CROWN LANDS (Pastoral Leases).

The word “lamp” shall mean lamp whether on a post or affixed to any building lamp-post pillar pilaster or lamp-iron
The expression “private way” shall mean private way lane building passage or grounds
The word “building” shall mean place of public worship or public amusement public institution public or private office manufactory house shop dwelling inn tavern or other building whatever court garden or yard
The word “pipe” shall mean main main-pipe stop-cock water-cock syphon plug branch apparatus conduit
The word “ground” shall mean stones ground soil pavement or roadway of any street
The word “justice or justices” shall mean justice or justices of the peace for the city of Brisbane or for the Colony of Queensland as the case may require
The words “corporation of the city of Brisbane” shall mean the mayor aldermen and citizens of the city of Brisbane or the municipality of Brisbane or the municipal authority representing the citizens thereof or exercising for the time being municipal authority therein.

L. This Act shall be styled and may be cited as “The Brisbane Gas Company Act of 1864.”

CROWN LANDS (Pastoral Leases).

27 Victoria, No. 17. An Act to consolidate and amend the laws relating to the occupation of Crown lands for pastoral purposes. [21st September, 1863.]

WHEREAS it is expedient to consolidate and amend the laws relating to the waste lands of the Crown occupied for pastoral purposes Be it therefore enacted by the Queen’s Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled and by the authority of the same as follows—

I. The following terms within inverted commas shall for the purposes of this Act unless the context otherwise indicate bear the meanings set against them respectively—

“Settled districts”—the districts described in the schedule to this Act marked A as being of the settled class and such other districts as may from time to time be proclaimed as such under the provisions of this Act

“Unsettled districts”—the districts described in the schedule B to this Act as being of the unsettled class together with such other districts as may from time to time be proclaimed as such under the provisions of this Act

“Crown lands”—all lands vested in Her Majesty which have not been dedicated to any public purpose or which have not been granted or lawfully contracted to be granted to any person in fee simple or for any less estate and all lands which at the time of the passing of this Act shall not be subject to any contract promise or engagement made by or on behalf of Her Majesty and all lands which at the time of the passing of this Act may have become or which after the passing of this Act may become forfeited by reason of any breach in the conditions on which the same have been granted or contracted to be granted.
VIII. The first year's rent shall be paid to the land agent at the time of sale and in each succeeding year shall be paid into the treasury in Brisbane on or before the thirtieth day of September.

IX. The term of any such lease shall be computed from the first day of January or July nearest the day of sale. Provided that no remission shall be made in the amount of the past year's rent for any portion of such term which may have expired on the day of sale and that where the term of lease is to commence on a future day the purchaser may at once occupy the run.

X. In the event of any such lease being forfeited or vacated the lands comprised therein shall be dealt with as vacant Crown lands.

Leases within the unsettled districts.

XI. It shall be lawful for the Governor with the advice aforesaid to grant leases for pastoral purposes of Crown lands within the unsettled districts for any term not exceeding fourteen years subject to the conditions hereinafter set forth.

XII. If any person be desirous of obtaining a run he shall make application in writing to the commissioner of the district in which such run is situated for a license to occupy the same for one year from the granting of such license and shall at the time of making such application deposit with such commissioner an acknowledgment or receipt from the person duly authorised to grant the same that money sufficient to cover the occupation fee payable by such applicant at the rate of ten shillings per square mile has been received at the treasury and shall accompany his application with a declaration (in the form contained in the schedule to this Act marked C) to the effect that he has occupied the said run with stock to an extent equal to one-fourth of the number of sheep or equivalent number of cattle which such run shall by this Act be deemed to be capable of carrying and if the said commissioner shall be satisfied that the provisions of this Act have been complied with and that the land is open for license he shall grant a license to the applicant but if the commissioner be aware that the land applied for is wholly or in part already under authorised occupation or reserved for any special purpose he may refuse a license and such issue or refusal shall be recorded in the register of applications for licenses. Provided always that if the value of the acknowledgments or receipts so deposited as aforesaid shall in any case exceed the amount of the occupation fee payable by the person depositing the same the commissioner shall return to him any such unexhausted acknowledgment or receipt after indorsing thereon the amount for which the same is still available.

XIII. Provided that if the said commissioner shall estimate the area of the lands applied for to be greater than that on which the fee shall have been paid and then a further sum of ten shillings for every square mile estimated by him to be in excess of the area paid for shall be paid into the hands of the said commissioner within ninety days from the date of notice by the said commissioner that the said further sum is due and in default of such payment the license together with the fee paid thereon shall be forfeited. Provided also that if it shall subsequently be ascertained that such license included lands previously granted or was obtained by means of any false representation the same shall be cancelled.

