

Queensland.



ANNO VICESIMO SEXTO.

VICTORIÆ REGINÆ.

No. 8.

An Act to make further provision for the Pastoral Occupation of Unoccupied Crown Lands.

[ASSENTED TO 8TH JULY, 1862.]

WHEREAS it is expedient to make further and better provision for the pastoral occupation of Crown Lands not previously occupied 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—

Preamble.

1. In order to determine the period within which lands applied for by tender must be stocked in accordance with the fifth section of the "Tenders for Crown Lands Act 1860" the words "date of his lease" in the said fifth section shall be held to signify the date of the commencement of the term of such lease or should no lease have been issued the date on which information of the acceptance of any tender was published in the Government Gazette Provided always that all parties who shall have failed to stock their runs under the said fifth section of the said Act according to the foregoing meaning of the words "date of his lease" may still be entitled to do so at any time within six months from the date of the passing of this Act.

Interpretation of Clause 5 of Tenders Act.

Proviso.

2. So much of section seven of the "Unoccupied Crown Lands Occupation Act of 1860" as requires that the Occupation Fee shall be paid into the Treasury within ninety days after a license shall have been granted shall except as regards licenses issued previous to the passing of this Act be and the same is hereby repealed and the following regulation on the subject shall take effect in lieu thereof that is to say— Every person who shall give in his application for a license to the Commissioner of the District in terms of the third clause of this Act shall produce to the Commissioner of the District an acknowledgment or receipt from the party duly authorized to grant the same that money sufficient to cover the occupation fee payable by such applicant has been received at the said Colonial Treasury and if the said Commissioner shall estimate the area of the lands applied for to be greater than that on which

Time and mode of paying license.

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the fee shall have been paid then a further sum of ten shillings for every additional square mile shall be paid into the hands of the said Commissioner within ninety days after he shall have given notice that the said further sum is due and in default of such payment the license together with the fee paid thereon shall be forfeited.

Mode of obtaining a run.

3. The fourth section of the "*Unoccupied Crown Lands Occupation Act of 1860*" shall be and the same is hereby repealed and in lieu thereof be it enacted as follows If any person be desirous of obtaining a run he shall make application 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 in addition to the production of the acknowledgment or receipt referred to in the preceding section accompany his application with a declaration (in the form contained in the schedule to this Act) to the effect that he has occupied the said run with stock according to the scale defined by the ninth section of the "*Unoccupied Crown Lands Occupation Act of 1860*" and if the said Commissioner shall be satisfied that the provisions of this clause shall have been complied with he shall then grant a license.

Applications to describe runs. Applicants to sign commissioner's book.

4. Every such application shall contain a clear description of the run applied for and shall be entered in a book to be kept for the purpose by the Commissioner and such book shall be signed then and there by the applicant or his specially authorized agent (such agent not being the Commissioner or his assistant) and any person upon payment of a fee of two shillings and sixpence shall be entitled to inspect the said book.

When applications may be made.

5. 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 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.

If applications made at same time licenses to be regulated by occupation.

6. A return of all licenses granted under this Act shall from time to time be published in the *Government Gazette*.

7. If two or more persons shall occupy the same country and 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.

Area to be divided rateably between persons occupying at the same time.

8. 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 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 Provided always that nothing in this or in any of the four preceding clauses shall affect anything done or contracted to be done under the provisions of the said "*Unoccupied Crown Lands Occupation Act of 1860*" before the passing of this Act.

Previous applicants.

9. All persons whose applications for licenses shall have been received before the passing of this Act shall within four months thereafter pay into the Treasury in Brisbane the full amount of the occupation fee of ten shillings per square mile and in default of such payment their claim to a license shall be forfeited.

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10. All the provisions of the "*Unoccupied Crown Lands Occupation Act of 1860*" so far as these are not repugnant to or inconsistent with the terms of this Act shall have application to all runs taken up under the third clause of this Act. Provisions of "*Unoccupied Crown Lands Occupation Act of 1860*" to apply.
11. All runs which shall be sold under the nineteenth clause of the "*Unoccupied Crown Lands Occupation Act of 1860*" shall be liable to the rent and appraisement mentioned in the twelfth section of the said Act and the price realised at such sale shall only apply to that portion of the period of five years mentioned in the said twelfth clause which at the time of such sale shall be current and unexpired. Runs liable to rent and appraisement &c.
12. All licenses for one year applied for under the "*Unoccupied Crown Lands Occupation Act of 1860*" shall be taken to bear date as of and from the day on which the applications for the same were respectively delivered to the District Commissioner. Provided that in all those cases where applications for licenses have been lodged with the Commissioner and where no licenses have been issued the applicants may still stock within the provisions of the said Act any time within nine months from the passing of this Act. Date of licenses for one year.
Proviso.
13. In all cases where the license is refused the Government shall on demand refund the occupation fee. Where license refused occupation fee to be refunded.
14. Any person occupying a run of fifty square miles or more in extent may divide the same into separate runs by consent of the Governor in Council. Provided always that no one portion of the run when so divided be of less extent than twenty-five square miles. Provided also that the rent of such run when so divided be not less than before any such division. Runs may be divided.
Proviso.
15. If any runs for which tenders or applications shall have been made under the Orders in Council or under the *Unoccupied Crown Lands Occupation Act* or this Act shall be surveyed by the Government the cost of such survey (not in any case exceeding eight pounds per block) shall be defrayed by the tenderer or applicant (as the case may be) and in default of payment within four months after notification in the *Government Gazette* that such tenders have been accepted or licenses issued to such applicant all rights under the lease or license (as the case may be) and all the rights and interest of such defaulter therein shall be forfeited. Lessees or licensees to pay for survey if made by Government before issue of lease or license.
16. All moneys payable under the preceding section shall be paid into the Treasury and shall be placed by the Treasurer to a special fund for the purpose of defraying the actual cost of the said survey. Moneys to be paid to Treasury and applied in defraying cost of survey.
17. Any person making a false declaration under the provisions of this Act shall be deemed guilty of perjury. Penalty for false declaration.
18. It shall be lawful for the Governor with the advice of the Executive Council from time to time to make such regulations and to alter and vary the same as may be necessary for carrying out the purposes of this Act and all such regulations shall be published in the *Government Gazette* and shall thereupon have the force of law. Power to make Regulations.
19. All such regulations shall within fourteen days from the publication thereof be laid before Parliament if then sitting and if not within fourteen days after the commencement of the next Session. Regulations to be laid before Parliament.
20. This Act shall be styled and may be cited as the "*Pastoral Occupation Act 1862.*" Short title.

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SCHEDULE.

I being the occupant [or manager for such occupant] of the Run now applied for called in the district of do solemnly declare that the said Run *has been* stocked to the extent of one-fourth of its grazing capabilities—say with [here insert total number of sheep or cattle or both as the case may be] according to the scale prescribed by clause nine of the "*Unoccupied Crown Lands Occupation Act of 1860.*"

(Signed)

A. B.

Occupant.

Declared before me at
this day of

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J.P. }