

Crown Lands Act.

55 Vic. No. 19,

secure that the infant be brought up in the religion in which the parent has a legal right to require that the infant should be brought up.

Nothing in this Act contained shall interfere with or affect the power of the Court to consult the wishes of the infant in considering what order ought to be made, or diminish the right which any infant now possesses to the exercise of its own free choice.

Rules as to
procedure.
49 & 50 Vict.
c. 27, s. 11.

14. Rules for regulating the practice and procedure in any proceedings under this Act, and the forms in such proceedings, may be made by the Judges of the Supreme Court, or any three of them, of whom the Chief Justice shall be one.

Saving clause.
49 & 50 Vict.
c. 27, s. 13.

15. Nothing in this Act shall restrict or affect the jurisdiction of the Supreme Court to appoint or remove guardians, or otherwise in respect of infants.

INFANTS, PROTECTION OF.

See CRIMINAL LAW.

IRRIGATION.

See WATER SUPPLY.

LANDS, CROWN.

Crown Lands Act of 1891 55 Vic. No. 19.

Special Sales of Land Act of 1891 55 ,, ,, 21.

55 Vic. No. 19. **An Act to further Amend "The Crown Lands Acts, 1884 to 1889."**

THE CROWN
LANDS ACT OF
1891.

[ASSENTED TO 17TH OCTOBER, 1891.]

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:—

Short title and
construction.

1. This Act may be cited as "*The Crown Lands Act of 1891*," and shall be read and construed with and as an amendment of "*The Crown Lands Acts, 1884 to 1889*,"* and those Acts and this Act may together be cited as "*The Crown Lands Acts, 1884 to 1891*."

* 48 Vic. No. 28, *supra*, page 1137; 49 Vic. No. 7, *supra*, page 1172; 50 Vic. No. 33, *supra*, page 1174; and 53 Vic. No. 14, *supra*, page 3765.

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*Crown Lands Act.***2. In this Act,**

Definitions.

The term "the Principal Act" means "*The Crown Lands Act of 1884*";*

The term "Conditional Selection" means the selection of land under the provisions of the Principal Act relating to Agricultural Farms as amended by any subsequent Acts and not being by way of Unconditional Selection, or means the land so selected, as the context requires;

The term "Unconditional Selection" means the selection of land under the provisions of this Act without any conditions except the payment of rent, or means the land so selected, as the context requires.

Unconditional Selection.

3. Crown Lands may be selected by way of unconditional selection under the provisions hereinafter contained. Unconditional selection.

4. Every Proclamation declaring any Country Lands in an Agricultural Area open for selection, shall specify whether the land is to be open for conditional selection only, or for unconditional selection only, or is to be open for both kinds of selection. Land may be offered for unconditional selection.

5. When any land is declared open for unconditional selection, the Proclamation declaring the land open to selection shall specify the price, being not less than twenty shillings per acre, at which the lessee by unconditional selection may purchase the land in fee-simple as hereinafter provided. The Proclamation shall also specify the annual rent per acre to be paid by the lessee, which shall be one-twentieth part of the price at which the lessee may purchase the land as specified by the Proclamation. Conditions of declaring the land open. Price and rent.

6. When land is proclaimed open for selection both by conditional and by unconditional selection, the purchasing price to be paid by a selector by unconditional selection shall be greater by one-third than the purchasing price to be paid by a selector by conditional selection. Proportion of purchasing price under two modes.

7. An applicant to select an Agricultural Farm which is open for selection both by conditional and by unconditional selection shall state in his application whether he applies for it by conditional selection or by unconditional selection. Applicant to state in what mode he desires to select.

* 48 Vic. No. 28, *supra*, page 1137.

Separate register to be kept.

8. A separate register shall be kept by the Land Agent with respect to applications to select land by unconditional selection.

Restrictions on applicants not to apply.

9. The provisions of the forty-eighth section of the Principal Act shall not apply to applicants to select land by unconditional selection.

Priority.

10. When land is open to be selected by conditional selection and also by unconditional selection, and applications to select the same land in both modes are lodged at the same time, the applicants to select by conditional selection shall have priority over the applicants to select by unconditional selection.

Auction.

When two or more applications to select the same land by unconditional selection are lodged at the same time, the Commissioner shall, at the time appointed for considering them, offer the land at auction at an annual rent to the several applicants and to no other persons: And that one of the applicants, being otherwise competent to select the land, who makes the highest bid for the land, and pays the balance of the first year's rent to the Land Agent, shall be declared the successful applicant: And the annual rent payable by him shall be the amount bid by him instead of the rent specified in the Proclamation declaring the land open to selection.

Terms of lease.