XIV. All applications for licenses shall be in the form required by any regulation to be made in pursuance of this Act and shall contain clear descriptions of the runs applied for and the boundaries thereof and the marks or natural features by which such boundaries are indicated so as nearly as may be to describe the run according to the provisions of section fifteen of this Act. Provided that it shall be lawful for the commissioner or other officer duly authorized to amend any such description and to insert such amended description either in the license or in the lease to be applied for
CROWN LANDS (PASTORAL LEASES).

"Run"—any portion of Crown lands which shall be comprised in any license granted or lease granted or applied for under this Act or under the Unoccupied Crown Lands Act of 1860 or the Tenders for Crown Lands Act of 1860 or the Pastoral Occupation Act of 1862 or the Orders in Council of the ninth of March one thousand eight hundred and forty-seven or of the eighth February one thousand eight hundred and fifty-five or of any regulations made in pursuance thereof.

"Appraisal"—settlement of rent by appraisers to be appointed as specified in the twenty-fifth section of this Act.

II. On and from the commencement of this Act the Act of Parliament of New South Wales made and passed in the twenty-second year of the reign of Her Most Gracious Majesty and numbered seventeen intitled "An Act to impose an assessment on runs in the unsettled and intermediate districts and to increase the rent of lands leased for pastoral purposes within the settled districts of New South Wales" so far as the same affects the provisions of this Act and such parts of the Orders in Council and regulations now in force in Queensland respecting waste lands of the Crown as are repugnant to any provision of this Act and also the Acts of the Legislature of Queensland intituled the Unoccupied Crown Lands Occupation Act of 1860 and the Tenders for Crown Lands Act of 1860 and the Occupied Crown Lands Leasing Act of 1860 and the Pastoral Occupation Act of 1862 shall be and the same are hereby repealed.

Provided that nothing herein contained shall prejudice anything already lawfully done under the said Orders in Council Acts and regulations or any of them or commenced or contracted to be done thereunder respectively or shall affect any lease or leases that may hereafter be issued thereunder.

III. It shall be lawful for the Governor with the advice of the Executive Council by proclamation in the Government Gazette to create additional districts of the unsettled class and to extend the limits of the settled districts by including therein any portion of the unsettled districts Provided that no license or lease granted or contracted to be granted shall in any way be prejudiced by the lands comprised therein being brought within the settled districts.

IV. The Governor with the advice of the Executive Council may from time to time appoint fit and proper persons to be commissioners of Crown lands and such commissioners shall execute the provisions of this Act in such districts as may be assigned to them respectively Provided that the Governor with the advice aforesaid shall define and declare the duties of such commissioners in regulations to be made for that purpose pursuant to the provisions of the sixty-fifth section of this Act.

V. It shall be lawful for the Governor with the advice aforesaid to grant leases for five years subject to the conditions hereinafter set forth.

VI. Such leases shall be offered at auction at the office of the nearest convenient land agent and such auction shall be notified by proclamation published in the Government Gazette not less than one month or more than three months prior to the day of sale.

The upset price shall in no case be less than at the rate of one pound per square mile according to the estimated area and the highest bidder shall be declared the lessee and the amount of such highest bid shall be the annual rent to be paid for such lease.
and granted as hereinafter provided as well as in the book to be kept by the commissioner as hereinafter mentioned.

XV. Each run shall consist of not less than twenty-five square miles. Area of runs.

nor more than one hundred square miles and shall be of rectangular form in which the external lines shall run east and west and north and south and the length of each run shall be as nearly as may be equal to the width subject however to such deviations as the general features of the country and the adoption of natural boundaries may require but in no case shall the extreme length of any run exceed three times the mean width thereof and subject also to the exclusion of water necessary to the beneficial occupation of adjoining lands. Provided that in computing the area of any run it shall be competent for the local commissioner to exclude any portion which may be unavailable for pastoral purposes. Provided that the portion so excluded shall in no case exceed half the area comprehended within the external boundaries.

XVI. Every such application shall be entered in a book to be kept by the commissioner of the district for that purpose every such entry shall contain a description of the run applied for and shall be then and there signed by the applicant or his authorised agent and such book shall be open for inspection by all persons on demand and on payment of a fee of two shillings and sixpence. Provided always that it shall not be lawful for any commissioner or assistant commissioner to sign the said book as agent for any applicant.

