Queensland.

ANNO QUADRAGESIMO

VICTORIÆ REGINAE.

No. 15.

An Act to Consolidate and Amend the Laws relating to the Alienation of Crown Lands.

[Assented to 29th November, 1876. Commenced 1 March 1877.]

WHEREAS it is expedient to consolidate and amend the laws relating to the alienation of Crown lands. 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—

Introductory.

1. The following terms shall for the purposes of this Act unless otherwise indicated have the several meanings set against them respectively that is to say—

'Crown Lands'—All lands vested in Her Majesty which are not dedicated to any public purpose and which are not for the time being subject to any deed of grant lease contract promise or engagement made by or on behalf of Her Majesty and all lands comprised in any pastoral lease which are by law subject for the time being to reservation selection or alienation.
Crown Lands Alienation Act of 1876.

"Minister."—The Secretary for Public Lands or other Minister who for the time being performs the duties of Secretary for Public Lands.

"Commissioner."—The Land Commissioner appointed under the provisions of this Act for the district wherein the land in question is situated.

"Conditional Purchase."—The mode of acquiring land by purchase upon condition defined by this Act not being by way of homestead selection.

"Conditional Purchaser."—The lessee for the time being of land held under conditional purchase.

"Selection."—The making of an application to select or the land selected as the context may require.

"Conditional Selection."—Land held under conditional purchase.

"Selector."—The person entitled for the time being to any land selected whether by conditional purchase or as a homestead.

"Improvements."—Any head-station house store stable hut woolshed sheep-pen drafting-yard barn stockyard fence well dam reservoir tank trough artificial watercourse or watering-place garden clearing ring-barking of trees cultivation or plantation of trees shrubs or artificial grasses or any building erection construction or appliance being a fixture for the working or management of a run farm grazing-farm or plantation or of any sheep cattle or horses depastured thereon or for maintaining or increasing the pastoral or agricultural capabilities thereof.

"Prescribed."—Prescribed by regulations made under this Act.

Repeal of existing Acts and regulations saving existing rights.

2. From and after the commencement of this Act the several Acts specified in the first Schedule hereto and all rules and regulations made thereunder respectively shall be and are hereby repealed saving always all rights claims penalties and liabilities already accrued or incurred and in existence.

Provided that for the purpose of dealing with lands heretofore applied for selected or leased under any of the said repealed Acts the Governor in Council may continue to appoint Commissioners and other officers and do or cause to be done all such things as may be necessary for carrying out and completing all contracts agreements or forfeitures which have been made under or arise from such applications in the same manner as if the said Acts had not been repealed.

And provided further that all lands now held subject to the provisions of the said repealed Acts or any of them shall continue to be subject to the provisions thereof until the same shall have been granted in fee-simple or the leases thereof or other existing title shall become determined.

3. The
Crown Lands Alienation Act of 1876.

3. The ninth section of "The Western Railway Act" shall hereafter be read and construed as if that Act had been passed immediately after the commencement of this Act.

And as if the fourth subsection of the said ninth section had been as follows that is to say—"Under the provisions of the laws in force for the time being relating to the selection of land in "Homestead Areas”

And as if the words "A Homestead Area under the provisions of ‘The Homestead Areas Act of 1872’” in the seventh subsection of the said ninth section contained had been “A Homestead Area under the provisions of ‘The Crown Lands Alienation Act of 1876’”

And except as by the said ninth section of the said Act and this section is provided this Act shall not extend or apply to the Western Railway Reserve created by the said Act.

Except as aforesaid the provisions of this Act shall so far as applicable extend and apply to the whole Colony of Queensland.

4. The Governor in Council may in the name of Her Majesty and under and subject to the provisions of this Act grant and alienate in fee simple or for any less estate any waste lands of the Crown within the Colony of Queensland.

Every such grant or alienation shall be made in such form as shall from time to time be deemed expedient by the Governor in Council and being so made shall be valid and effectual to convey to and vest in the person therein named the lands described in the deed or instrument of alienation for such estate or interest as shall be set forth in such deed or instrument.

Every such grant or alienation shall be made subject to such reservations and conditions as are authorised by the laws under which the right thereto shall have been acquired and subject to no other reservations or conditions.

5. The Governor in Council may divide into counties any Crown lands not already included in any county and divide any county already existing or so to be created into parishes where such parishes are not already defined and may distinguish such counties and parishes respectively by names and proclaim the same and the boundaries thereof respectively and after such proclamation the lands comprised within such counties and parishes respectively shall thenceforward be recognised by such names as counties and parishes respectively.

The Governor in Council may also from time to time by proclamation set apart any Crown lands as sites for towns or villages and may in like manner set apart or reserve any Crown lands as township reserves.

6. The Governor in Council may from time to time grant in trust or by proclamation reserve either temporarily or permanently any Crown lands which in his opinion are or may be required for quays landing places tramways railways railway stations roads bridges ferries canals or other internal communications or for the approaches or
or other purposes necessarily appertaining to any such works or for reservoirs aqueducts or watercourses or for the use or benefit of the aboriginal inhabitants of the colony or for the sites of markets abattoirs public baths or washhouses mechanics' institutes schools of arts libraries museums or other institutions for public non-scholastic instruction public gardens or experimental farms and parks agricultural and horticultural societies grammar schools State schools hospitals asylums infirmaries establishments for the relief of indigent persons lock-ups police stations or police paddocks gaols places for the interment of the dead or for the recreation convenience health or amusement of the people or for any other purpose of public defence safety utility convenience or enjoyment or for otherwise facilitating the improvement and settlement of the colony or for any special purpose which may be approved by resolution of the Legislative Council and Legislative Assembly.

7. The Governor in Council may by proclamation and without issuing any deed of grant place any lands reserved either temporarily or permanently for any such purpose under the control of trustees and may by like proclamation declare the style or title of such trustees and the trusts of any land placed under their control and may empower them to make bye-laws for carrying out the objects of the trust.

8. For the purposes of any suit action or proceeding in any court of law or equity it shall be sufficient to describe such trustees by such style or title without naming any of them and in any indictment or information it shall be sufficient to describe them by such style or title as owners of any property real or personal and they may by such style or title sue and be sued and they shall for the purposes of any such suit action or proceeding be deemed to be the absolute owners of the land placed under their control and no such suit action or proceeding shall abate by reason of the death removal or retirement of any such trustee.

**Classification of Crown Lands.**

9. All Crown lands shall for the purposes of this Act be divided as follows—

- **Town lands**—which shall comprise all lands which have been heretofore or hereafter may be proclaimed as town lands
- **Suburban lands**—which shall comprise all lands within a distance of two miles in a straight line from any town lands and
- **Country lands**—which shall comprise all lands not being town lands or suburban lands.

**Land Commissioners and Land Agents.**

10. The Governor in Council may appoint Land Commissioners and land agents and define the districts within which they are to perform such duties as may be necessary for carrying the provisions of this Act into effect.

11. The
11. The Minister shall by notice in the Gazette fix a day in each month on which the Commissioner shall hold an open court at which all applications shall be considered and approved or rejected or otherwise dealt with and at which all such other matters as are by this Act declared to be within the cognizance of the Commissioner and required to be dealt with in open court shall be dealt with.

