

53 Vic. No. 14, 1889. *Crown Lands Acts 1884 to 1886 Amendment Act.*

## LANDS.

An Act to further Amend the Crown Lands Acts, 1884 to 1886, and for other purposes. 53 Vic. No. 14.  
THE CROWN  
LANDS ACTS  
1884 TO 1886  
AMENDMENT  
ACT OF 1889.

[ASSENTED TO 22ND OCTOBER, 1889.]

**B**E 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:—

## PART I.—PRELIMINARY.

PART I.—  
PRELIMI-  
NARY.

1. This Bill is divided into Parts, as follow:—

PART I.—PRELIMINARY;

PART II.—AMENDMENT OF PARTS II., IV., V., AND VII. OF PRINCIPAL ACT;

PART III.—AMENDMENT OF SECTION TWO OF "THE CROWN LANDS ACT OF 1884 AMENDMENT ACT OF 1885" AND PARTS II., III., AND IV. OF "THE CROWN LANDS ACT AMENDMENT ACT OF 1886," AND PART VIII. OF THE PRINCIPAL ACT;

PART IV.—PROVISIONS AS TO MINING;

PART V.—GENERAL.

2. This Act may be cited as "*The Crown Lands Acts 1884 to 1886 Amendment Act of 1889*," and shall be read and construed with and as an amendment of the Crown Lands Acts, 1884 to 1886, and the said last-mentioned Acts and this Act may together be cited as "*The Crown Lands Acts, 1884 to 1889*." Short title and  
construction.

In this Act the words "Principal Act" mean "*The Crown Lands Act of 1884*."

PART II.—AMENDMENT OF PARTS II., IV., V., AND VII. OF PRINCIPAL ACT. PART II.—  
AMENDMENT  
OF PARTS, &C.

3. The Principal Act is hereby amended as follows:— Amends  
Principal Act.  
*Agricultural and Grazing Farms.*

(1) The following provision shall be added to section fifty-five:— Section 55.

Within six months after the issue of a license, the selector must enter upon the land and take possession thereof, and thereafter, during the currency of the license, he shall occupy the land continuously and *bonâ fide* in the manner prescribed by the said Act with respect to occupation by a lessee. Licensee of  
farm to  
occupy.

In the event of his failing to perform the condition of occupation hereby prescribed, the same consequences shall ensue with respect to the license as are prescribed in the case of a lease upon the like default.

Right of holders of certain agricultural farms to select grazing farms.

- (2) Any holder of an agricultural farm containing not more than one hundred and sixty acres, who resides personally and *bonâ fide* thereon, may select in any area opened for selection as Grazing Farms within a distance of fifteen miles from his said residence a Grazing Farm containing not more than six hundred and forty acres, and he shall in such case, but for so long only as he shall continuously and *bonâ fide* reside on the agricultural farm, be exempt from the condition of occupation in respect of the Grazing Farm.

Section 58.

- (3) The following provision shall be added to subsection five of section fifty-eight:—

Provided that notwithstanding such forfeiture the Governor in Council may waive the forfeiture and reinstate the selector upon payment of the arrears of rent due at the date of such forfeiture and the accrued penalty.

Section 73.

*Agricultural Farms—Acquisition of Freehold.*

- (4) Section seventy-three shall be read and construed as if the words “for the period of five years” had been inserted before the words “or of each of two or more successive lessees.”

*Occupation Licenses.*

Section 77,  
subsection 4.

- (5) So much of subsection four of section seventy-seven as prescribes that priority of application shall be determined by lot is hereby repealed, and the following provision is substituted in lieu thereof:—

When two or more applicants, highest bidder to be declared successful applicant.

When two or more applications for the same run or area are lodged at the same time, the Commissioner shall at the time appointed for considering them cause such run or area to be offered at auction to the several applicants and to no other persons, and that one of the applicants who shall make the highest bid for such area or run, and shall pay the amount of the rent to the Land Agent, shall

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PART III.—  
AMENDMENT  
OF SECTION,  
&c.

be declared the successful applicant, and the annual rent payable by him in respect of such area or run shall be the amount so bid by him instead of the sum which would otherwise be payable under subsection one.

Provided nevertheless that when any person makes a request to the Minister that any specified area of land may be declared open for occupation, and it results from the request that the land is so declared open, the Minister shall notify to the Commissioner that it was declared open at the request of such person, and if on the day appointed as that on which the land will be open, an application by such person for a license is lodged at the same time as applications by other persons, the application of the person by whom the request was made shall be deemed to have been first lodged, and shall be entitled to priority accordingly.

