judgment shall be given against the plaintiff the defendant shall recover from the plaintiff his full costs as between attorney and client and have the like remedy for the same as any defendant has by law against his plaintiff in similar cases.

*Limitation of actions.*

121. It shall be lawful for any person who shall feel himself aggrieved by the conviction or decision of any justice or justices under any of the provisions of this Act to appeal therefrom to the district court nearest to the place where such conviction or decision shall have been given and the execution consequent upon the conviction or decision so appealed from shall be suspended on the appellant with two or more sufficient sureties entering before such justice or justices into a bond or recognizance to Her Majesty in the sum of fifty pounds which bond or recognizance the said justice or justices are hereby authorised to take and the obligee by such bond or recognizance shall be bound to prosecute such appeal to conclusion and to be forthcoming to abide the determination of the said court and to pay such costs if any as the said court shall award against him and such court is hereby authorised and required to hear and determine the matter of the said appeal and in any such matter the decision of such court shall be final and conclusive to all intents and purposes whatsoever.

*Appeal from justices to nearest District Court.*

122. No order or other proceeding made or taken by any justices or any district court touching or concerning the conviction of any offenders or touching or concerning any other matter or thing arising out of the provisions of this Act shall be liable to be quashed or vacated for want of form only or be removed or removable by *certiorari* or any writ or process whatsoever into the Supreme Court.

*No proceedings under this Act to be removable by certiorari.*

123. Any lease or other instrument issued under the provisions of this Act may in all legal proceedings on proof of the destruction or loss or unwarrantable detention of the original be proved by the production of a certified copy thereof signed by the officer who issued the original or any of his successors in office or by any other officer authorised for that purpose under or by virtue of any regulation issued under the provisions of this Act.

*Lease may be proved by certified copy.*

124. It shall be lawful for the Governor from time to time to make and alter or rescind all necessary regulations for the due carrying out of the provisions of this Act and for the care protection and management of all public parks and reserves and for the preservation of good order and decency therein and all such regulations shall be proclaimed and be posted in some conspicuous place in every such park or reserve and every person who shall knowingly and wilfully offend against any such regulation shall on conviction before a justice forfeit and pay a penalty not exceeding five pounds for each such offence in addition to any other penalty he may incur.

*Governor may make necessary regulations.*

*Crown Lands Alienation Act of 1868.*

incur for the same action under any other law and every person who shall knowingly and wilfully offend against any such regulation and after being warned by any bailiff of Crown lands park keeper or police constable shall not desist from so offending may be thereupon apprehended by such bailiff park keeper or constable and taken before some justice of the peace and shall be liable on conviction to forfeit and pay a penalty not exceeding ten pounds.

Forms provided in  
schedules.

125. For the purposes of this Act the forms contained in schedules C D E F and G shall be so far as practicable the forms to be used in carrying out the provisions of this Act.

False declarations  
under this Act to be  
deemed perjury.

126. Any person who shall wilfully make a false statement in any declaration made in pursuance of this Act shall be guilty of perjury.

Punishment for fraud  
or evasion &c.

127. Any person who shall fraudulently evade or attempt to evade any of the provisions of this Act or otherwise commit any fraud thereon for the acquisition of land or shall aid any such evasion attempt or fraud shall be guilty of a misdemeanor and on conviction thereof shall be imprisoned and kept to hard labor for a period of not more than two years.

Land so acquired to  
be forfeited to the  
Crown.

128. Lands acquired by any evasion of or fraud upon the provisions of this Act shall be forfeited to the Crown and the Crown bailiffs or one of them shall re-enter such lands on behalf of the Crown and if necessary shall maintain an action of ejectment for recovery thereof in the name and on behalf of Her Majesty.

Person conveying  
land fraudulently  
acquired.

129. Any person who shall convey transfer lease or assign any lands acquired or held by any fraud upon the provisions of this Act knowing the same to have been so acquired or held shall be guilty of a misdemeanor and on conviction thereof shall be imprisoned and kept to hard labor for not more than twelve calendar months.

Punishment.