12. The Commissioner shall have power to hear and determine any question relating to the granting or refusal of any application to select raised at any such court and to enquire into any objection thereto either on public or private grounds and to examine witnesses on oath in relation thereto and from time to time to postpone any application or the hearing or decision of any question or objection.

The Commissioner shall also have power for the purposes of any inquiry held under the provisions of this Act to summon any persons as witnesses and to examine them upon oath and for such purposes shall have the same powers and authorities as any two justices of the peace in petty sessions have in respect of offences punishable on summary conviction. Any party to any such inquiry may be represented by his counsel attorney or agent.

The decision on every such enquiry shall be pronounced in open court. Provided that no decision of a Commissioner shall except in the case of certificates of performance of conditions be final until confirmed by the Minister.

*General Conditions applicable to Selections by Conditional Purchase and Homesteads.*

13. All Crown lands which immediately before the commencement of this Act were open to selection by conditional purchase under the provisions of "The Crown Lands Alienation Act of 1868" shall unless and until the Governor in Council shall otherwise declare by proclamation be open to selection by conditional purchase under this Act.

All Crown lands which shall at the commencement of this Act have been proclaimed as Homestead Areas under the provisions of "The Homestead Areas Act of 1872" shall unless and until the Governor in Council shall otherwise declare by proclamation be set apart as Homestead Areas under the provisions of this Act and be open to selection in accordance with such provisions.

14. The Governor in Council may by proclamation declare any country lands open to selection under the provisions of this Act and may by like proclamation withdraw any such lands from being so open.

Every such first-mentioned proclamation shall name a day (not being less than four weeks after the date of the proclamation) on and after which the land will be so open. And on and after the day so notified the land shall be open to selection accordingly.

Except...
Except as by the last preceding section is provided no Crown lands shall be open to selection until they shall have been proclaimed by the Governor in Council to be so open.

15. The Governor in Council shall by proclamation specify the upset price per acre at which any lands shall be open to selection by conditional purchase. Provided that such upset price shall not be less than five shillings per acre.

16. Every land agent shall keep a register in which he shall enter all applications to select land by conditional purchase or as homesteads in the consecutive order of their receipt and the day and hour on which they were lodged and each applicant shall himself or by his duly constituted attorney sign his name to such entry. And when any such application is approved or rejected or otherwise dealt with by the Commissioner shall make a memorandum of such approval or rejection opposite the entry of the application in the register and such register shall be open to public inspection during office hours.

17. Every person desirous of selecting Crown lands by conditional purchase or as a homestead shall lodge with the land agent for the district an application in the prescribed form and shall himself or by his duly constituted attorney sign the entry of his application in the register of applications. Every such application shall give a clear description of the locality and boundaries of the land applied for and shall state whether it is already surveyed or is unsurveyed. Every such application shall be accompanied by the full amount in cash of one-tenth part of the upset price together with the survey fee. Such applications shall take priority according to the order of their being lodged with the land agent.

Provided that if two or more applicants shall be present at the time of opening the land agent’s office the applications lodged by them shall be deemed to be lodged at the same time. And provided further that any application for any land as a homestead shall have priority over any application for the same land by conditional purchase lodged at the same time.

When two or more applications for the same land are lodged at the same time the Commissioner shall at the time appointed for considering them cause the land to be offered by auction at an annual rent to the several applicants and to no other persons and that one of the applicants who shall make the highest bid for the land and shall forthwith pay the amount of the first year’s rent to the land agent shall be declared the successful applicant. And the annual rent payable by him in respect of the land shall be the amount so bid by him instead of the sum which would otherwise be payable as hereinafter provided.

18. Subject to such general regulations concerning surveys and having frontage to any watercourse or main road shall not have a greater breadth of frontage thereto than—
Where the area does not exceed one hundred and sixty acres half the depth of such land—
Where the area exceeds one hundred and sixty acres but is not greater than three hundred and twenty acres two-thirds of the depth—
Where the area exceeds three hundred and twenty acres the whole depth

The boundaries not having frontage to roads or natural features shall be rectangular and be directed to the cardinal points unless any other general bearing shall be adopted for that portion of country.

19. If any selection of unsurveyed lands shall not be surveyed by the Minister within three months from the date of the selection being approved by the Commissioner the selector may apply to the land agent for a refundment of the survey fee and if the survey be not made within fourteen days from the date of such application may employ a licensed surveyor to effect the survey at the cost of such selector and on such survey being made and approved by the Surveyor-General the survey fee shall be refunded to the selector.

20. When any land selected as aforesaid shall have been surveyed the Minister shall if all the conditions and provisions of this Act have been complied with confirm the approval of the Commissioner and notice of such confirmation shall be given to the selector which notice shall specify the conditions of rent occupation and improvement to be fulfilled by him and the consequences of non-fulfilment thereof.

21. No person shall except by operation of law become the holder of any land under conditional purchase or as a homestead who is under the age of eighteen years or who is a married woman not having obtained a decree for judicial separation or an order binding in Queensland protecting her separate property or who is not a natural-born or naturalized subject of Her Majesty or who does not reside in Queensland or who is in respect of such land or any part thereof an agent or a servant of or a trustee for any other person or who has entered into any agreement express or implied to permit any other person to acquire such land by purchase or otherwise.

And all land applied for by way of conditional purchase or as a homestead shall be for the bonâ fide use occupation and benefit of the applicant in his own proper person and not as the agent servant or trustee of any other person.

If any person shall in violation of any of the provisions of this section become the holder of any land under this Act the Governor in Council may declare such land to be forfeited and on proclamation of such forfeiture all the right title and interest of the selector and of every transferee in and to such land and all moneys paid in respect thereof with all improvements thereon shall be absolutely forfeited and shall revert to the Crown.

And all contracts agreements and securities made entered into or given with the intent or which (if the same were valid) would have
the effect of violating any of the provisions of this Act and all contracts and agreements relating to land selected under the provisions of this Act made and entered into before or during conditional occupation to take effect on the fulfilment of conditions or on the issue of a grant in fee-simple shall be and are hereby declared to be illegal and absolutely void both at law and in equity.

22. If there shall be upon any land selected under this Act by conditional purchase or as a homestead any improvements the value of which shall not be payable by law to the former occupier of the land the selector shall pay the value of such improvements to the land agent within sixty days from the date when the value thereof shall have been determined.

Such value shall be determined by agreement between the selector and the Commissioner and in case of their not agreeing the value shall be determined by arbitration.

In the event of any such improvements not being improvements in respect of which any right of pre-emption has been exercised under "The Crown Lands Alienation Act of 1865" or compensation has been paid under "The Homestead Areas Act of 1872" having been made by a former pastoral lessee or selector of the same land the value thereof when paid by the selector shall be paid over to such former pastoral lessee or selector.

**Conditional Purchase.**

23. The total area which may be selected or held by any one person at the same time under conditional purchase shall not be more than five thousand one hundred and twenty acres nor shall the area of any land so selected be less than forty acres. Provided that the Governor in Council may by proclamation limit the area which may be selected or held under conditional purchase by any one person at the same time within any district specified in the proclamation to any area less than five thousand one hundred and twenty but not less than six hundred and forty acres.

