

(LEASING OF).

24 VICTORIA, No. 16. *An Act to provide for the leasing of crown lands previously occupied.* [17th September, 1860.]

Preamble.

WHEREAS it is expedient that all lands now leased or otherwise occupied for pastoral purposes under Her Majesty's order in council and such regulations as are now in force in the Colony of Queensland should upon the expiration of the current term for which they are occupied be brought under an amended and uniform tenure Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled and by the authority of the same as follows—

Partial repeal of 22 Vic. No. 17 and orders in council and regulations.

I. So much of an Act of the Legislature of New South Wales passed in the twenty-second year of Her Majesty's reign and numbered seventeen intituled "*An Act to impose an assessment on runs in the unsettled and intermediate districts and to increase the rent of lands leased for pastoral purposes within the settled districts of New South Wales*" as may affect the provisions of this Act and so much of the orders in council and regulations now in force as are repugnant to or inconsistent with the provisions of this Act shall be and the same are hereby repealed Provided that nothing herein contained shall prejudice or affect anything already done or commenced or contracted to be done thereunder respectively.

All leases to be renewed for five years.

II. Upon the expiration of the current terms for which any crown lands are now held under existing regulations or may be held under the provisions of the *Unoccupied Crown Lands Occupation Act of 1860* or of the *Tenders for Crown Lands Act of 1860* such crown lands shall in every case be let upon a lease for five years subject to the conditions hereinafter set forth.

Rent to be determined by valuation.

III. Upon application from the occupant six months before the expiration of any lease of crown lands for pastoral purposes the fair annual value of lands comprised in such lease shall be determined for the five years next ensuing the expiration of such lease according to the provisions of clause thirteen of the *Unoccupied Crown Lands Occupation Act of 1860* and such valuation shall be based upon the grazing capabilities and other advantages or disadvantages of such lands but shall not have reference to any valuable improvements that may have been made thereon and shall be the annual rent during the currency of such lease and such rent shall be paid in advance.

If lease be not renewed to former occupant run to be let by auction.

IV. In the event of such occupant not applying as aforesaid for a valuation of the lands comprised in his lease in order to obtain a renewal thereof according to the terms of such valuation as aforesaid or if such lands shall have been forfeited or vacated within the provisions of clause fourteen of the *Unoccupied Crown Lands Occupation Act of 1860* then such lands shall be let to the person bidding the highest rent for the same at public auction but if such lands shall have been so forfeited or vacated then for the residue of the current term only and the upset rent at such auction shall in either case be the rent determined by such valuation as aforesaid and if there should be no bidders at such upset rent then it shall be lawful for the Governor with the advice aforesaid to reduce such upset rent according as he may think fit and again to submit the lease of such lands to public auction.

Compensation for improvements.

V. Any person not being the previous occupant of such lands who may obtain the renewed lease thereof shall in addition to his rent pay into the Treasury before entering upon such lands the amount that may be fixed by arbitration in manner provided in clause thirteen of the *Unoccupied Crown Lands Occupation Act of 1860* as being the value of the permanent improvements on such lands as may be comprised in any new lease to be granted thereof and such amount shall be forthwith paid to the outgoing lessee.

VI. All the clauses of the *Unoccupied Crown Lands Occupation Act of 1860* from clause fourteen to clause thirty-four both inclusive except clauses fifteen and nineteen shall be and the same are hereby incorporated into this Act.

VII. This Act shall be styled and may be cited as "*The Occupied Crown Lands Leasing Act of 1860.*"

24 Vic. No. 16
Clauses 14 to 34 of *Unoccupied Crown Lands Occupation Act* incorporated Short title.

(OCCUPATION).

4 WILLIAM IV., No. 10. *An Act for protecting the crown lands of this colony from encroachment intrusion and trespass.* [28th August, 1833.]

WHEREAS it is expedient and necessary to protect the crown lands of this colony from encroachment intrusion and trespass thereon and to prevent the unauthorised occupation thereof from being considered as giving any legal title thereto Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That from and after the passing of this Act it shall and may be lawful for the Governor of this colony by warrant under his hand and seal to appoint so many fit and proper persons as he shall think fit to be and the said persons shall thereupon be and be called Commissioners of Crown Lands in the Colony of New South Wales and the said persons and each of them shall continue in office as such during the pleasure of the said Governor and the said commissioners or any two or more of them shall and may during their continuance in office as aforesaid do and perform by and under direction of the Governor for and on behalf of His Majesty his heirs and successors in upon or in respect of any crown lands in this colony all such lawful acts matters and things for preventing intrusion encroachment and trespass thereon or for such other purpose as any bailiff or bailiffs lawfully appointed may by law do or perform in upon or in respect of any lands tenements or hereditaments of his or their employer or employers.

Preamble.

Governor to appoint commissioners of crown lands to have same power as bailiffs.
(See post 5 Wm. IV. No. 12.)

II. And be it enacted That it shall and may be lawful for the said commissioners or for any two or more of them at any time and from time to time as the same shall appear to be necessary under direction of the Governor to make perambulations and surveys of the crown lands or any part thereof in any district of this colony and upon such perambulations and surveys to require by writing under their hands the assistance of any justice of the peace or constable in making the same and also to take in their aid so many persons as shall and may be necessary for the purposes of this Act.

Commissioners authorised to make perambulations and surveys of crown lands and to require the assistance of justices of the peace &c.
(See post 5 Wm. IV. No. 12.)

III. And be it enacted That it shall and may be lawful for the said commissioners or any two or more of them under the direction of the Governor as aforesaid to erect and place or cause to be erected and placed upon any crown lands or the boundaries of any crown lands as they shall deem needful for denoting the same and the said beacons and landmarks from time to time to keep up and maintain or cause to be kept up and maintained in proper repair and if any person shall wilfully deface injure destroy or remove any such beacon or landmark so placed or erected as aforesaid such person (being a free person) shall forfeit and pay to His Majesty his heirs and successors for every such offence the sum of fifty pounds which shall and may be recovered by action of debt in the name of His Majesty's Attorney-General in any competent court of this colony and if such offence shall be committed by any convict or transported felon or offender such person shall be deemed and taken thereby to have committed a misdemeanor and shall and may be punished for the same accordingly.

Commissioners to erect beacons and landmarks upon crown lands penalty for wilfully injuring &c. any beacon or landmark.