



# ACTS

IN FORCE IN THE

## COLONY OF QUEENSLAND.

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PUBLISHED BY AUTHORITY.

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### AGRICULTURAL RESERVES.

27 VICTORIA, No. 23. *An Act to amend an Act to provide for the alienation of Crown lands so far as relates to agricultural reserves.*  
[21st September, 1863.]

WHEREAS it is expedient to facilitate the acquisition of land for the purposes of agriculture and to amend the law relating to the alienation of Crown lands in agricultural reserves 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—

I. From and after the passing of this Act so much of the Act entitled *The Alienation of Crown Lands Act of 1860* as is contained in the tenth eleventh and thirteenth sections shall be and the same is hereby repealed Provided that nothing herein contained shall prejudice anything already lawfully done or commenced or contracted to be done under the provisions of the said Act.

\*Repeal of the 10  
11 and 13 sections  
of the Act 24  
Victoria No. 15.  
Existing con-  
tracts saved.

II. It shall be lawful for the Governor with the advice of the Executive Council by proclamation published from time to time in the *Government Gazette* to define and set apart for agricultural occupation such lands as may be deemed expedient and the said lands shall be denominated agricultural reserves Provided that there shall at no time be a less quantity of available land open for selection within the said agricultural reserves than fifty thousand acres on the shores or navigable waters of Moreton Bay Wide Bay Port Curtis and Keppel Bay and also within seven miles of all towns whose inhabitants shall exceed five hundred in number not less than two thousand five hundred acres Provided also that the Governor with the

Agricultural re-  
serves to be pro-  
claimed.

Proviso.

27 Vic. No. 23. advice aforesaid may by proclamation withdraw and deal with the same as country lands or otherwise the whole or any parts of the land comprised in any such agricultural reserve.

Lands in agricultural reserves to be surveyed and proclaimed open for sale.

III. The lands within agricultural reserves shall be surveyed into portions of not less than eighteen acres or more than three hundred and twenty acres and such portions shall be offered for sale at a fixed price of twenty shillings per acre at the office of the land agent for the district and all particulars of such sale shall be notified by proclamation in the *Government Gazette* not less than one month nor more than three months prior to the day of sale.

Mode of purchasing lands by selection.

IV. Any person desiring to purchase land in an agricultural reserve after the same has been proclaimed open for sale may apply to the land agent for the district in which the reserve is situated and shall point out the particular portion of land and shall at the same time pay to the land agent the sum of twenty shillings for every acre together with the amount of deed fee and he shall subject to the provisions hereinafter contained be deemed to be the purchaser of said land and entitled to a grant in fee simple.

Special surveys may be made at the expense of the applicant.

V. If any person shall desire to purchase a portion of land within an agricultural reserve but which land shall not have been surveyed or actually in course of survey for sale as provided in the last preceding section he may apply to the Surveyor-General or other officer authorised in that behalf for permission to employ a licensed surveyor to effect the survey of the land at the expense of the applicant and such application shall contain a clear description of the locality in which the portion of land is situated and shall be accompanied by a certificate by an officer authorised for that purpose that a sum equal to twenty shillings or land orders to that amount for each acre together with the amount of deed fee has been paid into the treasury of the colony and unless it shall appear to the Surveyor-General that the land ought to be specially reserved from non-competitive sale as a village or town reserve or for any other public purpose he shall thereupon issue suitable instructions for the guidance of the licensed surveyor in marking the boundaries of the land according to the rules of the Surveyor-General's department or such as may be specially necessary to be observed in the particular locality referred to. Provided that in no case shall the area of such special survey be less than eighty acres or more than three hundred and twenty acres and provided also that any applicant under this clause shall make his application to the Surveyor-General in the form prescribed in the schedule B of this Act.

Survey to be completed within three months.

VI. If within three months after the issue of the instructions for survey the applicant shall produce to the Surveyor-General a proper plan and field book of the survey by a duly licensed surveyor accompanied by a certificate by said surveyor that the boundaries have been in every respect marked in accordance with the rules of the Surveyor-General's department the applicant shall subject to the provisions hereinafter contained be deemed to be the purchaser of the land and entitled to a deed of grant thereof

Proviso as to the resumption of land for the formation of roads.