If any conditional purchaser under this Act shall also be the holder of lands under conditional purchase under "The Crown Lands Alienation Act of 1865" the total area he may hold at any one time as a conditional selection under this Act shall not together with the area he so holds under "The Crown Lands Alienation Act of 1865" exceed the maximum area allowed under this Act to be held as a conditional selection.

24. Subject to the provisions of the last preceding section any person who is the holder under conditional purchase of land under the provisions of "The Crown Lands Alienation Act of 1865" or this Act the area whereof is less than five thousand one hundred and twenty acres may become the conditional purchaser of any adjoining vacant Crown land the area whereof together with that of the previous selection does not exceed five thousand one hundred and twenty acres. Provided that the external boundaries of the two selections taken together be such as are allowed in the case of ordinary selections.

In
Crown Lands Alienation Act of 1876.

In the case last aforesaid the two several selections so held by the same person shall so long as they are both held by him under conditional purchase be deemed for the purpose of the condition of occupation hereinafter mentioned to be the same selection.

25. Any person who is the holder under the said "Crown Lands Alienation Act of 1868" or this Act of a homestead or of a conditional selection and who shall have personally resided thereon for one year may make one other selection by conditional purchase of any Crown lands open to conditional purchase. Provided that the maximum area of land allowed to be held under conditional purchase be not exceeded.

26. Except as aforesaid or as hereinafter expressly provided no person shall at the same time hold more than one parcel of land under conditional purchase.

27. Every person applying to select land by conditional purchase shall make a declaration before a justice of the peace that he is of the full age of eighteen years and resides in Queensland and that he selects the land for his own use and not as the agent or trustee for any other person and that such land is held by him as a conditional selection under this Act does not exceed the maximum area allowed under this Act for a conditional selection and if he be also a holder of lands under conditional purchase under "The Crown Lands Alienation Act of 1868" that the total of the land so held in addition to that for which he applies under this Act does not exceed such maximum area.

28. When any application to select land by way of conditional purchase shall have been approved and confirmed by the Minister to the applicant the selector shall be entitled to a lease thereof under and subject to the conditions and provisions following and to all other the conditions and provisions of this Act that is to say:

(1.) The term of the lease shall be for ten years computed from the first day of January or first of July nearest to ten years.

(2.) The annual rent reserved under the lease shall be one-twentieth part of the upset price for every acre or fraction of an acre comprised therein or such larger sum as may have been bid at auction under the provisions hereinafter contained in that behalf.

(3.) The second and all subsequent years’ rents shall be paid to the land agent on or before the thirty-first day of March in each year of the term of the lease, for which the rent is due and in default of such payment the lease shall be forfeited and the land selected and all improvements thereon shall revert to Her Majesty. Provided that the lessee may defeat such forfeiture for non-payment of rent by paying to the land agent in the day of June next following, together with an additional sum
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sum equal to one-tenth part thereof by way of penalty but in default of such payment of rent and penalty on or before the thirtieth day of June the lease shall be absolutely forfeited and the said lessee and any person claiming under him shall be deemed a trespasser upon Crown land and liable to be removed therefrom as such under the provisions of this Act but the title of the said lessee may nevertheless be reinstated by the Governor in Council on such terms in addition to the penalty as he may see fit to impose.

(4.) The lessee shall occupy the land continuously and bonâ fide during the term of the lease.

Such occupation shall be by the continuous and bonâ fide residence on the land of the lessee himself or some other person who would himself be competent to become a conditional purchaser under this Act and who is in the actual and bonâ fide employment of the lessee and is not in the employment of any other person for any purpose connected with the use or occupation of the land.

Every agreement for the employment of a person by the lessee to reside on the land shall be in writing signed by the parties or their agents and shall be in duplicate And one copy thereof shall be registered in the office of the Commissioner.

The residence of any person so employed under an unregistered agreement shall be deemed null and void.

(5.) If at any time during the currency of the lease it shall be proved to the satisfaction of the Commissioner that the lessee has failed in regard to the performance of the condition of occupation during a period of six months it shall be lawful for the Governor in Council to declare the lease absolutely forfeited and vacated and thereupon the land comprised therein and all improvements thereon shall revert to Her Majesty.

(6.) The lessee shall during the term of the lease expend in substantial and permanent improvements on the land a sum equal to the amount of the whole of the purchase money thereof but so that in no case shall such sum exceed the rate of ten shillings per acre of such land.

(7.) If at any time after the expiration of three years from the commencement of the term the lessee shall prove to the satisfaction of the commissioner in open court that he has up to that time fulfilled the condition of occupation and has fulfilled the condition of improvement hereinbefore specified with respect to such land the commissioner shall issue to the lessee a certificate that the conditions aforesaid have been duly fulfilled.

(8.) If
Crown Lands Alienation Act of 1876.

(8.) If at any time after the lessee has obtained such certificate from the commissioner he shall pay to the land agent a sum equal to the aggregate amount of the annual rents which would become due during the unexpired portion of the term of the lease together with the amount of the deed fee and shall prove to the satisfaction of the commissioner in open court that he has continued up to the time of such payment to fulfill the condition of occupation hereinbefore specified such lessee shall thereupon be entitled to a deed of grant of the land in fee-simple.

Until such payment shall be made the lessee shall continue to perform the aforesaid condition of occupation.

(9.) No lease shall be transferred or assigned until the original lessee has obtained such certificate from the commissioner.

But after the issue of such certificate the lessee may upon payment of a fee of ten shillings transfer the land to any other person who would be competent to select the same land by way of conditional purchase under the provisions of this Act and such transferee shall continue to fulfill all and every condition in regard to the land in the same manner as the original selector. Provided that no such transfer shall take effect until it has been approved by the Minister and registered.

(10.) If the lessee not having previously obtained such certificate shall after he has made payment of the tenth year’s rent prove to the satisfaction of the commissioner in open court that he has fulfilled the conditions of occupation and improvement hereinbefore specified the commissioner shall issue to the lessee a certificate that such conditions have been fulfilled and the lessee shall thereupon be entitled to a deed of grant of the land in fee-simple on payment of the deed fee.

(11.) If the lessee shall not within six months after the expiration of the term of the lease or such further time as may be allowed by the commissioner have made proof to the satisfaction of the commissioner in open court that he has duly fulfilled during the term of the lease the conditions of occupation and improvement hereinbefore specified then the right and title of the lessee to the land shall absolutely cease and determine and the lessee shall not have any claim whatsoever to any renewed lease or any priority of claim to purchase the land and all improvements thereon shall revert to Her Majesty.

29. Whenever any selector of any land under the provisions of the said “Crown Lands Alienation Act of 1868” or this Act who resides personally and bona fide thereon or any owner in fee of any land.

After certificate, lessee may acquire fee-simple on payment of balance of rents.

In the meanwhile continued occupation necessary. Conditions under which transfer may be effected.

Right to grant at expiration of term. If conditions not fulfilled during term land to revert to the Crown.
land which if it had not been alienated from the Crown would be country land who resides personally and bona fide therein shall have selected by way of conditional purchase any other country lands within a distance of fifteen miles from his said residence he shall in such case but for so long only as he shall continuously and bona fide reside on either portion of land be exempt from the condition of occupation in respect of the other.

