

Land Act, 1898.

(62 Vict., No. 37.)

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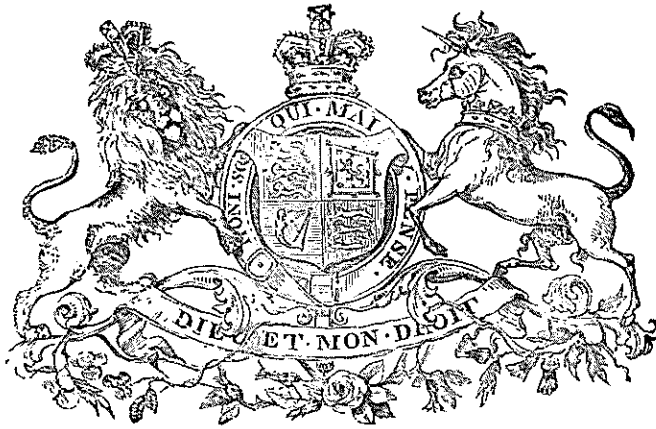
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Western Australia.

ANNO SEXAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. XXXVII.

AN ACT to consolidate and amend the Laws relating to the Sale, Occupation, and Management of Crown Lands, and for other purposes.

[Assented to, 28th October, 1898.]

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

PART I.—INTRODUCTORY AND GENERAL PROVISIONS.

1. THIS Act shall be called and may be cited as the Land Act, 1898, and shall come into force on the first day of January, 1899 (which day shall be referred to as the commencement of this Act), and shall be divided into parts, embracing the following subjects:—

Short title.
Commencement and division.

- PART I.—INTRODUCTORY AND GENERAL PROVISIONS.
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- PART III.—RESERVES.

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PART XII.—MISCELLANEOUS PROVISIONS.

Repeal.

2. THE several Acts and Regulations specified in the Schedule hereunder, to the extent to which the same are thereby expressed to be repealed, are hereby repealed, viz. :—

Year and Number.	Title.	Extent of Repeal.
36 Vict., No. 8	The Waste Lands Unlawful Occupation Act, 1872.	The whole.
42 Vict., No. 4	An Act to amend the Waste Lands Unlawful Occupation Act, 1872.	The whole.
55 Vict., No. 3	The Mineral Lands Act of 1892	Part VII.
56 Vict., No. 3	An Act to amend the Land Regulations proclaimed on the 2nd March, 1887.	The whole.
57 Vict., No. 18	The Homesteads Act, 1893	The whole.
58 Vict., No. 9	The Homesteads Act Amendment Act, 1894 ...	The whole.
	The Land Regulations proclaimed on 2nd March, 1887.	So much as is not already repealed.
	The Land Regulation proclaimed on 17th July, 1890.	The whole.
	Regulations under the Homesteads Act, 1893, Gazetted 12th January, 1894.	The whole.
	The like, Gazetted 19th March, 1897.	The whole.
	Timber Regulations Gazetted 6th July, 1897.	The whole.

but such repeal shall not affect—

Any right, interest, or liability already created, existing, or incurred, nor anything lawfully done or suffered under any enactment or regulation hereby repealed ; or

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Affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment or regulation hereby repealed; or

Affect any investigation, legal proceeding, or remedy in respect of any such right, interest, liability, penalty, forfeiture, or punishment as aforesaid.

All references in any Act, regulation, or document to the Commissioner of Crown Lands shall be read as referring to the Minister appointed under this Act, and all references in any Act, regulation, or document to the Acts or regulations hereby repealed shall be read, as far as the context permits, as references to the corresponding portion of this Act.

3. IN the interpretation of this Act, the following words within quotation marks shall, unless the context necessarily requires a different meaning, have the meanings set against them respectively:—

Interpretation.

“Agricultural Area” means any Crown land set apart and declared as an agricultural area by the Governor.

“City or Town” means a city or town shall be such as shall be or shall have been declared to be so by the Governor, and notified in the *Government Gazette*.

“Conditional Purchase” means any area of land held under conditional terms of purchase from the Crown.

“Crown Grant” means a deed of grant issued in the name of Her Majesty, conveying to the grantee some portion of Crown land in fee simple.

“Crown Lands” means the waste lands of the Crown within the Colony, that is to say, lands vested in Her Majesty, and not for the time being reserved for or dedicated to any public purpose or set apart as a city, town, or village, or granted or lawfully contracted to be granted in fee simple or with a right of purchase under this Act or any Act or Regulations hereby repealed, and which are not held under lease or license under the Goldfields Act or Mineral Lands Act, and include all lands between high and low water mark on the sea-shore and on the banks of tidal waters.

“Fence” means any substantial fence, not being a brush fence, proved to the satisfaction of the Minister to be sufficient to resist the trespass of great and small stock, including sheep, but not including pigs or goats.

- “Frontage” means abuttal on or frontage to any sea-coast, lake, inlet, river, creek, stream, water-course, railway, tramway, or road, or intended or designed railway, tramway, or road, which the Minister shall consider necessary to be considered a frontage.
- “Governor” means the officer for the time being administering the Government of the Colony of Western Australia, acting with the advice of the Executive Council.
- “High Water Mark,” when applied to tidal waters, means the ordinary high water at spring tides, and, when applied to other waters, means the ordinary high water mark at winter level.
- “Local Newspaper” means a newspaper published or circulated in the particular district or place in reference to which the expression is used.
- “Minister” means the responsible Minister for the time being charged with the administration of this Act and the Department of Lands and Surveys.
- “Occupation Certificate” means a certificate authorising the occupation of land as a Free Homestead Farm.
- “Owner” means beneficial owner.
- “Pastoral Lease” means the lease of an area of Crown land to any person for grazing purposes.
- “Pastoral Lessee” means the holder of a Pastoral Lease.
- “Person” includes a partnership or corporation.
- “Prescribed” means prescribed by this Act or any regulations made thereunder.
- “Public Purpose” includes, in addition to any purpose specified in this Act, any purpose declared by the Governor, by notification in the *Government Gazette*, to be a public purpose within the meaning of this Act.
- “Quarter,” in reference to a year, means the periods of three months beginning the first day of January, the first day of April, the first day of July, and the first day of October respectively.
- “Representatives” means the executors or administrators of the person with reference to whom the word is used, and includes all persons in whom the estate or interest of such person is vested on his death.
- “Selector” means an applicant for, or occupier of land under Parts V., VI., VII., VIII., and IX. of this Act.

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“Writing” includes print and part writing, and part print and “written” has a corresponding meaning.

Where by this Act a person is required to fence a fractional part of his land, it shall be sufficient if he erects a fence on the outer boundary of his land extending along a corresponding fractional part of such outer boundary.

4. THE Governor is authorised, in the name and on behalf of Her Majesty, to dispose of the Crown lands within the Colony, in the manner and upon the conditions prescribed by this Act or by any Regulations made thereunder, and all grants and other instruments disposing of any portion of Crown lands in fee simple or for any less estate made in accordance with this Act or such regulations shall be valid and effectual in law to transfer to and vest in possession in the purchasers the land described in such grants or other instruments for the estate or interest therein mentioned. The Governor is authorised to make such grants and other instruments, upon such terms and conditions as to resumption of the land or otherwise as to him shall seem fit.

Crown lands may be disposed of according to provisions of this Act.

Effect of instruments.

5. THE Governor may grant any Crown land in exchange for any land alienated in fee simple, if it shall appear to him advisable to do so in the public interest.

Land may be exchanged.

6. THE Governor may grant or lease to any aboriginal native, or the descendant of any aboriginal native, any Crown land not exceeding two hundred acres, upon such terms and conditions as he, the Governor, shall think fit.

Land may be granted or leased to aborigines.

7. THE Governor may, by notice published in the *Government Gazette*—

- (1.) Constitute and define the boundaries of any new districts, counties, parishes, towns, or villages, and distinguish each by a name.
- (2.) Declare that any district, county, parish, town, or village shall cease to exist as such.
- (3.) Extend or diminish the area of any district, county, parish, town, or village.
- (4.) Alter the boundaries or name of any district, county, parish, town, or village.
- (5.) Alter the name of any street, square, terrace, road, lane, or way.

Districts, counties, parishes, towns, and villages may be defined, cancelled, extended, altered, or divided by proclamation.

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(6.) Divide any district, county or parish into two or more districts, counties or parishes, and give each a distinguishing name.

Suburban lands.

8. THE Governor may, by notice in the *Government Gazette* set apart any Crown lands, or any lands within a townsite, as suburban lands. All lands within villages shall be deemed to be suburban land for the purposes of this Act.

Certain lands may be resumed.

9. THE Governor may, by Proclamation, resume, for any of the purposes specified in section thirty-nine of this Act, any portion of land held as a homestead farm, or timber lease, or special lease, or leased by the Crown with a right of purchase, if in the public interest he shall deem it necessary; and the owner of such land, upon making claim as required by the Lands Resumption Act, 1894, or any Act passed in that behalf in case he shall be entitled to compensation under this Act, shall be compensated for such resumption, either by a grant of land, subject to the same conditions and equal in area to that resumed, or, at the option of the owner, by a refund of the proportion of purchase money paid on the resumed portion, with interest at the rate of ten per cent. added; and in the event of any improvements having been made on the resumed portion, he shall be entitled to compensation from the Crown, to be assessed in the manner prescribed in section one hundred and forty-eight of this Act, as if the land were held under a pastoral lease and the Crown were the selector.

Governor may waive penalty.

10. THE Governor may waive any penalty or forfeiture incurred under this Act, upon such conditions as he may think fit or without imposing any condition.

Minister for Lands and Department of Lands and Surveys.

11. THERE shall be a responsible Minister for Lands charged with the administration of this Act, and management and control of the Department of Lands and Surveys, and the Commissioner of Crown Lands in office at the commencement of this Act shall be the first Minister under this Act. The work of the department shall be performed by such staff of officers, surveyors, inspectors, rangers, clerks, and servants as may be necessary, who, with the exception of persons whose appointments may be delegated to the Minister under the Constitution Act, 1889, shall be appointed by the Governor, and, subject to the annual vote of Parliament, shall receive such remuneration as the Governor may think fit, and the members of the present staff of the said department shall be deemed to be appointed under this Act.

Minister may appoint agents.

Provided that the Minister may, in his discretion, appoint such agents as he may require throughout the Colony, without salary,

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for the purpose of receiving applications for land under this Act and for any other purpose that he may consider necessary.

12. ALL Crown grants and leases for a term of over thirty years shall be signed by the Governor, as well as by the Minister and the Surveyor General, or other officer authorised in that behalf by the Governor, and be dated and sealed with the seal of the Colony, and such date shall be deemed the date of issue, and every grant shall be entered on record in the Department of Lands and Surveys.

Signature and date of Crown grants.

13. ALL leases, licenses, and instruments disposing of Crown lands other than Crown grants and leases for upwards of thirty years, shall be signed and sealed by the Minister or other officer authorised in that behalf by the Governor.

Signature of instruments.

14. THE name of the surveyor from whose survey the plan on any grant has been made shall in every case be attached to such plan on the grant; but the omission of such name shall not affect the validity of the grant.

Surveyor's name to be attached to Crown grants.

15. AN application for a Crown grant may be in the form or to the effect of the First Schedule, and all Crown grants issued under this Act shall contain a reservation of all gold, silver, copper, tin, or other metals, ore, mineral, or other substances containing metals, and all gems or precious stones, and coal, or mineral oil in or upon the land comprised therein, and shall be in the form or to the effect of the Second or Third Schedules, as the case may be, subject to the variations required to meet special circumstances.

Reservations in grants.

See Land Act, 1891 (Victoria), s. 11.

1st, 2nd, and 3rd Schedules.

Crown grants, leases, or licenses issued under this Act for lands which, before the commencement of this Act, were not in fact sold, nor were held at the commencement of this Act by the grantee or his predecessors in title under any lease or license from the Crown, may be issued for an estate in the land to a limited depth only, and reserving to the Crown all land below such depth.