Commencement of  
Act.

130. This Act shall commence and take effect from the first day of March one thousand eight hundred and sixty-eight.

Short title.

131. This Act shall be styled and may be cited as the "*Crown Lands Alienation Act of 1868.*"

#### SCHEDULE A.

*Acts &c. repealed.*

The Orders in Council and Regulations issued under the Imperial Act of Parliament 9 and 10 Victoria chapter 104 and the following Colonial enactments—

| Date of Act.        | Title of Act.  |
|---------------------|--|
| 4 Wm. IV. No. 10... | An Act for protecting the Crown Lands of this colony from encroachment intrusion and trespass  |
| 5 Wm. IV. No. 12... | An Act to amend an Act intituled "An Act for protecting the Crown Lands of this colony from encroachment intrusion and trespass"   |
| 11 Vic. No. 31 ...  | An Act to enable trustees of commons in New South Wales to have perpetual succession and to empower them to regulate the use of such lands as may be granted as commons within the said colony and for other purposes relating thereto |
| 24 Vic No. 15 ...   | The Alienation of Crown Lands Act of 1860  |
| 27 Vic. No. 23 ...  | The Agricultural Reserves Act of 1863  |
| 30 Vic. No. 12 ...  | The Leasing Act of 1866  |

And all resolutions of both Houses or either House of the Parliament of Queensland relating to the occupation alienation or other disposal of the Crown lands of the colony of Queensland and all regulations made under any of the abovementioned Acts or any of the resolutions above referred to.

#### SCHEDULE B.

SETTLED DISTRICT.

Commencing at Point Danger and bounded thence by the southern boundary of the colony westerly to Maryland thence by Herries' Range and the range separating the Condamine River from the McIntyre River Weir River and Moonie River to the head of Wilkie's Creek then by the watershed separating the Condamine River from Wilkie's Creek

*Crown Lands Alienation Act of 1868.*

Creek to their junction then by the Condamine River to the junction of Gooranga Creek then by that creek to its head in the Great Dividing Range then by said range and the range separating the Brisbane River from the Burnett River thence by the range separating the Mary River from the Brisbane River thence by the range separating the Mary River from the Burnett River and by a spur range to the junction of the Degilbo Creek with the Burnett River thence by a line north-west to the watershed separating the Burnett River from the Kolan River thence by that range and by the range separating the Burnett River from the Boyne River and Kroombit Creek thence by the range separating the Dawson River from Kroombit Creek and the Dee River to Mount Spencer thence by the western watershed of Googanja Creek to the junction of that creek with the Fitzroy River thence by a line north-west to the range separating the McKenzie River from the streams tributary to the River Fitzroy below Googanja Creek thence by that range and the range separating the Isaac's River from water flowing direct to the coast to Long Hill thence by a line bearing north-west to a point thirty miles in a direct line from the seacoast thence by a line parallel to the seacoast at a distance of thirty miles to the 133 degrees meridian of east longitude being the west boundary of the colony thence by that boundary to the seacoast and by the seacoast to the point of commencement.

## SCHEDULE C.

Received this Application by day of 18 at o'clock Agent.  
Police District of 18 .

I\* am desirous of purchasing the portion of Crown Lands hereunder described which is now open to selection without competition having been previously offered for sale and not bid for (or sold and the deposit thereon forfeited as the case may be) and I hereby tender the sum of pounds shillings and pence as the price thereof including the Fee on the Deed.

|  |     |     |     |     |
|--|-----|-----|-----|-----|
| No. of lot at previous sale                | ... | ... | ... | ... |
| Date of proclamation                       | ... | ... | ... | ... |
| Date when offered for sale                 | ... | ... | ... | ... |
| No. of acres in the lot                    | ... | ... | ... | ... |
| County                                     | ... | ... | ... | ... |
| Parish or place                            | ... | ... | ... | ... |
| No. of portion                             | ... | ... | ... | ... |
| Upset price (if not bid for)               | ... | ... | ... | ... |
| Price at which sold (if deposit forfeited) | £   | ... | ... | ... |
| Less deposit forfeited                     | ... | ... | ... | ... |

£

[Applicant's signature]

Land ... £  
Deeds ...

