

## TASMANIA.

## THE CROWN LANDS ACT 1935.

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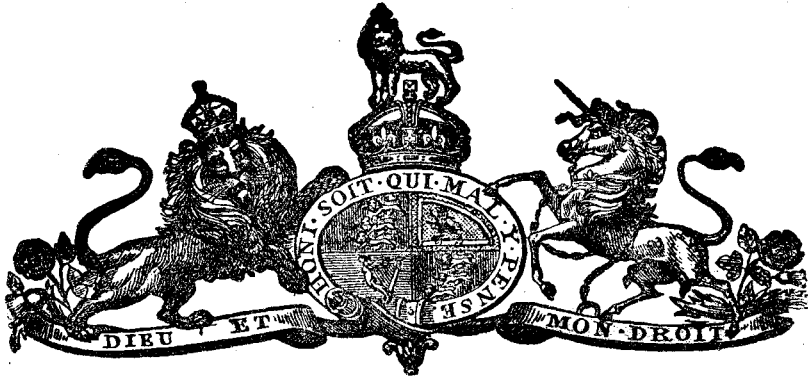
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## TASMANIA.



1935.

ANNO VICESIMO SEXTO

GEORGII V. REGIS.

No. 35.

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AN ACT to regulate the Management, Sale, <sup>A.D.</sup> 1935.  
and Disposal of the Lands of the Crown.  
[18 October, 1935.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

## PRELIMINARY.

- 1** This Act may be cited as the *Crown Lands Act 1935*. Short title.
- 2** The enactments enumerated in the first schedule are hereby Repealed.

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Interpretation.

"Business area."

"Commissioner."

"Contract."

"Crown land."

"Land."

"Occupy."

"Previous Act."

"Residence  
area."

"Run."

"Rural lands."

"Secretary."

"Substantial im-  
provements.""Surveyor."  
9 Ed. VII. No.  
45.

"Town land."

"Township."

**3** In this Act, unless the contrary intention appears—

"Business area" means the surface of any Crown land occupied under a business licence :

"Commissioner" means the Commissioner of Crown Lands :

"Contract" means a contract entered into by the Commissioner with a purchaser of Crown land under this Act or any previous Act for the sale and purchase of the land mentioned therein :

"Crown land" means land in this State which is vested in the Crown, and which is not granted or lawfully contracted to be granted in fee simple ; and includes all land which is held for mining, pastoral, or other purposes under any lease, licence, or other right from the Crown :

"Land" means Crown land :

"Occupy" means habitually and continuously reside on :

"Previous Act" means any Act regulating the sale and disposal of Crown land in force prior to this Act :

"Residence area" means the surface of any Crown land held under a residence licence :

"Run" means land leased or offered for lease for grazing purposes :

"Rural lands" means all lands other than town lands :

"Secretary" means the Secretary for Lands :

"Substantial improvements" means dams, wells, cultivation, fencing, clearing, or draining of land, the erection of a habitable dwelling or farm or other buildings upon and permanently attached to the soil of such land :

"Surveyor" means a surveyor authorised by registration under the *Land Surveyors Act 1909* :

"Town land" means land situate within any city or within a distance of five miles from the nearest point of any part of the boundaries of any city, and land situate within the boundaries of any town or township, or which is set apart, surveyed, or laid out in lots as the site for a town or township :

"Township" means any area proclaimed as a township under this Act.

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## PART I.

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## POWERS OF THE GOVERNOR.

**4**—(1) The Governor may by proclamation—Constitution of  
counties, &c.

- i. Constitute and define the boundaries of new counties, parishes, and townships, and distinguish each by a name:
- ii. Declare that any county, parish, or township shall cease to exist as such:
- iii. Extend or diminish the area of any county, parish, or township:
- iv. Alter the boundaries or name of any county, parish, or township:
- v. Add the area taken away from one county or parish to any adjacent county or parish:
- vi. Divide any county into two or more counties, and give each a distinguishing name.

May alter  
boundaries of  
counties and  
parishes.

(2) Every such proclamation shall state the day from which the same shall take effect, and no proclamation constituting any new counties or parishes shall be published unless a list and plans of the counties or parishes intended to be constituted shall have been laid before Parliament for thirty days.

**5** Crown land shall be disposed of in accordance with the provisions of this Act and not otherwise.

Land to be dis-  
posed of only  
according to Act.

**6** The Governor may appoint a Secretary for Lands and such other officers as he may think fit for the purposes of this Act.

Appointment  
of officers.

**7**—(1) The Governor may by proclamation except from sale and lease, and reserve to His Majesty any Crown land for—

Public purposes  
for which land  
may be reserved  
or disposed of.

- i. Public roads or streets, or other internal communications, whether by land or water:
- ii. Sites for the erection of public libraries, public halls, museums, literary or scientific institutions, hospitals or almshouses for aged or infirm poor, or places for the interment or cremation of the dead:
- iii. Sites for public wharves or quays, breakwaters, or landing-places:
- iv. Sites for trigonometrical stations or for other purposes connected with the survey of the State:
- v. Places for purposes of public recreation and amusement:
- vi. The preservation of water-supply:
- vii. Irrigation works, dams, reservoirs, aqueducts, watercourses, drains, sewers, or other works:
- viii. Any purpose of public safety, convenience, health, or enjoyment: and
- ix. For any other public purpose that he may think fit, whether similar to any of those above mentioned or not.

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Vesting.

(2) For the purpose of giving effect to any such proclamation as aforesaid, the Commissioner may grant a lease for such term not exceeding ninety-nine years as he thinks fit of any land so excepted and reserved for any of the purposes aforesaid to such person as the Governor may approve.

(3) Except as otherwise specially provided no land reserved as herein provided shall be sold, leased, or otherwise disposed of under this Act while the proclamation reserving the same remains in force.

(4) If any of the land comprised in any such proclamation is found to be unsuitable, or not required, for the purpose for which it was thereby reserved, the same may be excluded or exempted from the operation of such proclamation by any subsequent proclamation.

Conditions of lease.

**8**—(1) Every lease granted under section seven shall be at such rental as the Governor may determine and shall contain a condition that the land therein comprised shall be used for the purpose for which it was reserved as aforesaid and for no other purpose, and such other terms and conditions as the Governor may direct, and, subject as hereinafter mentioned, shall also contain a condition for the absolute forfeiture of the said land to His Majesty upon breach or non-observance of any such term or condition ; and upon such forfeiture the land so forfeited shall cease to be subject to such proclamation as aforesaid.

Notice to show cause to be gazetted.

(2) Before any such condition of forfeiture as aforesaid shall take effect the Commissioner shall publish a notice in the Gazette requiring the person to whom such land is leased to show cause to the Governor, within sixty days from the date of the publication of such notice, why such forfeiture should not take effect, and the Governor may waive such forfeiture if he is satisfied of the sufficiency of the cause shown, but not otherwise.

Reserve of land for school purposes.

**9** The Governor, by notice in the Gazette, may except from sale and lease, and reserve as a school allotment, any Crown land not exceeding five acres in extent.

Governor not to reserve sites of places for public worship, &amp;c.

**10**—(1) It shall not be lawful for the Governor to except from sale and reserve to His Majesty, or to dispose of, except by sale under this Act, any Crown lands as sites of places for public worship or for any other religious purposes.

(2) Nothing contained in this section shall be held to apply to any lands which have, before the seventeenth day of September, one thousand eight hundred and sixty-eight, been reserved for sites of places of public worship of any religious denomination.

Certain reservations may be revoked.

**11**—(1) When any Crown land reserved for public roads, streets, or other internal communications has not been used, or is no longer required for the purpose for which it was reserved, the Governor may by proclamation revoke such reservation.



*Crown Lands.*

(2) If within sixty days after any such proclamation is gazetted the owner of any land adjoining the land comprised therein lodges with the Commissioner an objection to the withdrawal of such land from reservation, or if for any other reason the Governor thinks fit, the Governor may revoke or modify such proclamation. A.D. 1935.

(3) After the expiration of the said period of sixty days, the Commissioner, with the consent of the Governor, may sell by private contract any land withdrawn from reservation under this section to the owner of the adjoining lands at such price as the Governor may fix, but in no case shall such price be less per acre than the purchase price of such adjoining land, and, if such owner declines to purchase such land, the Commissioner, with the like consent, may sell the same by public auction.

## PART II.

## POWERS OF THE COMMISSIONER.

**12** The Minister for Lands and Works shall be the Commissioner of Crown Lands, and as such shall have the management and disposal of all Crown land subject to the provisions of this Act. Commissioner of Crown Lands.

**13**—(1) The Commissioner may appoint a sufficient number of persons to be bailiffs of Crown lands. Bailiffs of Crown lands.

(2) Every such bailiff shall do, on behalf of His Majesty or the Commissioner in respect of any Crown lands, all such acts for preventing intrusion, encroachment, and trespass on such lands, and for levying or recovering the rent or the licence fee payable in respect thereof, and for taking and recovering possession of such lands in case of forfeiture, and for other purposes, as may be prescribed or as the Commissioner may direct.

(3) Every such bailiff shall have power to seize and detain any timber, bark, wood, gravel, stone, limestone, salt, guano, shells, sand, loam, brick-earth, or bricks made therefrom, or any other substance whatever which has been unlawfully removed, or which he has reasonable cause to suspect to have been unlawfully removed, from any Crown lands; and the same shall be forfeited to His Majesty upon proof to the satisfaction of a justice of the unlawful removal thereof as aforesaid.

**14**—(1) The Commissioner, at any time, whether or not a survey fee has been paid, may decline to enter into a contract, or refuse any application, for the purchase of any Crown land, or withdraw any Crown land from sale— Applications to purchase may be refused in certain cases.

- i. If the land is required, or likely to be required, for mining purposes :
- ii. If, in the opinion of the Commissioner, the cost of obtaining or constructing a road of access to the Crown lands applied for is likely to be greater than half the purchase-money of the lands applied for : or

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III. If the Commissioner is of opinion that for any other special reason, whether similar to any of those above mentioned or not, it is advisable so to do.

Proviso.

(2) The Commissioner, if he thinks fit, may sell any land to which paragraph I. of subsection (1) hereof applies, subject to such reservations and conditions as the Governor may approve, in addition to any conditions subject to which such land may have been selected or applied for or offered for sale.

Determination  
of land to be sold.

**15**—(1) The Commissioner shall have power in relation to any application to purchase land on selection—

I. To determine the area and position of the land which is to be sold : and

II. To direct in what shape the block to be sold shall be surveyed—

and, if, in the opinion of the Commissioner, the sale of the block comprised in the application would prejudicially affect the saleable value of adjoining Crown land, he may refuse the application.

(2) Wherever practicable the applicant shall be allowed to purchase a block of land equal in area to the block comprised in his application ; and where an application is refused under this section the Commissioner shall report to the Governor in writing setting forth the reasons for such refusal.