Notwithstanding such limitation of depth and reservation, the grantee, his heirs and assigns shall have the right to enjoy all wells and springs of water which may at any time be upon the land, and to bore and sink wells for water through such land to any depth and to enjoy the same.

16. FOR preparing and recording every Crown grant there shall be charged a fee of Thirty shillings; such fee is to be paid with the balance of the purchase money. After payment of the purchase money and the fee for the Crown grant, and having performed all the conditions, the purchaser upon application shall receive from the Minister a permit to occupy, in the form or

Fee on Crown grants.

Permit to occupy.

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4th and 5th
Schedules.

to the effect of the Fourth or the Fifth Schedule as the case may be, being a certificate that he is entitled to the Crown grant: Provided that in the case of a free grant of land under sections six, forty-two, or one hundred and fifty-one of this Act, no Crown grant fee shall be charged.

Priority of applica-
tions.

Proviso.

17. ALL applications for land under this Act shall be made on the prescribed forms, and shall take priority according to the order of their being lodged, with the prescribed deposit, at the Lands and Surveys Office, Perth, or at such other places and offices as the Governor shall notify in the *Government Gazette*. Provided that if two or more applicants shall be present at the time of opening the Office, and shall require the same land, the applications lodged by them shall be deemed to be lodged at the same time; or should two or more applications be received through the Post Office at the same time, and for the same land, the applications shall be deemed to be lodged at the same time. In such cases the right of priority shall be determined by lot in the manner prescribed in the next following section.

Priority by lot.

18. WHENEVER, under the next preceding section, it is necessary to determine the priority of two or more applications by lot, the priority shall be determined as follows, that is to say:—The Under Secretary for Lands, or such other officer as the Minister shall appoint for the purpose, having previously provided as many envelopes as there are applications, shall write the number of each of the applications, together with his initials, inside of a separate envelope, and after fastening them all up out of the view of any other person than himself shall put them into a box, where they shall be shaken and mixed, and the Minister or such officer as he may direct shall draw the envelopes out one by one, and the several applications shall take priority according to the order in which the envelopes containing the several corresponding numbers are drawn. Provided, however, that notice of such drawing shall be given to the applicant or his agent.

Applications.

Shape.

Boundaries.

19. EVERY application for land which has not been surveyed shall be for land in one block, and, except in special cases to be allowed by the Minister, in the form of a rectangle, with boundaries in the direction of the meridian and at right angles to it, and the proportion of depth to breadth, except as herein specified, shall not exceed three to one, unless the Minister shall otherwise direct. The proportion of depth to breadth in any section bounded by a frontage line shall be as two to one, unless otherwise provided or by approval of the Minister. Every application shall contain or be accompanied by a sketch of the proposed boundaries, which shall be fixed wherever possible with reference to

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some natural or permanent artificial object, and show the position of the land with reference to any lake, river, or main stream, and also to land held by or in the occupation of any other person in the locality; and also show all permanent water-holes and springs within the area applied for. Provided that when, from the frontage not being a straight line, or from the interference of other frontage lines, natural features, or the boundaries of other lands, the foregoing rules in respect of form cannot be observed, the form of the land shall be determined as nearly in accordance therewith as circumstances permit.

Irregular sections.

20. ANY application for land already surveyed (not being town or suburban lands) may include two or more adjoining blocks. In special cases, with the approval of the Minister, application may be made for portion of a surveyed block, not being a town or suburban lot, and the block shall be subdivided accordingly. Provided that in such case the applicant shall, if the Minister think fit, pay the cost of survey of such subdivision.

Applications for surveyed lands.

21. ALL applications of every description shall be subject to the approval of the Minister, who may insert such conditions and reservations as to him may appear necessary in the public interest. Access to water-holes and springs, with roads leading thereto, should such be considered necessary, and all other necessary roads and reserves shall be made by the Minister on the survey of any land applied for before survey. The boundaries of lands fronting on the ocean, sea, or any sound, bay, or creek, or any part thereof affected by the ebb or flow of the tide, or on any lake, lagoon, swamp, river, or main stream, shall be limited in every case where possible by straight lines, as near to the high water mark as the Minister shall decide, and such lines shall be plainly marked on the ground, and the land between such lines and the water shall vest in the Crown.

All applications subject to approval of Minister.

22. (1.) THE Minister may direct that any Crown lands, or lands reserved or set apart, or about to be reserved or set apart as town or suburban or village lands, shall be surveyed into lots, and may decide upon the size and shape of such lots, and also on the width and direction of all streets, roads, lanes, or ways within such lands.

Minister may order surveys of Crown lands and lands reserved for town and suburban lots.

(2.) The surveys of all lands under the control of the Minister shall be carried out under the direction of the Surveyor General, or other officer duly authorised in that behalf, and in accordance with the regulations now or hereafter in force for the guidance of surveyors employed in the Department of Lands and Surveys.

Surveys to be under direction of Surveyor General.

(3.) Plans representing all surveys carried out by the direction of the Minister shall be retained in the Department of Lands and Surveys, and such plans or copies thereof, if certified as correct by

Plans to be made, and such plans or certified copies to be evidence.

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the Surveyor General, or other officer duly authorised in that behalf, shall be accepted in every court of law as *prima facie* evidence respecting the alignment and width of every street, road, lane, or way and the boundaries of every lot or surveyed portion.

Loss of leases, etc., and amendment of defective descriptions.

23. IF any lease or license, or occupation certificate, under this Act, is lost, a duplicate thereof may be issued on payment of Five shillings, and, if it is found, on survey or otherwise, that the description of the boundaries or plan of the land contained in any lease, license, or occupation certificate under this Act, does not properly describe the land intended by the applicant to be therein comprised, or to which the lessee or licensee is entitled, either by reason of a want of survey, from an error in the description or survey, or from any other cause, the Minister may recall such lease or license, or occupation certificate, and amend the description or plan of the holding in such a manner as not to disturb the boundaries of any lease, license, or occupation certificate previously granted: Provided that if the lessee, licensee, or selector fails to forward, on demand, to the Minister, any lease, license, or occupation certificate, or other document for correction, the Minister may cause the descriptions and the plans of the department to be amended if necessary, and shall, in such case, give notice of the amendment to the lessee, licensee, or selector; and such amended descriptions and plans, or copies thereof, shall, if certified by the Surveyor-General, or other officer duly authorised in that behalf, as correct, be accepted in every court of law as *prima facie* evidence of the boundaries of the land intended to be demised.

If the survey varies from the application, how to be dealt with.

24. IF any section, when surveyed, prove to differ in any respect from that intended by the lessee, licensee, selector, or purchaser, the Minister will not be responsible for any loss or inconvenience which the lessee, licensee, selector, or purchaser may experience, nor will any rent or purchase money be returned. If the land is found to be in excess of that applied for, such excess shall be paid for by the lessee, licensee, or purchaser at the same price as the rest. If the land is found to be less than the quantity applied for, that quantity shall be made good out of adjoining lands open to selection, and no purchase money or rent shall be returned unless the quantity of land paid for by the lessee, licensee, selector or purchaser, cannot be made good as aforesaid, and then only to the extent of the deficiency.

Minister may insert special clauses and grant limited right to timber.

25. THE Minister is authorised at his discretion to insert in any lease, license, or occupation certificate such conditions and clauses as may seem to him to be required for the public interest; as also to insert a clause permitting the lessee, licensee, or selector to cut such timber on Crown lands as may be required for domestic uses, for the construction of buildings, fences, stockyards, or other

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improvements on the lands so occupied, but not for any other purpose.

26. NOTHING in this Act or in any deed, lease, license, or occupation certificate granted thereunder shall be held to prejudice or interrupt the right of the Minister, or of any officer duly authorised in that behalf by him, to go upon any land for the purpose of making any survey, inspection, or examination of the same, doing as little damage as possible.

Right to enter upon lands to make surveys.

27. IF any person holding land under conditional terms as to improvement or otherwise, under this Act or any Act or regulations hereby repealed, shall be adjudicated bankrupt or insolvent, or shall assign his estate for the benefit of his creditors, his interest in such land may, with the consent of the Minister, be offered for sale by the assignee or trustee of such insolvent or bankrupt's estate at public auction, and it shall be lawful for any person to purchase the same, and such purchaser shall thereupon be substituted for the person so becoming bankrupt or insolvent or assigning his estate as aforesaid, and shall have the same advantages and be under the same liabilities in all respects, in regard to such agreement and the land mentioned therein, as the original holder of the land: Provided that no person shall be entitled to purchase as aforesaid who would not be qualified under this Act to hold such land under conditional terms or otherwise, if such land were open to selection.

Land of insolvents to be sold for benefit of creditors.

28. IF any land held under the provisions of Parts V., VI., VII., or VIII. of this Act is not surveyed at the time the lease or license is granted, the conditions, except as to payment of rent, shall date from the date of survey instead of from the date of commencement of the lease.

Date of conditions when land is not surveyed.

29. THE Minister may, on the application of any holder of land under Parts V., VI., VII., VIII., or IX. of this Act, grant an exemption from fencing any part of the land so held which has frontage to a permanent river, creek, or other natural feature considered by the Minister to be sufficient to serve the purpose of a fence, and may grant such holder permission to extend the fences of his land across any land intervening between his land and the said natural feature. The fence shall in all other cases be erected on the surveyed boundary lines, or in special cases as near thereto as shall be approved by the Minister, and shall be of the prescribed description.

Exemption from fencing in certain cases.

30. IF from any cause deemed by the Minister to be sufficient, any holder of land under Parts V., VI., VII., VIII., or IX. of this Act, or any holder of a Conditional Purchase Lease, Homestead

Extension of time for fencing and improvements in certain cases.

Farm, or Homestead Lease under the Land Regulations of 1887 or Homestead Act, 1893, has been prevented from fencing or improving his land within the time prescribed, the Minister may, with the approval of the Governor, grant an extension of such time, not exceeding twelve months, to complete such fencing or improvements.

Where death or lunacy occurs before completion of fencing and improvements.

31. IF any holder of land under Parts V., VI., VII., VIII., or IX. of this Act shall die or be declared a lunatic before the fulfilment of the prescribed conditions of fencing and improvement, his land may, with the approval of the Minister, be held by his representatives or the person having charge of his estate, or their assigns, subject to the fulfilment by them of all unfulfilled conditions, except the condition of residence, when such is required, in trust for, and for the benefit of the persons rightfully entitled; but in all cases the Crown grant shall issue in the name of the lessee or his appointed assigns.

Forfeiture for non-compliance with conditions.

32. SUBJECT to the provisions of this Act, if any holder of land under this Act fails or neglects to comply with, perform, or fulfil all or any of the prescribed conditions under which he holds such land, or if at any time the rent or instalment of purchase money is not paid as prescribed, the lease or other holding and the lands therein, and all improvements thereon, as well as any rent or purchase money that may have been paid, may be forfeited.

Forfeited land how dealt with.

33. ALL leases and licenses held under the provisions of this Act or any Act or regulations hereby repealed (except for free homestead farms, and except quarry licenses and licenses under Part XI. of this Act) which may from time to time become forfeited either by failure of payment of the instalment of rent or purchase money, or by reason of the terms and conditions not having been complied with, shall be offered by auction at a price or rental to be determined by the Minister. All such sales shall be notified in the *Government Gazette* for not less than four consecutive weeks, and such notification shall specify the number of the lots, and the area and upset price of each: Provided that any lot may be withdrawn from sale by the Minister at any time prior to the same being actually offered for sale and bid for. Should any improvements exist upon the land, their value may be ascertained by the Minister and added to the upset price. Forfeited land disposed of by auction shall not give the purchaser any rights of priority appertaining to the former holding: Provided that, if the Minister shall so order, any forfeited land shall revert, together with all improvements thereon, in Her Majesty, her heirs and successors, for her or their former estate therein.

