

attempt or endeavor to commit any rape or of any crime in and by the said 10 & 11 Vic. c. 66.  
 first-mentioned Act defined to be an infamous crime with a view or intent to  
 extort or gain by means of such threatening letter or writing any property  
 money security or other valuable thing from any person whatever or any  
 letter or writing threatening to kill or murder any other person or to burn  
 or destroy any house barn or other building or any rick or stack of grain  
 hay or straw or other agricultural produce or shall knowingly procure counsel  
 aid or abet the commission of the said offences or either of them every such  
 offender shall be guilty of felony and being convicted thereof shall be liable  
 at the discretion of the court to be transported beyond the seas for life or for  
 any term not less than seven years or to be imprisoned with or without hard (See 11 Vic. No.  
 34 and 55 and 15  
 Vic. c. 5.)  
 labor for any term not exceeding four years and if a male to be once twice or  
 thrice publicly or privately whipped (if the court shall so think fit) in addition  
 to such imprisonment.

II. And be it enacted That if any person shall accuse or threaten to Accusing others  
 of crimes.  
 accuse either the person to whom such accusation or threat shall be made or  
 any other person of any of the crimes hereinbefore specified with the view  
 or intent in any of the cases last aforesaid to extort or gain from such person  
 so accused or threatened to be accused or from any other person whatever  
 any property money security or other valuable thing every such offender  
 shall be guilty of felony and being convicted thereof shall be liable at the  
 discretion of the court to be transported beyond the seas for life or for any  
 term not less than seven years or to be imprisoned with or without hard  
 labor for any term not exceeding four years and if a male to be once twice  
 or thrice publicly or privately whipped (if the court shall so think fit) in  
 addition to such imprisonment.

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 CROWN LANDS (ALIENATION OF).

24 VICTORIA, No. 15. *An Act to provide for the alienation of crown  
 lands.* [17th September, 1860.]

WHEREAS it is expedient to make better provision for the sale and other Preamble.  
 alienation of the waste lands of the crown within the Colony of Queensland  
 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 commencement of this Act the Acts of Council Repeal of orders  
 in council and  
 regulations.  
 of New South Wales eleven Victoria number sixty-one and sixteen Victoria  
 number twenty-nine as well as so much of Her Majesty's orders in council  
 and so much of the regulations made thereunder and now in force as may be  
 repugnant to or inconsistent with the provisions of this Act shall be and the  
 same are hereby repealed. Provided that nothing herein contained shall  
 affect anything lawfully done or commenced or contracted to be done  
 thereunder respectively.

II. Under and subject to the provisions of this Act and of such Governor author-  
 ised to convey  
 lands.  
 regulations as may hereafter be established in accordance with this Act  
 the Governor with the advice of the Executive Council is hereby authorised  
 in the name and on behalf of Her Majesty to convey and alienate in fee  
 simple or for a less estate or interest any waste lands of the crown within  
 the said colony which conveyances or alienations shall be made in such forms  
 as shall from time to time be deemed expedient by the Governor with the  
 advice aforesaid and being so made shall be valid and effectual in the law to  
 transfer and vest in possession such lands as aforesaid for such estate or  
 interest as shall be granted by any such conveyance as aforesaid.

- 24 Vic. No. 15.  
Proclamation of town and other reserves.
- III. 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.
- Grants for public purposes.
- IV. It shall be lawful for the Governor with the advice aforesaid to grant or otherwise dispose of for such public purposes as are specified in clause sixteen of the *Unoccupied Crown Lands Occupation Act of 1860* or for such other purposes as may from time to time be previously sanctioned by the Legislature any waste lands of the crown in the said colony.
- No land shall be sold for less than one pound per acre.  
After survey.
- V. The price of land to be sold under this Act shall in no case be less than one pound per acre and the conveyance and alienation of such lands shall not be completed until the same shall have been surveyed and delineated in the public maps in the office of the Surveyor-General.
- Land to be sold by auction.
- VI. Except as herein otherwise provided all waste lands of the crown in the said colony before being so alienated or conveyed as aforesaid shall be offered for sale by public auction at the office of the land agent in or nearest to the district in which such lands are offered for sale and all particulars of such auction shall be fully notified by proclamation under the hand of the Governor in the *Queensland Government Gazette* not less than one month nor more than three months before the day of holding such auction.
- Lands offered for sale to be distinguished into classes and lots.
- VII. All lands offered for sale by auction shall be distinguished into town suburban and country lots and the town lots shall comprise all lands situate within the actual boundaries of towns and the suburban lots shall comprise all lands situate within two miles from the nearest boundary of any town unless the Governor with the advice aforesaid shall see fit to exclude any such last mentioned lands from the class of suburban lots on the ground that they will not in his judgment derive any increased value from their vicinity to any such town and the country lots shall comprise all other lands and the Governor with the advice aforesaid may from time to time fix the upset price of any lot or lots at any sum being not less than the lowest upset price of waste lands within the said colony.
- Unsold country lots may be sold by private contract.
- VIII. Any lots which shall have been offered for sale by auction in manner aforesaid and shall remain unsold either at the time of the passing of this Act or subsequently thereto or on which the deposits hereinafter specified shall have been forfeited may be sold at the office of the land agent aforesaid by private contract at the upset price or in case of such forfeiture as aforesaid at the price for which they were sold by auction less the amount of the deposit paid and forfeited on them Providing that nothing herein contained shall prevent any such lots aforesaid from being withdrawn from sale by private contract and again offered for sale by public auction in the same manner as other lots not previously offered for sale.
- Purchase money when to be paid.
- IX. No waste lands of the crown within the said colony shall be sold by such private contract as aforesaid except for ready money and no lands shall be sold at any such public auction as aforesaid unless on condition of the payment at the time of sale in ready money or land order of a deposit the amount of which shall be fixed by any proclamation as aforesaid and being not less than one-tenth of the whole price and of the payment of the residue of such price within one calendar month from the time of such sale by auction and if the purchaser shall fail to pay such residue of the price within one calendar month the deposit shall be forfeited and the sale of the said lands shall be null and void.
- Agricultural reserves.
- X. Within a period of six months after the passing of this Act it shall be lawful for the Governor with the advice of the Executive Council by