Contracts, &c., to  
be made with  
Commissioner.

**16** All contracts for the sale of Crown lands and all leases of such lands under this Act shall be made by and with the Commissioner, and all licences shall be issued by the Commissioner, who shall be described therein by the name of "The Commissioner of Crown Lands," without otherwise naming him ; and every such contract, lease, or licence shall be valid and effectual notwithstanding any change in the person who is the Commissioner, and may be enforced by and against the Commissioner for the time being.

Actions by and  
against Com-  
missioner.

**17**—(1) All actions and other proceedings in respect of any contract, lease, licence, or other agreement whatsoever entered into by or with the Commissioner under this or any previous Act shall be commenced and prosecuted by or against the Commissioner of Crown Lands as the plaintiff or defendant therein, as the case may be, without otherwise naming him ; and the Commissioner shall recover or be liable to, as the case may be, the damages and costs of any such action or other proceeding.

No action to abate  
by death, &c., of  
Commissioner.

(2) No such action or other proceeding for or against the Commissioner shall abate or be affected by reason of the death, resignation, removal, or new appointment of the Commissioner, but the same may be continued as if no such change had taken place.

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*Crown Lands.*

## PART III.

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## SALE AND PURCHASE OF LAND.

*Division I.—General Provisions as to Sale.*

**18** Except, as otherwise expressly provided, any person over the age of eighteen years may purchase land under this Act. Who may purchase.

**19** For the purposes of the sale of rural lands— Classification of rural and.

- I. The Secretary shall determine the value and class of any rural lands, and the value so determined in each case shall be the sale price of the land where the same is sold upon selection :
- II. All such land shall be classified as first-class, second-class, or third-class respectively :
- III. Rural land shall be classified according to the value determined as aforesaid, and, if such value is determined—
  - (a) At or above fifteen shillings per acre, the land shall be first-class :
  - (b) At less than fifteen shillings and not less than seven shillings and six pence, the land shall be second-class : and
  - (c) At less than seven shillings and six pence, the land shall be third-class.

*Division II.—Purchase on Selection.*

**20**—(1) Any person may select and purchase, at the value determined in respect thereof by the Secretary and upon the terms hereinafter prescribed in relation thereto, one lot of— Selection for purchase.

- I. First-class land, not less than fifteen nor more than two hundred :
- II. Second-class land, not less than thirty nor more than three hundred :
- III. Third-class land, not less than sixty nor more than six hundred—

acres in area provided, in any of the said cases that he is not the holder under contract of any land of the class so selected which, added to the land selected, would increase his total holding of land of that class beyond the maximum hereinbefore prescribed for that class.

(2) Every application by a selector shall—

- I. Be made in the prescribed form and manner, and the prescribed fee shall be lodged therewith :
- II. Contain an offer to purchase upon credit—
  - (a) First-class land at not less than fifteen shillings per acre: or
  - (b) Other land at a price to be determined by the Secretary—

and shall be subject to land of the area and class for which the application is made being available.

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*Division III.—Sale by Auction.*

Sale by auction.

**21**—(1) Crown lands may be sold by public auction in the manner and subject to the conditions hereinafter prescribed.

(2) All rural lands to be offered for sale by auction shall, after survey and before sale, be classified as—

- i. First-class :
- ii. Second-class : and
- iii. Third-class—

lands respectively, and shall be sold in such lots as the Commissioner may direct.

(3) All town lands to be offered for sale by auction shall be surveyed before sale in such lots as the Commissioner may direct.

(4) All such lands shall before sale be delineated in the public charts of the State in the lots in which they are to be offered for sale.

Upset prices.

**22**—(1) The lowest upset price of rural lands offered for sale by auction shall be fifteen shillings per acre for first-class land, seven shillings and six pence per acre for second-class land, and five shillings for third-class land.

(2) The lowest upset price of town lands shall be such as may be determined in each case as hereinafter provided, and shall not in any case be lower than one pound per acre.

*Division IV.—Sale by Private Contract.*

Sale of land to Commonwealth.

**23** Where the Governor agrees with the Governor-General of the Commonwealth for the sale or lease of any Crown land to the Commonwealth, any instrument or assurance executed by the Governor for conveying or granting the land to the Commonwealth accordingly shall, by force of this Act, be valid and effectual to vest the land in the Commonwealth, according to the tenor thereof.

Sales by private contract.

**24** The Commissioner may sell by private contract—

- i. Any land for the purchase of which an application under Division II of this Part has been received and approved :
- ii. Any second-class land not exceeding thirty acres in area, which in his opinion cannot be conveniently included in any larger block :
- iii. To the holder of a residence licence or business licence, the land comprised in such licence if such holder—
  - (a) Is in lawful occupation thereof :
  - (b) Is the owner of buildings and improvements thereon greater in value than the upset price of such land : and
  - (c) Applies to purchase such land prior to the day on which it is to be offered for sale in pursuance of advertisement—

and, where such holder purchases such land under this provision, the Commissioner may sell to him any land adjoin-

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ing the same, provided that the aggregate area sold to such person under this section shall not exceed one-half of an acre, but the upset price of any lot purchased under this paragraph shall be not less than ten pounds: A.D. 1935.

- iv. Any block of land comprised in an area reserved for special settlement under Part VI., and advertised as provided by that Part to be available for purchase by private contract: and
- v. Subject to the provisions of Part IV., any block of land which has been offered for sale by auction and not sold.

*Division V.—Limitation of Right to Purchase.*

**25** No land shall be sold under this Act to any person who is under the age of eighteen years. Limit as to age.

**26**—(1) No person who is the holder of any land under contract shall make a further purchase under this Act if the total area of any class of land so held by him would, by reason of his so doing, exceed the maximum area in that class prescribed by section twenty. Limit of total purchase.

(2) For the purposes of this section, if any person is the holder of unclassified rural land upon credit, and desires to make an additional purchase, the unclassified rural land so held by him shall be deemed to be first-class land.

**27** No person who holds land under contract shall be eligible to make a further purchase of land under this Act unless he has complied with all the conditions imposed by the Act governing and regulating the purchase of the land already purchased by him. Compliance with conditions.

**28**—(1) No person shall become the purchaser of any Crown land under this Act who — Contracts by purchasers void in certain cases.

- I. Is in respect of the land which he applies to purchase, or any part thereof, a servant of or an agent or trustee for any other person: or
- II. At the time of his application has entered into any agreement, express or implied, to admit any other person to acquire by purchase or otherwise any such land or part thereof.

(2) All contracts, agreements, and securities made, entered into, and given with the intent of evading, or which, if valid, would have the effect of evading, the provisions of this section, shall be illegal and absolutely void.

(3) If any person shall, in evasion of the provisions of this section, become the purchaser of any land, all the right, title, and interest of the purchaser, or of his assignee having notice of such evasion, and all moneys paid in respect of such land, and the land itself, with all improvements thereon, shall, on conviction of such person under this

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section and on notification to that effect in the Gazette, be forthwith absolutely forfeited, and the said land shall again become Crown land without any further proceeding being necessary.

(4) No person shall enter into any contract or agreement in contravention of this section.

Penalty : One hundred pounds or twelve months' imprisonment.

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## PART IV.

## SALES BY AUCTION.

Notice of sale  
by auction to  
be published.

**29**—(1) Within three months and not less than one month next preceding the proposed sale of any lands by auction, the Commissioner shall, by notice in the Gazette, declare the time and place at which such sale will be held, and what are the lands to be offered for sale at such auction, and the upset price at which they will be offered for sale; and in every such notice the lands specified therein shall be distinguished by their proper classes, in accordance with the provisions hereinbefore contained; and, except as otherwise specially provided, such lands, when once advertised as aforesaid, shall not be open for purchase, except at auction, until after the day of sale or any postponement thereof.

Plans to be  
provided.

(2) Plans of the lands intended to be sold, showing the several lots for sale, shall, fourteen days before the day of sale, be sent by the Commissioner to the auctioneer instructed to sell, and to the police-office nearest to such lands, or such place as he thinks fit for the use of intending purchasers; and every person shall, upon application, be entitled to receive a copy of such plans.

(3) The Commissioner may withdraw from sale any lands advertised for sale at any time prior to the sale.

Determination of  
upset prices.

**30**—(1) Before publishing the notice of sale the Commissioner shall submit to the Governor an estimate of the upset prices which he considers should be placed on the lands to be included in such notice.

(2) The Governor may approve such estimate or may vary the prices therein as he may think fit, and the same so approved or varied shall determine the upset prices to be applied to the lands comprised in the notice for the purposes of the sale to which such notice relates.

(3) Where any land has been offered for sale by auction and not sold, the upset price thereof for any subsequent sale by auction shall be fixed as hereinbefore provided.

Land not to be  
sold below upset  
price.

**31** No land shall be sold at auction at a lower price than the upset price specified in relation thereto in the notice of the sale at which it is offered.

Land unsold at  
auction may be  
sold by private  
contract.

**32**—(1) Not less than twenty-one days after every sale by auction of Crown lands, other than land within five miles of any city, and afterwards quarterly or oftener if he thinks fit, and until the same

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lands are again offered for sale by auction, the Commissioner may cause a list of all such lands as were offered for sale by auction and not sold, with the upset prices at which they were offered for sale, to be gazetted. A.D. 1935.

(2) There shall be published with such list a notice that any person may purchase any of the said lots at such upset prices by private contract.

(3) The Commissioner, after the expiration of fourteen days and within twelve months from the date of the publication of any such notice, may sell any of such lots at the upset prices mentioned in the notice by private contract to any person who applies to purchase the same; but if more than one application is made after the last publication of such notice and prior to the expiration of such period of fourteen days thereafter, to purchase the same lot, such lot shall not be sold by private contract, but shall be again submitted by public auction as soon as may be after such applications are made.

**33** No person liable for the payment of a deposit under the terms of sale shall fail to pay the amount thereof on the day on which the auction is held. Penalty on highest bidder not paying amount of deposit.

Penalty: Double the amount of the deposit in respect of which default has been made.

**34** Every agreement, whether in writing or otherwise, whereby any person promises or agrees, either directly or indirectly, to give or allow any sum of money, reward, benefit, or thing to any other person in consideration of such other person — Agreement not to bid, &c., at sale to be illegal.

- I. Not bidding at any sale by public auction under this Act:
- II. Not competing at such auction:
- III. Bidding to a limited amount only:
- IV. Withdrawing from competition at any such auction: or
- V. Doing any other act or thing which in any way might tend to prevent free and open competition at any such auction—

shall be wholly illegal and void.

**35**—(1) No person shall offer or propose to any other person who is an intending purchaser, lessee, or bidder at any auction under this Act— Penalty on person proposing to intending purchaser to bid in any particular manner, &c.

- I. To bid in any particular manner:
- II. Not to bid:
- III. Not to bid except in some particular manner:
- IV. To bid to a certain limited extent only: or
- V. To bid for certain lands or leases only—

in consideration of such other person bidding or not bidding for any land or lease to be offered for sale at such auction.