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34. NO person in the service of the Government of the Colony, and no surveyor who is paid by the Government by results, shall hereafter be allowed to purchase or lease Crown lands without the previous permission of the Governor in writing: Provided that this prohibition shall not apply to any town or suburban land sold by public auction, or to the renewal of leases already held by any such person or surveyor.

Restrictions upon public officers acquiring Crown lands.

35. NO person under eighteen years of age shall be eligible to select, acquire by transfer, or hold land under Parts V., VI., VII., VIII., IX., or XI. of this Act.

Restriction as to age.

36. THE names of all purchasers, lessees, licensees (other than under Part XI. hereof), or selectors, and the descriptive numbers and areas of their holdings shall be from time to time notified in the *Government Gazette* as soon as practicable after the approval of the applications.

Names of lessees, &c., to be gazetted.

37. IF any person shall think himself aggrieved by any act or thing done or omitted to be done by the Minister or any of his officers, agents, or servants, or by the exercise of any of the discretionary powers and authorities by Act conferred upon the Minister, it shall be lawful for such person, at any time within six months thereafter, to appeal to the Governor against the commission or omission of such act or thing, or the exercise of any such discretionary power or authority.

Appeal to Governor

PART II.—DIVISION OF THE COLONY.

38. FOR the purposes of this Act the Colony is divided into six Divisions:—

Divisions.

- (1.) The South-West Division.—Bounded on the *West* and *South* by the sea-coast, including the islands adjacent to it; on the *North* by the Murchison River from its mouth at Gantheaume Bay upwards to Bompas Hill at the Great Northern bend of said river; on the *East* by a South-Easterly line from Bompas Hill through Tallering peak, the highest peak in the Wongan Hills, and Mount Stirling in direction of the mouth of the Fitzgerald River, to a point West of Mount Ridley, thence East through said Mt. Ridley to the sea coast.
- (2.) The Kimberley Division.—All that portion of the Colony lying to the North of the parallel of 19° 30' South latitude.
- (3.) The North-West Division.—Bounded on the *South* by an East line from the sea-coast to the 119th meridian of East longitude from Greenwich, passing through a point

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thirty miles South of Mt. Alexander near the Ashburton River, thence North to South latitude 22°, thence East along said parallel to longitude 122° East, thence North along said meridian to South latitude 19° 30', thence West to sea-coast; on the *Northward* and *Westward* by the sea-coast, including the islands adjacent.

- (4.) The Western Division.—Bounded on the *South* by the Murchison River from its mouth at Gantheaume Bay upwards to Bompas Hill at the Great Northern bend of said river, thence South-Easterly along part of the Eastern boundary of the South-West Division, and thence by an East line to the 119th meridian of East longitude from Greenwich, passing through a spot ten miles South of Mugga Mugga Hill; on the *East* by a North line along the aforesaid 119th meridian of East longitude; on the *North* by a West line to the sea-coast, passing through a spot thirty miles South of Mt. Alexander on the Ashburton River; and on the *West* by the sea-coast, including all islands adjacent.
- (5.) The Eucla Division.—Bounded on the *East* by the Eastern boundary of the Colony, extending North from the sea near Wilson's Bluff to the 30th parallel of South latitude; on the *North* and *West* by lines extending West to the 125th meridian of East longitude, thence South to the 32nd parallel of South latitude, thence West to a point due North of Mount Ragged in the Russell Range, thence South to a point due East of Mount Ridley, and thence East to the sea-coast; on the *South* by the sea-coast, including all the islands adjacent.
- (6.) The Eastern Division.—All that portion of the Colony not included in the South-West, Kimberley, North-West, Western, and Eucla Divisions already described.

PART III.—RESERVES.

39. THE Governor is hereby authorised, subject to such conditions and limitations as he may think fit, to except from sale, and either to reserve to Her Majesty, her heirs and successors, or to dispose of in such other manner as for the public interest may seem best, any lands vested in the Crown that may be required for the following objects and purposes:—

Governor may make reserves.

- (1.) For the use or benefit of the aboriginal inhabitants.
- (2.) For the use and requirements of the Government of the Colony, or for purposes of military or naval defence.

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- (3.) For railways, railway stations, roads, tramways, and canals or other internal communications, or for drainage or irrigation works, or for the approaches or other purposes necessarily appertaining to any such works.
- (4.) For quays, landing places, ferries, and bridges.
- (5.) For sites for churches and chapels.
- (6.) For sites for schools and other buildings for the purposes of education, and land for the endowment of schools and other educational institutions of a public character.
- (7.) For state forests, areas for the conservation of timber, and indigenous flora or fauna, and for reservoirs, aqueducts, or water-courses, sewers, or drains.
- (8.) For sites for cities, towns, villages, residence and business areas, town halls, mechanics' and miners' institutes, tramways, railways, and railway stations, telegraph stations, telegraph lines, post offices, abattoirs, public baths, schools of art, libraries, museums, public gardens, experimental farms, agricultural colleges, agricultural, and horticultural societies, temperance institutions, cricket grounds, racecourses, hospitals, magazines for explosives, sanitary depôts, camping grounds, and institutions for charitable purposes, markets, court-houses, police stations, paddocks, prisons, or other edifices for public use or purposes.
- (9.) For cemeteries.
- (10.) For places necessary for the embellishment of towns, or for the health, recreation, or amusement of the inhabitants.
- (11.) For the endowment of municipal corporations within the Colony.
- (12.) For sinking shafts and digging for coal, iron, copper, lead, or other minerals and metals, or for quarrying rock, clay, earth, or other material for making roads, buildings, or other works.
- (13.) For resting places, watering places, stock routes or commons for travellers and stock.
- (14.) For commons for the use of the inhabitants of any town or settlement.
- (15.) For any other purpose of public health, safety, utility, convenience, or enjoyment, or for otherwise facilitating the improvement and settlement of the Colony.

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Reserves to be notified in *Government Gazette*.

40. A FULL and complete description of every such reserve, and of the purposes for which it is made, shall, so soon as possible, be published in the *Government Gazette*.

Governor may change purpose of any reserve.

41. THE Governor may cancel or amend or change the specified purposes for which any reserve is made, and notice of such cancellation, amendment, or change shall be published in the *Government Gazette*.

In whom reserves may be vested.

42. THE Governor may from time to time, by Order in Council to be notified in the *Government Gazette*, direct that any reserve shall vest in and be held by any municipality, road board, or other person or persons, to be named in the order, in trust for the like or other public purposes, to be specified in such order and with power of leasing for any term not exceeding twenty-one years from the date of the lease, or may lease on such terms as he may think fit, and may lease for nine hundred and ninety-nine years in the form in the Thirty-third Schedule, or to the like effect, or grant the fee simple of any reserve to secure the use thereof for the purpose for which such reserve was made.

Thirty-third Schedule.

Reserves may be placed under board of management. Board may make by-laws.

43. THE Governor may, by Order in Council, and without issuing any deed of grant, place any reserve under the control of any municipality, road board, or other person or persons, as a board of management, and may empower such board to make, repeal, and alter by-laws for the control and management of such reserves, for prescribing fees for depasturing thereon, for directing the manner in which such fees shall be imposed, paid, collected, and disposed of, and to impose penalties, not exceeding in any case Five pounds for any breach thereof, and Two pounds a day for a continuing breach, but not more than Twenty pounds in the aggregate. Such by-laws, if approved by the Governor, shall be published in the *Government Gazette*, and shall be laid before both Houses of Parliament within fourteen days after such publication, if Parliament be then sitting; and, if Parliament be not then sitting, within fourteen days after its next meeting; and all such by-laws, when so published, shall have the force of law, and shall continue in force, unless repealed or altered as aforesaid, or disallowed by both Houses of Parliament.

By-laws to be laid before Parliament.

Land within a Common may be disposed of by conditional purchase.

44. THE Governor may approve of any lands within any reserve for a common being disposed of by conditional purchase, under Part V. of this Act, or as a free homestead farm under Part VIII. of this Act.

Temporary reserves.

45. THE Minister may temporarily reserve land for any of the purposes specified in section thirty-nine, and if such temporary reserve be not confirmed by the Governor making the same a reserve, within

twelve months from the date at which such temporary reserve was made, such land shall thereupon cease to be so reserved.

46. ALL reserves made for any purpose under this Act shall be set forth on the authenticated maps in the Department of Lands and Surveys.

Reserves to be marked on the maps of the Colony.

PART IV.—PURCHASES BY AUCTION—TOWN AND SUBURBAN LANDS.

47. TOWN, suburban, and village lands throughout the Colony, after being surveyed into lots and notified in the *Government Gazette* as open for sale, shall, subject to section thirty of the Goldfields Act, 1895, and to sections thirty-nine, eighty-five, one hundred and fifty-two, and one hundred and fifty-three, and to Part IX. of this Act, be sold by public auction at upset prices to be determined by the Governor. Such lands shall be put up for sale by order of the Minister at such times and places as he may think fit, and any person may apply to the Minister to put up any lot for sale, and shall deposit with his application ten per cent. of the upset price, which amount shall be refunded in the event of the applicant being outbid at auction. The application shall be in the form or to the effect of the Sixth Schedule.

Town, suburban, and village lands to be sold by auction.

6th Schedule.

48. ALL sales by auction under this Part of this Act shall be previously notified in not less than three issues of the *Government Gazette*, and in one local newspaper for such time as the Minister may think fit, and such notices shall specify the place and time of sale and the number and upset price of each lot, or in the case of suburban lands the upset price per lot or per acre, and may impose any special conditions with respect to the sale of any specified lot or lots, and may add the value of improvements on any lot to the upset price: Provided that any lot may be withdrawn from sale by the Minister at any time prior to the same being actually offered for sale and bid for.

Sale by auction to be notified in *Government Gazette*.

Special conditions may be imposed.

49. THE person acting as auctioneer shall, before the commencement of the sale, read the terms and conditions of sale, and all persons bidding at the sale shall be bound by the terms and conditions so read.

Terms and conditions of sale to be read.

50. AT all such sales by auction the purchaser shall, on the fall of the hammer, pay a deposit in cash at the rate of ten per cent. upon the total amount of the purchase money for Town Lots and Suburban Lots, unless he has already paid a sufficient deposit on application, and any such deposit shall be considered as payment of the purchase money so far as the same will extend.

Payment of purchase money.

- (1.) The balance of purchase money shall be paid as provided by regulations to be made by the Governor under this Act.
- (2.) In any case where the value of improvements on a lot is added to the upset price, and the lot is knocked down to any other than the owner of such improvements, the value of the same shall be paid to the Minister or his agent immediately after the sale.

Provision for earlier payment of purchase money.

Provided that nothing shall prevent the balance of purchase money and fees being paid at an earlier date should the purchaser so desire, but no Crown grant of any suburban lot shall issue until the Minister is satisfied that the fencing or improvements prescribed in the next following section has been completed.

Conditions relating to suburban lands.

51. ALL suburban land shall be sold subject to the condition that each lot shall, within two years from the date of sale, be fenced on the surveyed boundaries with a fence of the prescribed description, and in default thereof the land shall be forfeited, together with all purchase money and fees which may have been paid. Provided that the Minister may, if he think fit, dispense with the division fences between two or more adjoining lots purchased by one person, or may if he thinks fit accept other substantial improvements of equal value in lieu of fencing.

License to occupy.
7th Schedule.

52. ON payment by the purchaser of town or suburban lands of the first prescribed instalment of the purchase money, a license in the form or to the effect of the Seventh Schedule may be issued on application entitling the holder to occupy the land and such license may be mortgaged or transferred in the manner prescribed by this Act.

PART V.—CONDITIONAL PURCHASES—AGRICULTURAL LANDS.

Agricultural Areas.

Agricultural areas may be set apart.