XVII. Applications for runs as aforesaid may be made and shall be received at the usual office of the district commissioner on all days except Sundays and such other days as the Governor with the advice aforesaid shall declare in any regulation to be issued under this Act between the hours of ten o'clock in the forenoon and four o'clock in the afternoon and at no other time or place and all applications made on the same day between those hours shall be considered as having been made at the same time.

XVIII. If two or more persons occupy the same country and shall apply for it at the same time preference shall be given and a license issued to each applicant for such blocks of the said country as he shall by actual survey be found to be entitled to by virtue of having been the first to occupy the same with stock.

XIX. If two or more such persons applying at the same time shall be found to have stocked at the same time the country for which they apply and that the runs applied for are identical or partly so or should their boundaries be found to clash the commissioner shall when necessary adjust the boundaries and divide the country fairly between the applicants if the same be sufficient for all but should the number of blocks so applied for be insufficient for all the parties and none be willing to withdraw their application each block shall then be submitted separately on the ground to competition among the said applicants only and the license to occupy issued in all cases to the highest bidder.

XX. The upset price at which a license shall be offered to competition under the last preceding section shall be ten shillings per square mile on the estimated area and the highest amount bid shall be the license fee for the term of one year from the day of sale but such amount shall in no way affect the amount of rent to be charged on any lease of the said run which may be subsequently granted to the licensee.

XXI. A return of all licenses granted under this Act shall not less than once in six months be published in the Government Gazette together with the descriptions given in such licenses and all such publications shall be made at the expense of the licensee.
27 VIC. No. 17.

Leases may be granted on application.

Rent to be paid.

Amount of rent during first four years.

Amount of rent during residue of term.

Mode of estimating the rental of runs.

XXIII. Any holder of a license may at any time not less than three months prior to the expiration of the year for which his license has been granted apply to the chief commissioner of crown lands through the district commissioner for a lease of the run comprised in such license and a lease of the same at the rent hereinafter specified shall be granted to such holder for a period of fourteen years subject to the following conditions.

**XXIV.** The lessee of every run shall during the continuance of his lease pay a yearly rent for the same as hereinafter mentioned and such yearly rent shall be payable at the treasury in Brisbane on the thirtieth day of September in each year and at the rates following:

First The rent to be paid for each run during the first four years of any lease of the same shall be a sum of ten shillings per square mile according to an estimate of the area of such run to be made by the commissioner and by the party applying and in the event of their not agreeing by an umpire to be appointed as hereinafter provided. Secondly The rent payable in respect of such lease for the succeeding periods of five years and five years being the residue of the term comprised in such lease shall be the appraisement made at the commencement of each period of five years and five years respectively in proportion to the value of the run its capabilities advantages and disadvantages being considered. Provided always that in no case during the first period of five years shall the rent be after a less rate than twenty-five pounds nor a greater than fifty pounds and during the second period of five years in no case shall it be less than after the rate of thirty pounds nor more than seventy pounds per block of twenty-five square miles.

**XXV.** In order to estimate the rent of each run the lessee shall at some time during the fourth and ninth years of his lease and not less than three months previous to the expiration thereof respectively nominate in writing to a commissioner of the district in which his run is situated a valuer on behalf of himself and such commissioner shall act as valuer on behalf of the Crown or name one to act for him and these two valuers shall nominate an umpire before commencing their valuation but if they cannot agree in the choice of an umpire he shall be appointed by the Governor with the advice of the Executive Council. Provided that if the lessee shall neglect or refuse within the space of three months after notice in writing to be given to him for that purpose by such commissioner to appoint a valuer it shall be lawful for such commissioner to appoint a valuer on such lessee's behalf and such valuer shall be a valuer appointed by and acting on behalf of such lessee and every valuation made under such appointment (as well as all other valuations under this Act) shall be published in the Government Gazette within two months after the same has been determined upon and shall thenceforth be deemed to be valid.

**XXVI.** The term of every such lease shall be computed from the first day of January or July next preceding the expiration of the license in virtue of which the lease is granted.

**XXVII.** If any licensee or lessee shall omit or neglect to apply for a lease of the same within the time specified in this Act and according to the provisions thereof shall fail to obtain a lease of the same or shall fail to keep up the amount of stock required to be on the run at the time of obtaining the license such run shall be dealt with as vacant Crown lands.