Penalty: One hundred pounds.

(2) No person shall—

- I. Enter or offer or propose to enter into any agreement which is declared by section thirty-four to be illegal: or

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ii. Make any offer or proposal prohibited by subsection (1) hereof—

under, by means of, or accompanied with any threats or representations respecting the future biddings, purchases, or competition, or respecting any particular course of proceeding of such person at any such auction.

Penalty: Two hundred pounds.

Parties to agreement compellable as witnesses.

(3) In any proceeding under this section all parties to an agreement, and all persons making or receiving any offer or proposal, with or without threats, as hereinbefore described, shall be compellable to give evidence upon all matters touching or relating to such agreement, offer, or proposal.

Protection of witnesses.

(4) No proceedings shall be taken against any person for any offence under this section, if such person, being summoned as a witness, shall answer all questions that may be asked of him in relation to such agreement, offer, or proposal.

## PART V.

## SURVEY OF LAND PURCHASED.

*As to First-class or Second-class Land.*

Applicant for first or second class land to pay survey fee.

Terms,

**36**—(1) The purchaser of first-class or second-class land shall pay the expense of surveying such land in the following manner; that is to say:—To the amount of the prescribed survey fee a sum equal to one-half of such amount shall be added by way of interest, and the purchaser shall, within the prescribed time after payment thereof has been demanded from him by or on behalf of the Commissioner, pay one-tenth of the whole amount, otherwise his purchase may be cancelled; and he shall pay the balance by twenty-four equal annual payments upon the terms and as set forth in the fourth schedule.

(2) The first of such annual payments shall be due and payable one year after the payment of the deposit on purchase, and the subsequent payments shall be payable respectively at the expiration of each succeeding period of twelve months thereafter.

Purchaser may pay off survey fee at any time.

(3) Any purchaser may at any time, if he is not in default in payment of any such annual payment, pay off the whole of the prescribed survey fee and interest, or any balance thereof then remaining unpaid, and in every such case a deduction shall be allowed in the sum added to the survey fee by way of interest proportionate to the amount then due.

Penalty for non-payment of survey fee.

**37** Default in payment of any such annual payment after the same has become due shall have the same operation upon the rights and privileges of the purchaser as failure to pay any instalment of the purchase-money of the land purchased by him; and in addition the whole of such annual payments then remaining unpaid shall become



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forthwith due and payable, and may be sued for and recovered from the purchaser in any court of competent jurisdiction by the Commissioner, or any person appointed by him in that behalf, as a debt due to the Crown.

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**38** Any applicant for a selection of first-class or second-class land for whom the land applied for has been surveyed pursuant to section forty, and who neglects or refuses, upon demand being made in the prescribed manner, to enter into the contract for the sale and purchase of the said land, shall be liable for the payment forthwith to the Commissioner of the balance of the expenses of survey remaining unpaid, together with interest at the rate of five pounds per centum per annum; and such amount may be sued for and recovered from such applicant in any court of competent jurisdiction by the Commissioner, or any person appointed by him in that behalf, as a debt due to the Crown.

Selector of first-class land to pay balance of survey fee forthwith if he neglect to sign contract.

*As to other Land.*

**39** Except as provided by section thirty-six, every purchaser of land under this Act, shall within the prescribed time, after payment thereof has been demanded from him by or on behalf of the Commissioner, pay the prescribed expense of surveying such land, otherwise his purchase shall be cancelled or his application refused, as the case may be.

Selectors of third-class land to pay survey fee on demand.

*General.*

**40** As soon as conveniently can be after payment by the applicant as hereinbefore provided—

Land to be surveyed.

i. Of one tenth of the survey fee in the case of first-class or second-class land:

ii. The whole of the survey fee in the case of third-class land—

the Commissioner shall cause the land applied for to be surveyed in the prescribed manner; but the applicant shall have no right to require the Commissioner to enter into a contract of sale with him until the survey has been effected and the Commissioner has notified him that the land applied for is available and can be purchased in accordance with his application.

**41** All moneys received by the Treasurer as survey fees for land sold under this Act shall be credited to the Survey Advance Account, and all moneys used for defraying the cost of surveys of such land shall be debited to that account.

Account to be opened for payment of survey fee.

**42** Where any person has paid the survey fees in respect of any land for the purpose of enabling such land to be submitted for sale by auction and such person does not become the purchaser of such land, the Commissioner may refund to such person the amount so paid by him, and such amount shall be debited to the Survey Advance Account.

Refund of fees in certain cases.

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## PART VI.

## AREAS FOR SPECIAL SETTLEMENT.

Commissioner may withdraw area of land from the operation of this Act.

**43** If the Secretary at any time reports to the Commissioner that there exists an area of rural land, not being less than one thousand acres in extent, which in his opinion is first-class land suitable for agriculture, horticulture, or dairy-farming purposes, the Commissioner may withdraw such area from selection under the provisions of this Act, and such further area of inferior land adjoining or adjacent to such area as he may think desirable for the purposes of this Part.

Moneys may be expended for certain purposes.

**44** The Commissioner may expend such moneys as may be required for—

- i. Subdividing the withdrawn area into blocks suitable for the purposes of this Part, and for surveying such blocks :
- ii. Cutting tracks, surveying, and constructing roads or tramways, to or within the withdrawn area : or
- iii. Fencing, clearing, burning, sowing with grass seed, and for building houses, or effecting such other improvements on the withdrawn area, or any portions thereof, as the Commissioner may think fit.

Money may be advanced out of Crown Lands Fund.

**45** The Treasurer may advance to the Commissioner, out of any moneys standing to the credit of the Crown Lands Fund, such moneys as may be required by the Commissioner for effecting the objects of this Part in respect of any withdrawn area ; and moneys so advanced shall be repaid in the manner hereinafter appearing.

Blocks to be sold by auction.

**46** After the withdrawn area has been subdivided into suitable blocks, and such blocks surveyed and classified as provided by this Act, and the said roads have been wholly or in part constructed, the Commissioner may submit for sale by auction, in the manner provided in Part IV., the blocks so surveyed : Provided, nevertheless, that any of the blocks without having been submitted for sale by auction—

Blocks unsold by auction may be sold privately.

- i. May be declared by the Commissioner by notice in the Gazette to be open : or
- ii. May be reserved by the Commissioner for *bonâ fide* immigrants into the State to the extent of one block in every six—

for purchase by private contract at such price as the Commissioner may think fit, upon the terms set out in the second schedule.

Application of purchase-money.

**47** All moneys received by the Commissioner in respect of the purchase-money of the said blocks so sold as aforesaid shall be paid by the Commissioner to the Treasurer, in or towards repayment of the moneys so advanced by the Treasurer as aforesaid, until the whole of the moneys so advanced in respect of any withdrawn area are repaid ; and any balance of such purchase-money shall be paid into the Consolidated Revenue.

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**48** The provisions of section one hundred and fifteen shall not apply to any lands included in any area withdrawn and dealt with under this Part.

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Provisions of section 115 of this Act not to apply.

## PART VII.

## CONDITIONS OF PURCHASE.

*Division I.—Terms on Sale.*

**49**—(1) Upon the sale of any town lands under Part IV. the purchaser may pay the purchase-money in cash, or, if at the time of sale the purchaser declares that he is desirous of being allowed credit, he shall be allowed credit upon the terms hereinafter mentioned.

Payment of purchase-money on sale by auction of town land.

(2) No town land shall be sold on credit where the price is less than fifteen pounds.

**50** Upon the sale of town lands, whether by auction or private contract, the terms of credit shall be as follows:—A sum equal to one-third of the price shall be added thereto by way of premium for the allowance of credit, and the amount of the price and premium together shall become the purchase-money of the land; and the purchaser shall pay a deposit of one-fourteenth of such purchase-money at the time of sale, and shall contract to pay, and shall pay, the residue of the purchase-money by thirteen annual instalments of one-fourteenth of the purchase-money, the first instalment to be paid at the expiration of one year from the time of sale.

Terms of credit on sale of town lands.

**51** Upon the sale of any rural land there shall be added to the sale price by way of premium for credit a sum equal to one-third of such sale price, and the total amount resulting therefrom shall be the purchase-money for such land, and such purchase-money shall be payable—

Terms of credit for rural land.

1. In the case of first-class and second-class lands, by a deposit at the time of sale of an amount equal to one one-hundred and sixtieth of the purchase-money and the balance by twenty-four annual instalments payable respectively at the expiration of each succeeding period of twelve months from the time of sale, and being respectively of amounts representing—

(a) For each of the first four years, one one-hundred and twenty-eighth :

(b) For each of the next four years thereafter, one sixty-fourth :

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(c) For each of the next four years thereafter, three-eighths : and

(d) For each of the remaining twelve years, one-sixteenth : and

ii. In any other case, by a deposit at the time of sale of an amount equal to one-fortieth of the purchase-money and the balance by fourteen annual instalments payable respectively at the expiration of each succeeding period of twelve months from the time of sale, and being respectively of amounts representing—

(a) For the first two years, one twenty-sixth of such balance : and

(b) For each of the remaining twelve years, one-thirteenth of such balance—

of the purchase-money as shown in the examples set forth respectively in the second and third schedules, and the purchaser shall enter into a contract to pay, and shall pay, the same accordingly.

Allowance for improvements.

**52**—(1) Where the Commissioner is satisfied that the purchaser of any first-class or second-class land under this Act, in any year during the first five years after the time of sale, has effected on such land substantial improvements to a value equal, in the case of—

i. First-class land, to two shillings : or

ii. Second-class land, to one shilling—

for every acre of such land, the Commissioner may remit the payment of the instalment of purchase-money payable in respect of that year by such purchaser.

(2) Every such remission as aforesaid shall be conditional upon a claim having been made therefor by such purchaser within three months after the day upon which such instalment as aforesaid became payable.

(3) Where in any such year a purchaser has effected substantial improvements as aforesaid to a value in excess of that specified in subsection (1) hereof in relation to land of the class of which he is a purchaser, the Commissioner may give him credit for such excess against his liability in respect of any subsequent year during such period.

*Division II.—Conditions.*

Contract of purchase.

**53**—(1) Every purchaser of Crown land on credit shall, when required so to do, enter into and execute a contract with the Commissioner in accordance with the regulations.

(2) Every such contract shall be upon the terms and subject to the conditions prescribed in respect of the land to which the same relates and such other conditions, if any, as may be imposed in pursuance of any Act in respect of the particular transaction.

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**54**—(1) Every purchaser of rural land shall begin to effect substantial improvements thereon within one year after the date of his contract, and shall continue to make such improvements thereon to a value in the case of—

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Improvements  
on rural land.