53. THE Governor may, by notice in the *Government Gazette*, define and set apart any Crown land of not less extent than two thousand acres as an agricultural area, and may, in like manner, declare any such agricultural area as open to selection as herein-after provided, or may confine such selection to the provisions of any particular section or sections of this Act applicable to agricultural areas, and may withdraw any such land from being so open. Before any land is so declared open for selection it shall be surveyed under the direction of the Minister, and divided into lots of convenient size for selection, with proper roads and reserves for public purposes, and such lots shall be marked on the ground: Provided

Land to be surveyed before selection.

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that no more than one thousand acres within any one area shall be held by any one person under any conditional rights of purchase at one and the same time.

54. THE Governor may suspend the operation of so much of the last preceding section as requires the land to be actually surveyed and marked before it is declared open for selection, and in such case the Minister shall cause a plan to be kept on which shall be projected boundary lines showing the division of such agricultural area or part of it into blocks of convenient sizes: Provided that he may, at any time before granting a lease of or otherwise alienating any block, alter, extend, or adjust such boundary lines in any way that he may think fit.

Survey may be dispensed with in certain cases.

55. LAND within an agricultural area may be disposed of subject to the following conditions:—

Conditional purchase with residence.

(1.) The price of the land shall be fixed by the Governor, but shall not be less than ten shillings an acre, payable half-yearly at the rate of one-twentieth of the total purchase money per annum or sooner, as hereinafter prescribed.

Price.

(2.) The maximum area held by one person shall be one thousand acres, and the minimum, except in special cases approved by the Minister, shall be one hundred acres: Provided that the area of any land held by the selector under clauses forty-six, forty-seven, or forty-eight of the Land Regulations of 1887, or under sections thirty-three or thirty-four of the Homesteads Act, 1893, shall, in calculating the total area held by the selector, be deemed to be held under this section.

Maximum and minimum areas allowed.

(3.) The application shall be in the form or to the effect of the Eighth Schedule, and the first instalment, as prescribed by section one hundred and thirty-six of this Act, shall accompany each application, and shall be returned if the application is not approved; and on approval of the application by the Minister, a lease in the form of the Ninth Schedule shall be issued for twenty years, to date from the first day of the quarter next preceding the date of the approval of the application.

Application be accompanied by deposit of rent.

8th and 9th Schedules.

Lease.

(4.) The lessee shall, within six months from the date of his lease, take in his own person possession of the land, and shall reside upon it and make it his usual home without any other habitual residence, during at least six months in each year for the first five years from the date of the commencement of his lease, and if possession be not taken as aforesaid the land shall be forfeited: Provided

Residence.

that, if the lessee is already the beneficial owner of rural land for an estate of freehold or of land under special occupation or conditional purchase, or is the holder of a lease of any such lands from the owner, or is the holder of a homestead farm within twenty miles of the land applied for, residence as aforesaid on such freehold, special occupation, or conditional purchase land or homestead farm shall be sufficient residence under this section.

Fencing and improvements.

(5.) The lessee shall, within two years from the date of the commencement of his lease, fence at least one-tenth of the quantity contained in his lease, and within five years from the said date shall fence in the whole of the land, and within ten years from the said date shall expend upon the land, upon prescribed improvements, in addition to the exterior fencing, an amount equal to the full purchase money: Provided that where the lessee under this Act, or any previous regulations, has erected a sheep-proof and cattle-proof exterior fence, the Minister may allow half the value of such exterior fencing to be deemed part of the prescribed improvements.

Conditions precedent to issue of Crown grant.

(6.) At the expiration of the lease, or at any time after five years from the date of the commencement of the lease, provided that all the conditions of residence, fencing, and improvements have been complied with, and the said fencing and improvements maintained, and also that the full purchase money and fee have been paid, a Crown grant of the land shall issue.

Additional applications.

(7.) Any person having obtained land of less extent than one thousand acres under this section may make other applications for land under this section, within twenty miles of the block first applied for, but so that his holdings in an agricultural area shall not exceed in the whole the maximum quantity of one thousand acres. Residence on the additional leases shall not be obligatory, but all the other conditions shall apply to them: Provided that if two or more leases held by one person adjoin they may be deemed to be one lease in respect to the required fencing and improvements.

Conditional purchase without residence.

56. LAND within an agricultural area may be disposed of without the condition of residence, subject, however, to all the other conditions prescribed by the next preceding section: Provided that double the expenditure on improvements shall be required in lieu of residence.

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57. LAND within an agricultural area may also be sold without the condition of residence, subject to the following conditions:—

Conditional purchase by direct payment.

(1.) The price of the land shall be fixed by the Governor, but shall not be less than ten shillings an acre, payable in twelve months or sooner, as hereinafter prescribed.

Price.

(2.) The maximum area held by one person shall be one thousand acres, and the minimum, except in special cases approved by the Minister, shall be one hundred acres: Provided that the area of any land held by the selector under clause fifty-four of the Land Regulations of 1887 shall, in calculating the total area held by the selector, be deemed to be held under this section.

Maximum and minimum areas allowed.

(3.) The application shall be in the form or to the effect of the Tenth Schedule, and ten per cent. of the purchase money shall be deposited with the application, and shall be returned if the application is not approved; and, on approval of the application by the Minister, a license, in the form of the Eleventh Schedule, shall be issued for seven years, to date from the first day of the quarter next preceding the date of the approval of the application.

Application to be accompanied by deposit.

10th and 11th Schedules.

License.

(4.) The balance of purchase money shall be paid within twelve months from the date of the commencement of the license by four equal quarterly instalments, on the first days of January, April, July, and October, the first of such instalments to be paid on the first day of the quarter next following the commencement of the license: Provided that nothing shall prevent the balance of the purchase money being paid at an earlier date should the selector so desire; but no Crown grant shall issue until the Minister is satisfied that the prescribed conditions have been fulfilled.

Payment of balance of purchase money.

(5.) The licensee shall, within three years from the date of the commencement of his license, fence in the whole of the land, and within seven years from such date shall expend upon the land, in prescribed improvements, in addition to the exterior fencing, an amount equal to five shillings per acre.

Fencing and improvements.

(6.) At the expiration of the license or at any time during the continuance of the license, provided that all the conditions of fencing and improvement have been complied with, and the said fencing and improvements maintained, and also that the full purchase money and fee has been paid, a Crown grant of the land shall issue.

Conditions precedent to issue of Crown grant.

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Additional applica-
tions.

(7.) Any person having obtained land under this section of less extent than one thousand acres may make other applications for land, under this section, but so that his holdings shall not exceed in the whole the maximum quantity of one thousand acres: Provided that, if two or more leases held by one person adjoin, they shall be deemed to be one lease in respect to the required fencing and improvements: And further provided that, if the area purchased under this section is the balance of a surveyed block, a portion of which has been granted to the same selector as a homestead farm, the Crown grant for such area shall not issue until all the conditions appertaining to such homestead farm have been fulfilled.

Land in agricultural
areas may also be
disposed of under
other conditions.

58. LAND within an agricultural area may also be disposed of under section sixty, for orchards, etc., or under Part VIII. or Part IX. of this Act, for free homestead farms or working men's blocks.

Agricultural Lands outside of Agricultural Areas.

Certain lands may
be declared open.

59. THE Governor may, from time to time, by notice in the *Government Gazette* declare any Crown lands within the South-West Division and also any Crown lands within the Eastern or the Eucla Divisions, if situated within forty miles of a railway, as open for selection under the conditions of sections fifty-five, fifty-six, and fifty-seven, or any one or more of them, without declaring an agricultural area, and may, in like manner, withdraw any such land from being so open: Provided that the maximum area allowed outside of an agricultural area to any person who selects land under the conditions of section fifty-seven shall be five thousand acres instead of one thousand acres as prescribed for selections under the said section within an agricultural area.

Lands for vine-
yards, orchards, and
gardens.

60. THE Governor may, from time to time, by notice in the *Government Gazette*, declare any Crown lands within the South-West Division, and also any Crown lands within ten miles of a city or town, or site for a city or town within any other division, to be open for selection for vineyards, orchards, and gardens, subject to the following conditions, and may in like manner withdraw such land from being so open:—

Price.

(1.) The price of the land shall be fixed by the Governor, but shall not be less than One pound per acre, payable in three years or sooner, as hereinafter prescribed.

Maximum and
minimum areas
allowed.

(2.) The maximum area held by one person shall be fifty acres, and the minimum, except in special cases approved by the Minister, shall be five acres: Provided that the area

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of any land held by the selector, under clause fifty-five of the Land Regulations of 1887, shall, in calculating the total area held by such selector, be deemed to be held under this section.

- (3.) The application shall be in the form or to the effect of the Tenth Schedule, and ten per cent. of the purchase money shall be deposited with the application, and shall be returned if the application is not approved, and on approval of the application by the Minister a license, in the form of the Eleventh Schedule, shall be issued for three years, to date from the first day of the quarter next preceding the date of the approval of the application.
- (4.) The balance of purchase money shall be paid within three years from the date of the commencement of the license by equal half-yearly instalments on the first day of March and the first day of September: Provided that nothing shall prevent the balance of the purchase money being paid at an earlier date should the selector so desire, but no Crown grant shall issue until the Minister is satisfied that the prescribed conditions have been fulfilled.
- (5.) The licensee shall, within three years from the date of the commencement of his license, fence in the whole of the land, and within the same period shall plant at least one-tenth of the area with vines or fruit trees, or otherwise cultivate it *bona fide* as a vegetable garden.
- (6.) At the expiration of the license, or at any time during the continuance of the license, provided that all the conditions of fencing and cultivation have been complied with, and the said fencing and cultivation maintained, and also that the full purchase money and prescribed fee have been paid, a Crown grant of the land shall issue.
- (7.) Any person having obtained land under this section of less extent than fifty acres may make other applications for land under this section, but so that his holdings shall not exceed in the whole the maximum quantity of fifty acres: Provided that, if two or more licenses held by one person adjoin, they may be deemed to be one license in respect of the required fencing and cultivation.

Application to be accompanied by deposit.

License.

Payment of balance of purchase money.

Fencing and improvements.

Conditions precedent to issue of Crown grant.

Additional applications.

61. ANY pastoral lessee in the South-West Division, at any time during the continuance of his lease, may apply in the form or to the effect of the Twelfth Schedule for land within his lease, not being within an agricultural area, or not being land

Pastoral lessees in S.W. Division may obtain land by conditional purchase, subject to special conditions. 12th Schedule.

withdrawn from conditional purchase selection, in one or more blocks not exceeding three separate selections adjoining his homestead not exceeding twenty per cent. of the aggregate quantity held on lease by him from the Crown within such division, and on approval of the application a lease shall be granted subject to all the conditions appertaining to conditional purchases under section fifty-five of this Act, except residence; provided that the maximum area shall be three thousand acres, and the minimum, except in special cases approved by the Minister, shall be two hundred acres. If the land so selected is within a properly fenced enclosure, the fencing of the land upon the boundaries shall not be obligatory: Provided always that this section shall not permit any pastoral lessee who, prior to the coming into operation of this Act, has taken advantage of a similar provision in the Land Regulations of 1887 to obtain under this section and such Regulations a greater area than 3,000 acres.

Pastoral lessees in others than the S.W. Division may obtain land by conditional purchase, subject to special conditions.

62. ANY pastoral lessee in the Kimberley, North-West, Western, Eastern, and Eucla Divisions who shall have in his possession in any such division at least ten head of sheep or one head of large stock for each one thousand acres leased, may apply to purchase, in any such division, any Crown land within his lease (not being within an agricultural area or within a goldfield) in one or more blocks, not exceeding in the aggregate one per cent. of the total area held by such lessee under pastoral lease in such division, on the same terms, and subject to the same conditions as are prescribed for purchase under section fifty-five, except the condition of residence: Provided that the minimum area in each block shall be five hundred acres and the maximum five thousand acres, and in no case shall more than three separate selections be allowed to be taken by one lessee.

Restriction on alienation of Crown Lands in Kimberley, N.W., W., E., and Eucla Divisions.