Provided that such exemption shall not extend to any selections of greater area in the aggregate than one thousand two hundred and eighty acres inclusive in the case of a lessee of the selection whereon he so resides.

30. The provisions of the last preceding section shall not extend to homestead areas.

31. Notwithstanding anything in this Act contained any person to whom any land held under conditional purchase shall pass by will or by operation of law shall be entitled to deal with the same in the same manner and to the same extent as any other land passing to him by will or by operation of law. Provided that the transferee of any such person must be a person who would be competent to select the same land under the provisions of this Act. And such transferee shall continue to fulfill the conditions of occupation and improvement as prescribed by this Act.

32. Notwithstanding anything in this Act contained any lessee who has obtained a certificate of fulfillment of conditions may with the approval of the Minister transfer the lease by way of mortgage to secure the repayment of advances bona fide made by the transferee to the lessee after the issue of the certificate or may with the like approval transfer the lease to any person or persons as a trustee or trustees of a marriage or other family settlement.

When a lease is transferred by way of mortgage or family settlement as aforesaid the conditions of occupation prescribed by this Act may be performed by the mortgagor or the persons beneficially interested in the land under the settlement or any of them as the case may be.

33. Any land held under conditional purchase under this Act and the right to a grant on fulfillment of conditions shall in the event of the death of the conditional purchaser intestate be deemed to be personal property and shall pass to his personal representative.

34. Whenever the estate or interest of any lessee of lands held under conditional purchase under the provisions of this Act shall pass by operation of law to any trustee under the provisions of any laws for the time being in force relating to such trustee shall upon proof being made to the satisfaction of the Governor in Council within two years from the date of adjudication that the several conditions required by this Act have been performed in respect of such land by the lessee or such trustee or partly performed by the lessee and completed by such trustee and upon payment of the balance of the ten years rent and deed fee be entitled to a deed of grant of such land in fee simple.

35. No
35. No lands held under this Act under conditional purchase shall in any event except the insolvency of the selector be liable to be taken in execution or otherwise made liable to the satisfaction of any debt or debts until the issue of a deed of grant thereof in fee simple.

**Homestead Areas.**

36. Whenever the term of the lease of any run within that part of the colony described in the second Schedule to this Act shall have expired by effluxion of time or shall have become determined by forfeiture or otherwise—and whenever the whole or any part of the land comprised in any such run shall have been resumed from lease under the provisions of the tenth section of "The Crown Lands Alienation Act of 1868" the lands comprised in such run or so resumed as the case may be shall be and the same are hereby set apart as Homestead Areas.

The Governor in Council may by proclamation define and set apart any other country lands as Homestead Areas.

37. Lands within Homestead Areas may be selected by members of the Volunteer Force of Queensland to the extent authorised by the certificates issued to them under the provisions of the ninety-eighth section of "The Crown Lands Alienation Act of 1868" and the land so selected shall not be subject to any conditions of residence or improvement.

38. Country lands within Homestead Areas shall not be open to selection by conditional purchase except under and subject to the restrictions and provisions next hereinafter contained that is to say—

1. The maximum area of land that may be acquired by any person by conditional purchase in a Homestead Area shall be one thousand two hundred and eighty acres or such lesser area not being less than one hundred and twenty acres as may be declared by the Governor in Council by proclamation.

2. The condition of occupation shall be performed by the continuous and bond fide residence on the land of the lessee himself.

Except as aforesaid all the provisions of this Act relating to the selection of land by conditional purchase and to land so selected shall extend and be applicable to land so selected in Homestead Areas.

**Homesteads.**

39. All lands which may be open to selection by conditional purchase whether in a Homestead Area or elsewhere shall also be open to selection as homesteads.

40. The total area which may be selected or acquired by the same person as a homestead in a Homestead Area shall be eighty acres and in any other place shall be one hundred and sixty acres. And no person shall except as hereinafter provided make more than one selection of land as a homestead.

41. Every
Crown Lands Alienation Act of 1876.

41. Every person applying to select a homestead shall make a declaration before a justice of the peace that he is the head of a family or is of the full age of eighteen years and that he selects the land for his own use and occupation and not as the agent or trustee for any other person and that such intended selection is the only homestead selection which he holds or has held under this Act or any of the Acts hereby repealed or that it adjoins his previous homestead selection either under this Act or "The Crown Lands Alienation Act of 1868" or "The Homestead Areas Act of 1872" in which case he shall also declare that such intended selection conjointly with his previous selection does not exceed a total area of eighty acres or one hundred and sixty acres as the case may be.

42. Every homestead selector shall for the term of five years make an annual payment at the rate of sixpence per acre or fraction of an acre or such larger sum as may have been bid at auction under the provisions hereinbefore contained.

The first payment shall be made to the land agent at the time of making the application and the subsequent annual payments shall be made to the land agent on the thirty-first day of March in each ensuing year and in default of such payment the land selected together with all improvements thereon shall be forfeited and revert to the Crown. Provided that such forfeiture may be defeated if on or before the thirtieth day of June next ensuing there shall be paid to the land agent a sum equal to the payment due on the thirty-first day of March together with an additional sum equal to one-tenth part thereof by way of penalty but in default of such payment on or before the thirtieth day of June the land shall be absolutely forfeited and the selector and any person claiming under him shall be deemed a trespasser upon Crown land and liable to be removed therefrom as such under the provisions of this Act but the title of the said selector may nevertheless be reinstated by the Governor in Council on such terms in addition to the penalty as he may see fit to impose.

43. Every homestead selector shall continuously and bona fide reside on the land during the whole of the said term of five years and shall during the said term expend a sum at the rate of ten shillings per acre in substantial and permanent improvements on the land.

44. If after the expiration of the said term of five years the homestead selector shall prove in open court to the satisfaction of the Commissioner that he has fulfilled the conditions in the last preceding section mentioned the Commissioner shall issue to such selector a certificate that the conditions aforesaid have been duly fulfilled and thereupon the selector shall be entitled to a deed of grant of the said land in fee simple on payment of the deed fee.

45. In the case of the death of a homestead selector after his application and before the expiration of the time limited for making proof of the performance of conditions all his right title and interest in the said land shall pass to the persons following that is to say:

1. If the selector have made a will to the persons to whom the same shall thereby be given

2. If
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(2.) If the selector die intestate to his widow (if any) for her own use and if he leave no widow then to his personal representatives for the benefit of all his children (if any) in equal shares and if he leave no children then for the benefit of his next of kin according to the Statutes for the distribution of personal estate.

And the person to whom such right title or interest shall pass under the provisions of this section may at any time within two years after the death of the selector and without being liable in the meantime to the performance of any conditions other than the payment of the annual instalments sell the said land for the benefit of the persons beneficially entitled thereto.

Upon any such sale the purchaser shall upon payment of the annual instalments then remaining unpaid and the deed fee be entitled to a deed of grant of the land in fee simple.

46. If at the expiration of the said period of two years the land shall not have been sold the provisions of this section may at any time within two years after the death of the selector and without being liable in the meantime to the performance of any conditions other than the payment of the annual instalments sell the said land for the benefit of the persons beneficially entitled thereto.

