

Queensland.



ANNO QUADRAGESIMO SEXTO

VICTORIÆ REGINÆ.

No. 11.

An Act to Amend "The Settled Districts Pastoral Leases Act of 1876."

[ASSENTED TO 10TH OCTOBER, 1882.]

• **W**HEREAS it is expedient to amend "*The Settled Districts Pastoral Leases Act of 1876*": 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:—

1. The following words within inverted commas shall, for the purpose of this Act, unless the context otherwise indicate, have the meaning set against them, that is to say—

"Crown Lands."—All lands vested in Her Majesty within that part of the colony described in Schedule A of this Act, and known as "The Settled Districts," which have not been dedicated to any public purpose, or which are not for the time being subject to any grant or lease or have not been lawfully contracted to be granted or leased, to any person in fee simple or for any less estate.

Settled Districts Pastoral Leases Act of 1876 Amendment Act.

Provisions of "*The Settled Districts Pastoral Leases Act of 1876*" to apply.

2. Except as hereinafter provided, the provisions of "*The Settled Districts Pastoral Leases Act of 1876*" shall extend and apply to all runs leased under this Act.

Repeal of sections 2, 3, and section 7 of "*The Settled Districts Pastoral Leases Act of 1876*"

3. From and after the commencement of this Act, sections two and three, and section seven of "*The Settled Districts Pastoral Leases Act of 1876*" shall be and the same are hereby repealed.

Renewal of Leases in Settled Districts.

Renewal of lease may be applied for.

4. The lessee of any run held under the provisions of "*The Settled Districts Pastoral Leases Act of 1876*" may apply not less than three months prior to the expiration of his lease for a renewal thereof, and it shall be lawful for the Governor in Council to grant a renewal of the lease for a term not exceeding ten years of, the whole of any run as aforesaid, subject to the conditions and provisos hereinafter set forth.

Application for renewal to be lodged at Secretary for Lands' Office.

5. Each application for a renewed lease shall be lodged at the office of the Secretary for Public Lands at Brisbane, and such application shall be accompanied by a fee to cover the cost of appraisement, as specified in schedule B of this Act.

Rent of renewed lease to be appraised.

6. The rent of any renewed lease under the provisions of this Act shall be appraised as hereinafter provided; and the Secretary for Public Lands or the lessee may, at the expiration of the fifth year of any renewed lease, demand that the rent for the succeeding term of five years be determined by appraisement, provided that where the lessee demands such appraisement it shall be by notice delivered at the office of the Secretary for Public Lands in Brisbane, and such notification shall be accompanied by the fee to cover the cost of appraisement specified in Schedule B of this Act. The rent, when so determined, shall be payable from the beginning of such term of five years which shall follow next after such demand.

If no application for renewed lease, run may be offered at auction.

7. If no application for a renewed lease shall be made as aforesaid, it shall be lawful for the Governor in Council to cause the run comprised in the original lease, or any portion thereof, to be offered for lease by public auction for any term not exceeding ten years.

Appointment of appraisers.

8. It shall be lawful for the Governor in Council to appoint fit and proper persons as appraisers of runs, who shall determine the rents of runs as hereinafter provided.

Appraisers may take evidence by oath and determine grazing capabilities of runs.

9. It shall be lawful for the appraisers appointed under this Act to take evidence on oath as to the quantity of stock which any run to be appraised, is capable of depasturing; and they shall, after a personal examination of such run, and after taking such evidence as aforesaid, determine the amount of stock such run is capable of depasturing.

Rental of runs to be appraised on the grazing capabilities.

10. Having determined the amount of stock which the run to be appraised is capable of depasturing, and any special advantage which such run may possess in respect to pasturage or nearness to railway market or otherwise, the appraiser shall thereupon appraise the rent to be chargeable thereon, and such appraisement shall be the annual rental of the run, subject to the deduction, if any, allowed for improvements under the provisions of section eleven of this Act. Provided that the rent shall in no case be less than at the rate of two pounds per square mile on the area of the run.

11. The

Settled Districts Pastoral Leases Act of 1876 Amendment Act.

11. The rent chargeable on any run shall be subject to a deduction for any increased pastoral capabilities caused by any improvements made by the lessee during the first five years after the commencement of the lease under this Act upon such run, but such deduction shall in no case exceed the amount of the increased value attributable to such improvements, or be more than twenty-five per cent. of the appraised rent of the run.