63. NO Crown Lands in the Kimberley, North-West, Western, Eastern, or Eucla Divisions shall be alienated, except lands within Townsites or land suburban thereto, under Part IV. of this Act, or within agricultural areas under Part V. of this Act, and except working men's blocks under Part IX. of this Act, and lands required for any of the objects and purposes specified in the fifth, sixth, thirty-ninth, sixtieth, sixty-second, one hundred and fifty-second, or one hundred and fifty-third sections of this Act, and except land in the Eastern or Eucla Divisions within forty miles of a railway required for the purposes specified in the fifty-ninth, sixty-eighth, and seventy-fourth sections of this Act.

Conditions under which land is held may be changed in certain cases.

64. ANY holder of conditional purchase land under Part V. of this Act, or under any previous Act or Regulations, subject to the condition of residence, may, on application in writing addressed to the Minister, and on payment of a fee of twenty shillings, in

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respect of each lease so held be relieved of the condition of residence and come under the conditions of section fifty-six of this Act, provided that in such case the improvements shall be of the value of double the amount of the purchase money.

Any holder of land under section fifty-six of this Act, or under clause forty-nine of the Land Regulations of 1887, who is prepared to comply with the prescribed residence condition, may, on application in writing addressed to the Minister, and on payment of a fee of twenty shillings in respect of each lease so held, come under the provisions of section fifty-five of this Act.

65. ANY holder of land under clause forty-nine of the Land Regulations of 1887 may, on condition of forfeiting one-half of the total amount of rent paid, elect, in writing, to pay at the rate of sixpence per acre per annum for the remainder of the term of his lease instead of the sum prescribed by the said Land Regulations: Provided that in such case the improvements shall be of the value of double the amount of the purchase money.

Lands held under clause 49 of Land Regulations of 1887.

66. IN the case of any special occupation license or conditional purchase by deferred payment held under this Part of this Act, or under any former Act or Regulations, not being a Homestead Lease or Poison Lease, provided the purchase money required by the Act or Regulations under which the land is held has been paid, the land fenced as prescribed, and a sum of at least four shillings an acre has been expended on it in statutory improvements, and the Minister is satisfied that from the nature or situation of the land or composition of the soil its cultivation or further improvement would be out of proportion to the probable returns, or otherwise impracticable, and not likely to result in any profitable return, the Minister may estimate the value of the improvements remaining to be made, and, upon the licensee or conditional purchaser entering into a covenant to continue to pay rent, under the terms of his lease or license, until the rent so covenanted to be paid amounts to the half of such estimated value, the Minister may discharge the lessee or licensee from the obligation to make further improvements: Provided further, that in cases where the fencing on the outer boundaries is both sheep proof and cattle proof, half the value of such fencing shall be deemed to be improvements under this section and valued as such.

Portion of improvements may be dispensed with in certain cases.

67. NOTWITHSTANDING anything contained in this part of this Act, the Governor may, in localities proved to his satisfaction to be suitable for close settlement, fix the maximum area to be held by one person on any terms of conditional purchase, at less than one thousand acres.

Close settlement.

PART VI.—CONDITIONAL PURCHASES—GRAZING LANDS.

Governor may declare certain lands in the S.W., Eastern, and Eucla Divisions open for selection as grazing leases.

68. THE Governor may from time to time, by notice in the *Government Gazette*, declare any second or third class Crown lands within the South-West Division, and also any such lands within the Eastern or Eucla Divisions, if situate within forty miles of a railway, not being within an agricultural area or within a goldfield, as open for selection as grazing leases, and may, in like manner, withdraw any such land from being so open. Any land applied for out of lands declared open as aforesaid under this section shall be inspected and reported on by a duly qualified surveyor, or inspector, and if, after such inspection and report, the Minister is satisfied that the land is second or third class land, he may, with the approval of the Governor, so classify it as the case may be, and a lease may be issued accordingly, subject to the following conditions:—

Price.

- (1.) The price of such land shall be fixed by the Governor, but shall not be less than six shillings and three-pence per acre for second class land, and three shillings and ninepence per acre for third class land, payable half-yearly at the rate of one-thirtieth of the total purchase money per annum, or sooner, as hereinafter prescribed.

Maximum and minimum areas allowed.

- (2.) Not more than two leases shall be held by one person, and the maximum area held by one person shall be three thousand acres of second class land, or five thousand acres of third class land: Provided that if one person selects two leases in different classes, the total quantity of such leases shall not exceed four thousand acres. The minimum area in either class shall be one thousand acres, but if the land applied for is so shut in by other holdings as not to contain the minimum area aforesaid, or for any other special reason, the Governor may approve of the issue of a lease of a lesser area.

Application to be accompanied by deposit of rent.

13th and 14th Schedules.

- (3.) The application shall be in the form or to the effect of the Thirteenth Schedule, and each application shall be accompanied by a deposit of the first instalment of purchase money as prescribed by section one hundred and thirty-six, which shall be returned if the application is not approved. Upon approval of the application by the Minister, a lease, in the form of the Fourteenth Schedule, or to the like effect, called a grazing lease, shall be issued for thirty years, to date from the first day of the quarter next preceding the date of approval of the application.

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- (4.) The lessee shall pay one-half the prescribed cost of survey in ten half-yearly instalments, the first of such instalments being paid with his application, or within thirty days after notice being given to him by the Minister of the amount required, and subsequent instalments on the first day of March and first day of September in each year, and in default the lessee shall be subject to the penalties prescribed in section one hundred and thirty-six. Lessee to pay half cost of survey.
- (5.) The lessee shall, within six months from the date of commencement of his lease, take possession of the land, and shall reside upon it during at least six months of the first year, and during nine months in each year for the next four years: Provided that possession may be taken, and the residence condition may be performed by an agent or servant of the lessee. Residence.
- (6.) If the lessee is the beneficial owner of rural land for an estate of freehold or of land under special occupation or conditional purchase, or is the holder of a lease of any such lands from the owner, or is the holder of a homestead farm within twenty miles of the land applied for, residence as aforesaid on such freehold, special occupation, conditional purchase land, or homestead farm shall be sufficient residence under this section. Residence on other land within 20 miles of lease.
- (7.) The lessee shall, within two years from the date of commencement of his lease fence at least one-tenth of the area contained therein, and within five years from the said date shall enclose the whole area with a fence of the prescribed description, and within fifteen years from the said date shall expend upon the land, in prescribed improvements, in addition to the exterior fencing, an amount equal to the full purchase money: Provided that, where the lessee under this Act, or any previous regulations, has erected a sheep-proof and cattle-proof exterior fence, the Minister may allow half the value of such exterior fencing to be deemed part of the prescribed improvements. Fencing and improvements.
- (8.) At the expiration of the lease, or at any time after five years from the date of the commencement of the lease, provided that all the conditions of residence, fencing, and improvement have been complied with, and the said fencing and improvements maintained, and also that the full purchase money has been paid, a Crown grant for the land shall issue, on application, accompanied by the prescribed fee. Conditions precedent to issue of Crown grant.

Additional applica-
tions.

(9.) Any person having obtained a grazing lease of less area than the maximum area prescribed in the preceding sub-section numbered two may apply for one additional lease, situated not more than ten miles from the first, of such an area as together with his former lease shall not exceed the maximum areas mentioned in the second sub-section of this section; residence on the additional lease shall not be obligatory, but all the other conditions shall apply to both leases: Provided that if the two leases adjoin, they may be deemed to be one lease in respect to the required fencing and improvements.

Pastoral lessee in
occupation to have
prior right to grazing
lease.

69. IF any land applied for as a grazing lease is in the occupation of a pastoral lessee of the Crown, the Minister shall, before approving such application, give such pastoral lessee, by written notice, the first opportunity of taking a grazing lease under the provisions of this part of this Act: Provided that no longer period than three months from the service of such notice, if within the South-West Division, or twelve months if within any other division, shall be allowed such pastoral lessee in which to make his application.

PART VII.—CONDITIONAL PURCHASES—POISON LANDS.

Definition of
"Poison land."

70. LAND shall be considered as "Poison land" when in the opinion of the Minister it is so infested with poisonous indigenous plants that sheep or cattle cannot be depastured on it. Poisonous plants shall be considered to have been eradicated when it has been proved to the satisfaction of the Minister that land originally infested with poisonous plants has been rendered safe for depasturing cattle and sheep at all seasons, and has continued so for a term of not less than two years.

Governor may de-
clare poison lands
open for selection
and, after inspection,
Minister may issue
lease.

71. THE Governor may, from time to time, by notice in the *Government Gazette*, declare any Crown lands being poison lands within the South-West Division of the Colony to be open for selection for poison leases, and may in like manner withdraw any such land from being so open. Any land applied for under this section shall be inspected and reported on by a duly qualified surveyor or inspector, and if, after such inspection and report, the Minister is satisfied that the land is poison land, he may, with the approval of the Governor, issue a lease subject to the following conditions:—

Price.

(1.) The price of such lands shall be fixed by the Governor, but shall be not less than one shilling per acre, payable half-yearly at the rate of one-thirtieth of the total purchase money per annum, or sooner, as hereinafter prescribed.

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- (2.) The maximum area of a poison lease shall be ten thousand acres, and the minimum except in special cases approved by the Minister, shall be three hundred acres, and no more than ten thousand acres shall be held by any one person. Maximum and minimum areas allowed.
- (3.) The application for a poison lease shall be in the form or to the effect of the Fifteenth Schedule, and the first instalment, as prescribed by section one hundred and thirty-six of this Act, shall accompany each application, and shall be returned if the application is not approved; and, upon approval of the application by the Minister, a lease in the form in the Sixteenth Schedule, called a poison lease, shall be issued for thirty years, dating from the first day of the quarter next preceding the date of the application. Application to be accompanied by deposit of rent.
15th and 16th Schedules.
- (4.) The lessee shall pay the prescribed cost of survey of his lease in ten half-yearly instalments, the first of such instalments being paid with his application or within thirty days of notice being given to him by the Minister of the amount required, and subsequent payments on the first day of March and the first day of September in each year, and in default the lessee shall be subject to the penalties prescribed in section one hundred and thirty-six. Lessee to pay cost of survey.
- (5.) The lessee shall, within two years from the date of commencement of his lease, fence at least one-tenth of the area contained therein, and within five years from the said date shall enclose the whole of the area contained therein with a fence of the prescribed description, and during the term of his lease shall eradicate the whole of the poisonous indigenous plants as prescribed. Fencing and improvements.
- (6.) At the expiration of the lease or at any time during the currency of the lease, provided that all the foregoing conditions have been complied with, the fencing properly maintained, and the full balance of purchase money and fees paid, a Crown grant of the land shall issue. Conditions precedent to issue of Crown grant.
- (7.) A person having obtained land under this section of less extent than ten thousand acres may make other applications for poison leases, not exceeding in the whole the maximum area of ten thousand acres, and, if two or more of such leases held by one person adjoin, they may be deemed to be one lease in respect to the required fencing.

Pastoral lessee to have prior right to poison lease.

72. IF any land in the occupation of a pastoral lessee is applied for as a poison lease, and, on inspection, proves to be poison land, the Minister shall by written notice give such pastoral lessee the first opportunity of taking a poison lease: Provided that no longer period than three months from the service of such notice shall be allowed such pastoral lessee in which to make his application.

PART VIII.—FREE HOMESTEAD FARMS.

Governor may order that certain lands shall be available for homestead farms.

73. THE Governor may, from time to time, by notice in the *Government Gazette*, declare that any Crown lands in the South-West Division of the Colony, including any lands which have been set apart under the Land Regulations of 1887 or which may be set apart under this Act as an Agricultural Area, and also any Crown lands in the Eastern or Eucla Divisions of the Colony, situate within forty miles of a railway, not being within a goldfield, shall be available for free farms, called "Homestead Farms;" and may in like manner withdraw any such lands from being open for such selection: Provided that nothing in this section shall prevent any Crown land in an agricultural area, which has been surveyed into blocks, being also disposed of by conditional purchase under Part V. or Part IX. of this Act.