Priority in case of application by persons on whose request the land was declared open.

- (6) Applications for licenses under section ninety-eight shall be made to the Minister for Mines.

Section 98.

*Timber and other Licenses.*

- (7) The following provision shall be added to section one hundred and thirty-one:—

Any person holding a license under this section may use animals and vehicles in the removal of timber or other material as aforesaid, and may while so employed depasture the animals being used therein upon Crown lands or holdings under Part III. of this Act in such numbers, for such time, in such manner, and subject to such conditions as the regulations may prescribe.

Licensee may depasture animals used in removal of timber subject to regulations.

PART III.—AMENDMENT OF SECTION TWO OF “THE CROWN LANDS ACT OF 1884 AMENDMENT ACT OF 1885” AND PARTS II., III., AND IV. OF “THE CROWN LANDS ACT AMENDMENT ACT OF 1886,” AND PART VIII. OF THE PRINCIPAL ACT.

PART III.—  
AMENDMENT  
OF SECTION,  
&c.

*Opening Roads.*

4. When land is resumed from a holding under Part IV. of the Principal Act for the purpose of a public road, the lessee shall not be entitled to accept the notice of resumption of such land as a notice of resumption of the

Opening roads through agricultural and grazing farms.

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AMENDMENT  
OF SECTION,  
&c.

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entire holding within the meaning of the one hundred and second section of the Principal Act.

Applies *id.*  
s. 11 to  
grazing farms.

5. The provisions of the eleventh section of "*The Crown Lands Act Amendment Act of 1886*" shall apply to grazing farms as well as to holdings under Part III. of the Principal Act.

*Resumptions for Roads.*

Opening roads  
through  
agricultural  
areas, and  
compensation  
therefor.  
See Principal  
Act, s. 102.

6. When land is required for the purpose of opening a public road through any holding under "*The Crown Lands Acts of 1884 to 1886*," such land may be resumed from license or lease by the Governor in Council on the recommendation of the Board, subject to the following provisions, that is to say:—

- (1) A notice signed by the Minister shall be published in the *Gazette* and local papers, and served on the licensee or lessee personally, or by post letter addressed to him at the holding, two months before the resumption takes effect;
- (2) The licensee or lessee shall, within two months of the date of such notice, forward by post letter to the Minister his claim for compensation for all losses arising from the resumption, and in default thereof shall be held to make no claim;
- (3) Where land is resumed from a holding for the purpose of opening a public road through any such holding, the licensee or lessee shall be entitled to compensation for all losses sustained by him in respect of the resumption thereof from such holding, and the amount thereof shall be determined by the Board;
- (4) No licensee or lessee shall be entitled to compensation for the value of any land resumed for opening a road through his holding where the area of such road does not exceed any area which may be reserved by the lease or license for road purposes; but he shall be entitled to compensation for all other loss sustained by him in consequence of such road being opened.

*Selection before Survey, Agricultural Areas.*

Amends 49  
Vic. No. 7, s. 2.

7. So much of section two of "*The Crown Lands Act of 1884 Amendment Act of 1885*" as is contained in the words "The Governor in Council, on the recommendation

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&c.

of the Land Board, may suspend the operation of the forty-third section of the Principal Act with respect to any land situated in any of the districts specified in the Schedule hereto which did not at the commencement of the Principal Act form part of a run, and which had before the commencement of that Act been open to selection under 'The Crown Lands Alienation Act of 1876,' and the Schedule to the said Act, and section twelve of "The Crown Lands Act Amendment Act of 1886," and the First Schedule to that Act, are hereby repealed and the following enactment is substituted therefor.

The Governor in Council may, on the recommendation of the Land Board, suspend the operation of the forty-third section of the Principal Act with respect to any country lands which the Board may under the forty-first section of the Principal Act recommend to be set apart as Agricultural Areas.

*Sales by Auction.*

8. Section twenty-five of "The Crown Lands Act Amendment Act of 1886" shall be read and construed as if instead of the words "twelve months" inserted therein the words "three years" had been therein inserted.

Amends 50  
Vic. No. 33,  
s. 25.

9. So much of section twenty-six of the last-mentioned Act as is contained in the words—

Repeals and  
amends part  
of 50 Vic. No.  
33 s. 26.

"The area of any portion of country lands so sold shall not exceed forty acres, and the upset price shall not be less than one pound per acre"

is hereby repealed, and the following provision shall be substituted in the place thereof—

The area of any portion of country lands so sold shall not exceed three hundred and twenty acres, and the upset price shall be determined by the Board.

Vide Prin-  
cipal Act,  
s. 16.