Deduction for improvements.

Any such deduction claimed by the lessee shall be made by the appraiser on the second appraisal at the expiration of the first five years of the lease.

12. Each appraiser before entering on the consideration of the rent of any run shall make and subscribe a declaration in the form following, before a justice of the peace, that is to say:—

Declaration to be made by appraisers.

I, _____ do solemnly and sincerely declare that I have no pecuniary or other interest, either directly or indirectly, in the matters referred to me under the provisions of "*The Settled Districts Pastoral Leases Act of 1876 Amendment Act of 1882*," and that I will faithfully and honestly, and to the best of my skill and ability, hear and determine all such matters.

Made and subscribed in the presence of

At _____ on the _____ day of _____ in the year _____

and such declaration shall be annexed to the appraisal or award when made of each run.

If any appraiser shall falsely make such declaration, or wilfully violate any undertaking therein contained, he shall be deemed guilty of a misdemeanour, and shall be liable on conviction to be imprisoned with or without hard labour for any term not exceeding three years.

Penalty.

13. Every appraisal or award shall be in writing, and shall be transmitted to the Secretary for Public Lands and deposited in his office.

Appraisal or award to be in writing.

No appraisal or award shall be final until confirmed by the Secretary for Public Lands, who may refer the matter back to the appraiser to make a fresh appraisal.

Appraisal to be confirmed by the Secretary for Lands.

The material substance of each appraisal shall be published, after confirmation by the Secretary for Public Lands, in the *Government Gazette*.

Material substance of appraisal to be published in the *Government Gazette*.

14. Upon appeal by the lessee, or otherwise, the Secretary for Public Lands may direct that a fresh appraisal of a run be carried out by three appraisers, and every appraisal so made shall be finally conclusive: provided that when such appraisal is made upon appeal by the lessee of any run, he shall upon demand pay the cost of the same.

Upon appeal fresh appraisal may be made by three appraisers.

Crown Lands in the Settled Districts.

15. It shall be lawful for the Governor in Council, upon application as hereinafter provided, to grant leases for pastoral purposes of Crown lands within the settled districts for a term not exceeding ten years, subject to the conditions hereinafter set forth.

Leases of Crown lands in settled districts may be granted.

16. From and after the commencement of this Act it shall be lawful for the Governor in Council, by proclamation, to declare any Crown lands in the settled districts, open for application as aforesaid, at an annual rental of not less than forty shillings per square mile: provided that after the expiration of twelve months from the date of any such proclamation, any Crown lands described therein, which shall not then have been applied for or held under lease, may be proclaimed open for application at an annual rental of not less than twenty shillings per square mile.

Crown lands may be proclaimed open to application to lease.

17. The

Settled Districts Pastoral Leases Act of 1876 Amendment Act.

- 17.** The Governor in Council may also exclude or withdraw any area from application, and may also offer leases for ten years of any portion thereof at auction at an upset price of not less than forty shillings per square mile.
- 18.** If any person is desirous of obtaining the lease of a run he shall make application to the Land Commissioner of the district in which the run is situated, in the form of Schedule C annexed hereto, and shall at the time of making such application pay the first year's rent of the run.
- 19.** The Governor in Council may approve of a lease being issued for any part of a run applied for if by reason of prior application or otherwise the application cannot be granted as to the whole of the said run.
- 20.** If two or more applicants shall be present at the time of opening the land office of the district in which the run applied for is situated, the applications lodged by them shall be deemed to be lodged at the same time.
- 21.** When two or more applications to lease the same run, or any portion thereof, are lodged at the same time, the Land Commissioner shall cause the run, or any portion thereof, to be offered at auction to the several applicants, and to no other persons, and the applicant who shall make the highest bid for the run, or such portion thereof as shall be offered, and shall forthwith pay the balance of the increased rent of the run, shall be declared the successful applicant.
- 22.** Each run shall consist of not less than ten square miles nor more than fifty square miles, and shall be as far as practicable in the form of a square. Provided that the Governor in Council may amend the boundaries of any run before approving of any lease thereof being issued.
- 23.** In all cases in which a lease is refused the first year's rent paid at time of application shall be refunded.
- General Provisions.*
- 24.** The lessee of every run shall, during the continuance of his lease, pay the annual rent of the same at the Treasury in Brisbane, on the thirtieth day of September in each year, as provided in subsection four of section four of "*The Settled Districts Pastoral Leases Act of 1876*," and every such lease shall be signed by the lessee, and shall contain a covenant to pay such rent accordingly.
- 25.** Any run which shall have been offered at auction under the provisions of section five of "*The Settled Districts Pastoral Leases Act of 1876*," or of this Act, and not bid for, and not withdrawn from application, shall, from and after the day following such offering at auction, be open to application at the upset price per mile at which the run was offered as aforesaid: provided that if after the expiration of twelve months from the said offering at auction the said run shall not have been applied for, the Governor in Council may again offer the run at a reduced upset price of not less than twenty shillings per square mile.
- 26.** The

Area may be excluded or withdrawn from application to lease.