47. If at any time during the currency of the said term of five years it shall be proved to the satisfaction of the Commissioner that the selector has failed in regard to the performance of the condition of residence during the period of six months it shall be lawful for the Governor in Council to declare the land forfeited and thereupon the land and all improvements thereon shall revert to Her Majesty.

48. If the selector shall not within six months after the expiration of the said term of five years or such further time as may be allowed by the Commissioner have made proof to the satisfaction of the Commissioner in open court that he has duly fulfilled during the said term the conditions of residence and improvement hereinbefore specified then the right and title of the selector to the land shall absolutely cease and determine and he shall not have any claim whatsoever to purchase the land and all improvements thereon specified to Her Majesty.

49. No homestead selection shall during the said period of five years either in the case of the insolvency of the selector or in any other event whatsoever pass to the trustee of his estate or be liable to be taken in execution or otherwise made liable to the satisfaction of any debt of the selector.

50. Where any person shall have selected a homestead under "The Crown Lands Alienation Act of 1868" or "The Homestead Acres Act of 1872" or this Act the area of which shall be less than one hundred and sixty acres he may select so much of any vacant Crown land adjoining his selection as shall not together with such previous selection exceed an area of eighty acres or one hundred and sixty acres according as the selection shall be within or not within a homestead area but so that the external boundaries of the combined selections shall not
not be other than would be allowed for one original homestead selection under this Act and it shall be sufficient that the condition of continuous residence be performed on any part of the combined homestead selections. Provided that in no case shall any person hold two separate homesteads.

Certificates and Forfeitures.

51. Applications for certificates of performance of conditions shall be made to the Commissioner who shall in open court hear the same and any evidence adduced on oath in support thereof or in opposition thereto and shall in open court give his decision as to the granting or withholding of the issue of the certificate.

Notice of every such application shall be given to such commissioner at least ten clear days before the court sitting at which the application is to be made and notification of every such intended application shall be posted conspicuously in the land agent’s office at least a week prior to such court sitting.

52. No forfeiture of any conditional or homestead selection for any cause other than the non-payment of rent shall be declared until after a notice in writing shall have been served upon the conditional purchaser or homestead selector either personally or by posting the same addressed to him at the selection.

Every such notice shall specify the alleged cause of forfeiture and shall call upon the conditional purchaser or homestead selector to show cause against it at the next court sitting held after the expiration of thirty days from the service of the notice. A copy of such notice shall be published in the Government Gazette and the nearest local newspaper three weeks at the least before the sitting of the court at which cause is to be shown.

The Commissioner shall at such court sitting hear in open court such evidence as shall be adduced by the conditional purchaser or homestead selector or his agent by way of showing cause against the forfeiture and shall report thereon in writing to the Minister.

Sales by Auction.

53. It shall be lawful for the Governor in Council to cause any town suburban or country lands to be offered for unconditional sale by public auction and to cause maps of such lands to be prepared which maps shall show and specify the counties parishes or towns in which the lands are situated and all reserves intended to be made in accordance with the provisions of this Act and the boundaries and areas of the lands intended to be sold and shall also show the lengths and bearings of all boundary lines comprised therein and such maps shall be deposited as public maps in the office of the Surveyor-General.

54. All such lands shall be distinguished as town suburban or country lots according to their respective positions and shall be offered as nearly as may be in areas according to the following scale—

Town lands in allotments of from one rood to one acre

Suburban
Crown Lands Alienation Act of 1876.

Suburban lands within one mile from town lands in lots of from one acre to eighty acres.
Suburban lands over one mile from town lands in lots of from forty acres to one hundred and sixty acres.
Country lands in lots of from forty acres to six hundred and forty acres.

55. The place and time of sale shall be notified by proclamation published in the Gazette, not less than four weeks or more than three months prior to the day of sale and such proclamation shall specify the numbers of the lots and the area and upset price of each. Provided that any or all of the lots may be withdrawn from sale by the Minister at any time prior to the same being actually offered for sale and bid for

The Proclamation may impose any special conditions with respect to the sale of any specified lot or lots and may add the value of improvements on the land to the upset price.

56. The upset price shall not be less than:
- Eight pounds per acre for town lands
- One pound per acre for suburban lands
- Ten shillings per acre for country lands

Provided that the upset price may be fixed at any larger sum.

57. The land agent or auctioneer shall before the commencement of the sale read the terms and conditions of sale and all persons bidding at the sale shall be bound by the terms and conditions so read.

58. The highest bidding for each lot together with the name of the purchaser shall be announced by the auctioneer or land agent before proceeding to offer the next lot and the purchaser shall thereupon pay a deposit of one-fifth of the purchase money.

59. The balance of the purchase money and the value of the improvements (if any has been added to the upset price) together with the deed fee and survey fee as fixed by this Act shall be paid to the land agent at his office within one calendar month from the date of the sale and upon such payment being duly made the purchaser shall be entitled to a deed of grant of the land in fee-simple.

60. If the balance of the purchase money with the value of the improvements deed fee and survey fee be not paid to the land agent within one calendar month from the day of the sale the deposit shall be absolutely forfeited and the depositor shall have no further claim to the land on account thereof.

61. It shall be lawful for the Governor in Council by the proclamation to direct that the value of any improvements on any lot shall be paid to the owner or occupant of such improvements at the time of the sale and in such case it shall be sufficient that the purchaser instead of paying the value of the improvements to the land agent produce to the land agent a receipt in full for such value signed by such owner or occupant.

62. Any country lands which shall have been offered for sale at auction and not bid for and not withdrawn from sale either before or after offer at auction shall from and after the day following such offering
offering for sale be open to purchase by selection by the first applicant on payment to the land agent of the full upset price together with the deed fee and survey fee and any further sum which may have been fixed as the value of improvements on the land.

63. In any proclamation of lands for sale by auction the Governor in Council may specially declare that any town or suburban lands mentioned in the proclamation which shall not be bid for or withdrawn from sale either before or after offer at auction shall be open to purchase by selection by the first applicant at the upset price and in every such case all such lands shall be open to purchase accordingly subject to the same conditions as hereinbefore set forth in the case of country lands.

Special Grants.

64. In any case in which Her Majesty has become or may hereafter become entitled to any land either by escheat for want of heirs or by reason of any forfeiture for treason felony or otherwise or by reason that the same has upon inquisition been found to have been granted or otherwise vested unto the use of or in trust for any alien or aliens it shall be lawful for the Governor on behalf of Her Majesty to grant such land in fee simple or for any less estate to any person for the purpose of restoring the same to any of the family of the person in whom or for whose benefit the same had been vested or of carrying into effect any intended grant conveyance or devise of such last-mentioned person in relation to such land or of rewarding any person making discovery of such escheat or forfeiture or of Her Majesty's right and title thereto Provided that before any land under escheat is granted as aforesaid notice of the intended grant shall be advertised for two consecutive months in the Gazete.

65. It shall be lawful for the owner or owners of any purchased lands adjoining a road which is required for access to such lands only and is not otherwise required for public use or convenience to make application in writing to the Minister that such road may be closed either permanently or temporarily.

