

1 EDW. VII. No. 9. *Agricultural Lands Purchase Acts Amendment Act.*

LANDS.

<i>Agricultural Land Purchase Acts Amendment Act of 1901</i>	1	<i>Edw. VII. No. 9</i>	
<i>Agricultural Lands Special Purchase Act of 1901</i>	1	" "	23
<i>Special Sales of Land Act of 1901</i> ...	1	" "	7
<i>Prickly Pear Selections Act of 1901</i> ...	1	" "	11
<i>Special Agricultural Homesteads Act of 1901</i>	1	" "	12
<i>Pastoral Holdings New Leases Act of 1901</i>	1	" "	25

An Act to Amend "The Agricultural Lands Purchase Acts, 1894 and 1897."

1 EDW. VII.
No. 9.
THE AGRICULTURAL LANDS
PURCHASE
ACTS AMENDMENT ACT
OF 1901.

[ASSENTED TO 27TH NOVEMBER, 1901.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1 This Act may be cited as "*The Agricultural Lands Purchase Acts Amendment Act of 1901*"; shall be read and construed with and as an amendment of "*The Agricultural Lands Purchase Acts, 1894 and 1897*,"* and may be cited together with those Acts as "*The Agricultural Lands Purchase Acts, 1894 to 1901*."

Short title and
construction.

2. After section one of the Principal Act, the following new section is inserted:—

Amendment
of 58 Vic.
No. 27, ss. 2
and 5.

1A. For the purposes of this Act the expression "agricultural settlement" shall be deemed to include "settlement for dairying purposes."

In this Act the expression "Minister" means the Secretary for Public Lands or other Minister of the Crown who for the time being performs his duties.

In section five of the said Act the words "the Secretary for Public Lands or other Minister who for the time being performs his duties (hereinafter called 'the Minister'))" are repealed, and the words "the Minister" are inserted in lieu thereof.

3 The following provision is added to section three of the said Act:—

Amendment
of 58 Vic.
No. 27, s. 3.

Every such offer shall be accompanied by a plan or description of such land for the purpose of delineating its position upon plans in the office of the Surveyor-General. As soon as may be thereafter the owner of the land shall

* 58 Vic. No. 27, *supra*, page 4988, and 61 Vic. No. 13, *supra*, page 6223.

Agricultural Lands Purchase Acts Amendment Act. 1 EDW. VII. No. 9,

transmit to the Minister such sum of money as in the estimation of the Surveyor-General is sufficient to cover the cost of a feature survey of such land. Upon the receipt of such sum by the Minister the Surveyor-General shall cause such feature survey to be made by a surveyor appointed by him in that behalf, and shall transmit the survey plan and all accompanying documents to the Minister.

Amendment
of 58 Vic.
No. 27, s. 4.

4. In section four of the said Act the words "Any such offer shall be referred to the Land Board" are repealed, and the words "After such survey every such offer and the survey plans and accompanying documents shall be referred to the Land Court constituted by the three members thereof sitting together" are inserted in lieu thereof.

The following provision is added to the said section :—

For the purpose of enabling the Court to furnish such report the members thereof shall make an inspection of the land either jointly or independently. The report shall, however, be the report of the Court constituted as aforesaid, provided that any member shall have liberty to record in the report any individual difference of opinion with respect to all or any matters reported upon.

Amendment
of 58 Vic.
No. 27, ss. 4
and 5.

5. After subsection three of section four of the said Act, the following provision is inserted :—

(3A.) What proportion of the land is suitable for cultivation, and what proportion is suitable only for dairy-ing purposes.

The following proviso is added to section five of the said Act :—

Provided that no land shall be deemed to be suitable for agricultural settlement or be purchased under the provisions of this Act, unless the Land Court reports that at the least one-fourth part thereof is suitable for cultivation.

Valuation of
conditional
selection held
under license
to occupy or
under lease.

6. For the purposes of "*The Valuation and Rating Act of 1890*,"* and notwithstanding the provisions therein contained, the value of lands selected subject to the provisions of "*The Agricultural Lands Purchase Acts, 1894 and 1897*,"† as conditional selections, while the same are held under a license to occupy, shall be estimated at the fair average value of unimproved land of the same quality held in fee-simple in the same neighbourhood.

54 Vic. No. 24, *supra*, page 4020.

† 58 Vic. No. 27, *supra*, page 4988, and 61 Vic. No. 13, *supra*, page 6223.