Parts V. and IX. of this Act to also apply to such lands.

Application for homestead farm may be made.

74. EVERY person, not being already the owner of more than a hundred acres of land within the Colony for an estate of freehold, or under special occupation or conditional purchase, and being the head of a family, or a male who has attained the age of eighteen years, who makes application in the form prescribed shall be entitled, subject to the approval of the Minister, to obtain a homestead farm of not more than one hundred and sixty acres from lands declared open for selection under this part of this Act.

Statutory declaration to be made by applicant.

17th and 18th Schedules.

Fee of £1 to be paid.

75. THE application for a homestead farm shall be in the form or to the effect of the Seventeenth Schedule, and every person applying for a homestead farm shall make a statutory declaration, in the form prescribed, or with such variation as the Minister may approve, and upon leaving with or forwarding to the Minister or his agent such declaration, and on payment to him of an office fee of one pound, such person shall, so soon as his application is approved by the Minister, receive an occupation certificate in the form, or to the effect of the Eighteenth Schedule, and such certificate shall, subject to the provisions of this Act, authorise the person obtaining it to enter upon and take possession of the land described therein, and to hold possession of, occupy, and improve such land to the exclusion of any other person or persons whomsoever for the term of seven years to be computed

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from the first day of the quarter next preceding the date of approval of his application. The title to the land shall remain in the Crown until the issue of the Crown grant therefor, and neither the land nor the interest of the selector therein shall be liable to be taken in execution before the issue of the Crown grant.

Effect of application.

76. EVERY such selector shall, within six months from the date of his occupation certificate, take, in his own person, possession of the land, and shall, subject to the provisions of this Act, reside upon it and make it his usual home, without any other habitual residence, during at least six months in each year for the first five years of the term of his certificate; and if possession be not taken as aforesaid, the occupation certificate shall be cancelled, and the land shall be forfeited with any improvements thereon. The Governor may in special cases grant exemption from residence on condition of the selector effecting improvements to the satisfaction of the Minister to double the value of the improvements hereinafter required.

Time allowed for taking possession. Condition of residence.

Penalty for not taking possession.

77. IF the selector proves to the satisfaction of the Minister that he has been or is prevented by illness or some other valid reason from performing or complying with the provisions of the next preceding section, or any of them, the Minister may, by writing under his hand, waive any forfeiture thereby incurred, or may grant the selector written permission to absent himself from his homestead farm for such period as the Minister may think fit, and, during the time mentioned in the permission the selector shall be deemed to be residing on his homestead farm.

In case of illness and other valid reason absence allowed.

78. THE selector shall, within two years from the date of his occupation certificate, erect upon his homestead farm a habitable house, costing not less than thirty pounds, or in lieu thereof shall expend thirty pounds in clearing, or clearing and cropping, or in lieu thereof shall properly prepare and plant two acres of orchard or vineyard; and, within five years from the said date, shall fence in at least one-fourth, and shall clear and crop at least one-eighth of the land comprised in such homestead farm, and within seven years from the same date shall clear and crop at least one-fourth, and shall fence in the whole of such land with a fence of such description as may be prescribed.

Improvements required to be performed before issue of Crown grant.

79. IF the selector fails or neglects to comply with, perform, or fulfil all or any of the conditions mentioned in the next preceding section, the homestead farm, together with any village allotment selected or occupied by him in connection with his homestead farm under the provisions hereinafter contained, shall be forfeited, together with all improvements existing thereon; and the selector shall not

Forfeiture of homestead farm by non-compliance with conditions.

be eligible to obtain another homestead farm, except in special cases in the discretion of the Minister.

Certain assignments before issue of Crown grants void.

80. THE selector may, with the approval of the Minister, given in accordance with this Act, transfer his homestead farm to any person duly qualified to hold a homestead farm; but, save, as aforesaid, every assignment, transfer, or mortgage of, and every agreement to assign, transfer, or mortgage any homestead farm or any part thereof or any interest therein made or entered into before the issue of the Crown grant shall be null and void, and the person so assigning, transferring, mortgaging, or making an agreement to assign, transfer, or mortgage, shall forfeit his homestead farm, and all his estate, right, title, and interest therein to the Crown, and shall not be permitted to make another application for a homestead farm: Provided that this prohibition shall not apply to transfers or mortgages to the Manager of the Agricultural Bank under the provisions of the Agricultural Bank Act, 1894, or any Act amending the same: Provided further, that a selector who has received from the Minister a permit to occupy, in the form prescribed, setting forth that he is entitled to the Crown grant, may legally dispose of and convey, assign, transfer, or mortgage his right and title therein.

Provision in case of permit to occupy being issued.

When and on what conditions a Crown grant shall issue.

81. AT the expiration of seven years from the date of his occupation certificate, the selector (or in case of his death, his legal representatives), upon proving to the satisfaction of the Minister that the residence and other conditions applicable to a homestead farm have been duly performed, and that the fencing, improvements, or other works have been duly effected as prescribed by this Act, shall be entitled to a Crown grant for the same upon payment of the Crown grant fee.

Crown grants may be obtained after twelve months' residence on certain conditions.

82. EVERY selector who proves to the satisfaction of the Minister that he has resided on his homestead farm for twelve months from the date of his taking possession, and that he has made all the improvements required by this Act to entitle him to a Crown grant, may, at any time before the expiration of the seven years mentioned in the last preceding section, obtain a Crown grant by paying five shillings an acre for the land comprised in such farm, together with the Crown grant fee: Provided that no Crown grant for a homestead farm, being portion of a surveyed lot, the balance of which is held by the same selector under Part V. of this Act, shall issue until the prescribed conditions in respect of such balance have been fulfilled.

Applicant for homestead farm may apply for additional

83. THE applicant for a homestead farm may at the time of making his application, or at any time thereafter, apply under

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the conditional purchase sections of this Act or any regulations or law for the time being in force relating to Crown lands, for such land as he may require, in addition to his homestead farm, and in the event of his applying for land under any regulation or law requiring residence as a condition, then residence upon a homestead farm or upon a village allotment, as hereinafter provided, if within twenty miles of the land applied for, shall be a sufficient compliance with the residence condition for all purposes.

land under Land Laws in force for the time being.

84. IN connection with any land set apart for selection as homestead farms, the Governor may declare any land, not more than five miles from the land so set apart, a village site or sites, and such village site or sites may be subdivided into allotments not exceeding in area one acre each.

Governor may declare village sites.

85. ANY selector of a homestead farm may, with the approval of the Minister, select one of the allotments in such village without payment, and the provisions of this Act with respect to residence and erection of house shall then apply to such allotment instead of the homestead farm, and the selector shall, on demand, receive an occupation certificate in the form or to the effect of the Twentieth Schedule. The application for a village allotment shall be made in the form or to the effect of the Nineteenth Schedule.

Holder of homestead farm may select an allotment in a village.

19th and 20th Schedules.

86. SO soon as a selector is entitled under this Act to a Crown grant of his homestead farm he may, upon payment to the Minister of the sum of one pound and the prescribed fee for a Crown grant, obtain a Crown grant of the village allotment (if any) selected by him as aforesaid.

Selector may obtain Crown grant.

PART IX.—WORKING MEN'S BLOCKS.

87. THE Governor may, by notice in the *Government Gazette*, define and set apart any Crown lands or suburban lands held by the Crown in the South-West Division of the Colony, or any Crown lands or suburban lands held by the Crown within ten miles of a city or town, or site for a city or town, within any other division of the Colony, for working men's blocks, and may, in like manner, declare any such land as open for selection as hereinafter provided, and may withdraw any such land from being so open. Before any land is so declared open for selection, it shall be surveyed under the direction of the Minister, and divided into lots, each not exceeding half an acre in area within any goldfield, or five acres in area elsewhere, with proper roads and reserves for public purposes, and such lots shall be marked on the ground: Provided that nothing in this section shall prevent any suburban

Governor may set apart certain lands for working men's blocks.

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lands set apart and surveyed as aforesaid, but not selected as working men's blocks, being disposed of for other purposes under this Act at the discretion of the Minister.

88. EVERY person not being already the owner of land within the Colony, for an estate of freehold, or under special occupation, or conditional purchase, and who does not hold a homestead farm under the provisions of this Act, or the Homesteads Act, 1893, who is the head of a family, or a male who has attained the age of eighteen years, shall be entitled, subject to the approval of the Minister, to obtain a lease of lands set apart and defined as prescribed in the next preceding section, subject to the following conditions:—

Certain persons entitled to leases of working men's blocks.

Price.

(1.) The price of the land shall be fixed by the Governor, but shall not be less than One pound an acre, payable half-yearly at the rate of one-tenth of the total purchase money per annum or sooner, as hereinafter prescribed.

Maximum area allowed.

(2.) The maximum area held by one person shall be half an acre within any goldfield, or five acres elsewhere, and not more than one block shall be granted to or held by one person.

Application to be accompanied by deposit of rent.

21st and 22nd Schedules.

(3.) The application shall be in the form or to the effect of the Twenty-first Schedule, and the first instalment of purchase money, as prescribed by section one hundred and thirty-six of this Act, shall accompany each application, and shall be returned if the application is not approved; on approval of the application by the Minister, a lease, in the form of the Twenty-second Schedule or to the like effect shall be issued for ten years, to date from the first day of the quarter next preceding the date of the approval of the application.

Residence.

(4.) The lessee shall within three months from the date of his lease, take, in his own person, possession of the land, and shall reside upon it and make it his usual home during, at least, nine months in each year for the first five years of the lease. and if possession be not taken as aforesaid, the land shall be forfeited: Provided that possession may be taken and the residence condition performed by the lessee's wife, or a member of his family.

Fencing and improvements.

(5.) The lessee shall, within three years from the date of the commencement of his lease, fence in with a fence of such description as may be prescribed, the whole of the land on the surveyed boundaries, and within five years from the said date shall expend upon the land, upon prescribed improvements, in addition to his house and

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the exterior fencing, an amount equal to double the full purchase money.

- (6.) At the expiration of the lease, or at any time after five years from the date of the commencement of the lease, provided that all the conditions of residence, fencing, and improvements have been complied with, and the said fencing and improvements maintained, and also that the full purchase money and fee have been paid, a Crown grant of the land shall issue. Application for the Crown grant shall be made in the form prescribed in the First Schedule.

Conditions precedent to issue of Crown grant.

89. IF the lessee of a working man's block proves to the satisfaction of the Minister that he has been or is prevented by illness or other valid reason, from performing or complying with the provisions of sub-section four of the next preceding section, the Minister may by writing under his hand waive any forfeiture thereby incurred, or may grant the lessee written permission to absent himself from his block for such period as the Minister may think fit, and during the time mentioned in the permission the lessee shall be deemed to be residing on his block.

Minister may waive forfeiture for non-residence in case of illness, etc.

90. A LESSEE under this part of this Act may, with the approval of the Minister, as prescribed in sections one hundred and forty-two and one hundred and forty-three, transfer his lease to any person duly qualified to hold such lease, but except as aforesaid, every assignment, transfer, or mortgage of, and every agreement to assign, transfer, or mortgage any such lease or any part thereof, or any interest therein, made or entered into before the lessee is entitled to the Crown grant shall be null and void, and the person so assigning, transferring, mortgaging, or making any agreement to assign, transfer, or mortgage, shall forfeit his lease and all his estate, right, title, and interest therein to the Crown.

In certain cases lease may be transferred or mortgaged with Minister's approval.

PART X.—PASTORAL LANDS.

91. ANY Crown lands within the Colony which are not withdrawn from selection for pastoral purposes, and which are not required to be reserved for any public purpose, may be leased for pastoral purposes at the several rates of rental, and subject to the conditions hereinafter prescribed.

Pastoral leases may be granted.

92. EACH application for a lease shall be made in the form or to the effect of the Twenty-third Schedule hereto, and be accompanied by a deposit of the rent prescribed for the division or part of the division in which the land is situated, as provided in section one hundred and thirty-six, and on approval of an application a lease shall be issued in the form of the Twenty-fourth Schedule.

