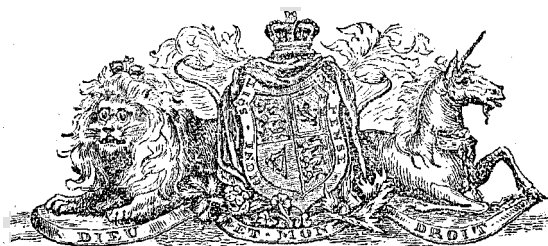


Queensland.



ANNO TRICESIMO

VICTORIÆ REGINÆ.

No. 12.

An Act to Authorise the Leasing of Crown Lands with a right of purchase to the lessees.

[ASSENTED TO 11 OCTOBER, 1866.]

WHEREAS it will be of public advantage that waste lands of the Preamble
Crown situate more than two miles from the boundary of any town should be leased upon the terms and subject to the conditions hereinafter specified and that the lessees should be enabled to purchase the lands so leased as hereinafter provided Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled and by the authority of the same as follows—

1. All such Crown lands as shall have been surveyed in portions of thirty acres or upwards and have been offered for sale by auction and neither sold at auction nor purchased by selection within thirty days after being offered for sale by auction shall be open to lease by the first applicant excepting only such Crown lands situate within two miles at the least from the nearest part of the boundary of any town or village now or hereafter to be proclaimed. Crown lands situate within two miles from any town and unsold after being offered at auction to be open for lease.

2. So soon as any lands shall become open for lease as aforesaid it shall be lawful for any person to apply to the land agent within whose district such land is situate to be declared the lessee of any portion or portions of land so open to selection and in case there shall be but one applicant for any such land such sole applicant shall be declared the lessee. Application for leases to be made to land agents.

3. In

Leasing Act.

Where two applicants
at same time.

Form of application.
—One year's rent to
be paid.

Lease to be given,
and a duplicate for-
warded to Survey
Office.

Terms and conditions
of leases.

3. In case there be two or more applicants for the same land at the same time the applicant who shall offer and pay the highest premium over and above the rent shall be declared the lessee.

4. Applications for leases shall be made in the form contained in the schedule to this Act and applicants shall at the time of making application pay to the land agent in cash or in land orders issued in favor of applicant the full amount of one year's rent.

5. The person declared lessee shall receive from the land agent a lease in such form as the Governor in Council shall appoint and shall sign a duplicate lease which shall be forwarded by the land agent to the office of the Surveyor-General.

6. Every such lease shall be made subject to the following conditions—

- (1.) The term thereof shall be for eight years inclusive commencing from the first payment of rent.
- (2.) The yearly rent shall be at the rate of two shillings and sixpence per acre when the upset price of the land or the sum for which it is open to purchase by selection is twenty shillings per acre but if the upset price of such land or the price at which such land is open to purchase by selection be higher than twenty shillings per acre then the rent shall be increased in proportion.
- (3.) The rent for the second and each succeeding year shall be paid in cash in advance to the Treasury at Brisbane on or before the first day of January and in default of such payment in advance the lease shall be forfeited and the land and all the improvements thereon shall revert to the Crown but the lessee may defeat such forfeiture by paying into the Treasury at Brisbane in cash within ninety days of such original rent day a sum equal to the annual rent together with an additional sum equal to one-fourth part thereof by way of penalty but in the default of such payment of rent and penalty within ninety days the lease shall be absolutely forfeited and the lessee and any person claiming under him who shall thereafter remain in possession or intrude upon the land in such lease shall be deemed a trespasser upon Crown lands and may be removed in the manner provided by law. Provided always that when the lease of any lands shall have been forfeited as aforesaid such lease shall be put up for sale by auction within sixty days of such absolute forfeiture and the residue of the proceeds of such sale shall after paying the arrears of rent and fine with all expenses incurred by such sale be paid to the lessee his executors or administrators.
- (4.) So soon as the lessee shall have made the eighth payment of rent as aforesaid he shall be entitled to a deed of grant in fee-simple subject however to the payment of the fees chargeable on the issue of deeds of grant.
- (5.) If at any time during the term of such lease the lessee shall pay in cash or land orders into the Treasury at Brisbane the rent for the unexpired portion of such term he shall be forthwith entitled to a deed of grant in fee-simple subject however to the payment of the fees chargeable on the issue of deeds of grant.

7. It

Leasing Act.

7. It shall not be lawful for any one person co-partnership or company to become the lessee in any one year of more than two thousand five hundred and sixty acres.

Amount of land to be held by one lessee.

8. It shall not be lawful for the lessee of any such lease or any person claiming through or under him to transfer assign or encumber the same without registering the same in the office of the Surveyor-General and any transfer assignment or encumbrance made or attempted to be made without such registration shall be absolutely void and of no effect.

Lease not to be assigned without consent.

9. A fee of ten shillings shall be paid upon every transfer assignment or encumbrance of any lease issued under this Act.

Fee to be paid upon assignment or encumbrance of lease.

10. It shall not be lawful for any lessee under the provisions of this Act to claim damages for any stock impounded for trespass on his leased land unless such trespass shall have been committed on land surrounded by a fence.

No damages for stock impounded from unenclosed lands.

11. All lands remaining unleased for the space of three years after the same shall have been first open for lease shall as soon as conveniently may be thereafter be brought forward for sale by auction as Crown lands in the same manner as if they had never been open for lease except that it shall not be necessary in any such case to re-survey such lands nor to deposit or issue fresh maps or plans of the same.

Lands unleased to be sold by auction.

12. All lands in agricultural reserves which shall have been or may hereafter be proclaimed as open for selection and have remained so open and unselected for one calendar month shall be open to lease by the first applicant under the terms and conditions specified in the seventh clause of this Act Provided only that if taken up on lease they shall be subject to the same condition and restriction as to cultivation and quantity as if they were selected by purchase.

Land in agricultural reserves and not selected may be treated as if part of a leasing area.

Proviso.

13. In the event of any Crown lands being resumed the lessees shall be compensated by a proportionate reduction of their rent.

Compensation for land resumed.

14. So much of the seventh clause of the *Agricultural Reserves Act of 1863* as requires residence on and fencing of selections is hereby repealed and also the Act twenty-nine Victoria number twenty-one.

Repeal of portion of seventh clause of *Agricultural Reserves Act of 1863* and Act 29 Vict. No. 21.

Lands subject to *Fencing Act*.

15. All lands leased under this Act shall be subject to the provisions of the *Fencing Act of 1861*.

Short title.

16. This Act may be cited for all purposes as the "*Leasing Act of 1866*."