1901. *Agricultural Lands Purchase Acts Amendment Act.*

7. (1.) An applicant under the provisions of "*The Agricultural Lands Purchase Acts, 1894 to 1901*," for an agricultural farm shall be granted priority if in making his application he declares in writing that he undertakes to continuously and *boná fide* occupy the land during the first five years of the term of the lease:

Priority of certain applications.

Provided that if two or more such applicants are present at the Land Agent's Office at or before the time appointed by the Proclamation, the applications lodged by them shall be deemed to be lodged at the same time. In such case the right of priority shall be determined by lot in the manner prescribed by "*The Land Act, 1897*."*

(2) Every lessee who has so declared as aforesaid shall occupy the land continuously and *boná fide* during the first five years of the term of the lease.

Occupation to be by personal residence.

Such occupation shall be by the continuous and *boná fide* personal residence of the lessee on the land:

Provided that if the original lessee dies before the expiration of such period, the condition of occupation may be performed by the continuous and *boná fide* residence on the land for the remainder of such period of some person beneficially interested in the land under the will, or as one of the next-of-kin, or as the widow or widower of the original lessee, or of some other person who is the actual and *boná fide* manager or agent of some person so interested for the purpose of the use and occupation of the land, and whose appointment is made and registered in manner prescribed by "*The Land Act, 1897*,"* in the case of an agricultural farm, whether such other person is or is not himself qualified to select similar land:

Provided further that if the original lessee becomes insane before the expiration of such period, the Court may allow the condition of occupation to be performed by the continuous and *boná fide* residence upon the land of the wife or husband or some other member of the family of such lessee, or of some other person who is the actual and *boná fide* manager or agent of his wife or other member of his family, and whose appointment is made and registered in manner hereinbefore prescribed, whether such other person is or is not himself qualified to select similar land.

(3.) If at any time during such period it is proved to the satisfaction of the Land Commissioner that there has been a failure to perform the condition of occupation, the Minister may (subject to the provisions in respect of forfeiture contained in "*The Land Act, 1897*,"* with

Forfeiture for non-performance of condition of occupation.

* 61 Vic. No. 25, *supra*, page 6228.

Agricultural Lands Special Purchase Act. 1 EDW. VII. No. 23,

respect to an agricultural farm), by notification in the *Gazette*, declare the lease absolutely forfeited and vacated; and thereupon the land shall revert to His Majesty.

Prohibition of mortgage or transfer.

(4.) The lessee shall not during such period mortgage, assign, or transfer the lease or his right, title, or interest thereunder to any other person. Upon any such mortgage, assignment, or transfer, whether by operation of law or otherwise (except in case of the insanity of the lessee), the lease shall be forfeited; and thereupon the land shall revert to His Majesty.

Amendment of 61 Vic. No. 13, s. 3.

8. In subsection four of section three of "*The Agricultural Lands Purchase Act of 1897*"* the word "three" is repealed, and the word "six" is inserted in lieu thereof.

Conditions to be performed notwithstanding accelerated purchase.

9. A lessee of an Agricultural Farm may at any time after the issue of a lease to him pay the amount of the purchasing price remaining to be paid by him upon acquiring the fee-simple of his Farm, but no such payment shall entitle the lessee to receive a deed of grant of such Farm unless or until the provisions of section one hundred and thirty-four of "*The Land Act, 1897*,"† have been complied with.

An Act to Make Provision for the Purchase of Certain Lands for Settlement under the provisions of "The Agricultural Lands Purchase Acts, 1894 to 1901."

[ASSENTED TO 31ST DECEMBER, 1901.]

1 EDW. VII.
No. 23.
THE AGRICULTURAL
LANDS
SPECIAL
PURCHASE
ACT OF 1901.
Preamble.

WHEREAS the demand for land situated in certain localities and suitable for immediate settlement under the provisions of "*The Agricultural Lands Purchase Acts, 1894 to 1901*,"‡ is greatly in excess of the quantity of Crown lands available for such settlement in such localities, and it would be of manifest public advantage to make provision for satisfying the requirements of intending selectors in this respect: And whereas it appears from official reports, plans, and other information laid before Parliament that the lands hereinafter referred to are so situated, and are of such character as to be suitable for such settlement and are likely to be immediately selected if acquired by the Crown, and the several owners have offered to surrender to the Crown the said

* 61 Vic. No. 13, *supra*, page 6223.

† 61 Vic. No. 25, *supra*, page 6228.

‡ 58 Vic. No. 27, *supra*, page 4988; 61 Vic. No. 13, *supra*, page 6223; and 1 Edw. VII. No. 9, last preceding Act.