**XXVIII.** Every run shall be deemed to be capable of carrying at least one hundred sheep or twenty head of cattle per square mile.

**XXIX.** Where a licensee or lessee shall have two or more runs adjoining each other not exceeding in the aggregate two hundred square miles he may apply to the commissioner to register the same as a consolidated run and after such registration it shall be sufficient that the amount of stock required...
CROWN LANDS (Pastoral Leases).

XXXI. All runs whether leased under this Act or any of the hereinbefore repealed Acts or Orders in Council which may be forfeited or vacated during the currency of the first lease thereof may be offered for sale by public auction for the residue of the term of the original lease computed from the nearest first day of January or July the upset price shall be ten shillings per square mile according to the estimated area and the highest amount bid shall be the annual rent to be paid for the remainder of the first four years or the second term of five years or the third term of five years respectively which may be current at the time of sale and shall not interfere with the appraisement of rent in the fourth or ninth years of the original term of lease as provided in the twenty-eighth section of this Act.

XXXII. Any such lease if unsold may be once again put up for sale in the like manner and if not then sold the Governor with the advice aforesaid may reduce the minimum upset rent to such sum as may be deemed just and reasonable and the same shall be again submitted for sale as aforesaid at such reduced upset price.

XXXIII. The amount of the first year's rent shall be paid to the land agent at the time of sale and in each succeeding year the rent shall be paid into the treasury in Brisbane on or before the thirtieth day of September. Runs purchased at auction to be stocked within six months from the day of sale to the extent of one-fourth part of its grazing capabilities as defined in the twenty-eighth section of this Act or shall not thereafter maintain that amount of stock thereon unless prevented by unavoidable accident the lease may be cancelled.

Renewal of leases in both the settled districts and the unsettled districts.

XXXV. Upon the expiration of the current terms of lease for which any Crown lands in either the settled districts or the unsettled districts are now held for pastoral purposes under any of the hereinbefore repealed Acts or Order in Council or under any existing regulations or may be hereafter held under the provisions of this Act it shall be lawful for the Governor with the advice aforesaid to grant renewed leases for five years subject to the conditions hereinafter set forth.

XXXVI. Upon application from the occupant not less than six months before the expiration of any lease of Crown lands for pastoral purposes the fair annual value of lands comprised in such lease shall be determined for the five years next ensuing the expiration of such lease by valuation to be made according to the provisions of section twenty-five of this Act and such valuation shall be based upon the grazing capabilities and other advantages or disadvantages of such lands but shall not have reference to any buildings or other improvements that may have been erected or made thereon and shall be the annual rent during the currency of such lease and such rent shall be paid into the treasury in Brisbane on the thirtieth day of September in each year. Provided always that in no case shall the rent be less than one pound per square mile.

XXXVII. In the event of such occupant not applying as aforesaid for a valuation of the lands comprised in his lease in order to obtain a renewal thereof according to the terms of such valuation as aforesaid then such lands shall be let to the person bidding the highest rent for the same at public auction the upset price shall be not less than at the rate of one pound per square mile on the estimated area but if there be no bidders at such upset price the Governor may grant renewed lease for five years.
rent then it shall be lawful for the Governor with the advice aforesaid to reduce such upset rent according as he may think fit and again to submit the lease of such lands to public auction.

XXXVIII. Any person not being the previous occupant of such lands who may obtain the renewed lease thereof shall in addition to his rent pay into the treasury before entering upon such lands the amount that may be fixed by arbitration in manner provided in the twenty-fifth section of this Act as being the value of the permanent improvements including wells reservoirs and dams on such lands and such amount shall be forthwith paid to the outgoing lessee. Provided that if the lease be twice offered at auction at an upset rent of not more than one pound per square mile and there are no bidders for the same the outgoing lessee shall not thereafter be entitled to any compensation for the value of said improvements.

XXXIX. The first year’s rent shall be paid at the time of sale and in each succeeding year the rent shall be paid into the treasury in Brisbane on or before the thirtieth day of September.

Tenders for leases under the Orders in Council.

XL. In the event of any tender for a lease of a new run of Crown lands which has been received under the hereinbefore repealed Orders in Council being accepted after the passing of this Act the lease to be issued thereunder shall be subject to all the conditions applicable to first leases under this Act with the following exceptions that in the settled districts the rent shall be at the rate of one pound per square mile with the addition of any premium offered in the tender and in the unsettled districts that the premiums shall be paid in addition to the rent as defined by the twenty-fourth section of this Act and that it shall be necessary to stock the run within twelve months from the date when the acceptance of the tenders shall have been notified in the Government Gazette.