- I. First-class land, of not less than two shillings and six pence annually for eight consecutive years next after such first year or until he has effected on such land substantial improvements of a total value equal to one pound : and
- II. Second-class or third-class land, of not less than one shilling annually for five consecutive years next after such first year or until he has effected on such land substantial improvements of a total value equal to five shillings—

for every acre of such land.

(2) Where any purchaser has expended as aforesaid in any year a sum in excess of the minimum annual expenditure prescribed in respect of his land, he shall be entitled to credit for such excess, so far as it may extend, in reduction or satisfaction of his future obligations under this section.

**55** Every purchaser of town land upon credit shall, within five years from the date of his contract, make substantial improvements upon such land to the value of a sum equal to the cash price at which the land was sold, or if the Commissioner is satisfied that the land cannot reasonably be improved to the extent of such sum, such improvements shall be of a value determined by the Commissioner.

Improvements  
on town lands.

**56** - (1) Every purchaser of first-class rural land under this Act shall occupy such land either—

Occupation of  
first-class land.

- I. Personally :
- II. By some member of his family on his behalf : or
- III. By some person in his employment on his behalf for a period of not less than five consecutive years.

(2) Such period shall commence not later than four years after the date of the contract except as provided by subsections (3) and (4) hereof.

(3) In any case where sufficient and satisfactory cause is shown, the Governor may extend the time for the commencement of such occupation for any period not exceeding one year.

(4) Where the purchaser is the occupier in good faith and with permanency of tenure of land adjoining the land held under his contract and the Governor is satisfied that the enforcement of the provisions of subsection (1) hereof would inflict undue hardship on him, the Governor may dispense with the condition of occupation imposed by this section, either wholly or in respect of any portion of the prescribed period and thereupon the purchaser shall cease to be subject thereto accordingly.

**57**—(1) All land purchased on credit under this Act shall be liable to be forfeited as hereinafter provided if the purchaser fails to fulfil any of the conditions to which he is subject in respect of such land under sections fifty-four to fifty-six.

Land liable to  
forfeiture if  
conditions not  
fulfilled.

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Governor may postpone time for improvements.

(2) Whenever any purchaser's land is liable to forfeiture on account of his failure to make substantial improvements, the Governor may postpone the time for making such improvements for any period not exceeding two years, upon being satisfied that such purchaser has become unable to make such improvements, or that the enforcement of the forfeiture would inflict undue hardship upon the purchaser.

Grant not to issue unless conditions fulfilled.

**58** No grant deed shall be issued in respect of any land under this Act until all purchase money in respect thereof has been paid and all the conditions to which the purchaser is subject under this Act have been fulfilled.

Purchaser on credit to furnish declaration as to expenditure.

**59**—(1) Every purchaser of Crown land on credit shall, upon receiving notice, furnish to the Commissioner, in the form prescribed, a statutory declaration showing particulars—

- i. Of the improvements effected upon the land purchased by him :
- ii. Of the value and the cost of such improvements :
- iii. As to the occupation by the purchaser or any other person on his behalf of such land, in any case in which occupation is required by this Act : and
- iv. Such other particulars as may be prescribed.

Penalty for not furnishing declaration.

(2) If such statutory declaration is not so furnished, or when furnished does not contain the particulars required to be shown therein, the purchaser shall be liable to a penalty of twenty pounds.

(3) A certificate, purporting to be under the hand of the Commissioner, that such declaration has not been furnished to him by the purchaser, or that the declarations attached thereto are the only declarations that have been so furnished to him, shall be evidence of the facts therein stated.

## PART VIII.

## PROCEDURE AFTER CONTRACT MADE.

*Division I.—Surrender of Part or Whole : Payment of.*

Permission to reduce area in certain cases.

**60**—(1) If any purchaser of land under contract satisfies the Governor that—

- i. He is unable to complete the contract entered into for the purchase of the whole of the said land : and
- ii. Substantial improvements have been effected upon the land purchased to the value of one pound for every acre of the land to be retained by him if first-class land, and five shillings for every acre if second or third-class—

the Governor may permit such purchaser, subject to the payment, if required, of the survey fee for the land retained, to reduce the area of

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land to be held by the purchaser under the contract and to surrender the remainder. A.D. 1935.

(2) The selection of the land to be retained by such purchaser shall be made as prescribed.

(3) Three-fourths of all instalments of purchase-money paid by such purchaser under his contract shall be credited for or towards payment of the purchase-money in respect of the land retained by him under this section.

**61**—(1) Any purchaser who has complied with all conditions precedent to completion of his purchase may at any time thereafter pay off the balance then remaining unpaid of his purchase-money under his contract. Purchaser may pay purchase-money in full in certain cases.

(2) Upon any such payment, an allowance shall be made to the purchaser from the amount added by way of premium for credit proportionate to the then unexpired period of credit.

*Division II.—Dealings with, and Transmission of, Interest.*

**62**—(1) Except as provided by this Act, no holder of land under contract shall assign, transfer, or otherwise deal with his interest in such land except by testamentary disposition. Dealings with land.

(2) With the consent, in writing, of the Commissioner such holder may—

i. Transfer his interest in such land to any person who would be entitled to purchase such land if it were Crown land :  
or

ii. Execute a mortgage of his interest in such land.

(3) No mortgagee shall be entitled to foreclose and hold any Crown land unless he is eligible under the provisions of this Act to be the holder upon credit of such land.

**63** Where the interest of a purchaser of land under contract passes either by act *inter vivos*, or by will, or by operation of law to any other person, such person shall hold the same subject to the conditions and obligations to which such purchaser would have been subject in respect thereof had he continued to be the holder. Land under contract to re subject to conditions.

**64** The interest of any purchaser of Crown land on credit may be sold by the sheriff or any other officer or person by virtue or under the authority of any writ of execution or other process of any court, or by any person under any decree or order of any court otherwise than in bankruptcy. Interest of purchaser to pass on sale by sheriff, &c.

**65**—(1) Where a purchaser of land under contract has died and the Commissioner is satisfied that— Transmission without probate, or administration in certain cases.

i. No probate of the will, or letters of administration of the estate of such purchaser, has been taken out :

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- ii. Six months have elapsed since the death of such purchaser :  
and  
iii. The value of the estate left by such purchaser is not sufficient  
to justify the taking out of probate or letters of adminis-  
tration—

the Commissioner may cause transmission of the interest of such purchaser in such land to be entered in the records of the Department of Lands and Surveys in favour of the wife or child of such purchaser if he died intestate, or, where the purchaser has left a will, in favour of the person entitled to a grant of probate or administration with the will annexed.

(2) The person in whose favour such transmission is entered up shall thereupon have all the rights, powers, and liabilities in respect of such holding as he would have had if probate or letters of administration of the estate of such deceased person had been granted to him.

Holders of land  
in representative  
capacity.

**66** Any person entitled to hold, in a representative capacity, the interest of a purchaser of land under contract may hold the same although he would not be entitled under this Act to purchase or hold the same beneficially, and may exercise the like powers of disposing of such interest as might have been exercised by the purchaser.

Dealings with  
land under  
contract to be  
registered.

**67** Every person claiming to be entitled, by transfer or otherwise, to be the holder of the interest of any purchaser of land under contract shall produce to the Secretary the prescribed evidence of his interest in such land, and no dealing with, or transmission of, any such interest shall be effectual until the same has been registered as prescribed in the books of the Department.

*Division III.—Completion of Contract.*

Purchaser  
entitled to grant  
on fulfilment of  
conditions.

**68**—(1) Upon payment of all moneys payable under or in respect of his contract and upon fulfilment of all conditions imposed on and to be fulfilled by him, the holder of any land under contract shall be entitled to a grant thereof in fee simple, subject to such reservations and exceptions as are provided by the Act under which the contract was made.

(2) In respect of any land purchased prior to the first day of January, one thousand nine hundred and twelve, the Governor may issue a grant for such land although improvements have not been effected thereon to the value of one pound per acre, if the Commissioner certifies that such land, if purchased under the provisions of this Act, would have been classed as second-class land, and that the improvements effected upon such land substantially comply with the improvements required by this Act with regard to second-class land.

(3) No grant deed of any Crown land on which substantial improvements of a total specified value are required to be made shall be issued unless the Secretary has certified, immediately prior to the issue of the grant deed, that in his opinion substantial improvements of such total specified value were then in existence on such land.



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**69**—(1) Where the Governor is satisfied that—

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- i. The holder of any land under contract has died before payment of the whole of the purchase-money in respect thereof:
- ii. No formal transfer or transmission of the interest of such holder in such land has been effected:
- iii. Any person has, in good faith in pursuance or on the faith of an agreement made with such holder for a transfer of his interest in such land to such person, paid the balance of such purchase-money: and
- iv. Such person is entitled in equity and good conscience to the interest of such holder in such land—

Grant on equitable title.

the Governor may issue a grant in fee simple of such land to such person.

(2) Before the Governor shall issue any such deed of grant the Commissioner shall publish a notice in the *Gazette*, setting forth a description of the land and the name of the person to whom it is intended to issue such deed of grant, and notifying that in default of any caveat being lodged with the Commissioner within thirty days from the date of such notice the Governor will issue a deed of grant of such land to such person.

*Division IV.—Grant Deeds.*

**70**—(1) Where land is sold as provided by this Act, the Governor is hereby empowered in the name and on behalf of His Majesty to convey and alienate the same in fee simple, in accordance with the provisions of this Act.

Power to Governor to make grants.

(2) Every such alienation shall be by deed of grant under the hand of the Governor and under the public seal of the State.

(3) Every grant deed shall be in the prescribed form, and shall be issued in duplicate and delivered to the Recorder of Titles, who shall register and deal with the same as provided by the *Real Property Act* 1862.

**71**—(1) The grant deed of any Crown land sold after the first day of January, one thousand nine hundred and twelve, shall contain a reservation to the Crown of the right at all times of making and constructing in or on the said land such and so many drains, sewers, and waterways for sanitary or other purposes as may be deemed expedient, and also the right of altering, amending, cleansing, or repairing such drains, sewers, and waterways.

Reservation of right to construct drains, &c.

(2) No grant deed of any Crown land granted after the date aforesaid shall include or convey property in gold, silver, copper, tin, or other metals, ore, mineral, or other substances containing metals, or gems or precious stones, or coal or mineral oil, in or upon such land, and the same shall be by such grant deed excepted and reserved to the Crown.

Reservation of gold, &c.

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## PART IX.

## TERMINATION OF CONTRACT.

*Division 1.—Forfeiture for Non-payment.*

Forfeiture for non-payment of instalments.

**72—**(1) In all cases where land has been sold upon credit under contract, if default is made in the payment of any instalment of the purchase-money, and the same is not paid within sixty days after it has become payable, it shall be lawful for the Governor, on the application of the Commissioner, to declare by notice published in the Gazette that the land in respect of which such default has been made is forfeited to the Crown; and thereupon the deposit and all instalments previously paid in respect of the said land shall be absolutely forfeited, and the land shall be freed from the contract of sale, and shall again become Crown land.