Application to be accompanied by deposit of rent.

23rd and 24th Schedules.

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South-West Division.

Pastoral leases,
South-West Division

93. LEASES may be granted in the South-West Division, in blocks of not less than three thousand acres, at a rental of One pound per annum for each thousand acres or part of a thousand acres: Provided that if the land applied for is in that portion of the division situated Eastward of a line from the mouth of the Fitzgerald River, in the direction of Mt. Stirling, and South of an East and West Line, through Mt. Ridley, the rental shall be Ten shillings per annum for each thousand acres or part of a thousand acres; and further, provided that if the land is so shut in with other holdings as not to contain three thousand acres, a lease may be granted for such lesser quantity; but in no case will a lease be issued for a less sum than One pound per annum.

Western Division.

Pastoral leases,
Western Division.

94. LEASES may be granted in the Western Division, in blocks of not less than twenty thousand acres, at a rental of Ten shillings per annum for each thousand acres or part of a thousand acres: Provided that if the land is so shut in by other holdings as not to contain twenty thousand acres, a lease may be granted for such lesser quantity; but in no case will a lease be issued for less than Three pounds per annum.

Eucla Division.

Pastoral leases,
Eucla Division.

95. LEASES may be granted in the Eucla Division, in blocks of not less than twenty thousand acres, at a rental of Five shillings per annum for each thousand acres or part of a thousand acres: Provided that if the land is so shut in by other holdings as not to contain twenty thousand acres, a lease may be granted for such lesser quantity; but in no case will a lease be issued for less than Three pounds per annum.

North-West Division.

Pastoral leases,
North-West Division.

96. LEASES may be granted in the North-West Division, in blocks of not less than twenty thousand acres, at a rental of ten shillings per annum for each thousand acres or part of a thousand acres: Provided that if the land is so shut in by other holdings as not to contain twenty thousand acres, a lease may be granted for such lesser quantity; but in no case will a lease be issued for less than Three pounds per annum.

Eastern Division.

Pastoral leases,
Eastern Division.

97. LEASES may be granted in the Eastern Division, in blocks of not less than twenty thousand acres, at a rental as follows:—For each thousand acres or part of a thousand acres, Two shillings

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and sixpence for each of the first seven years and Five shillings for each of the remaining years of the lease. If the land is so shut in by other holdings as not to contain twenty thousand acres, a lease may be granted for such lesser quantity; but in no case shall a lease be issued for less than One pound per annum.

Kimberley Division.

98. LEASES may be granted in the Kimberley Division, in blocks of not less than fifty thousand acres when on a frontage, nor less than twenty thousand acres when no part of the boundary is on a frontage, at a rental of ten shillings per annum for each thousand acres or part of a thousand acres: Provided that if the land is so shut in by other holdings as not to contain fifty thousand acres on a frontage, nor twenty thousand acres when no part of the boundary is on a frontage, a lease may be granted for such lesser quantity; but in no case shall a lease be issued for less than Three pounds per annum.

Pastoral leases,
Kimberley Division.

99. THE Minister may, for special reasons, authorise the issue of a lease for a frontage block of less extent than fifty thousand acres. A frontage block is such as has its lesser boundary on a lake, river, or main stream, or other water channel, or on an estuary, or the sea-shore. Its boundaries shall be rectangular, so far as the quantity and shape of the land will allow, and its mean depth shall not be less than three times its mean breadth.

Frontage Blocks.

Reduction of Rent for Stocking.

100. ANY lessee in the Kimberley Division, or in that portion of the South-West Division situated to the Eastward of a line from the mouth of the Fitzgerald River in the direction of Mount Stirling, who at any time during the term of his lease shall have in his possession within the division ten head of sheep or one head of large stock for every one thousand acres leased, shall, from the first of January, after he shall have satisfied the Minister to the above effect, have a reduction of rent for the remaining years of his lease of one-half the rental due under this Act. Provided that the lessee shall furnish annually to the Minister before the first of March a statutory declaration that he is possessed of stock in the division as aforesaid, and provided that the said reduction of rent shall only be allowed so long as the stock as aforesaid shall continue in the possession of the lessee in the division.

Lessees in Kimberley
and part of South-
West Divisions to
have reduction of
rent if land is
stocked, etc.

Penalty for Non-stocking within Five Years.

101. ANY pastoral lessee under this Act, except in the South-West Division, who shall not within five years from the date of the commencement of his lease, by statutory declaration or otherwise, satisfy the Minister that he possesses in the division stock at the rate

Penalty for non-
stocking.

of ten head of sheep or one head of large stock for every thousand acres leased by him in the division, or that he has *bonâ fide* expended in improvements on the land leased by him in the division a sum equal to Five pounds per thousand acres of the land leased by him in the division, shall pay during the remainder of his lease double the rent fixed by this Act; provided that expenditure incurred in sinking or boring for or conserving fresh water may be reckoned in the cost of the improvements.

Pastoral Leases within Goldfields and Mining Districts.

Terms and acreage of pastoral leases within goldfields and mining districts.

102. ANY Crown land within a goldfield or mining district, not being land required to be reserved for any public purpose, may be leased for pastoral purposes in blocks of not less than two thousand acres, or more than twenty thousand acres, at a rental of ten shillings per thousand acres: Provided that, if the land is so shut in by other holdings as not to contain two thousand acres, the Minister may, in his discretion, grant a lease of such lesser quantity; but in no case shall a lease be issued for a less sum than One pound per annum.

The lessee shall not have the right to select land within such lease under the provisions of the sixty-first or sixty-second sections of this Act, and, in the event of the land, or any portion of it, being taken for an agricultural area, the lessee shall not be entitled to more than three months' notice; and in other respects the terms and conditions of such lease shall be the same as those prescribed for pastoral leases within the division in which the land is situated.

General Conditions of Pastoral Leases.

Duration of leases.

103. THE term of all pastoral leases granted under this Act shall expire on the thirty-first day of December, One thousand nine hundred and twenty-eight.

Pastoral leases under previous regulations may be surrendered.

104. ANY pastoral lessee holding a pastoral lease under any previous regulations may, at any time after the commencement of this Act, surrender such lease, and obtain a new lease, but subject in all respects to this Act, and to any law which may be in force at the time such surrender is made applicable to such lease.

Position of leases to be approved by Minister.

105. THE position of pastoral leases and the arrangement of boundary lines shall be subject to the approval of the Minister; and any description furnished by an applicant for pastoral land shall be full and particular, and shall refer to some fixed point or object which can be recognised by the Department. The Minister shall not be responsible for any errors in descriptions so furnished; but any erroneous description may be rectified if practicable, on approved application, in such a manner as not to disturb the boundaries of any lease previously granted; and, subject to the same conditions as

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to boundaries of leases previously granted, the boundaries or position of any lease may be amended at the lessee's request, irrespective of any error, on payment of a fee of Two pounds.

106. A PASTORAL lease shall give no right to the soil, or to the timber, except to such timber as may be required for domestic purposes, for the construction of buildings, fences, stockyards, or other improvements on the lands so occupied, and such lease shall immediately determine over any land which may be reserved, sold, or otherwise disposed of under this Act, or under the Goldfields or Mineral Lands Acts.

Pastoral tenants have no right to soil or timber.

107. THE right is reserved to the Minister to lay out, declare open, and make, either permanently or for temporary use, public roads through any land held under pastoral lease; also to take away any indigenous produce, rock, soil, or other material; and to fell, cut, and remove all or any timber, sandalwood, or other woods which may be required for public purposes, from any such land; also to issue licenses, on payment of the required fees, to any person or persons to cut, remove, and cart away any timber, sandalwood, or other woods, or to quarry, dig for, and cart away any rock, soil, or other material growing or being upon any such land; also to sell, lease, or otherwise dispose of any mineral land comprised within the limits of any pastoral lease whatever, and to sell, lease, or otherwise dispose of any other portion of such lease, subject to the provisions of this Act, at any time, and with a right of immediate entry; also to depasture any horses or cattle in the employ of the Government while working on or passing over the said land, and to water them at any natural sources there, together with a right for any person to pass over any such land which may be unenclosed, or enclosed but otherwise unimproved, with or without horses, stock or vehicles, on all necessary occasions.

Power to sell portions of leases, to make roads, cut timber, etc., thereon.

108. EVERY pastoral lessee of Crown land desiring to ring-bark trees upon his leasehold land shall first obtain permission to do so from the Minister, and in his application shall describe the boundaries and area of the land upon which he proposes to ring-bark, and the Minister may in his discretion refuse or grant permission for the same after such inquiry and upon such conditions as to him may seem necessary: And any lessee who shall without such permission ring-bark trees on his pastoral leasehold, or shall cause or knowingly permit or suffer the same to be done, shall render his lease liable to forfeiture. Any ring-barking done in accordance with the permission of the Minister shall be deemed to be an improvement in respect of which the lessee shall be entitled to compensation under the provisions of this Act: Provided that the value of ring-barking

Permission to ring-bark, and penalty for unauthorised ring-barking by lessee.

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as an improvement under this Act shall in no case be estimated to exceed the sum of two shillings and sixpence an acre.

Notice to be given pastoral lessees before agricultural areas are withdrawn from lease.

109. BEFORE any land in the South-West Division, set apart and declared as an agricultural area out of a pastoral lease, shall be taken possession of by the Minister and withdrawn from such lease, three months' notice shall be given to the pastoral lessee; and before any such land so set apart and declared or set apart for selection under sections 59, 68 or 73 of this Act, in any other division shall be so taken and withdrawn, twelve months' notice shall be given to the pastoral lessee and a description of the land to be comprised in such area shall be laid before Parliament at least thirty days before possession is taken; and after the expiration of the aforesaid three months or twelve months, as the case may be, the pastoral lessee shall cease to have any claim to the land so declared: Provided, however, that if the agricultural area is not occupied, or is only partially occupied, the Minister may grant the former lessee, or any other person, a license to depasture his stock upon the whole or any portion of such area during pleasure, and on payment of the usual rent. If any land applied for under conditional purchase, or otherwise under this Act, out of a pastoral lease, becomes forfeited for non-payment of purchase money or from other cause, and is not sold at auction, it shall revert to the Crown; and provided such land is not required for any public purpose, the Minister may order that the land so forfeited shall, upon payment by the pastoral lessee of the sum which, if the pastoral lease had continued unaffected, would be due as rent under that lease for the current half-year, be restored to the lease from which such land was originally taken.

Forfeited lands to be restored to pastoral lease.

PART XI.—TIMBER LANDS.

Timber and other Licenses.

Power to issue licenses.

110. SUBJECT to this Act and the Regulations, the Minister and every such person as he may for that purpose appoint, either personally or as the holder of a public office, may on application, and on payment of the prescribed fees, grant the following licenses for any period not less than one month, and not exceeding twelve months:—

Timber license.

- (1.) A Timber License authorising the licensee to fell, cut, split, and remove any timber growing or standing on any Crown lands in the locality named in the license, for the purpose of logs for sawmills, fencing, shingles, laths, buildings, or Railway or other sleepers (but not to cut hewn balks, piles, telegraph, or other poles),

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subject to the right of the Minister, during the currency of such license, to reserve from cutting over any part of the land in such locality.

A similar license must be obtained by every person engaged only in removing the timber dealt with under a Timber License.

- (2.) A Woodcutter's or Charcoal-burner's License, authorising the licensee to cut or split firewood from any live or dead wood growing or lying on any Crown lands in the locality named in the license, and to remove the wood or charcoal cut, split, or burnt.

Wood-cutter's and Charcoal license.

A similar license must be obtained by every person engaged only in removing the wood dealt with under a Wood-cutter's or Charcoal-burner's License.

No license shall be necessary for cutting, obtaining, and removing dead wood lying on Crown Lands for domestic purposes, but not for sale.