General conditions of leases for pastoral purposes in both the settled districts and the unsettled districts.

XLI. All leases granted under this Act whether in the settled districts or the unsettled districts shall be subject to the general conditions hereinafter set forth.

Penalty for non-payment of rent.

XLII. If default be made in the payment of the rent the lease shall be forfeited but the lessee shall be permitted to defeat the forfeiture and prevent its becoming absolute by payment within ninety days from the date of the original rent day of the full annual rent with the addition of a sum equal to one-fourth part thereof by way of penalty but unless the whole of the said yearly rent together with such penalty as aforesaid shall be paid within the term of ninety days counting from the original rent day inclusive the lease shall be absolutely forfeited.

XLIII. Nothing in this Act contained shall prevent the Governor with the advice aforesaid from making grants or sales for public purposes of any lands comprised in any license or lease or disposing of in such other manner as for the public interest may seem best such lands as may be required for the sites of schools or for the construction of high roads or railways or railway stations or for other internal communications whether by land or water or for the use or benefit of the aboriginal inhabitants of the country or for public buildings or as places for the interment of the dead or places for the recreation and amusement of the inhabitants of any town or village or as the sites of public quays or landing places on the seacoast or shores of navigable streams or for the purpose of sinking shafts and digging for gold coal iron copper lead or other minerals and effectually working gold coal iron copper lead or other minerals or for any other purpose of public defence safety utility convenience or enjoyment or for otherwise facilitating the improvement and settlement of the colony.
XLIV. The whole or any portion of any run may be reserved for public purposes or resumed for sale or otherwise after giving twelve months' notice in writing to the lessee or occupier. In case of resumption the proportionate rent paid or to be paid in respect of the quantity of land so resumed will be returned or allowed to the lessee.

XLV. Whenever it shall be deemed expedient to resume for any purpose any land included in a lease and whenever the term of any lease shall expire the lessee may claim the value of improvements effected on land so resumed or of which the lease shall so expire if such claim is made within four months after notice of such intended resumption or after the expiry of such term such value to be ascertained by valuation to be made in the manner prescribed by the twenty-fifth section of this Act and such valuation shall be conclusive and payment shall be made to the lessee according to such valuation. Provided always that such claim shall not be allowed to any such lessee who shall take the land included in such lease under any renewal or new lease thereof.

XLVI. Licenses and leases of runs may be transferred on application to the chief commissioner or other officer appointed in that behalf and returns of such transfers shall be published from time to time in the Government Gazette.

XLVII. In any license or lease granted under the provisions of this Act or the Orders in Council or the Tenders for Crown Lands Act of 1860 or the Occupied Crown Lands Leasing Act of 1860 or the Pastoral Occupation Act of 1862 it shall be sufficient if the land thereby granted or demised be defined according to the first description of such land and of the boundaries thereof which may have been procurable notwithstanding that such description may not have been prepared after actual survey and no license or lease shall be liable to be set aside by reason only of the imperfection of any such description so long as the land shall thereby be defined with reasonable certainty.

XLVIII. Provided that if after the issue of any such lease it shall be found on survey or by mutual consent of the parties interested that the description of the boundaries of the run therein contained does not describe with sufficient certainty the lands thereby intended to be demised it shall be competent for the Governor with the advice aforesaid to cancel such lease by notice to that effect in the Government Gazette and thereupon issue a fresh lease for the remainder of the term and embody therein an amended description of the run.

XLIX. If any runs which have been licensed or leased under the hereinbefore repealed Orders in Council or under the Unoccupied Crown Lands Occupation Act of 1860 or the Tenders for Crown Lands Act of 1860 or the Occupied Crown Lands Leasing Act of 1860 or the Pastoral Occupation Act of 1862 or under the provisions of this Act shall have been or shall be surveyed by the Government the cost of such survey not in any case exceeding six shillings per square mile on the area comprised in the run shall be defrayed by the licensee or lessee (as the case may be) and in default of payment within six months from the date on which such payment shall have been required by notice published in the Government Gazette the Governor with the advice aforesaid may cancel the license or leases of the runs for which the cost of survey has not been paid.