On the receipt of such application the Minister shall cause notice thereof to be inserted in the Gazete and in such local newspapers if any as he may think advisable and also conspicuously posted on the road to be closed and at the nearest Land office Police office and Post office for a period of not less than two nor more than six calendar months consecutively.

66. At the expiration of such period the Governor in Council may approve of such application with or without modification.

If the application is for the permanent closure of the road and is approved without modification the Governor in Council may order the closure of the road upon payment of such price as he may think reasonable (not being less than the original upset price of such adjoining lands) in which case upon payment of such price together with the deed fee a deed of grant in fee simple of the soil of such road shall
Crown Lands Alienation Act of 1876.

shall be issued to the owner or rateably to the several owners of such adjoining lands or as they may request in the same manner as if such road had been purchased by him or them at auction under the provisions hereinbefore contained.

If the application is for the temporary closure of the road and is approved or if the application being for the permanent closure of the road the Governor in Council shall approve of a temporary closure thereof only the Minister shall issue to the applicant a license in the prescribed form authorising him and his successors in the occupation of such adjoining lands to enclose the road and keep it enclosed for so long as he or they shall pay the yearly rent of one shilling per annum for every acre or part of an acre of the land comprised therein which rent shall be payable in advance at the Treasury on the first day of January in every year.

During the currency of the license the holder thereof shall be deemed the lessee of the land comprised therein.

If the annual license-fee shall not be paid when due the license shall be forfeited but the licensee may at any time within ninety days thereafter defeat such forfeiture by payment of the rent together with an additional sum equal to one fourth part thereof by way of penalty but in default of such payment of rent and penalty within such period of ninety days the license shall be absolutely forfeited.

If at any time it shall appear to the Governor in Council to re-open any road in respect of which any such license shall have been issued it shall be lawful for the Governor in Council to cancel such license upon giving six months’ clear notice to the holder thereof and upon such cancellation the road so enclosed shall again become open as a public highway.

67. Upon application made within twelve months after the proclamation in the Gazette of the first sale of any town land situated within any new city town village or reserve within which improvements are situated it shall be lawful for the Governor in Council to sell and grant 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 as defined by this Act.

68. 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 in Council may sell and grant such lands to the holder or holders of the adjoining lands without competition and at a price to be determined by the Minister or other officer duly authorised in that behalf.

69. It shall be lawful for the Governor in Council to acquire any land of any tenure which may be required for any purpose either by
by way of purchase or by granting any Crown land in fee simple or for any less estate in lieu of such land. And in any such case the value of the land so acquired or granted and of any improvements thereon respectively shall be determined by arbitration.

70. It shall be lawful for the Governor in Council to grant leases of any portion of land not exceeding five acres to any person for the erection of wharves storehouses slips for building or repairing vessels baths works for supplying water or gas to any town or any special purpose of a like kind.

Provided that the term of lease shall not in any case exceed twenty-one years and that it shall be a condition that such lease may at any time be cancelled on giving six months notice and payment of the value of the improvements and that the annual rent shall in no case be less than one pound per acre.

71. The Governor in Council may grant licenses to mine for coal on temporary or permanent reserves on such terms as to securing the surface license fees royalties or otherwise as he shall see fit.

Commons.

72. It shall be lawful for the Governor in Council to proclaim any unsold land as a common upon the following conditions—

(1.) That a petition signed by not less than thirty freeholders resident within any township or agricultural district praying for the proclamation of a common adjoining thereto shall have been presented to the Governor in Council.

(2.) That after the said petition shall have been notified in the Gazette for a period of sixty days no counter petition shall have been presented signed by a larger number of freeholders resident within the said township or district.

73. Every such common shall be proportioned to the number and wants of the freeholders resident in the said township or district but shall in no case exceed twenty square miles.

74. Notwithstanding the proclamation the fee-simple of all common lands shall be deemed to be vested in the Crown and unalienated and nothing herein contained shall prevent the sale of any land comprised in any common. Provided that it shall be lawful for the Governor in Council to extend any common to an extent equal to the area of the land which may be so sold therein.

75. The Governor in Council may make regulations for the management of any common or commons and for giving effect to commonage rights subject however to the following conditions—

That commonage rights shall appertain solely to residents in such townships or districts.

That the depasturing of sheep and entire male animals exceeding six months old except under special conditions shall be prohibited.

That
That payment be made for the depasturing of cattle at a rate not less than two shillings per head per annum and that in no case shall any one person be allowed to run more than twenty head on the same common.

But nothing herein contained shall prevent bona fide travelers from depasturing their bullocks, horses, or other stock on any common. Provided that no person travelling with stock shall be deemed a bona fide traveller who shall not proceed four miles in one direction during every twenty-four hours unless delayed by floods.

76. In the case of any common proclaimed for the use of the inhabitants of a municipality the Governor in Council may place such common under the control of the council of such municipality and may authorize the council to make regulations subject to the conditions aforesaid for the management thereof and the giving effect to commonage rights therein.

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**Licenses to Cut Timber.**

77. The Governor in Council may authorize the Commissioner or any Court of Petty Sessions to issue licenses for any term not exceeding one year to enter any Crown lands whether under pastoral lease or not and to cut and take therefrom any timber and to dig for and remove any gravel, stone, brick, earth, shells or other material but not within two miles of any head station unless by the consent of the lessee. The fee fixed for such license shall be paid in advance.

Any pastoral lessee may make any reasonable objection to the granting of any such license and the granting or withholding of such license after any objection shall have been made to the Commissioner or Court of Petty Sessions shall be determined by the Governor in Council.

Any pastoral lessee may by notice in writing to that effect given to any such licensee restrict him from exercising his rights as such licensee in any specified area on the run to be mentioned in such notice and not exceeding one thousand acres and such licensee may within the period of one month thereafter appeal to the Commissioner or nearest Court of Petty Sessions who shall determine whether the restriction shall continue in force and for how long a time and if such licensee shall during such period of one month or at any time thereafter during the continuance of such restriction exercise the right of a licensee within the area affected thereby he shall for every such offence be liable to a penalty not exceeding twenty pounds.

78. Except as provided in the last preceding section pastoral lessees under this Act shall not have the power to restrict other persons duly authorized by the Governor in Council either from cutting or removing timber or material for building or other purposes or from searching for or removing any metal or mineral within the run.
Crown Lands Alienation Act of 1876.

Surveys and Deed Fees.

79. For the purpose of effecting surveys under the provisions of this Act the Surveyor-General may issue licenses to such surveyors as may on examination prove to be duly qualified. Provided that if any such surveyor shall willfully neglect the proper execution of the surveys on which he may be employed or shall make any false statement or misrepresentation in regard to any land surveyed or the measurement thereof his license may be suspended or cancelled.