11. In the case of unconditional selections, the provisions of the fifty-eighth section of the Principal Act shall not apply, but the following provisions shall have effect in lieu thereof, that is to say,

Upon the issue of the license to occupy the land the applicant shall be entitled to occupy it, and shall also be entitled to a lease thereof from Her Majesty under and subject to the conditions and provisions following, that is to say:—

- (1) The term of the lease shall be twenty years, computed from the first day of January or first day of July nearest to the date of the license;
- (2) The annual rent reserved by the lease shall be one-twentieth part of the price at which the lessee may purchase the land as specified by the Proclamation declaring the land open to selection; or the amount bid by him under the provisions of the last preceding section, as the case may be;

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- (3) The rent shall be payable in respect of the year ending on the thirty-first day of December, and shall be payable at the Treasury, in Brisbane, or other place appointed by the Governor in Council, on or before the thirty-first day of March in that year ;
- (4) If default is made by the lessee in the payment of rent the lease shall be forfeited, but the lessee may defeat the forfeiture by payment of the full annual rent within ninety days from the date hereinbefore appointed for payment with the addition of a sum by way of penalty, calculated as follows, that is to say—if the rent is paid within thirty days five per centum is to be added, if the rent is paid within sixty days ten per centum is to be added, and if the rent is paid after sixty days fifteen per centum is to be added ; but unless the whole of the rent together with such penalty is paid within ninety days from the appointed day the lease shall be absolutely forfeited ;
- (5) At any time during the term of the lease the lessee may pay at the Treasury, or other place appointed by the Governor in Council for the payment of the rent, a sum equal to the whole amount of the rent that would be payable during the unexpired portion of the term of the lease, together with the deed fee and assurance fee, and shall thereupon be entitled to a Deed of Grant of the land in fee-simple ;
- (6) If the lessee does not, during the term of the lease, take advantage of the last preceding condition he shall, on payment of the last year's rent with the deed fee and assurance fee, be entitled to a Deed of Grant of the land in fee-simple.

12. Land Orders shall not be available in payment of the rent of unconditional selections. Land Orders not available.

13. If the lease of an unconditional selection is determined by forfeiture before the expiration of the term of the lease, the land shall become Crown Land and may be dealt with in any way in which Crown Lands may be dealt with under “ *The Crown Lands Acts, 1884 to 1891.*” Consequence of forfeiture.

Impounding.

14. A lessee of an unconditional selection shall not be entitled to impound any stock found trespassing on any part of the land which is not enclosed with a good and substantial fence, except in the case of wilful trespass.

Provisions of Crown Lands Acts to apply.

15. Except as herein otherwise expressly provided, the provisions of "*The Crown Lands Acts, 1884 to 1891*," relating to conditional selections, and to the rights, powers, and disabilities, of lessees of such selections shall apply to unconditional selections, and the lessees thereof.

Existing Conditional Selections.

Lessee of existing conditional selection may come under the foregoing provisions.

16. Any lessee of a conditional selection under "*The Crown Lands Acts, 1884 to 1891*," may at any time after the expiration of five years, and before the expiration of twelve years, from the commencement of the term of the lease surrender his lease, and shall upon such surrender be entitled to a lease of the land as an unconditional selection under the provisions of this Act. The term of the new lease shall be from the first day of January or first day of July nearest to the date of the surrender, and the purchasing price shall be the same as in the original lease.

Agricultural Farms not in Agricultural Areas.

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17. The Governor in Council may, on the recommendation of the Board, declare land open to selection as Agricultural Farms notwithstanding that it is not within an Agricultural Area. All the provisions of "*The Crown Lands Acts, 1884 to 1891*," relating to the selection of land in an Agricultural Area shall apply to land so declared open to selection.

Associations of Co-operative Selectors.

Special provisions for associations of selectors.

18. (1.) If it is proved to the satisfaction of the Commissioner in open court that the selectors of a group of two or more Agricultural Farms, the area of none of which exceeds eighty acres, are *bonâ fide* associated together for mutual assistance, and for the purpose of the *bonâ fide* occupation and improvement of the Farms, the Commissioner may give to the selectors a special certificate setting out the facts as proved to him.

(2.) If the certificate is confirmed by the Board, the Board may issue a Special License enabling any one of the selectors of the Farms specified in the License to perform the conditions of occupation and improvement in respect of any of those Farms on behalf of any other or others of the selectors as well as on his own behalf, but subject to

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the further condition that the number of selectors in actual occupation of some one or more of the Farms shall not at any time be less than one for every one hundred and sixty acres of the total area of the Farms specified in the License.

(3.) When such a Special License has been issued, and while it is in force with respect to any Farms, the condition of occupation may be performed in respect of any of the Farms with respect to which the Special License is in force, by the residence upon any one of those Farms of any one or more of the selectors of the Farms, but subject to the further condition aforesaid.

(4.) When such a Special License has been issued, if the value of the substantial and permanent improvements effected upon any one of the Farms while the Special License is in force with respect to it exceeds a sum equal to ten shillings per acre of the land comprised in that Farm, the surplus value may be attributed to any other of the Farms, and shall be attributed to such Farm or Farms as the Selector of the Farm on which the improvements are effected notifies to the Commissioner.