Notice of intention of forfeiture to be given.

(2) No land shall be declared forfeited to the Crown under this section—

- i. Until thirty days' notice of the intention of the Commissioner to have such land declared forfeited has been gazetted, and also given to the purchaser thereof in such manner and form as may be prescribed: or
- ii. If, within thirty days after the gazettal of such notice, the purchaser pays the purchase-money in arrear, together with interest thereon at the rate of one penny for every pound so in arrear for each month for which the same has been in arrear, and together, also, with the sum of five shillings for advertising.

Notice may be withheld.

(3) If the Commissioner is satisfied that the conditions of the purchase have in other respects been complied with, or that forfeiture would inflict undue hardship upon the purchaser, he may withhold application to the Governor for forfeiture, and in such case the Commissioner shall charge interest at the rate of one penny in the pound of the amount of purchase-money in arrear, for every month commencing from the date when the payment of the instalment of the purchase-money first became due; but no such purchaser shall be permitted to owe more than two instalments on such land at any one time.

(4) For the purposes of this section—

- i. Any payment made by a purchaser in default shall be applied in the first place in payment of the interest, if any, payable as hereinbefore provided; and the balance of such payment shall be credited on account of purchase-money:
- ii. In the calculation of interest, any fraction of one pound over an even amount shall be counted as an additional pound, and every fraction of a month as an additional month.

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- III. Where credit has been allowed for payment of survey fees the non-payment of any instalment thereof shall have the same effect and consequences as the non-payment of an instalment of the purchase-money, and may be similarly dealt with.

*Division II.—Forfeiture for Breach of Conditions.*

**73**—(1) Where the Commissioner has reason to believe that any land held under contract has become liable to forfeiture for the breach of any condition of the contract other than non-payment of instalments payable thereunder, the Commissioner shall give notice in writing as prescribed to the holder of such land that he intends to declare the land forfeited.

Procedure for forfeiture on breach of conditions.

(2) The notice shall specify the alleged cause of forfeiture, and shall call upon the holder to show cause against the forfeiture before a judge of the Supreme Court within sixty days from the service of the notice.

(3) If the holder desires to dispute the forfeiture, he may, within the said period of sixty days, apply to a judge for a summons directed to, and to be served upon, the Commissioner, and requiring him to appear before a judge in support of the said notice.

(4) On the hearing of such summons, if the judge is satisfied that the conditions of the contract have been fulfilled, the judge may forbid the forfeiture; and in any other case may dismiss the summons; and may make such order as to costs as he may think fit and the decision of the judge shall be final.

(5) The judges may make Rules of Court for the purposes of this section.

**74** If the holder fails within the period of sixty days to apply for a summons as aforesaid, or if the summons is dismissed, the Commissioner, by notice in the Gazette, shall declare the land forfeited to His Majesty, and the same shall thereupon again become Crown land.

Declaration of forfeiture.

*Division III.—Cancellation.*

**75**—(1) Any holder of land under contract, with the consent of the Commissioner, may surrender his interest under the contract.

Cancellation and surrender.

(2) Every application for any such surrender shall be in writing, and shall be signed by such holder before, and be attested by, a justice.

(3) The application, together with the contract, shall be lodged with the Secretary, who shall refer the same to the Commissioner forthwith.

(4) The Commissioner, before accepting the surrender, may require the applicant to pay all arrears of instalments of purchase-money payable by the applicant, together with interest thereon at the rate of five pounds per centum per annum, and, in default thereof, may refuse to accept the surrender.

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(5) Upon acceptance of the surrender the Commissioner shall cause the contract to be cancelled and shall publish in the Gazette a notice of such cancellation, and thereupon all the right, title, and interest of every person under the contract shall cease and determine, and all moneys paid in respect thereof shall belong to His Majesty, and the land comprised therein shall again become Crown land.

Purchaser must be over eighteen years of age.

**76**—(1) No application to purchase land under this part shall be received from or in the name of, or for or on behalf of, any person under the age of eighteen years, and every applicant shall certify in his application that he is over the age of eighteen years.

(2) If at any time before the purchaser has parted with his interest in such land to a person who has purchased the same in good faith the Commissioner has reason to believe that the purchaser's certificate as to his age was untrue the Commissioner may require the purchaser to furnish proof to the satisfaction of the Commissioner that at the date of his purchase he was over the age of eighteen years, and in default of his so doing the purchase shall be void, and all moneys paid by or on account of such purchaser shall be forfeited to His Majesty, and the land shall again become Crown land without any further proceedings being necessary.

## PART X.

## LEASES.

*Division I.—Leases of Land for Wharves, &c.*

Leases may be made for constructing and erecting or using wharves, jetties, patent slips, watercourses, and manufactories, &c.

**77**—(1) The Commissioner may, with the consent of the Governor, lease to any person, on such terms and conditions and for such period not exceeding fourteen years as the Governor sees fit, any land bordering on a navigable river or the sea or any part thereof, and also any adjoining portion of the bed and soil of such navigable river or of the sea or any part thereof, for the purpose of constructing, using, or enjoying wharves, jetties, docks, or patent slips, or other works for the building or repair of ships or any other works of public utility or convenience whether similar to the foregoing or not.

(2) There may be granted, appurtenant to the land comprised in any such lease or to other land held by the person to whom such easement is to be granted an easement over any Crown land conferring on the lessee the right of constructing, using, enjoying, and maintaining across any Crown land or any land reserved by the Crown for the use of the public along the margin of any river or stream, watercourses for the purposes of irrigation or for conveying water to or from any mill or manufactory, or other like purpose, also the right of constructing upon any such reserve or Crown land, or in the bed of any such river or stream, such works as may be necessary for the purpose of regulating the flow of water through such watercourses, and the right of entering upon such Crown land or reserves from time to time for the purpose of maintaining and repairing such watercourses and works.

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(3) Any such lease of any portion of the bed and soil of any navigable river or of the sea, or any part thereof, shall confer a right to the exclusive use and occupation of the water covering the portion of the bed and soil leased during the continuance of such lease. A.D. 1935.

(4) The Commissioner may in like manner lease, for such period not exceeding fourteen years as the Governor sees fit, any portion of Crown land, or of a Crown reserve, for the purpose of erecting thereon or working any manufactory, mill, or other such work, or for such other purposes as he may think fit.

(5) No lease of any land or the bed and soil of any river or sea within the limits of the jurisdiction of a marine board shall be made without the consent of such marine board.

(6) The provisions of this section shall not prejudice the operation of Part VII. of the *Hydro-Electric Commission Act 1929*.

**78** The Commissioner may, with the consent of the Governor, lease for any period not exceeding fourteen years to any person any Crown land for the purpose of constructing or working any railway or tramway, at such rent and upon such conditions as the Governor may approve. Leases for railways and tramways.

**79**—(1) No such lease as aforesaid shall be granted for any purpose the execution of which would be calculated to — Not to interfere with right of navigation or roads, or affect navigation or roads.

- I. Interfere with the right of access to any river or the sea or any part thereof by any person having an estate or interest in land bordering thereon or on any Crown reserve along the margin thereof:
- II. Affect injuriously or interfere with navigation:
- III. Obstruct or endanger the navigation of any navigable water, or prejudice any person having any vested interest in any such water: or
- IV. Obstruct any road or endanger the use thereof.

(2) No manufactory, mill, or other such work shall be erected or used on any Crown land or Crown reserve in the neighbourhood of any river or stream whereby the water thereof shall be polluted so as to injure or endanger the lives of any of His Majesty's subjects making use thereof, or be injurious or destructive to the fish in such river. Not to pollute water.

(3) Every lease granted for the purpose of constructing any works shall contain a condition for forfeiture thereof in case of non-completion of such works within a period to be therein specified. Leases to contain clause of forfeiture on non-completion of works.

(4) No compensation shall be given at the expiration of any lease under this Division for any improvements effected upon any land, or in or upon the bed and soil of any river or the sea comprised in any such lease. No compensation for improvements at expiration of lease.

*Division II.—Grazing Leases.*

**80**—(1) The Commissioner, with the consent of the Governor, may submit for public competition in the form of an auction leases of Crown lands for grazing purposes. Grazing leases to be submitted by auction.

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(2) At any such auction the person offering the highest annual rental for any run shall be the highest bidder, and shall be entitled, on compliance with the prescribed conditions, to obtain a lease of the run for which he so bids.

(3) The Commissioner shall give not less than thirty days' notice in the Gazette of the time and place at which any such auction is to be held, and such notice shall describe with all reasonable precision the extent, location, and boundaries of each run, and shall set forth the minimum annual rent which may be accepted for each run.

Rent to be determined by the Commissioner.

(4) The minimum annual rent to be paid for every such run shall be fixed and determined by the Commissioner, having regard to the class and situation of the land, and the number of sheep or cattle which the Commissioner considers such run to be capable of carrying; but in no case shall the minimum annual rent be fixed at less than five shillings per hundred acres.

(5) If no bidder at such auction offers a rental equal to or exceeding the maximum rental fixed therefor, the Commissioner may reduce the amount of rent, and the run may be again exposed to auction after notice of the same has been given in manner hereinbefore provided, and so from time to time until the lease for the said run is sold.

Rental by private contract.

**81**—(1) The Commissioner may cause to be gazetted a list of all such runs as may have been submitted to auction and not disposed of, with the amount of the minimum rent fixed for the same respectively, with a notice that any person who applies before a day to be named in such notice to rent any such land by private contract may receive a lease to occupy the same for grazing purposes at the rent stated in such notice: Provided that, if more than one application is received (before the time named) to rent the same run, such run shall not be let by private contract, but shall be put up for rental by auction as soon thereafter as may be.

Proviso.

(2) Such runs may remain open for rental by private contract for one year, and at the expiration of that period may be again put up by auction.

Highest bidder to be entitled to lease.

**82**—(1) The highest bidder for any run shall be entitled to receive a lease of the same for grazing purposes for the period fixed, not exceeding the number of years allowed by this Act, provided he pays by way of deposit at the time of such auction an amount equal to one-half of such annual rental, which shall be credited to such bidder as rent.

Penalty for non-payment of deposit.

(2) No person liable for the payment of any such deposit shall fail to pay the amount thereof on the day on which such auction is held.

Penalty: Double the amount of the deposit payable.

Lessee may fell timber for building or fencing.

**83** The holder of a grazing lease may, unless the lease contains a provision to the contrary, fell, for building or fencing purposes in connection with the demised land, any timber growing on such land or on any unoccupied Crown land adjacent thereto other than a State forest or Crown reserve.

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**84** The holder of a grazing lease whose rent is not in arrear may determine his lease by giving at least six months' notice in writing to the Commissioner, on any of the half-yearly days appointed for the payment of the rent reserved by such lease, of an intention so to do, and upon payment of the rent for the half-year succeeding such notice; and upon the expiration of such notice and such payment the lease shall determine.