Provided that if within ten years from the date of purchase it shall be found expedient to resume any portion of the land for the formation of any public road the owner thereof shall be compensated by a valuation to be made by two valuers one of whom shall be appointed by the Surveyor-General on behalf of the Government and the other by the owner and the two shall choose an umpire whose decision in case of disagreement shall be final.

Proof of fulfilment of conditions of selection.

VII. If within twelve months from the date of selection the selector of land in an agricultural reserve shall make a declaration in the form contained in the schedule to this Act that he has actually resided on the lands held by him in the said reserve for a period of not less than six months and that he has cultivated not less than one-sixth of the land

so selected and shall have fenced in the said selection with a substantial fence of not less than two rails then a deed of grant shall be issued to such selector Provided that the Governor or other officer appointed in that behalf may require any reasonable evidence in support of the truth of such declaration. 27 Vic. No. 23.

VIII. If any person selecting lands in an agricultural reserve shall fail to occupy and improve the same as required by section seven of this Act then the right and interest of such selector to the land selected shall cease and determine and the amount of the purchase money less by one-fourth part shall be refunded to him by the issue of a land order entitling the holder to the remission of such three-fourths of the same in the purchase of other Crown lands. Forfeiture in case of non-fulfilment of conditions of selection.

IX. The portions of land selected by any one person in an agricultural reserve shall be conterminous and shall in no case exceed in the whole three hundred and twenty acres and no minor agent or trustee shall select land in any such reserve. Selections to be conterminous and not to exceed three hundred and twenty acres.

X. If any lands held under lease for pastoral purposes be brought within the limits of an agricultural reserve such lease shall not be thereby cancelled but such lands shall be notwithstanding open to purchase in like manner as any other part of the reserve Provided that the Governor with the advice aforesaid may at any time withdraw the whole or any part of said lands from such lease. Minors agent or trustee not permitted to select. Conditions as to pastoral leases brought within agricultural reserves.

XI. Any person making a false declaration under the provisions of this Act shall be deemed guilty of perjury. Persons making false declarations shall be guilty of perjury.

XII. In all cases in which any land shall have been selected in any agricultural reserve under the provisions of the *Crown Lands Alienation Act of 1860* and the same shall have become forfeited by reason of non-compliance by any selector with the provisions of the said Act it shall be lawful to refund the purchase money by means of the issue of transferable land orders to the extent in value of the said purchase money less ten per cent. Refund of purchase money in case of forfeiture.

XIII. It shall be lawful for the Governor with the advice aforesaid from time to time to make or alter in accordance with the provisions of this Act such regulations as may be necessary to give effect to the same and all such regulations shall be published in the *Government Gazette* and when so published shall have the force of law and a copy of the same shall be laid before the Parliament within fourteen days after the publication thereof or if the Parliament be not then sitting then within fourteen days after its next meeting for the despatch of business. The Governor may make regulations.

XIV. This Act shall be styled and may be cited as the "*Agricultural Reserves Act of 1863.*" Short title.

SCHEDULE A.

*Declaration of residence and improvement in an agricultural reserve.*

I \_\_\_\_\_ being of the full age of twenty-one years do solemnly and sincerely declare that I have actually resided on the lands selected by me in the agricultural reserve from the \_\_\_\_\_ to the \_\_\_\_\_ being a period of not less than six months and that I have cultivated not less than one-sixth of the said land and have fenced in the said selection with a substantial fence of not less than two rails.

## APPROPRIATION.

27 Vic. No. 23.

## SCHEDULE B.

I the undersigned do hereby state my desire to become the selector of  
acres in agricultural reserve I declare that I live in Queensland  
and that I am above the age of twenty-one years and that I apply for such portion  
on my own behalf and for my own use and not as an agent or trustee for any other  
person whatsoever and that I have not applied for any other portion of land in  
the said agricultural reserve and I further declare that I apply for the said portion in  
order that I may use and occupy the same and that I have not entered into any agreement  
to sell demise or mortgage the said portion.

[Signature]

Declared before me this

[Signature] J.P.