

Queensland.



ANNO TRICESIMO SEXTO

VICTORIÆ REGINÆ.

No. 20.

An Act for the Establishment of Areas for Homestead and Immigrants' Selections and to Amend "The Crown Lands Alienation Act of 1868."

[ASSENTED TO 23RD AUGUST, 1872.]

BE it enacted by the Queen's Most Excellent Majesty by and with Preamble. 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—

Homestead Areas.

1. It shall be lawful for the Governor in Council at any time after the expiration of three months from the passing hereof by proclamation in the *Government Gazette* to define and set apart as "homestead areas" any Crown lands not under lease at the time of such proclamation and after the expiration of thirty days from the date of such proclamation the lands therein described shall be open to selection by immigrants holding orders for selection under section seven of "The *Immigration Act of 1869*" and by homestead selectors.

Governor may pro-claim homestead areas.

2. Notwithstanding

Homestead Areas Act of 1872.

Lands in homestead areas available for homestead or immigrants' selections.

2. Notwithstanding anything contained in "*The Crown Lands Alienation Act of 1868*" it shall not be lawful for any land agent to receive or for any land commissioner to approve or for the Secretary for Lands to confirm any application to select land in a homestead area unless the same be selected in virtue of an immigrant's order to select issued under section seven of "*The Immigration Act of 1869*" or as a homestead.

Governor may cancel homestead areas or withdraw lands therefrom.

3. The Governor in Council may by proclamation cancel any homestead area or withdraw any part thereof from the operation of this Act either for sale by auction or any other public purpose.

Selections subject to the same conditions as homesteads under Act 31 Vic. No. 46 and to clauses eight and nine of "*Immigration Act of 1869*."

4. Except as hereinafter provided homestead selections in any homestead area shall be subject to the same conditions reservations and provisoes as are contained in "*The Crown Lands Alienation Act of 1868*" with respect to homesteads and immigrants' selections under orders to select shall be subject to the provisions of sections eight and nine of "*The Immigration Act of 1869*."

Selections of agricultural lands in homestead areas not to exceed one hundred and twenty acres.

5. The maximum area of agricultural land allowed to be selected in any homestead area except by virtue of land orders issued under the provisions of section seven of "*The Immigration Act of 1869*" shall not exceed one hundred and twenty acres.

Agricultural and pastoral land may be comprised in one selection.

6. Selections may comprise both agricultural and pastoral land but shall be made in one block and the total area shall not exceed three hundred and twenty acres.

Payments on selections.

7. Selections which do not exceed the maximum allowed for homesteads under "*The Crown Lands Alienation Act of 1868*" shall be subject to the yearly payment in advance of the amount chargeable on homesteads under the said Act according to classification and those which exceed that maximum shall be subject to the yearly payment in advance of one shilling and sixpence per acre per annum for agricultural land and ninepence per acre per annum for pastoral land for ten years.

Selections exceeding maximum area allowed for homesteads.

8. Selections exceeding the maximum area allowed for homesteads under "*The Crown Lands Alienation Act of 1868*" shall be subject to all the conditions and provisions applicable to homesteads under the said "*Crown Lands Alienation Act of 1868*" Provided that no grant shall be given or title issued for any such selection until the expiration of five years from the date of selection and if at the expiration of such time the selector or if he be dead his widow or in case of her death his heirs or devisees shall prove to the satisfaction of the commissioner of the district by two credible witnesses that he she or they have personally resided continuously upon the land and cultivated one-tenth part of the same or that in addition to residence as aforesaid the land has been fenced in with a good and substantial fence and shall make affidavit that no part of the said land has been alienated then he she or they shall be entitled to a Crown grant on payment of the balance of rents or annual payments for the portion unexpired of the said term of ten years or with the approval of the Secretary for Public Lands may transfer his or their interest in the selection.

Exchanges.

9. It shall be lawful for the Governor in Council to grant any portion of Crown lands to any person in exchange for other lands which may be required for settlement or other public purposes.

Validation.

10. Any lands so taken in exchange shall be valued by the Governor in Council and the lands given in exchange shall be valued in accordance with section eighty-seven of "*The Crown Lands Alienation Act of 1868*."

Lands

*Homestead Areas Act of 1872.**Lands resumed from runs.*

11. Lands resumed from runs held under lease for pastoral purposes shall not be available for selection until proclaimed under the provisions of section forty-one of "*The Crown Lands Alienation Act of 1868*" or of section one of this Act. Lands resumed not open to selection until proclaimed.

12. Whenever a resolution shall have been passed by both Houses of Parliament for the resumption of any land under section ten of "*The Crown Lands Alienation Act of 1868*" the Governor in Council may by proclamation in the *Gazette* declare that such land is resumed and thereupon the right and interest of the pastoral lessee thereto shall cease and determine and it shall be lawful for the Governor or any one by him authorised in that behalf with such assistance as may be necessary to enter into and upon the said land or any part thereof in the name of the whole without further legal or other process. Entry may be made on resumed lands without legal process.

13. It shall be lawful for the pastoral lessee of any run in the settled or unsettled districts to depasture stock over any portion of land resumed from such run until the same is required for public purposes or selected or sold by auction or otherwise disposed of according to law. Pastoral tenants shall have a right to depasture over resumed lands until alienated.

14. When lands under lease for pastoral purposes are resumed from runs the lessee shall be entitled to the value of the improvements effected by him on the land so resumed such value to be agreed upon by the Crown Lands Commissioner of the District and such lessee and in the case of their failing so to agree the same to be decided by arbitration as provided in "*The Crown Lands Alienation Act of 1868*" Provided always that where any lessee of a run in the settled districts shall take or shall have taken advantage of the power of pre-emption given in lieu of compensation by section fourteen of "*The Crown Lands Alienation Act of 1868*" he shall not be entitled to the value of his improvements under this section unless the said improvements have been erected since the division of the run under the said Act. Lessee entitled to value of improvements on resumed land if he does not exercise right of pre-emption.

Trustees of Public Lands.

15. Lands reserved either temporarily or permanently for any public purpose under the provisions of section twenty-one of "*The Crown Lands Alienation Act of 1868*" may by the Governor in Council be placed under the control of trustees and it shall not be necessary to issue a deed of grant of such lands in favor of such trustees. Trustees to have control.

16. The Governor in Council may by proclamation in the *Gazette* declare the trusts of any land placed under the control of any such trustees and may thereby declare the style or title of such trustees and may by such proclamation also empower them to make bye-laws for carrying out the object of the trust. Trustees may make bye-laws.

17. 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 name style or title without naming any of them and in any indictment or information to describe them thereby as owners of any property real or personal and they may thereby 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. Trustees shall be deemed to be owners in law or equity.

General clauses.

18. It shall be lawful for the Governor in Council in any proclamation of Crown lands for sale by auction under the provisions of "*The Crown Lands Alienation Act of 1868*" to declare that Town and suburban lands may be proclaimed open to selection.
town

Homestead Areas Act of 1872.

town or suburban lands which shall be offered at auction and not sold shall thereafter be open to purchase by selection at the upset price thereof or that any suburban lands which shall be offered at auction and not sold or thereafter selected by purchase shall be open to selection by lease as agricultural land under and subject to the provisions of the said Act.

Governor in Council
may establish regula-
tions.

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

This Act to be read
with Act 31 Victoria
No. 46.
Short title.

20. This Act shall be deemed an amendment of and shall be read with "*The Crown Lands Alienation Act of 1868.*"

21. This Act may be cited as "*The Homestead Areas Act of 1872.*"