proclamation to define and set apart for agricultural occupation not less than one hundred thousand acres on the shores or navigable waters of Moreton Bay Wide Bay Port Curtis and Keppel Bay and also within five miles of all towns whose inhabitants shall exceed five hundred in number reserves of at least ten thousand acres of land and also such other reserves as the Governor with the advice aforesaid and with the approval of the Legislature shall from time to time think fit and the land so defined and set apart shall be surveyed and shall be called agricultural reserves and shall not be submitted to public auction but shall be sold at the fixed price of twenty shillings per acre subject to the provisions hereinafter contained in that behalf. Provided that it shall be lawful for the Governor with the advice aforesaid by proclamation to withdraw and deal with as country lands or otherwise the whole or any portions of such reserves but that at no time after the survey shall there be less than half of the above quantity open to selection within the said agricultural reserves.

24 Vic. No. 15.

Fixed price of one pound.

XI. Any person who may be desirous of occupying land within an agricultural reserve shall apply at the office at the land agent in or nearest to the district in which such reserve has been marked out and shall point out on the map thereof such lot or lots which he may wish to select and shall pay in advance twenty shillings for every acre and if within six months he shall have occupied and commenced to improve or cultivate the same then a deed of grant of the land shall be issued. Provided that if at the termination of such six months as aforesaid either the farm applied for or such other lands contiguous thereto as may be leased according to the provisions of clause twelve of this Act shall not have been occupied and improvements shall not have been made thereon then the purchase money less ten per cent. shall be returned to the applicant and the land so purchased or leased as aforesaid shall be again open to selection.

Method of obtaining farm in agricultural reserve.

XII. It shall be lawful for the Governor with the advice aforesaid to lease to the occupant of a farm within an agricultural reserve any portion of the lands contiguous to such farm not being already sold or leased as herein provided and not exceeding in extent three times the amount of purchased land comprised in such farm nor exceeding in the whole including the purchased land three hundred and twenty acres for the term of five years at a yearly rent of sixpence per acre such rent to be paid annually in advance and such lessee shall be entitled during the currency of his lease to purchase any part or the whole of the land so leased to him if the same shall have been fenced in notwithstanding that another person may be an applicant for the purchase of the same. Provided that if any such lessee shall fail to pay the rent of the land so leased to him within thirty days from the date of such rent becoming due or shall fail to fence in the land so leased to him with a substantial fence within eighteen months from the commencement of such lease the said lease shall thereupon become void. Provided also that it shall not be competent for any person to hold any such lease as agent for another or to borrow by way of mortgage or otherwise on the security of such lease.

Lease of lands contiguous to farm.

XIII. No farm to be sold within an agricultural reserve as hereinbefore mentioned shall be less than forty acres in extent and no person shall become the purchaser of more than three hundred and twenty acres in all within the same reserve. Provided that such lands so selected by one person shall be in one lot or in conterminous lots.

Farms not to be less than forty or more than three hundred and twenty acres.

XIV. All the unenclosed lands within any agricultural or other reserve shall be subject to such rights of commonage as may be secured to the purchasers of land within such reserve and to the residents in any adjacent township and determined by regulations to be hereafter made in that behalf.

Commonage.

XV. Upon application made within twelve months after the passing of this Act by any person who may prior thereto have made improvements upon lands comprised within the boundaries of any city town or village

Sale in consideration of improvements.

24 Vic. No. 15. or upon application within twelve months after the proclamation in the *Government Gazette* of any new city town or village reserve within which improvements may be situated it shall be lawful for the Governor with the advice aforesaid to sell 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.