L. Any person driving horses, cattle or sheep along any road used or required for the purpose of travelling may depasture the same on any Crown lands unless the same are enclosed within the distance of one-half mile of such road notwithstanding any lease of any such land for pastoral purposes provided that unless prevented by rain or floods such horses or cattle shall be moved at least seven miles and such sheep at least four miles in the and
the same direction within every successive period of twenty-four hours and any person or persons driving horses, cattle, sheep and depasturing the same contrary to the provisions of this clause shall forfeit and pay a sum not exceeding twenty pounds to be recovered before any two justices of the peace at any court of petty sessions and for every subsequent offence shall forfeit a like sum. Provided that no information for any subsequent offence shall be laid until the expiration of one week succeeding the filing of any preceding information.

Licenses to cut timber &c. may be granted.

The Governor with the advice aforesaid may (subject to any regulations to be made as hereinafter enacted) authorise the commissioners or bench of magistrates to issue licenses for any term not exceeding one year to enter any Crown lands whether under lease or license 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 consent of the lessee. Provided that the fee fixed for such license shall be paid in advance. Provided also that any lessee may make any reasonable objection to the granting of such license and the granting or withholding of such license after any objection shall have been made to the commissioner or bench of magistrates shall be determined by the Governor with the advice aforesaid. Provided that any lessee may by notice in writing to that effect given to any such licensee restrict him or her from exercising his or her rights as such licensee in any given spot to be mentioned in such notice for a period not exceeding one month and such licensee may within such period appeal to the commissioner or nearest bench of magistrates who shall have power respectively to decide the matter in issue between the parties and such licensee shall be liable to a penalty not exceeding twenty pounds if after such notice given as aforesaid or in the event of the matter in issue being decided against him, he or she shall exercise the right of a licensee and such penalty may be recovered before any two or more justices of the peace in petty sessions.

Licenses to cut timber &c. may be granted.

Lessees of runs shall be permitted to cut and use such timber and material for building and other purposes as may be required by them as tenants of their several lands.

Removal of timber or material by lessees.

Lessees of runs shall not have power to restrict other persons duly authorised by the Government either from cutting or removing timber or material for building or other purposes or from searching for any metal or mineral within the run leased.

Commonage proclamation and regulations.

The Governor with the advice aforesaid may proclaim and set apart temporarily any Crown lands for commonage purposes for the use and benefit of the inhabitants of any city, town or village or other specified locality and may make and proclaim regulations for the management of such commonage or depute or permit and suffer the mayor and corporation of any municipality to manage such commonage and to make rules and regulations for the management of the same.

Right to enter on lands.

Nothing in this Act or in any license or lease granted thereunder shall be held to prejudice or interrupt the right of the Governor or of any officer duly authorised in that behalf by the Governor with the advice aforesaid to go upon any lands included in any license or lease or to make any survey inspection or examination of the same.

Increased dispute governor may refer.

Whenever any dispute shall arise as to the boundaries of any runs it shall be lawful for the Governor or the officer duly authorised to act in that behalf to require the same to be settled by arbitration and such arbitration shall be in all respects conducted in the manner pointed out by the twenty-fifth section of this Act with respect to the determination of the boundaries of such runs. Provided that nothing herein contained shall be held to bind the Governor to refer any such dispute to arbitration or to issue any
lease pursuant to the award of such arbitration unless the same shall be approved by him.

LVII. Before any commissioner of Crown lands arbitrator appraiser or umpire shall enter into the consideration of any matter referred to him he shall in the presence of a justice of the peace make and subscribe the following declaration (that is to say)—

"I do solemnly and sincerely declare that I have no pecuniary or other interest either directly or indirectly in the matter in question that I will faithfully and honestly and to the best of my skill and ability hear and determine the matters referred to me under the provisions of the Pastoral Leases Act 1863."

Made and subscribed in the presence of

And such declaration shall be annexed to the award when made.

LVIII. On information in writing preferred by any commissioner of removal or Crown lands or other person duly authorised in that behalf to any justice of the peace setting forth that any person is in the unlawful occupation of any Crown lands or land reserved or dedicated for any public purpose such justice shall issue his summons for the appearance before any two justices of the peace at a place and time therein specified of the person so informed against and at such time and place such two justices on appearance of such person or on due proof of the service of such summons on him or at his usual or last place of abode or business shall hear and inquire into the subject matter of such information and on being satisfied of the truth thereof either by the admission of the person informed against or on other evidence such justices shall issue their warrant addressed to the sheriff or deputy-sheriff or commissioner of Crown lands or to any chief or district constable requiring him forthwith to dispossess and remove such person from such land and to take possession of the same on behalf of Her Majesty and the person to whom such warrant is addressed shall forthwith carry the same into execution.