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Lessee may determine lease.

**85**—(1) Upon the expiration by effluxion of time of a grazing lease, the Commissioner shall, when offering the run for rental, specify the amount which the Commissioner considers the fair and reasonable value of all improvements erected or constructed upon the run.

Improvements made upon run by lessee to be paid for by incoming lessee.

(2) The person who becomes entitled to receive a lease of such land shall pay in cash at the time of sale to the Commissioner, or person appointed by him, the amounts so fixed as the value of such improvements; and in default of such payment the run shall be forthwith again put up for auction.

(3) The Commissioner, upon being satisfied by the outgoing lessee that such improvements or any portion thereof are his property by purchase or otherwise, may pay to him the whole amount received or so much thereof as shall represent the value of his improvements.

*Division III.—Other Leases.*

**86**—(1) The Commissioner, with the consent of the Governor, may grant special leases, called pastoral leases, to such persons or classes of persons and in such cases as may be prescribed.

Pastoral leases.

(2) Any such lease may comprise an area not exceeding one thousand acres, and may be for any term not exceeding fourteen years, and shall be on such terms and conditions as the Governor may approve.

**87** The Commissioner may, with the consent of the Governor, lease to any person for any period not exceeding twenty-one years, on such terms and conditions as the Governor sees fit, any Crown land covered with button-grass, river-grass, or rushes, at a rental which shall not be less than one pound five shillings for every thousand acres, provided that the lessee shall covenant to improve the area leased to the extent of two pounds ten shillings per thousand acres per year from the date of the lease.

Leases of land covered with button-grass, &amp;c.

**88** The Commissioner, with the consent of the Governor, may lease to any person for any period not exceeding twenty-one years, on such terms and conditions as the Governor sees fit, any Crown land at an altitude of not less than one thousand eight hundred feet, at a rental which shall not be less than two pounds ten shillings for every thousand acres, provided that the lessee shall covenant to improve the area leased to the extent of five pounds per thousand acres per year from the date of the lease.

Leases of land at an altitude of not less than 1800 feet.

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Leases of town  
lands.

**89**—(1) The Commissioner may, with the consent of the Governor, lease to any person, on such terms and conditions, and for such period, not exceeding seven years, as the Governor sees fit—

- i. Any Crown land situate in any town : or
- ii. Any building or part of a building on such land—

which is not for the time being required for any public purpose.

(2) The provisions of sections ninety-two to ninety-six shall not apply to a lease under this section.

*Division IV.—General Provisions as to Leases.*Minerals and  
timber excepted.

**90** No lease under this Act shall confer on the holder any right to or interest in any minerals or mining products or, except as otherwise expressly provided, any timber or forest products upon or in the land leased.

Condition in  
lease.

**91** Every lease shall contain a condition for the payment of the rent at the times and in manner therein mentioned, and such other conditions and provisions as may be prescribed.

Rent.

**92**—(1) The rent reserved by every lease of Crown land shall be payable half-yearly in advance on the first day of April and the first day of October in each year.

(2) If a lease commences or is determined at any time between such half-yearly days, a proportionate part only of the half-yearly rent shall be charged in respect of the period to or from the next half-yearly day, as the case may be, and, where a half-year's rent has been deposited or paid, any excess above the amount so chargeable shall be credited against the next payment, or refunded, as the case may require.

(3) Where rent is in arrear for more than one month after it becomes due, interest at the rate of five pounds per centum per annum shall be charged on the amount in arrear from the due date until payment, and any interest so payable shall be recoverable as rent.

(4) An order in writing, under the hand of the Commissioner, shall be sufficient authority to the person therein named to recover any rent or interest as aforesaid by distress or otherwise.

Transfer of lease.

**93**—(1) Any lease, and the interest of any lessee therein, may be transferred by writing attested by a justice, and in such form as may be prescribed.

(2) No transfer shall be registered until all rent then due shall be paid.

(3) Every such transfer shall be registered at the office of the Commissioner ; and until registration has been made such transfer shall not be effectual to pass the interest of the lessee therein.

Forfeiture.

**94**—(1) Where the rent payable under any lease is unpaid for any period exceeding one month after the same became due, the Commissioner may give to the holder notice in writing as prescribed that, if such rent, together with interest as prescribed, is not paid within a



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time to be specified in such notice, the lease will be cancelled, and in default of such payment accordingly the Commissioner may cancel the lease. A.D. 1935.

(2) Where the Commissioner has reason to believe that there has been a breach of any condition imposed on the holder of any lease, the Commissioner may give to such holder a notice in writing requiring him within a time specified in such notice to satisfy the Commissioner that all the conditions of such lease have been complied with, and in default thereof the Commissioner may cancel such lease.

(3) Notice of every such cancellation as aforesaid shall be published in the Gazette, and thereupon the interest of the holder of any such lease shall cease and determine without any re-entry or other formal proceeding by the Commissioner or any person on his behalf.

**95**—(1) Where, in the opinion of the Commissioner, any land subject to a lease under this Act is required for—

- i. Any public purpose :
- ii. The purposes of sale under this Act :
- iii. The purposes of any other Act : or
- iv. Any purpose in respect of which the Commissioner considers that it is desirable in the public interest that such land should be made available—

Termination of lease where land required for other purposes.

the Commissioner may give notice in writing to the holder of such lease that upon the expiration of three months from the service as prescribed of such notice upon such holder, such lease will be cancelled so far as the same relates to the land so required.

(2) If the whole of the land comprised in such lease as aforesaid is not required for such purpose the notice shall specify the area and situation of the land to be affected thereby and shall notify the holder that after the service of such notice the lease will have effect only in respect of the residue of land comprised therein after excluding such area as aforesaid.

(3) Upon the expiration of the said period of three months the Commissioner, by notice in the Gazette, shall cancel the lease in respect of which the notice was given so far as such lease relates to the land so required.

(4) The Commissioner shall determine the rent to be payable thereafter under such lease, and in so doing shall make due allowance for the diminution, if any, in the relative value of the land by reason of the reduction in the total area to be held by the lessee, and the rent so determined shall be payable as provided by the lease.

(5) Where the Secretary recommends to the Commissioner that any land leased, or any part thereof, should be taken for the reason that it is liable to be affected by sand-drifts, or is situated in the vicinity of sand-drifts, and should be protected by the sowing of Marram grass or otherwise, such land may be taken by the Commissioner as provided by this section, and may thereafter be alienated or dealt with under this Act for any purpose, notwithstanding such purpose is the same as that for which it was previously leased.

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(6) Where any land is taken under this section for the purposes of sale under this Act, and is not sold, the Commissioner may let the same for any period not exceeding one year, but the lessee from whom it was so taken shall have the first offer of the same.

Compensation.

**96**—(1) Where any lease is cancelled as provided by section ninety-four, the Commissioner shall pay to the holder compensation for all fences, buildings, and permanent improvements belonging to such holder which are on the land of which he is thereby deprived and which were in existence prior to the service on him of the notice of cancellation.

(2) Such compensation shall be determined by valuation in such manner as may be prescribed.

(3) No compensation shall be payable by the Commissioner to the lessee by virtue of this section for any fences, buildings, or improvements erected or made after the date of the service of such notice as aforesaid unless the same have been erected or made for the purpose of restoring or repairing anything destroyed or damaged by fire or other inevitable accident which has occurred after the aforesaid date.

(4) Whenever any land taken as aforesaid is sold under this Act, the amount of the compensation paid by the Commissioner for such fences, buildings, and permanent improvements shall be added to the purchase price of such land and shall be paid by the purchaser in cash at the time of sale.

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 PART XI.

## LICENCES.

*Division I.—Licences to take Material from Crown Land.*

Licences to  
remove gravel  
and stone, &c.

**97**—(1) The Commissioner may grant to any person licences for the following purposes, on such terms and conditions as may be prescribed, for—

- i. Obtaining and removing gravel, clay, or stone from any Crown lands or from any Crown reserve, or to make bricks or pottery, or burn charcoal, or quarry stone, sand, clay, shells, or marl thereon, and to remove the same: or
- ii. Any other purpose which the Governor may approve, whether similar to the foregoing or not.

Locality of  
licence to be  
specified.

(2) Every such licence shall specify the particular locality in which it is to be in force; and no such licence shall in any case extend to land surveyed for sale or for which any application to purchase has been approved and for which the survey fee or any part thereof has been paid, or which the Commissioner may consider should be specially excepted from the operation of such licence.

*Crown Lands.**Kelp Licences.*

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**98**—(1) The Commissioner may grant to any person a licence called a “kelp licence” for obtaining and removing kelp from lands adjoining the foreshore and covered by the territorial waters of the sea.

Kelp licences.

(2) No kelp licence shall be granted if the Commissioner in his discretion considers that for any reason it should not be granted.

(3) In the granting or renewal of any licence, all other things being equal, preference shall be given to applicants who have carried out to the satisfaction of the Commissioner experimental and developmental tests and work in connection with the treatment of kelp for the purpose of obtaining commercial products therefrom.

(4) More than one licence may be granted to any person, but no such person shall be entitled to obtain or hold licences in respect of more than one hundred miles of the foreshore.

(5) In case there are more applicants than one for a kelp licence in respect of the same area, the Commissioner shall determine to which, if any, of the applicants the licence shall be granted.

Where several applicants.

**99**—(1) Any kelp licence may be issued for any term not exceeding fourteen years and if granted for a term less than fourteen years, may give to the licensee a right of renewal from year to year, subject to the terms, covenants, conditions, and restrictions of the licence being complied with; but the total period covered by the term of the original licence and all such renewals shall not exceed fourteen years.

Conditions relating to kelp licences.

(2) Every kelp licence shall—

- i. Be subject to an annual rent of one pound payable in advance:
- ii. Contain a condition that the licensee will, without delay, proceed to obtain and remove, and at all times while the licence or any renewal thereof is in force diligently and to the satisfaction of the Commissioner carry on the work of obtaining and removing kelp from the area in respect of which such licence is granted: Provided that the Commissioner may at any time during the term of a kelp licence or any renewal thereof suspend the operation of the conditions required by this paragraph for such time as he deems reasonable, if in his opinion the circumstances warrant such suspension:

iii. Contain—

- (a) A covenant that the licensee will pay to the Commissioner, at the expiration of each year during which the licence or any renewal thereof is in force the royalty determined by the Commissioner and imposed by the licence: and
- (b) Such other terms, covenants, conditions, and restrictions as the Commissioner sees fit to impose.

(3) No transfer or assignment of any kelp licence shall have any force or effect unless made or granted with the previous consent in writing of the Commissioner.

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(4) The Commissioner may cancel any kelp licence if the royalty thereby imposed, or any part thereof, is unpaid for thirty days after the same becomes payable or if the holder fails to observe or perform any term, condition, or covenant thereby imposed upon him.

Effect of licence.