Closing and alienation of unnecessary roads. XVI. Whenever the owner or owners of any lands adjoining a road which has been reserved for access to such lands only and is not otherwise required for public use shall make application for the closing of such road it shall be lawful for the Governor with the advice aforesaid to notify in the *Government Gazette* that such road will be closed and after the expiration of two months from such notice a grant or grants of the road so closed may be issued to the owner or owners of the adjoining lands in fair proportion or in accordance with agreement among such owners provided that the fair value of such road as estimated by the Surveyor-General be paid for the same.

Sales without competition in special cases. XVII. 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 with the advice aforesaid sell and grant such lands to the holder or holders of adjacent lands without competition and at a price to be determined by the Surveyor-General or other officer duly authorised in that behalf.

Remission of purchase money to officers. XVIII. Nothing in this Act contained shall be held to alter or discontinue such regulations made under the authority of Her Majesty and now in force in the Australian colonies as provide under certain conditions for the remission of purchase money to officers of the British army and navy who may become purchasers of land in the Colony of Queensland.

Land orders may be given to certain officers soldiers and sailors. XIX. It shall be lawful for the Governor with the advice aforesaid to extend to any such officer of the British army and navy having served seven years and upwards as may not be entitled to a remission of purchase money under the Imperial regulations last hereinbefore mentioned and to any British soldier or sailor who has been discharged with a certificate of good conduct the benefit of a remission of purchase money in accordance with such regulations to the amount of fifty pounds Provided that such soldiers and sailors shall be certified to be in sound bodily health and not more than forty-five years of age and shall be bound under conditions to be agreed upon between the Governor and the Secretary of State for War to serve when called upon for the defence of the colony.

Land orders may be given to immigrants. XX. It shall be lawful for the Governor with the advice of the Executive Council to issue to any adult immigrant who shall have come direct from Europe to the Colony of Queensland but not at the expense of the said colony or to the person who shall have paid for the passage of such immigrant a land order for the amount of eighteen pounds and after such immigrant shall have resided not less than two years continuously within the said colony and if not previously a British subject shall have been naturalized then to issue to such immigrant a further land order for the amount of twelve pounds Provided that two children over the age of four and under the age of fourteen respectively shall be reckoned as one statute adult under this Act Provided also that every such immigrant shall have complied with and shall be of the class comprised within the immigration regulations for the time being in force in the said colony.

Premium for growing cotton. XXI. In order to encourage the growth of cotton within the said colony it shall be lawful for the Governor with the advice aforesaid to issue

land orders during the next three years to the extent of ten pounds and during the two years next following the said period of three years to the extent of five pounds by way of premium for every bale of good cleaned Sea Island cotton without any admixture of damaged or discolored and weighing three hundred pounds the growth and produce of the colony which may be exported to Great Britain and during the said periods one-half the above premiums shall be given for the common descriptions of cotton. 24 Vic. No. 15.

XXII. In cases where persons or companies shall be desirous of purchasing lands for mining purposes other than for coal or gold it shall be lawful for the Governor with the advice aforesaid to sell the same to such persons or company at the upset price of twenty shillings per acre provided that the quantity sold to one person or company shall in no case exceed six hundred and forty acres. Grants forming purposes.

XXIII. 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. Governor may make regulations.

XXIV. This Act shall be styled and may be cited as "*The Alienation of Crown Lands Act of 1860.*" Short title.

(CLAIMS).

5 WILLIAM IV., No. 21. *An Act for appointing and empowering commissioners to examine and report upon claims to grants of land under the great seal of the Colony of New South Wales.* [2nd June, 1835.]

WHEREAS a certain Act was passed by His Excellency the Governor with the advice of the Legislative Council of New South Wales in the fourth year of the reign of His present Majesty intituled "*An Act for appointing and empowering commissioners to hear and determine upon claims to grants of land under the great seal of the Colony of New South Wales*" which Act is no longer in full operation by reason of certain of the provisions thereof having been limited to a particular time and the said Act having been found highly beneficial in settling disputed claims to grants of land it is expedient to renew the same with certain alterations and amendments Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That it shall and may be lawful for the Governor of this Colony to issue one or more commission or commissions under the great seal of this colony as the same may become necessary and thereby to nominate and appoint three or more persons to be commissioners for examining and reporting upon claims to grants of land within the Colony of New South Wales and one of the said persons shall be appointed by the Governor to be president of the said commission and the said commissioners or any two of them of whom the president shall be one shall have full power and authority to hear examine and report upon all applications for grants of land under the great seal of this colony that shall or may be referred to them under and by virtue of the provisions of this Act and each of the said commissioners shall before proceeding to act as such take and subscribe before one of the judges of the Supreme Court the oath set forth in the schedule hereunto annexed marked A and the Colonial Secretary shall cause the said oaths so subscribed to be recorded in his office. Preamble.  
Governor empowered to appoint commissioners their powers and duties.