LIX. Any person unless lawfully claiming under any subsisting lease or license or otherwise under this Act who shall be found occupying any Crown land or land granted reserved or dedicated for public purposes either by residing or by erecting any hut or building thereon or by clearing digging up enclosing or cultivating any part thereof or cutting 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.

LX. All actions or other proceedings against any commissioner 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 and of the cause thereof shall be given to the defendant one month at least before the commencement of the proceeding and in every such proceeding the defendant may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon and no plaintiff shall recover in any such proceeding if tender of sufficient amends shall have been made before the same was commenced 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 the time and if a verdict shall pass for the defendant or the plaintiff shall become nonsuit or discontinue such proceeding or if upon demurrer or otherwise judgment shall be given against the plaintiff the defendant shall recover his full costs as between attorney
No order judgment or proceeding made touching or concerning
the matters aforesaid or touching or concerning the conviction of any
offender against this Act shall be quashed or vacated for want of form only
or be removed or removable by certiorari into the Supreme Court.

Any lease or other instrument issued under this Act may be
proved in all legal proceedings by the production of a certified copy thereof
signed by the officer to be authorised for that purpose under any regulation
made as hereinafter enacted.

Any person making a false declaration under this Act shall be
deemed guilty of perjury.

The Governor with the advice aforesaid may grant annual
leases to occupy runs beyond the districts proclaimed as of the unsettled
class and in the event of such runs being brought within the unsettled
districts the holders of such licenses may apply in accordance with the
provisions of the twenty-third section of this Act for leases of the runs
actually stocked by them.

It shall be lawful for the Governor with the advice aforesaid
from time to time to make vary and alter regulations respecting the forms
of leases and licenses granted under this Act and respecting all matters and
things necessary to give effect to the same and every such regulation shall be
published in the Gazette and when published shall have the force of law
Provided such regulations are in accordance with the provisions of this Act.

A copy of all regulations made under the authority of this Act
shall be laid before the Parliament within fourteen days from the publication
thereof if the Parliament shall be then sitting and if the Parliament shall
not be then sitting then within fourteen days after the commencement of the
next session.

This Act shall commence on the first day of December next
and shall be styled and may be cited as the “Pastoral Leases Act of 1863.”
CROWN LANDS (Pastoral Leases).

Pastoral district—Wide Bay.

Commencing at a point ten miles north from the mouth of the River Mary and bounded thence on the north by a line bearing west to the northern watershed of the River Mary thence by that watershed westerly on the west by the western watershed of the River Mary southerly to the range dividing the waters of the River Brisbane from those of the River Mary on the south by that range and the range forming the northern watershed of the Mooroobundore River easterly to the sea and on the east by the seacoast northerly to the point of commencement and including Great Sandy Island and other islands adjacent to the seacoast.

SCHEDULE B.

Unsettled Districts.

Pastoral district—Burnett.

Commencing at a point ten miles north from the mouth of the River Mary and bounded thence on the south by a line bearing west to the northern watershed of the River Mary thence by that watershed westerly on the west by the western watershed of the River Mary southerly to the range dividing the waters of the Brisbane from those of the River Mary on the south by that range and the range forming the northern watershed of the Burnett River from those falling into Koomibit Creek on the north by the range dividing the Burnett River from Koomibit Creek Baysie River and Bafie Creek easterly to the sea and on the east by the seacoast southerly to the point of commencement and including islands adjacent thereto.

Pastoral District—Darling Downs.

Commencing at the confluence of Dogwood Creek with the Balonne or Condamine River and bounded thence on the west by a line south by compass to the range forming the watershed between the Mooni River and the Macintyre River thence by that watershed south-westerly to the 20th parallel of south latitude on the south by the 29th parallel of south latitude easterly to the Macintyre River thence by the Macintyre or Dumaresq River upwards to the confluence of Tenterfield Creek thence by the northern watershed of Tenterfield Creek easterly to the Great Dividing Range on the east and north by the Great Dividing Range northerly and westerly to the range forming the western watershed of Dogwood Creek and its tributaries and on the remainder of the west by that watershed southerly to the confluence of Dogwood Creek with the Balonne or Condamine River the point of commencement.

Pastoral district—Kennedy.