**100**—(1) A kelp licence while in force shall confer upon the holder, subject to this Act, the exclusive right to obtain and remove kelp from the area in respect of which it is granted.

(2) A kelp licence shall not—

- i. Interfere with, or authorise any interference with, the exercise by any marine board or harbour trust of any of its statutory powers or duties: or
- ii. Authorise or permit the doing of anything which is prohibited or rendered unlawful by any Act relating to marine boards or harbour trusts, or the omission or failure to observe anything which is required by any such Act to be done or observed.

*Division II.—Temporary Licences.*

Occupation licences.

**101**—(1) The Commissioner may grant to any person a licence, called a “temporary licence,” to take possession of and hold, for any time not exceeding twelve months from the date thereof, any Crown lands therein specified for such purposes and on such terms and conditions as may be prescribed.

(2) The terms and conditions in respect of occupation licences, the areas in respect of which they may be issued, and the fees payable therefor, respectively, may vary according to the purposes for which such licences are to be issued.

(3) The holder of an occupation licence shall not in any case be entitled to any compensation in respect of any improvements effected by him on any land held or occupied by him thereunder, but he may be permitted to remove any such improvements in such cases, and upon and subject to such conditions, as may be prescribed.

*Division III.—Residence and Business Licences.*

Residence and business licences.

**102**—(1) The Commissioner may cause to be issued documents called, respectively, “residence licences” and “business licences.”

(2) Any person over twenty-one years of age, upon payment of the prescribed fee, may obtain a residence licence or business licence unless he is already the holder of a licence of the same kind.

(3) Every such licence shall expire on the thirty-first day of December in the year in which it shall have been issued, unless sooner determined in accordance with the provisions of this Act.

(4) There shall be payable for every—

- i. Residence licence, the sum of ten shillings:
  - ii. Business licence, the sum of twenty shillings—
- unless the same is issued after the thirtieth day of June, when the fees shall be one-half that of those above prescribed respectively.

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**103**—(1) A residence licence while in force shall entitle the holder, subject to this Act, to take possession of and occupy, for the purposes of residence only, the surface of any unoccupied Crown land, not exceeding one-quarter of an acre, within any town situate in relation to which it is issued, and which has been surveyed and been declared by notice under the hand of the Commissioner and gazetted to be available for the purpose of residence.

A.D. 1935.

Holder of licence may take and hold land.

Effect of licence.

(2) A business licence while in force shall entitle the holder, subject to this Act, to take possession of and occupy, for business purposes only, the surface of any unoccupied Crown land, not exceeding one-quarter of an acre, and which has not been withdrawn from occupation for such purpose as prescribed.

(3) The Commissioner, by public notice as prescribed, may declare that any area of Crown land therein described shall not be available for occupation under licences, and no person shall be entitled to occupy the same or any part thereof thereunder while such notice remains in force.

**104**—(1) The holder of any residence licence or business licence may transfer the same to any person by endorsement thereon signed by him in the presence of, and attested by, a witness.

Certain licences may be transferred.

(2) Upon production and surrender of the licence as endorsed, and upon payment of a fee of two shillings and six pence, the Commissioner shall issue to the transferee a new licence which shall authorise the transferee to occupy the land occupied under the licence so surrendered for the unexpired period of the term for which the same was issued.

*Division IV.—General Provisions as to Licences*

**105**—(1) The Commissioner may decline to issue any licence if in his opinion the land to be occupied thereunder is likely to be required for sale or for other purposes.

Commissioner may decline to issue licence.

(2) Any licence may be issued subject to a condition that the Commissioner may cancel the same on giving the holder three months' notice of his intention so to do.

**106**—(1) Where the holder of or applicant for any licence desires to take possession under such licence of any portion of Crown land which is held under lease under the provisions of the *Mining Act* 1929, he shall, before doing so, obtain permission in writing for that purpose from a warden of mines, who shall notify the lessee of his intention to grant such permission, and shall call upon the lessee to show cause, if any, why such permission should not be granted.

Holders of licence may take possession of leased land.

(2) If the lessee, within thirty days after any such permission is granted, requires payment of compensation, the holder of such licence shall pay compensation to the lessee for the loss or inconvenience, if any, such lessee may incur by such occupation; and such compensation, if not agreed upon by the parties, shall be settled by a warden of mines, whose decision shall be final.

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*Crown Lands.*


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 Holders of  
 licence to produce  
 same.

**107**—(1) The holder of any licence issued under this Act shall produce the same upon demand to any constable or to any bailiff of Crown lands, or to any person duly authorised by the Commissioner to demand the same.

(2) No person shall fail or refuse without reasonable excuse to produce his licence when lawfully required so to do.

Penalty : Five pounds.

Buildings on  
 holdings.

**108** The holder of a residence, business, or temporary licence shall be entitled during the continuance thereof to erect or construct any building or erection on the land occupied by him thereunder and to remove the same at any time while he is entitled to hold such land but not otherwise.

Cancellation of  
 licence.

**109** Any licence issued under this Part may be cancelled by the Commissioner if it is shown to his satisfaction that the holder thereof is using the land in respect of which it is held for any purpose other than that for which such licence was issued.

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**PART XII.**
**UNLAWFUL ACTS RELATING TO CROWN LAND.**

Unlawful users,

**110**—(1) No person shall—

- i. Use, occupy, or be found in possession of: or
- ii. Keep or depasture any sheep, cattle, or other stock upon—  
 any Crown land unless he is lawfully authorised so to do.

Penalty : For a first offence, five pounds ; For a second offence, twenty pounds ; For any subsequent offence, fifty pounds.

(2) Proceedings in respect of any offence under subsection (1) hereof shall be taken only by a Crown lands bailiff authorised for that purpose by the Commissioner.

Unlawful  
 removals.

(3) No person without lawful authority shall—

- i. Cut, dig, or take from any Crown land any timber, gravel, stone, limestone, salt, guano, shells, sand, loam, or brick-earth or bricks made therefrom, or any other substance whatever :

- ii. Strip or remove bark from any tree growing or being on any Crown land.

Penalty : Ten pounds.

Resistance to  
 lawful authority.

(4) No person shall—

- i. Unlawfully resist or obstruct the Commissioner or any person authorised by him on resuming or entering upon any Crown land : or

- ii. Unlawfully resist or obstruct any bailiff, or any person assisting him, in the execution of any warrant directed to such bailiff under this Act.

Penalty : Fifty pounds.

*Crown Lands.*

**111**—(1) No person shall, without lawful authority so to do, wilfully remove, alter, deface, or destroy any surveyor's pegs, or any land-mark, or, with the intent of misleading any person, imitate any surveyor's mark.

Penalty: Minimum, ten pounds; Maximum, fifty pounds.

(2) The Secretary, or such person as he may appoint, may, by writing, authorise any person to remove, alter, deface, or destroy any such surveyor's peg or land-mark.

A.D. 1935.

Penalty on persons injuring surveyor's marks.

**112**—(1) No person shall wilfully obstruct any track or reserved road, such track or road not being under the care, control, and management of any municipal council, so as to prevent the free passage of any person, carriage, or other vehicle, or stock.

Penalty: Ten pounds.

(2) It shall be lawful for any bailiff of Crown lands to remove, take down, or level any obstruction caused by any person to any such track or road.

Penalty for obstructing roads.

**113**—(1) No person required under this Act to sign any lease, agreement, contract, declaration, or other document shall fail, neglect, or refuse to sign the same within sixty days after being called upon so to do by notice under the hand of the Commissioner, or any person authorised by him in that behalf.

Penalty: Ten pounds.

(2) Such failure, neglect, or refusal aforesaid shall not exempt any such person from liability to pay any rent, fee, or other money which would be due or payable by him if such lease, agreement, contract, declaration, or other document had been signed.

Penalty for neglect or refusal to sign lease, contract, &c.

**114**—(1) Where any person obstructs the Commissioner or any person authorised by him in that behalf in resuming any land or entering thereupon, or remains in the unlawful possession of such land, or where any person is in the unlawful possession of any Crown lands and has not quitted the same upon being required by the Commissioner so to do, or has erected any fence or other thing upon such land and has not taken down and removed the same upon being required by the Commissioner so to do within a reasonable time to be fixed by the Commissioner, it shall be lawful for the Commissioner to issue under his hand a warrant addressed to a bailiff of Crown lands requiring him, in His Majesty's name, forthwith to dispossess and remove every such person from such land, and to repossess the same in the name of His Majesty, or to take down and level any such erection as the case may require.

(2) It shall be the duty of the bailiff to carry such warrant into execution according to the tenor and exigency thereof, and all constables shall, on being required so to do by such bailiff, aid and assist in the execution of such warrant.

(3) No action shall be maintainable against such bailiff for anything done by him in accordance with the tenor or exigency of the warrant which may be lawfully necessary for carrying the same into execution; but, in case any such warrant is issued unlawfully, an action on the case may be brought against the Commissioner.

Dispossession of persons in unlawful occupation.

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*Crown Lands.*


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A.D. 1925.

## PART XIII.

## ROADS AND BRIDGES.

Provision for roads, bridges, &amp;c.

**115**—(1) Where in any locality the first-class land sold under this Act in pursuance of all or any of the provisions of Parts III. and IV. aggregates an area of not less than five hundred acres in not less than five lots which adjoin or are in close proximity to each other, the Minister shall make provision for surveying, making, constructing, and erecting such roads, bridges, and drains as may be required in the vicinity of such land.

First-class land.

(2) Such provision as aforesaid shall be of an amount equal to seven shillings and six pence for every acre of the land sold as aforesaid.

Provision in case of other land.

(3) In the case of other lands sold as aforesaid under this Act, the Minister, wherever necessary, shall make the provision mentioned in subsection (1) hereof to the extent of three shillings and nine pence for every acre of second-class land, and two shillings and six pence for every acre of third-class land so sold, and, in the case of land sold within any town other than a mining town, to the extent of one-half of the sale price of the land so sold.

Acquisition of land for works.

**116**—(1) It shall be lawful for the Commissioner to purchase, acquire, and take such land as he may think necessary for the purpose of constructing or completing any road, bridge, tramway, wharf, jetty, drain, or other work authorised by or under this Act.

(2) Any such land may be acquired by the Commissioner at his option under the provisions of any Act providing generally for the acquisition of land for public purposes.

1 Geo. V. No. 11.

(3) The powers conferred by sections twenty-four and twenty-five of the *Lands Resumption Act* 1910, shall be exercisable by the Commissioner in relation to any land, although the same is not within the distance from any land acquired by him under that Act which is prescribed by section twenty-four thereof.

Power to resume land sold on credit for roads, &amp;c., upon payment therefor.

**117** Whenever after the commencement of this Act Crown land is disposed of, the Commissioner may resume, at any time from the date of the contract of sale of such land (whether the whole of the purchase-money of such land shall have been paid or not), such portions of the said land as he deems necessary for roads, railways, tramways, water-races, or any other work of public utility, or for any purpose connected therewith, provided the owner for the time being is refunded the original purchase price of the land so resumed, and is paid the value of all buildings and permanent improvements (if any) on the land so resumed, such value to be ascertained in such manner as may be prescribed.