80. Every person acquiring Crown lands under the provisions of this Act by purchase, selection or lease not being a lease for pastoral purposes shall pay the cost of survey according to the following scale—

<table>
<thead>
<tr>
<th>Acres</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
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</thead>
<tbody>
<tr>
<td>under 60</td>
<td>3</td>
<td>8</td>
<td>0</td>
</tr>
<tr>
<td>60 to 80</td>
<td>3</td>
<td>16</td>
<td>0</td>
</tr>
<tr>
<td>80 to 120</td>
<td>4</td>
<td>12</td>
<td>0</td>
</tr>
<tr>
<td>120 to 160</td>
<td>5</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>160 to 240</td>
<td>5</td>
<td>16</td>
<td>0</td>
</tr>
<tr>
<td>240 to 320</td>
<td>6</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>320 to 480</td>
<td>7</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>480 to 640</td>
<td>7</td>
<td>18</td>
<td>0</td>
</tr>
<tr>
<td>640 and over</td>
<td>8</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

and for every six hundred and forty acres or part of six hundred and forty acres after the first six hundred and forty acres four pounds.

81. Upon the issue of any Deed of Grant in fee simple the following fees shall be paid which shall include the contribution to the assurance fund under the provisions of "The Real Property Act of 1861"—

<table>
<thead>
<tr>
<th>Acres</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
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<tbody>
<tr>
<td>Not exceeding 50</td>
<td>1</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>50 to 100</td>
<td>1</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>100 to 500</td>
<td>1</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>500 to 1,000</td>
<td>2</td>
<td>10</td>
<td>0</td>
</tr>
</tbody>
</table>

and for every two hundred and forty acres or part of two hundred and forty acres above one thousand acres one pound.

Appraisement and Arbitration.

82. Whenever it shall become necessary under the provisions of this Act to fix or ascertain any price value or sum of money or to settle any question or other matter not otherwise provided for by this Act the Minister and the claimant in matters concerning the rights of the Crown and each of the respective parties interested in any other case may concur in the appointment of a single appraiser or arbitrator as the case may require and failing such concurrence it shall be lawful for either party of his own accord or at the request of the other to appoint an appraiser or arbitrator as the case may require and upon such appointment to give notice thereof to the other party or
or parties. And if the other party or parties or any of them shall not within thirty days after such notice appoint an appraiser or arbitrator the appraiser or arbitrator first appointed together with such other appraisers or arbitrators (if any) as shall have been duly appointed within that time shall have power to determine the matter alone. And in any of the cases aforesaid the matter in question shall be inquired into and determined by such single appraiser or arbitrator or such appraisers or arbitrators or their umpire.

General Provisions.

83. The Governor in Council may by proclamation rescind either in whole or in part any reservation of any Crown lands as town lands or suburban lands or as reserves for public purposes.

From the date of any such rescinding proclamation the unalienated town lands and suburban lands respectively affected thereby shall be deemed country lands as if the original reservation had not been made.

If any lands have been sold as town lands under any proclamation so rescinded all reserves for water within the township shall be still reserved and the streets and roads within the township shall be kept as roads but may be closed and sold to the adjoining owners in like manner as other roads may be closed and sold.

84. If within the ten years next succeeding the date of any application to select any land either by conditional purchase or as a homestead it shall be deemed necessary to open any public road through the same it shall be lawful for the Governor in Council to proclaim a public road not more than two chains wide through such land.

In such case the holder of the land shall be entitled to compensation for the land taken for such road at the rate of twice the sum which shall have been paid to Her Majesty in respect of the area so proclaimed together with the value of the improvements thereon such value to be determined by arbitration.

Provided that where any such road shall be proclaimed through enclosed lands the Minister shall fence off the road from the adjacent enclosed lands with a fence equally serviceable with the fence within which the land is otherwise enclosed but such fence shall after its erection be maintained at the cost of the owner or occupant of the adjacent land.

Provided further that no such road shall be finally proclaimed open for public use until the foregoing condition of fencing has been complied with and notice shall have been given in the Gazette that the amount of compensation aforesaid has been duly paid or that the person entitled thereto can receive the amount at the Treasury.

85. The provisions of "The Fencing Act of 1861" shall apply to all lands held under conditional purchase or as homesteads and for the purposes of that Act land selected under this Act shall be considered as alienated when the application to select shall have been confirmed by the Minister and the selector thereof shall for such purposes be considered the owner from the time of such confirmation.

86. No
86. No stock shall be impounded from any selection held under this Act or under "The Crown Lands Alienation Act of 1868" unless the same shall be securely fenced.

87. Any person authorised in that behalf by the Governor in Council may enter on any part of the lands included in any conditional selection or homestead and dig and remove therefrom any gold or other metal or metallic ore Provided that any person so entering the land and removing any such minerals shall pay to the lawful occupant a sum equal to the amount of the actual damage which he shall sustain therefrom and the amount of such damage shall be determined by arbitration as provided by this Act.

88. Every forfeiture of land for breach of any of the provisions of this Act or for non-payment of any moneys required to be paid by this Act or breach of any condition imposed by this Act shall be proclaimed in the Gazette and the Governor in Council may cause such land to be notified as open for selection or direct it to be sold by auction in fee-simple.

89. The Governor in Council may from time to time appoint a sufficient number of persons to be rangers or bailiffs of Crown lands and every such ranger or bailiff may and shall during his continuance in office do on behalf of Her Majesty or on behalf of the Governor or the Minister in respect of any Crown lands all necessary acts for preventing intrusion encroachment or trespass thereon and may enter upon any Crown land or lands held under conditional purchase or as homesteads and view the same and observe the manner of the performance of conditions thereon and may do all such acts as may be necessary for recovering any rent or other sums payable in respect thereof or for taking and recovering possession of any lands in case of forfeiture or for such other purpose as any bailiff lawfully appointed may by law do in respect of any lands of his employer.

90. Whenever any person is in unauthorised occupation of any Crown lands or is in possession thereof under color of any lease issued under the provisions of this Act which shall have become forfeited it shall be lawful for any Commissioner land agent ranger or bailiff of Crown lands or police constable to prefer to any justice an information in writing setting forth such occupation and such justice shall thereupon issue his summons for the appearance before any two justices at a place and time to be therein specified of the person against whom any such complaint is made and the justices if on hearing the case they are satisfied of the truth of the complaint shall issue under their hands a warrant to dispossess and remove such person from such Crown lands and to take possession of the same on behalf of Her Majesty and any constable to whom any such warrant shall be directed shall forthwith execute the same according to the tenor and exigency thereof.

91. Any person unless lawfully claiming under a subsisting lease or license or otherwise under this Act who shall be found occupying any Crown lands or land granted reserved or dedicated for public purposes either by residing or by erecting any hut or building thereon
thereon or by clearing digging up enclosing or cultivating any part thereof or cutting or removing timber otherwise than firewood not for sale thereon shall be liable on conviction to a penalty not exceeding five pounds for the first offence and not exceeding ten pounds for the second offence and not exceeding twenty pounds for the third or any subsequent offence. Provided that no information shall be laid for any second or subsequent offence until thirty clear days shall have elapsed from the date of the previous conviction.

92. If any Commissioner land agent or licensed surveyor or any district surveyor directly or indirectly purchase any land declared open for selection in any proclamation in which he is named or being land respecting which he acts as Commissioner or land agent or in the survey of which lands he may have been concerned he shall thereby forfeit his office or license as the case may be and shall also forfeit the sum of one hundred pounds with full costs of suit which may be recovered by any person who may sue for the same in the Supreme Court or in the nearest district court.