Commencing on the seacoast at Cape Palmerston and bounded thence on the south by a line bearing westerly to the range forming the northern watershed of the Fitzroy River and by that range in a westerly and southerly direction to the range separating the waters flowing to the eastern coast from other waters on the west by the aforesaid range which is also the western watershed of the Burdekin River in a northerly direction to the range forming the northern watershed of the Burdekin River on the north by the last-mentioned watershed easterly and by a line bearing true east to the seacoast at a point bearing west from the northern extremity of Hinchenbrook Island and on the east by the seacoast southerly to Cape Palmerston aforesaid and including the islands adjacent thereto.

Pastoral district—Leichhardt District.

Bounded on the east from the Great Dividing Range by the range forming the watershed between Great Sandy or Banana Creeks and Koomibit Creek by that range northerly to a point east by compass from the south-east corner of the Rannes Reserve thence by a line bearing west by the south boundary of that reserve and the same line continued to the western watershed of the Dee River and Tunk's Creek by that watershed and the eastern watershed of the Dawson and Fitzroy Rivers northerly and by a spur range dividing the waters falling into the Fitzroy River above the confluence of Marlborough Creek from those falling into the Fitzroy River below the confluence of Marlborough Creek thence crossing the Fitzroy River by the range forming the southern and western watersheds of Marlborough Creek and its tributaries to the range dividing the waters flowing to the coast from those falling into the Issacs River by that range northerly to the range forming the northern watershed of the Issacs River on the north by that watershed westerly on the west by the western watershed of the Issacs Mackenzie and Nogoa Rivers southerly to the Great Dividing Range and on the south by the Great Dividing Range easterly to the range forming the watershed between the Burnett and Dawson Rivers the point of commencement.
**Pastoral district—Maranoa East.**

Commencing at the confluence of Dogwood Creek with the Balonne or Condamine River and bounded thence on the east by a line south by compass to the range forming the watershed between the Balonne and Mooni Rivers thence by that watershed south-westerly to a point bearing east by compass from St. George's Bridge on the Balonne River on the south by a line east crossing the Balonne River at St. George's Bridge to the range forming the western watershed of the Balonne and Maranoa Rivers on the west by that watershed northerly to the Great Dividing Range on the north by the Great Dividing Range easterly to the range forming the western watershed of Dogwood Creek and its tributaries and on the remainder of the east by that watershed southerly to the confluence of Dogwood Creek with the Condamine River the point of commencement.

**Pastoral district—Maranoa West.**

Commencing at a point on the watershed between the Mooni River and the Macintyre River where it is intersected by the 29th parallel of south latitude and bounded on the east by that watershed north-easterly to a point south by compass from St. George's Bridge on the Balonne River on the north by a line bearing west crossing the Balonne River at St. George's Bridge to the range forming the western watershed of the Balonne and Maranoa Rivers on the east by that watershed northerly to the Great Dividing Range on the north by the Great Dividing Range westerly to the range forming the western watershed of the Macintyre River and its tributaries on the west by that watershed southerly to the 29th parallel of south latitude and on the south by the 29th parallel easterly to the point of commencement.

**Pastoral district—Mitchell.**

Bound on the east by the pastoral districts of Leichhardt and Maranoa being the western watershed of the Fitzroy and Warrego Rivers on the south by the 29th parallel of latitude which is also the southern boundary of the Colony of Queensland on the west by a true north line to the junction of the Barcoo and Thomson Rivers then by the western watershed of the Thomson River to the northern watershed of the Barcoo River and on the north by the said watershed to the eastern boundary.

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**SCHEDULE C.**

I A. B. being the occupant [or manager for the occupant] of the run now applied for called in the district of do solemnly declare that the said run has been stocked by me to the extent of one-fourth of its grazing capabilities as defined by the twenty-eighth section of the Pastoral Leases Act of 1863 and that the run continues to be so stocked to the present time with sheep and cattle.

Declared before me at this day of [Sign]

(Signed) A. B.

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**28 VICTORIA, NO. 20. An Act to facilitate the assessment of rent of Crown lands leased for pastoral purposes in the unsettled districts.**

[12th September, 1864.]

**Preamble.**

Whereas it is expedient to facilitate the assessment of rent of runs leased for pastoral purposes for a term of fourteen years of which the first four years have not yet expired and to provide for the payment of certain fees on the transfer of runs Do it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled and by the authority of the same as follows—

I. The twenty-fourth and twenty-fifth sections of the Pastoral Leases Act of 1863 so far as they may affect or be affected by the third clause of this Act are hereby repealed.