Power to close old road and deal with same where rendered useless by deviation.

**118** Whenever any deviation or alteration is made in any road which passes through land held under contract, and for which the grant deed has not been issued, and by reason of such deviation or alteration the old road or part thereof is, in the opinion of the Commissioner, rendered useless or unnecessary for road purposes, the Commissioner may, with the approval of the Governor, close such old road or such part thereof



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as the case may be, and may dispose of the same to the owner of the said land upon such terms and conditions as to price or otherwise as the Commissioner thinks reasonable and proper. A.D. 1935.

**119**—(1) Subject to section forty-eight, one-half of all purchase-money received for the sale of land under this Act, other than land within any city or land sold under Part VI., shall be paid by the Treasurer to the State Sinking Fund, and shall form part of that fund, as provided by the *State Sinking Fund Act 1929*. Appropriation of half purchase-money.

(2) One-half of all purchase-money received for the sale of land in any mining town shall be paid to a special account in the Treasury to be applied for the purpose of constructing roads, streets, bridges, drains, sewers, or waterways, or for sanitary and other purposes in and for such town.

(3) The Treasurer within fourteen days after the opening of each session of Parliament shall furnish to Parliament an account of all moneys received and allocated as provided by subsection (2) hereof.

20 Geo. V.  
No. 27.

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PART XIV.

MISCELLANEOUS.

**120**—(1) All Crown land which is sold or in respect of which a lease or licence to hold or occupy the same (other than a lease or licence under the *Mining Act, 1929*) is issued, shall be sold, leased, or licensed as aforesaid only as regards the surface, and down to such depth below the surface, being not less than fifty feet, as the Governor by order-in-council may direct. Lands of the Crown to be alienated as regards surface

(2) Nothing in this section, or in any such order-in-council, shall be construed to restrict the right of the owner, lessee, or licensee of the surface to sink wells for water, and to the use and enjoyment of any wells and springs which may at any time be upon such land, and which supply water for domestic, farming, agricultural, manufacturing, or irrigation purposes; and every such owner, lessee, and licensee shall have such rights with respect to such wells and springs as though he held or occupied such land without any limitation as to depth. Savings as to wells and springs.

**121** Where, in the opinion of the Commissioner, it is desirable, land abutting on any permanent river or stream shall be reserved from sale to the extent of at least fifty feet in width on each bank of such river or stream. Reservation of land abutting on streams.

**122** The acceptance by or on behalf of the Crown of any purchase-money, or any part thereof, due in respect of any Crown land, or of any interest on the balance thereof, or of rent or other payment under any lease or licence, shall not operate as a waiver by the Crown of any forfeiture accruing by reason of the breach of any condition precedent or subsequent annexed by law to the estate or interest of a purchaser, lessee, or licensee. No waiver by acceptance of interest, purchase-money, or rent.

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Error in written description.

Survey boundaries to be deemed the true boundaries.

**123**—(1) No error, misdescription, or inaccuracy in the written description in any instrument or document of title in respect of any land dealt with under this Act shall nullify or prejudice the dealing in respect of which the same occurs if the Governor is satisfied that the land occupied by the holder of such instrument or document is substantially the land for which he applied or contracted.

(2) The survey boundaries of any parcel of land marked on the ground at the time of the Crown survey thereof, and shown by survey posts, pegs, trenches, or other survey marks, shall, as to any such parcel of land heretofore or hereafter granted or demised by the Crown, be and be deemed to have been the true boundaries of such parcel of land, whether such boundaries upon admeasurement are or are not found to be of the same dimensions, or to include the same area, as the boundaries or description of such parcel given in the Crown grant or Crown lease thereof, and such grant or lease shall be deemed to have granted or demised the land as shown by such survey.

(3) Nothing in subsection (2) hereof shall apply to any such parcel of land where a patent mistake or error can be shown to the satisfaction of the Commissioner to have been made, and any such patent mistake or error may be corrected by endorsement by the Governor upon such grant or lease.

(4) Upon the discovery of any such error, misdescription, or inaccuracy as aforesaid, and in any other case where any discrepancy or mistake is discovered, the Commissioner, upon the certificate of the Secretary setting forth the true description of the land, or the correct particulars, as the case may require, may cause the same to be corrected, adjusted, and rectified.

(5) If the Secretary is satisfied that any instrument under this Act or any grant deed, not being an instrument to which the provisions of section one hundred and thirty-six of the *Real Property Act 1862* are applicable, has been issued in error or contains any misdescription of land or boundaries, or that such grant has been fraudulently obtained, he may require the person by whom such grant deed is held to deliver the same to him for the purpose of its being cancelled or corrected as the case may require.

(6) If the person holding such grant deed refuses to deliver the same as and when required, or if such person cannot be found, the Secretary may apply to judge for a summons calling upon such person to show cause why such deed should not be so delivered, and thereupon the judge shall have the like powers as under the Act last cited.

Cancellation.

**124** Every notice published in the Gazette declaring a forfeiture or cancellation shall be taken to be evidence that the land purchased, or comprised in the lease, licence, contract, or agreement therein mentioned has reverted or become forfeited to the Crown, and such land so forfeited shall immediately be disposable under this Act as Crown land.

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**125**—(1) The Governor, by order-in-council, may establish pounds on Crown lands, and may appoint any Crown lands bailiff or other person as poundkeeper of any pound so established.

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(2) A pound established under this section shall be deemed to be a pound not within a municipality.

Power to establish pounds on Crown lands.

(3) Any bailiff of Crown lands, or any person authorised by the Commissioner, may impound in such pound any stock trespassing on Crown lands.

(4) Subject to this section, the provisions of the *Impounding Act* 1930 shall apply in respect of every such pound.

(5) All fees and damages received by the keeper of any such pound shall be paid into the Consolidated Revenue.

**126** A person who has entered into a contract of purchase under this Act while under the age of twenty-one years shall have the like rights and be subject to the like liabilities in respect of such contract, and of all contracts and agreements made or entered into by him or on his behalf in relation to the land so purchased, as if he were of full age.

Rights and liabilities of purchasers under 21 years.

PART XV.  
REGULATIONS.

**127** The Governor may make regulations for the purposes of this Act, and in addition to any other matters any such regulations may prescribe—

Regulations.

- i. The duties of surveyors and regulate the making of surveys for the purposes of this Act :
- ii. The fees to be paid in respect of such surveys and generally in respect of all matters under this Act :
- iii. The care, protection, and management of Crown lands and of public reserves and places of public recreation which are reserved to His Majesty, and of which the care and control are not by law vested in some local body, and for the preservation of good order and decency therein :
- iv. Conditions under and subject to which Crown land or any specified class or description of such land or any public reserve, or any track or means of communication on Crown land may be used ; and may prohibit or regulate the doing of specified acts upon or in relation to any Crown land or specified class of such land :
- v. The cases in which and the conditions under which documents signed on behalf of the Commissioner by the Secretary or some other specified officer shall have effect as if signed by the Commissioner : and
- vi. Penalties of not more than twenty-five pounds for the breach of any regulation so made, and the cases in which and conditions under which any person may be arrested if found committing a breach of any specified regulation.

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**THE FIRST SCHEDULE.**

Regnal Year and Number.	Title of Act.
2 Geo. V. No. 64	<i>The Crown Lands Act 1911</i>
8 Geo. V. No. 42	<i>The Crown Lands Act 1917</i>
9 Geo. V. No. 35	<i>The Crown Lands Act 1918</i>
11 Geo. V. No. 56	<i>The Crown Lands Act 1920</i>
15 Geo. V. No. 32	<i>The Crown Lands Act 1924</i>
16 Geo. V. No. 50	<i>The Crown Lands Act 1925</i>
22 Geo. V. No. 55	<i>The Crown Lands Act 1931</i>

**THE SECOND SCHEDULE.**

**EXAMPLE.**

	£	s.	d.
Purchase price .....	100	0	0
Add one-third for credit .....	33	6	8
<b>Purchase-money .....</b>	<b>£133</b>	<b>6</b>	<b>8</b>

	£	s.	d.
Cash at time of purchase, $\frac{1}{160}$ of purchase money .....	0	16	8
1st year, $\frac{1}{128}$ of purchase money .....	1	0	10
2nd year, ditto .....	1	0	10
3rd year, ditto .....	1	0	10
4th year, ditto .....	1	0	10
5th year, $\frac{1}{64}$ of purchase money .....	2	1	8
6th year, ditto .....	2	1	8
7th year, ditto .....	2	1	8
8th year, ditto .....	2	1	8
9th year, $\frac{3}{60}$ of purchase money .....	5	0	0
10th year, ditto .....	5	0	0
11th year, ditto .....	5	0	0
12th year, ditto .....	5	0	0
13th year, $\frac{1}{16}$ of purchase money .....	8	6	8
14th year, ditto .....	8	6	8
15th year, ditto .....	8	6	8
16th year, ditto .....	8	6	8
17th year, ditto .....	8	6	8
18th year, ditto .....	8	6	8
19th year, ditto .....	8	6	8
20th year, ditto .....	8	6	8
21st year, ditto .....	8	6	8
22nd year, ditto .....	8	6	8
23rd year, ditto .....	8	6	8
24th year, ditto .....	8	6	8
<b>.....</b>	<b>£133</b>	<b>6</b>	<b>8</b>

and in a like proportion for any greater or smaller amount of purchase-money.

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**THE THIRD SCHEDULE.****EXAMPLE.**

	£	s.	d.
Purchase price .....	50	0	0
Add one-third for credit .....	16	13	4
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Purchase-money .....	£66	13	4
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	£	s.	d.
Cash at time of purchase, one-fortieth of purchase price .....	1	13	4
1st year, one twenty-sixth of residue .....	2	10	0
2nd year, ditto .....	2	10	0
3rd year, one-thirteenth of such residue .....	5	0	0
4th year, ditto .....	5	0	0
5th year, ditto .....	5	0	0
6th year, ditto .....	5	0	0
7th year, ditto .....	5	0	0
8th year, ditto .....	5	0	0
9th year, ditto .....	5	0	0
10th year, ditto .....	5	0	0
11th year, ditto .....	5	0	0
12th year, ditto .....	5	0	0
13th year, ditto .....	5	0	0
14th year, ditto .....	5	0	0
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	£66	13	4
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and in like proportion for any greater or smaller amount of purchase-money.

**THE FOURTH SCHEDULE.**

	£	s.	d.
Cash survey fee for 150 acres .....	21	17	6
Add one-half for credit .....	10	18	9
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	£32	16	3
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*Payments.*

	£	s.	d.
One-tenth on demand .....	3	5	8
And twenty-four annual payments each of .....	1	4	8
and in like proportion for any greater or less area.			