(5.) When a selector of a Farm with respect to which a Special License under this section is in force assigns his Farm, if the assignee proves to the satisfaction of the Commissioner in open court that he has been admitted to the place of his assignor in the association, the Commissioner may give him a certificate to that effect.

(6.) If the certificate is confirmed by the Board, the assignee shall succeed to the rights and privileges of the assignor under the Special License.

(7.) If a selector named in a Special License dies, the Special License shall nevertheless continue in force with respect to his Farm.

(8.) A Selector of a Farm named in a Special License may withdraw from the association, and upon his notifying to the Commissioner that he has so withdrawn, the Special License shall cease to have effect so far as regards him or his Farm.

(9.) If a Farm named in a Special License is forfeited, the Special License shall cease to have effect so far as regards that Farm.

(10.) If a Selector of a Farm with respect to which a Special License is in force becomes the assignee of another of the Farms with respect to which it is in force, otherwise than as the trustee of the estate of the previous lessee under the laws relating to the administration of the

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If the purchaser of Crown land sold at auction, or purchased after auction as hereinafter provided, or any registered assignee from him, assigns his interest in the land before the payment of the balance of the purchase money, the assignment may be registered in the Department of Public Lands upon payment of a fee of twenty shillings, and the assignee shall thereupon succeed to all the rights of the assignor with respect to the land.

29. The following enactment shall be added to the eighty-seventh section of the Principal Act, that is to say, Amendment of s. 87.

The price may be paid in the same instalments and at the same periods as if the land had been bought at the auction.

30. The following enactment shall be added to the ninety-fourth section of the Principal Act, that is to say, Amendment of s. 94.

In the case of land on an island situated off the coast of Queensland—

(1.) The area comprised in a lease may be fifty acres, but shall in no case include the foreshore of the island;

(2.) The annual rent shall not be less than two shillings and sixpence per acre, and the total annual rent shall not be less than five pounds.

31. The following words shall be added to the ninety-fifth and ninety-sixth sections of the Principal Act, that is to say, Amendment of s. 95.

“A Municipal or Shire Council or Divisional Board may be appointed to be the trustees for the purposes of this section.”

32. All the words in the seventh section of “*The Crown Lands Acts 1884 to 1886 Amendment Act of 1889*,”* after the words “country lands,” are repealed. Amendment of 53 Vic. No. 14, s. 7.

33. The ninth section of the last-mentioned Act is repealed. Repeal of 53 Vic. No. 14, s. 9, and amendment of 50 Vic. No. 33, s. 26.

The following provision shall be substituted in the twenty-sixth section of “*The Crown Lands Act Amendment Act of 1886*,”† for the words by the said ninth section directed to be inserted therein, that is to say:—

The area of any portion of country lands so sold shall not exceed three hundred and twenty acres. The upset price in the case of land which in the opinion of the

* 53 Vic. No. 14, *supra*, page 3765.

† 50 Vic. No. 33, *supra*, page 1174.

Board is agricultural land shall be not less than one pound per acre, and in the case of other lands shall be not less than ten shillings per acre.

Amendment
of 53 Vic.
No. 14, s. 13.

34. The following words shall be added to the first paragraph of the thirteenth section of the last-mentioned Act,* that is to say,

“Provided that the lessee or licensee within three months after the date of the Proclamation serves on the Minister a notice in writing that he elects that the Proclamation shall have that effect.”

Time for
declaring
option under
53 Vic.
No. 14, s. 13.

35. In the case of a Proclamation of a goldfield or mining district published before the passing of this Act, if a lessee or licensee desires to exercise his option under the provisions of the first paragraph of the thirteenth section of the last-mentioned Act* that the Proclamation shall have the effect of a resumption of the part of his holding comprised within the area of the proclaimed goldfield or mining district, he must declare such option by serving on the Minister, within three months after the passing of this Act, a notice in writing that he so elects: otherwise the Proclamation shall not have the effect of such resumption.

Manner of Showing Amendments.

Acts to be
printed as
amended.

36. In all copies of the Principal Act or of any of the Crown Lands Acts 1884 to 1891 printed by the Government Printer after the commencement of this Act, any words by this Act, or any of those Acts, or any Act hereafter to be passed, directed to be substituted for other words in any of those Acts shall be printed therein in lieu of the latter words, and any words directed by this Act, or any of those Acts, or any Act hereafter to be passed, to be added shall be added thereto, and any words directed by this Act or any of those Acts, or any Act hereafter to be passed, to be omitted shall be omitted. And references shall be made in the margin to the sections of the Act by which such amendments are respectively made.

* *Sic*, but *semble* 53 Vic. No. 14, *supra*, page 3765.