93. If any person shall wilfully obliterate remove or deface any boundary mark which shall have been lawfully made or erected by or under the direction of any Commissioner licensed surveyor land agent ranger or bailiff of Crown lands arbitrator valuer or other person such person so offending shall be guilty of a misdemeanor.

94. All actions or other proceedings unless undertaken on behalf of the Crown against any Commissioner land agent ranger or bailiff of Crown lands or other officer acting under the provisions of this Act for anything wrongfully done under or against the provisions of this Act shall be commenced within twelve months after the matter complained of was committed and not otherwise. And notice in writing of any such action or proceeding and of the cause thereof shall be given to the defendant one month at least before the commencement of such action or proceeding. And the plaintiff in any such action shall not recover if tender of sufficient amends shall have been made before the commencement of such action or if a sufficient sum of money shall have been paid into court after such commencement by or on behalf of the defendant together with costs incurred up to that time. And if a verdict shall pass for the defendant or the plaintiff shall become nonsuit or discontinue his action or proceeding or if upon demurrer or otherwise judgment shall be given against the plaintiff the defendant shall recover from the plaintiff his full costs as between attorney and client and have the like remedy for the same as any defendant has by law against his plaintiff in similar cases.

95. It shall be lawful for any person who shall feel himself aggrieved by the conviction or decision of any justice or justices under any of the provisions of this Act to appeal therefrom to the district court nearest to the place where such conviction or decision shall have been given and the execution consequent upon the conviction or decision so appealed from shall be suspended on the appellant with two or more sufficient sureties entering before such justice or justices.
Governor in Council may establish regulations.

Regulations to be proclaimed.

The Governor in Council may from time to time make alter or rescind all such regulations and establish such forms as may be required for the due carrying out of the provisions of this Act.

97. The Governor in Council may, from time to time, make regulations and establish such forms as may be required for the due carrying out of the provisions of this Act.

98. All such regulations shall be proclaimed and every person who shall knowingly and willfully offend against any such regulations shall be liable to be proceeded against, and pay a penalty not exceeding five pounds for each such offence.

And every person who shall offend against any such regulation relating to any public park or reserve after being warned by any ranger or bailiff of Crown lands park-keeper or police constable shall not desist from so offending may be thereupon apprehended by such ranger bailiff park-keeper or constable and taken before some justice of the peace and shall be liable on conviction to forfeit and pay a penalty not exceeding ten pounds.

99. Any person who shall wilfully make a false statement in any declaration made in pursuance of this Act or the regulations to be made thereunder shall be guilty of perjury.

100. Any person who shall fraudulently evade or attempt to evade any of the provisions of this Act or otherwise commit any fraud thereon in the acquisition of land shall be guilty of a misdemeanor and on conviction thereof shall be liable to be imprisoned for a period of not more than two years.

101. Lands acquired by any evasion of or fraud upon the provisions of this Act shall be forfeited to the Crown.

102. Any person who shall convey transfer demise assign or become assignee of any land acquired or held by any fraud upon the provisions of this Act knowing the same to have been so acquired or held shall be guilty of a misdemeanor and on conviction thereof shall be adjudged to be imprisoned with or without hard labor for not more than twelve calendar months and to forfeit all his interest (if any) in the land so acquired to Her Majesty.

103. With respect to conditional selections under "The Crown Lands Alienation Act of 1868" the following provisions shall have effect.

(1.) If
40th VICTORIÆ No. 18.

Dwela Lands Alienation of Act 1876.

(1.) If at any time after the expiration of three years from the date of selection the lessee shall prove to the satisfaction of the Commissioner that he has up to that time fulfilled the condition of residence prescribed by the said Act and has also fulfilled the conditions of improvement applicable to the land as prescribed by the said Act then the Commissioner shall issue a certificate that the conditions aforesaid have been duly fulfilled and the said lessee shall be entitled to a deed of grant in fee simple on payment of the balance of the ten years' rent.

(2.) Notwithstanding anything in the said Act contained any person to whom any land held under conditional purchase shall pass or shall heretofore have passed by will or by operation of law shall be entitled to deal with the same in the same manner and to the same extent as any other land passing to him by will or by operation of law. Provided that the transferee of any such person must be a person who would be competent to select the same land under the provisions of this Act. And such transferee shall continue to fulfill the conditions of residence and improvement as prescribed by the said Act.

(3.) Whenever the estate or interest of any lessee of lands held under conditional purchase shall pass or shall heretofore have passed by operation of law to any trustee under the provisions of any laws for the time being in force relating to insolvency such trustee shall upon proof being made to the satisfaction of the Governor in Council within four years from the date of adjudication that the several conditions required by the said Act have been performed in respect of such land by the lessee or such trustee or partly performed by the lessee and completed by such trustee and upon payment of the balance of the ten years' rent and deed fee be entitled to a deed of grant of such land in fee simple.

(4.) Whenever any selection has become absolutely forfeited for non-payment of rent within ninety days of the day on which the rent shall have fallen due and it has been ordered by the Governor in Council that such forfeiture be rescinded such rescission is hereby declared to have the effect of defeating such forfeiture.

(5.) Whenever any selection shall before the passing of this Act have become or shall hereafter become forfeited for non-payment of rent the Governor in Council may if he see fit on payment of the penalty and on such other terms as shall appear to be just rescind such forfeiture.

104. This Act shall commence and take effect on the first day of March one thousand eight hundred and seventy-seven.

105. This Act shall be styled and may be cited as "The Crown Lands Alienation Act of 1876."
Crown Lands Alienation Act of 1876.

THE FIRST SCHEDULE.

<table>
<thead>
<tr>
<th>Year and Number of Act</th>
<th>Title of Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>31 Vic. c. 46</td>
<td>An Act to Consolidate and Amend the Laws relating to the Alienation of Crown Lands</td>
</tr>
<tr>
<td>33 Vic. c. 3</td>
<td>An Act to Amend the Laws relating to Town and Suburban Lands</td>
</tr>
<tr>
<td>34 Vic. c. 41</td>
<td>An Act to Authorise and Regulate the Subdivision of Pastoral Leases in the Settled Districts of the Colony</td>
</tr>
<tr>
<td>34 Vic. c. 18</td>
<td>An Act to Amend &quot;The Crown Lands Alienation Act&quot; of 1868</td>
</tr>
<tr>
<td>36 Vic. c. 20</td>
<td>An Act for the Establishment of Areas for Homestead and Immigrants' Selections and to Amend &quot;The Crown Lands Alienation Act of 1868&quot;</td>
</tr>
<tr>
<td>39 Vic. c. 10</td>
<td>An Act to Amend the Law relating to the Alienation of Crown Lands</td>
</tr>
</tbody>
</table>

THE SECOND SCHEDULE.

SETTLED DISTRICT OF DARING BOWES.

Commencing on the Main Dividing Range at Maryland and bounded thence by Harries' Range and the range separating the Condamine from the Macintyre Weir and Moonie Rivers to the head of Wilkie's Creek thence by the watershed separating the Condamine River from Wilkie's Creek to their junction thence by the Condamine River to the junction of Goorunga Creek thence by that creek to its head in the Main Dividing Range thence by that range south-easterly and south-westerly to Maryland the point of commencement.

By Authority: JAMES C. BEAL, Government Printer, William street, Brisbane.