Mode of obtaining a run.

Approval of lease.

Simultaneous applications.

Simultaneous applications for runs to be submitted to auction between applicants.

Area of runs.

Refundment when lease refused.

Payment of rent.

Upset price of runs offered at auction and not thereafter applied for may be reduced.

Settled Districts Pastoral Leases Act of 1876 Amendment Act.

26. The Governor in Council may from time to time make, Governor may make regulations. 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.

27. This Act shall be read and construed with "*The Settled Districts Pastoral Leases Act of 1876.*" Act may be read with "The Settled Districts Pastoral Leases Act of 1876."

28. This Act shall be styled and may be cited as "*The Settled Districts Pastoral Leases Act of 1876 Amendment Act of 1882.*" Short title.

SCHEDULE A.

The Settled Districts.

Commencing at Point Danger, and bounded thence by the southern boundary of the colony westerly to Maryland; thence by Herries' Range and the range separating the Condamine River from the McIntyre River, Weir River, and Moonie River to the head of Wilkie's Creek; then by the watershed separating the Condamine River from Wilkie's Creek to their junction; then by the Condamine River to the junction of Coorangah Creek; then by that creek to its head in the Great Dividing Range; then by said range and the range separating the Brisbane River from the Burnett River; thence by the range separating the Mary River from the Burnett River and by a spur range to the junction of the Degilbo Creek with the Burnett River; thence by a line north-west to the watershed separating the Burnett River from the Kolan River; thence by that range and by the range separating the Burnett River from the Boyne River and Kroombit Creek; thence by the western watershed of Kroombit and Callie creeks northerly to a point east from the south-east corner of selection 1472; thence by a line west passing along the south boundary of that selection crossing the Don River to Rannes Range; thence by that range and the western watershed of Gogango Creek to the junction of that creek with the Fitzroy River; thence by a line north-west to the range separating the McKenzie River from the streams tributary to the River Fitzroy below Gogango Creek; thence by that range and the range separating the Isaacs River from water flowing direct to the coast and by the southern and western watershed of the Pioneer River to a point thirty miles in a direct line from the sea-coast near the head of Bustard Creek; thence by a line parallel with and distant thirty miles from the sea-coast to the 138th meridian of east longitude, being the west boundary of the colony; thence by that boundary to the sea-coast; and by the sea-coast to the point of commencement.

SCHEDULE B.

"THE SETTLED DISTRICTS PASTORAL LEASES ACT OF 1876 AMENDMENT ACT OF 1882."

Schedule of Fees to be paid by Lessees for appraisalment of Runs.

	£	s.	d.
For every run not exceeding twenty-five square miles ...	5	0	0
For every run exceeding twenty-five square miles, for every square mile ...	0	4	0

SCHEDULE C.

"THE SETTLED DISTRICTS PASTORAL LEASES ACT OF 1876 AMENDMENT ACT OF 1882."

Application for a Lease of a Part of Crown Lands in the Settled District of

In accordance with the provisions of "*The Settled Districts Pastoral Leases Act of 1876 Amendment Act of 1882.*"*

off _____, do hereby apply for a lease for _____ years of the run called _____, in the Settled District of _____, which is more particularly described in the annexed schedule, and do herewith tender the sum of _____ pounds as the first year's rent of the said run.

Given under _____ hand this _____ day of _____

Settled Districts Pastoral Leases Act of 1876 Amendment Act.

Schedule referred to in the foregoing.

Application :
 Date of proclamation :
 Upset price :
 District :
 Name of run :
 Estimated area :
 Description of the land referred to and marked or defined boundary lines :

Received from _____ the sum of _____ pounds, being
 the amount of the first year's rent on the run above applied for.

Land Commissioner.

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* I or we, and state christian and surname in full.

† State place of residence.