Provided that such upset price shall in the case of land which in the opinion of the Board is agricultural land be not less than one pound per acre, and in the case of other land be not less than ten shillings per acre.

10. No more than one hundred and fifty thousand acres of country land shall be sold in any one year.

Limit of area  
to be sold  
annually.

PART IV.—  
PROVISIONS  
AS TO  
MINING.

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PART IV.—PROVISIONS AS TO MINING.

Definition of  
Crown Lands  
for mining  
purposes.

11. And whereas since the passing of the Principal Act doubts have arisen with respect to the meaning of the eighth section thereof, and the effect of such section upon "*The Gold Fields Act of 1874*" and "*The Mineral Lands Act of 1882*" respectively, and it is expedient to remove such doubts: Be it declared and enacted as follows:—

Section to be  
retrospective.

Notwithstanding anything contained in the Principal Act, save as is hereinafter provided, nothing in the Principal Act shall be deemed to affect, limit, or restrict the rights conferred upon the holder of a miner's right or mining license issued under the provisions of "*The Gold Fields Act of 1874*" or "*The Mineral Lands Act of 1882*" respectively, and the term "Crown Lands," as defined by "*The Gold Fields Act of 1874*" and "*The Mineral Lands Act of 1882*" respectively, shall for the purposes of the two last-mentioned Acts be deemed to include all lands held under lease for pastoral purposes, all lands subject to a right of depasturing under Part III., grazing farms under Part IV., and all lands held under an occupation license under Part V. of the Principal Act, but not agricultural farms. The provisions of this section shall be deemed and taken to have been in force on and from the commencement of the Principal Act.

Repeals part  
of section 109  
Principal Act.

12. So much of section one hundred and nine of the Principal Act as is contained in the words "on condition of making compensation to the lessee for any actual damage and all such other conditions as may be prescribed" is hereby repealed.

Proclamation  
of goldfield or  
mining  
district to  
have effect of  
resumption.

13. Upon the proclamation by the Governor in Council of a goldfield under the provisions of "*The Gold Fields Act of 1874*," or of a mining district under the provisions of "*The Mineral Lands Act of 1882*," upon or partly upon any land held under lease for pastoral purposes under Part III. of the Principal Act, or upon or partly upon any grazing farm, the proclamation shall, at the option of the lessee or licensee, have the effect of a resumption taking effect from the date of such proclamation of that part of the holding comprised within the area of the proclaimed goldfield or mining district.

Where a part only of a grazing farm has been resumed under any such proclamation, the lessee or licensee thereof may, within three months from the date of the proclamation, serve on the Minister a notice in writing that he desires that the residue of his farm shall be resumed. Thereupon the residue of such farm shall be

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deemed to have been resumed under and by virtue of such proclamation, as on and from the date of the service of such notice.

The provisions of the first three subsections of section one hundred and two of the Principal Act shall not apply to resumptions taking effect by virtue of the provisions of this section.

14. Where before the passing of this Act a grazing farm or part thereof has been occupied or leased for mining purposes under either of the Acts relating to mining hereinbefore mentioned, the lessee or licensee of such farm may take advantage of the provisions of the last preceding section upon giving such notice as aforesaid within three months after the passing of this Act.

Provision as to grazing farms mined on before passing of this Act.

PART V.—GENERAL.

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GENERAL.

*Correction of Errors in Deeds of Grant.*

15. Section six of "*The Titles to Land Act of 1858*" shall be read and construed as if instead of the words "three" and "threemonths" therein inserted the words "two" and "thirty days" had been therein respectively inserted.

Amends 22 Vic. No. 1, s. 6.

*Useless Reservations for Roads.*

16. In any case where lands have been or may hereafter be granted by the Crown in fee-simple, and by the deed of grant thereof a portion of such lands has been reserved for public roads, it shall be lawful for the Governor in Council, in the name of Her Majesty, and in the prescribed form, upon the recommendation of the Board that the lands so reserved, or any portion thereof, are not required for public roads, to sell and grant in fee-simple to the grantee aforesaid or to his successor in title in fee-simple, the whole or such portion thereof, as the case may be, as the Governor in Council may think fit, without competition and at such price as may be determined by the Board.

Road reservations in grants may be sold to grantee.

17. All lands which are now or may be hereafter dedicated to the public as roads by private persons may be dealt with in the same manner as any other roads which have been dedicated to public use by the Crown.

Roads dedicated to the public by private persons.

**LEGISLATIVE ASSEMBLY, PAYMENT OF MEMBERS OF.**

*See* CONSTITUTION.

**LIBEL.**

*See* DEFAMATION.