£

The Agent for the Sale of Crown Lands

Received from the sum of pounds shillings  
and pence as the price of the land above described.

Agent for the sale of Crown Lands at

\* Insert the christian and surname at full length.  
† Nearest post town.

## SCHEDULE D.

*Application to Lease Lands for Cultivation of Sugar or Coffee.*

To the Commissioner of the District of

Sir

I hereby apply in pursuance of the provisions of the sixty-fifth section of the "Crown Lands Alienation Act of 1868" to be declared and entered as Lessee of the land specified below.

I herewith tender you the sum of as the first year's rent payable in advance for the said land at the rate of per acre.

And I agree to all the conditions and restrictions of the said Act so far as the same apply to the said land.

[Signature]

Description.  
parish of

County of

Received from the sum of pounds  
shillings and pence as the rent of the land above described and survey fee.

SCHEDULE



*Crown Lands Alienation Act of 1868.*

## SCHEDULE G.

*Transfer of Lease under*

Sir  
 hereby notify to you that of have assigned and  
 transferred to  
 all right title and interest in and to the lease of Crown lands hereunder  
 described—

No. of acres in the lot ... ..  
 County ... ..  
 Parish or place ... ..

And now held by under the *Crown Lands Alienation Act of 1868*  
 (31 Victoria No. 46) from the Crown and hereby relinquish in favor of the  
 said

all and any the rights and privileges which may belong or accrue to  
 as the lessee of the said land.

As witness hand at this  
 day of in the year of our Lord one thousand  
 eight hundred and sixty-

Signed by the said in the presence of

[J.P. or Commissioner of the Supreme Court.]

To the Minister for Lands Brisbane.

A fee of ten shillings must be paid on every transfer of a lease.  
 Separate forms of application must be filled up and duly signed for each lease to be transferred.  
 The lease must be sent in with the application to transfer that such transfer may be noted thereon.

## SCHEDULE H.

*Schedule of Fees to be paid by Selectors and Purchasers to defray the cost of Survey*

| Area of Land.      |          |     |     |     | Survey Fee. |    |    |
|--------------------|----------|-----|-----|-----|-------------|----|----|
|                    |          |     |     |     | £           | s. | d. |
| 40 acres and under | 60 acres | ... | ... | ... | 3           | 8  | 0  |
| 60 "               | 80 "     | ... | ... | ... | 3           | 16 | 0  |
| 80 "               | 120 "    | ... | ... | ... | 4           | 12 | 0  |
| 120 "              | 160 "    | ... | ... | ... | 5           | 4  | 0  |
| 160 "              | 240 "    | ... | ... | ... | 5           | 16 | 0  |
| 240 "              | 320 "    | ... | ... | ... | 6           | 4  | 0  |
| 320 "              | 480 "    | ... | ... | ... | 7           | 0  | 0  |
| 480 "              | 640 "    | ... | ... | ... | 7           | 18 | 0  |
| 640 "              | ...      | ... | ... | ... | 8           | 0  | 0  |

And for every additional 640 acres or part of 640 acres after the first 640 acres £4.

## SCHEDULE I.

*Schedule of Deed Fees chargeable on Deeds of Grant in Fee Simple.*

|               |          |     |     |     | £ s. d. |    |   |
|---------------|----------|-----|-----|-----|---------|----|---|
| Not exceeding | 50 acres | ... | ... | ... | 1       | 0  | 0 |
| "             | 100 "    | ... | ... | ... | 1       | 5  | 0 |
| "             | 500 "    | ... | ... | ... | 1       | 10 | 0 |
| "             | 1,000 "  | ... | ... | ... | 2       | 0  | 0 |
| "             | 2,000 "  | ... | ... | ... | 3       | 0  | 0 |
| "             | 5,000 "  | ... | ... | ... | 4       | 0  | 0 |
| "             | 10,000 " | ... | ... | ... | 5       | 0  | 0 |