An Act to Amend “The Crown Lands Acts, 1884 to 1894,” with respect to certain Noxious Plants and the Payment of Survey Fees in certain cases, and to make further provision with respect to the lands included in Holdings under the Provisions of Part III. of “The Crown Lands Act of 1884,” the Term of the Leases whereof is prescribed to be Ten Years, and the lands occupied therewith under a right of depasturing, and for other purposes.

[Assented to 23rd December, 1895.]

WHEREAS it is expedient to amend “The Crown Lands Acts, 1884 to 1894,”* with respect to certain noxious plants and the payment of survey fees in certain cases, and to make further provision with respect to the lands included in holdings under the provisions of Part III. of “The Crown Lands Act of 1884,”† the term of the leases whereof is, by the thirtieth section of that Act, prescribed to be ten years, which term has, in some cases, already expired, and in other cases will shortly expire, and with respect to the lands occupied therewith under a right of depasturing: 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:


2. In this Act—

The term “Principal Act” means “The Crown Lands Act of 1884”†;

The term “Former holding” means a holding under Part III. of the Principal Act, the term of the lease whereof is by the thirtieth section of that Act prescribed to be ten years, but which term has expired, whether before or after the passing of this Act;

† 48 Vic. No. 28, supra, page 1137.
The term "Previously subsisting lease" means the lease under which a former holding was held under the provisions of the Principal Act.

**Noxious Plants.**

3. The following words are hereby inserted in the Amendment nineteenth section of "The Crown Lands Act of 1894,"* of section 19 after the words "or desert poison-bush," that is to say: No. 25. "prickly pear, or plants of the natural order Cycadaceae (Cycads)."

4. The twentieth section of "The Crown Lands Act Repeal of 1894"* is hereby repealed.

5. In the one hundred and fifth section of the Amendment Principal Act—

(1) After the words "when a lessee has ringbarked timber," in the first paragraph thereof, there shall be inserted the following words, that is to say: "or has eradicated the poisonous plant Gastrolobium grandiflorum or desert poison-bush, prickly pear, or plants of the natural order Cycadaceae (Cycads)");

(2) After the word "ringbarking," in the first and second paragraphs thereof, respectively, there shall be inserted the following words, that is to say: "or eradication of the poisonous plant Gastrolobium grandiflorum or desert poison-bush, prickly pear, or of plants of the natural order Cycadaceae (Cycads)."

**Extension of Time for Payment of Survey Fee.**

6. Notwithstanding anything in "The Crown Lands Acts, 1884 to 1894,"† to the contrary contained, any person making application to select Crown lands, the area whereof exceeds one hundred and sixty acres, under the provisions of Part IV. of the Principal Act, and any person making application to select a Grazing Homestead under the provisions of "The Crown Lands Act of 1894,"* need not, at the time of making his application, lodge therewith more than one-fifth part of the survey fee.

In the event of such applicant becoming the lessee of the lands so applied for, the remainder of the survey fee, together with interest thereon at the rate of five per

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* 58 Vic. No. 25, supra, page 4076.
centum per annum, may be paid and shall be payable in four equal annual instalments, at the times appointed for the payment of the next four annual instalments of rent under the lease.

**Temporary Occupation of Former Holdings.**

7. For the period of three months after the passing of this Act, in the case of every former holding the term of the previously subsisting lease whereof expired before the passing of this Act, and, for the period of six months after the expiration of the term of the previously subsisting lease, in the case of every former holding the term of the previously subsisting lease whereof did not expire before the passing of this Act, every person who was the holder of the previously subsisting lease, at the expiration of the term thereof, of a former holding shall be entitled to continue to occupy such former holding, subject to the payment by him, in respect of such occupation, of a sum equal to one-fourth or one-half, as the case may be, of the whole amount of rent payable or paid by him in respect of the last year of the term of such previously subsisting lease. Such sum shall be a debt due to Her Majesty.

Such person shall not, during the said period, be entitled to exclude any other person from entering upon such former holding bona fide for the purpose of examination or inspection or making surveys.

8. Such occupation and the payment of such amount shall not operate as an extension of the term of the previously subsisting lease of any such former holding, and, except as to the exercise during such period of any right of depasturing upon land not included in such former holding acquired under the provisions of the Principal Act, shall not confer upon such person any of the powers, rights, or privileges which he had as a lessee under that Act.

**Tenancy from Year to Year Avoided.**

9. The continuance in possession and occupation of any former holding by the person who was the holder of the previously subsisting lease thereof, and the payment and acceptance of rent in respect of such continued possession and occupation, shall be deemed not to have heretofore created, and shall not hereafter create a tenancy from year to year of such former holding, any law or usage to the contrary notwithstanding.
10. In the case of all lands proclaimed open to selection under the provisions of "The Agricultural Lands Purchase Act of 1894,"* and notwithstanding anything in "The Crown Lands Acts, 1884 to 1894,"† or in any other Act to the contrary contained—

(1) Land Orders shall not be available in payment of rent;

(2) It shall not be necessary for any lessee, in order that he may become the purchaser of the holding, to prove that the condition of occupation has been performed by the continuous and bonâ fide residence on the holding of the lessee himself or of any successive lessees, provided he prove that the condition of occupation has been otherwise performed for the prescribed period;

(3) The sixth section of "The Crown Lands Act of 1891,"‡ shall not apply to such lands.

(4) No such lands shall be opened to unconditional selection until they have been proclaimed, and have remained open to conditional selection for at least three months.

(5) The Governor in Council may, in the proclamation declaring such lands to be open to selection, further declare that any person then or thenceforward in lawful occupation of any portion of the said lands shall be entitled to priority, and if, on the day appointed as that on which the land will be open, an application by such person to select such land is lodged at the same time as applications by other persons, the application of such person shall be deemed to have been first lodged and shall be entitled to priority accordingly.


11. Except as hereinbefore otherwise provided, the provisions of "The Crown Lands Acts, 1884 to 1894," and the Regulations thereunder, with respect to a holding under Part III. of the Principal Act, the term of the lease whereof is by the thirtieth section of that Act prescribed

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* 58 Vic. No. 27, supra, page 4988.
‡ 55 Vic. No. 19, supra, page 4288.
to be ten years, and with respect to a lease and a lessee of such holding, or whereby the same or any of the same are affected, shall, so far as they are capable of being applied and are not inconsistent herewith, be applicable and have effect with respect to every holding under this Act and to every lease and lessee thereof.

LIQUOR.

An Act to Amend the Laws Relating to the Sale of Intoxicating Liquor.

[Assented to 23rd December, 1895.]

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:—

1. This Act may be cited as "The Liquor Act of 1895," and shall be read and construed with and as an amendment of "The Licensing Act of 1885" (hereinafter called the Principal Act) and "The Liquor Act of 1886."†

2. In the fourth section of the Principal Act the definition of the term "liquor" is repealed, and the following definition is substituted in lieu thereof:—

"Liquor"—Wines, spirits, beer, porter, stout, ale, cider, perry, or any other spirituous or fermented fluid containing five per centum or more than five per centum of proof spirit.

3. Subsection (g) of the sixtieth section of the Principal Act is repealed, and the following subsection is substituted in lieu thereof:—

(g) Being a brewer or licensed distiller or registered spirit merchant imports liquor and sells the same before it is landed, or while it is under the control of the Customs; or.

4. In the fourth section of "The Liquor Act of 1886"† the definition of the term "registered brewer" is repealed. In the sixth, seventh, twelfth, thirteenth, fifteenth, and twenty-second sections of the last-mentioned Act the words "registered brewer" are repealed, and the word "brewer" is substituted in lieu thereof.