- (3.) A Sandalwood License authorising the licensee to fell, cut and remove any sandalwood growing upon any Crown Lands in the locality named.

Sandalwood license.

A similar license must be obtained by every person engaged only in removing the sandalwood dealt with under a Sandalwood License.

- (4.) A Wattle-bark License authorising the licensee, during the months from August to December inclusive, or during any of such months, to strip and remove wattle bark upon the Crown lands in the locality named in such license.

Wattle-bark license.

A similar license must be obtained by every person engaged only in removing the bark dealt with under a Wattle-bark License.

- (5.) A Bark License, authorising the licensee to strip and remove the bark, or to remove the gum from other trees other than wattle, the bark or gum of which contains tannic acid, upon such terms as the Minister may think fit, upon the Crown lands described in such license.

Bark and gum licenses.

A similar license must be obtained by every person engaged only in removing the substances dealt with under the last above-mentioned license.

- (6.) The fees for the several licenses hereinbefore mentioned shall be the sums set against them respectively in the Thirty-fourth Schedule hereto, and the licenses may be in the form in the Thirty-first Schedule.

Fees for licenses. 34th and 31st Schedules.

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Licenses to cut Piles, Poles, and Balks.

Licenses to cut piles, poles, and balks.

111. THE Minister may, subject to this Act and the Regulations, grant a license to fell and hew timber to be used or exported as piles, poles, or balks.

Timber Leases.

Power to grant timber leases.

112. THE Minister may, subject to this Act and the Regulations, grant leases of any Crown lands giving the lessee the exclusive right (except as hereinafter provided) to cut, remove and sell any kind of timber, or any piles, poles, balks, or other hewn timber growing or standing on the land comprised in his lease, at the rental and subject to the conditions hereinafter prescribed. Such leases are hereinafter called "Timber Leases." Every timber lease may be surveyed by direction of the Minister, but the lessee shall pay the prescribed cost of such survey when required to do so by the Minister.

Boundaries to be surveyed.

Application for lease. 32nd Schedule.

113. EVERY application for a timber lease shall be made to the Minister in the form or to the effect of the Thirty-second Schedule, and shall be accompanied by a deposit of rent as required by the hundred and thirty-sixth section, which shall be forfeited if the application is abandoned or is not proceeded with within thirty days from the date of approval; but the amount so deposited shall be returned if the application is refused by the Minister, which he has power to do.

Rent of timber lease.

114. THE rent of a timber lease shall be paid half-yearly in advance, as prescribed by section one hundred and thirty-six of this Act, and shall be at the rate of Twenty pounds per annum for each square mile or fraction of a square mile included in the lease.

Term of timber lease.

Maximum area.

115. TIMBER leases shall be granted for a term of not less than one year, and not exceeding twenty-five years; no lease shall include an area of more than seventy-five thousand acres, and except, as hereinafter provided, no person or corporation shall hold more than the aforesaid area of seventy-five thousand acres: Provided that any person or corporation holding a special timber license or licenses under the Land Regulations of 1887 shall have the right to hold the same under the provisions of this Act, notwithstanding that the total area of such special timber license or licenses may exceed seventy-five thousand acres.

Timber licenses under Regulations of 1887 not to be renewable but may be replaced by leases.

116. SPECIAL timber licenses granted under the Land Regulations of 1887 shall not be renewable at the end of the year or term for which rent has been paid; but the holders shall have the option of a lease under this Act of the land comprised in the expired license or licenses.

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117. THE position of timber leases and the arrangement* of the boundary lines thereof shall be governed by the provisions of section one hundred and five relating to pastoral leases, and any description or boundary may be amended as therein provided.

Position of timber leases to be approved by Minister.

118. A LESSEE of a timber lease shall within two years from the date of his lease, or within such longer period as the Minister may decide, erect within the area a substantial and fully equipped sawmill plant, of sufficient power to cut up at least five loads of sawn timber per month for every square mile comprised in the lease, and shall keep such fully equipped sawmill plant in good working order during the whole term of the lease.

Requirements of lease.

119. WHERE timber reserves for farmers and settlers do not exist the Minister may grant permits free of cost to farmers and settlers to cut any kind of timber for their own use on their own farms, lands, or pastoral leases only, upon a timber lease, but not within a mile of any sawmill; and the lessee may require any persons not in his employment who cut, split, or remove wood, or strip bark in such area to produce their licenses or permits, and in default of such production may treat them as trespassers.

Farmers, etc., may be granted permits to cut timber on timber area.

Lessee may require persons to produce licenses or permits.

120. (1.) THE lessee of a timber lease shall, as far as practicable, protect all seedlings and saplings, and, as the timber is removed, persons appointed by the Minister may, notwithstanding the lease, enter on the portions of the lease which are being cleared of timber for the purpose of replanting such portions.

Saplings, etc., to be protected.

Minister may replant cleared portions.

(2.) No part of a timber lease shall be cultivated with the spade or plough without the Minister's permission, except as gardens for the benefit of the lessee or his workmen.

Area not to be cultivated without permission. Exception.

(3.) Persons employed by the lessee in doing the acts authorised by the lease may do so without license from the Minister.

Licenses not required.

121. (1.) A TIMBER lease shall authorise the lessee, without charge, to construct railways and tramways on and through the area comprised in his lease, and to haul timber to and from the mills, and subject to the Governor's approval, on such conditions as to carriage of passengers and merchandise as he may think fit, to connect the railways and tramways with the most convenient Government or private railway and to lay down such railways and tramways through Crown lands outside the area.

Lessee may construct railways, etc.

(2.) If the lessee surrenders or abandons the whole or any portion of a timber lease he may, with the approval of the Minister, retain possession of and use so much land as may be considered necessary by the Minister on which are erected any buildings, saw-mills, machinery and plant, and may continue to use the same, and

Lessee may use buildings, etc., on abandoned area.

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may also continue to use any railways and tramways standing on the said timber lease, and may connect such railways and tramways with any subsequently granted lease for the purpose of cutting the timber thereon.

Transfer and mortgage.

122. A TIMBER lease may be mortgaged or transferred in accordance with the provisions of this Act.

Lessee may surrender the whole or any portion of his lease.

123. THE lessee of a timber lease may, with the approval of the Minister, at any time surrender the whole or any portion of his lease from which he has denuded the timber, and in that case a reduction in the rent of the lease shall be made in proportion to the area surrendered: Provided that, unless in special cases, the area surrendered shall not be less than one thousand two hundred and eighty acres.

Pastoral and Timber Leases may be granted over same land.

124. A PASTORAL lease may be granted over any land held as a timber lease, and a timber lease may be granted over any land held as a pastoral lease.

Selection and purchase within Timber Leases.

Selection within timber lease.

125. NO application for the purchase of any land comprised within a timber lease shall be granted by the Minister, unless such land has been first resumed from such lease as provided by the next following section of this Act.

Power to resume any portion of lease on which no marketable timber exists.

126. SUBJECT to this Act and the Regulations the Minister may, with the approval of the Governor, resume any portion of a timber lease which has been in his opinion practically denuded of marketable jarrah, karri, or tuart timber, or on which no marketable jarrah, karri, or tuart timber in his opinion is growing, or which in the opinion of the Minister ought to be resumed for cultivation, and, upon notice of such resumption being published in the *Government Gazette*, all the estate and interest of the lessee in the land so resumed shall thereupon become vested in Her Majesty absolutely to all intents and purposes as if the same had been surrendered by the lessee, without making any compensation to the lessee; and the opinion of the Minister as aforesaid shall be binding on all parties and without appeal: Provided that the lessee shall have the exclusive right for six months after any such resumption of cutting and removing from any land so resumed any jarrah, karri, or tuart timber which he may desire to cut and remove. The land so resumed may, after being surveyed, be dealt with or disposed of under the provisions of this or any other Act relating to Crown lands. On any such resumption being made the rent reserved by the lease shall be proportionately reduced.

Provided that no such resumption shall be made until notice, in writing, of the intention to resume has been given to the lessee, inviting him, within thirty days from the date of such notice, to show

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cause to the Minister against such resumption being made, and provided further that such resumption shall not include, without the consent, in writing, of the lessee, any land situate within forty chains of any saw-mill upon the timber lease, or within one chain from the line of any railway or tramway authorised, constructed, or in course of construction on any such timber lease for the purpose of carrying timber to and from any saw-mill.

127. IN making surveys for selection of lands resumed from any timber lease, it shall be the duty of the Minister to provide for roads and railway routes likely to be required by the lessee for present or future requirements, and the decision of the Minister in this respect shall be final and binding on all parties. In all deeds of grant issued of lands resumed from a timber lease, power shall be reserved to the Governor to resume any portion of such land required for roads or railway routes, and the Governor is hereby authorised to exercise such power of resumption as he may think fit in the interest of the timber lessee, or for public purposes, provided that not more than one-twentieth of the whole area of any location shall be so resumed without compensation.

Roads and railway routes to be provided for.

General Provisions as to Timber, etc.

128. UNLESS otherwise specially provided in the license, all timber, or wood, or trees cut, felled, sawn, or split by the holder of a license must be removed from the portion of Crown lands specified in the license during the currency of the license, and if not so removed shall revert to the Crown unconditionally; but the Minister may, on application, extend the period for removing such timber or wood on such terms as he may think fit.

Timber and wood cut, but not removed, to revert to Crown.

129. THE Minister may at any time revoke any license in the event of the non-observance by the licensee of any part of this Act, or of any regulations made under the authority thereof.

Licenses revocable for non-observance of conditions.

130. EVERY person who shall fell, cut, saw, split, or bark any timber, wood, or tree without a license, or not being authorised thereto by a license, or shall do any act under a license but in a place not included therein, shall, on conviction, pay a fine not exceeding One hundred pounds, and shall render any license he may hold liable to forfeiture.

Penalty for unlicensed cutting.

131. ALL fines recoverable under this Act may be recovered before a Resident Magistrate or any two Justices of the Peace in Petty Sessions.

Summary recovery of fines.

132. ANY person aggrieved by any order, decision, or conviction by a Resident Magistrate or two Justices under this Act may appeal

Right of appeal.

therefrom to the Supreme Court at the next sitting of a Judge thereof which shall happen after one month from the making or pronouncing of such order, decision, or conviction: And the Judge shall hear and determine the matter of such appeal, and shall summon all necessary parties and witnesses, and shall make such order affirming, reversing, or altering the order, decision, or conviction, and as to the costs of the appeal, as to him shall seem fit, and, except where a conviction is affirmed, such order shall be enforced in like manner as a judgment of the Court: Provided that within twenty-one days from the making or pronouncing of the order, decision, or conviction appealed against, the appellant shall give written notice of such appeal to the Resident Magistrate, or the Justices, or one of them, from whose order, decision, or conviction the appeal is brought, and shall lodge with the Master of the Supreme Court a sum not exceeding Twenty pounds to secure the costs of the appeal, or shall give security to his satisfaction for the payment of the costs of the appeal, not exceeding Twenty pounds.

Incorporation of
parts of Shortening
Ordinance.

133. SECTIONS A and C of the Schedule to the Shortening Ordinance, 1853, shall be incorporated with, and taken to form part of this part of this Act to all intents and purposes, and in as full and ample a manner as if the said sections had been introduced and fully set forth in this Act.

PART XII.—MISCELLANEOUS PROVISIONS.

Service of notices.

134. A NOTICE required by this Act to be given may be served as follows:—

- (1.) By delivering the same to the individual to whom it is addressed, or leaving it for him at his usual place of abode or business;
- (2.) By posting the same in a letter prepaid and registered, addressed to him at his usual place of abode or business;
- (3.) In the case of a notice addressed to a corporation, by leaving the same at the principal office in the Colony of such corporation, or by posting the same as aforesaid, addressed to the corporation there;
- (4.) Notices addressed to a firm or partnership may be served by being delivered to the manager or any partner, or by leaving the same at the principal place of business in the Colony of the firm or partners, or by posting the same as aforesaid addressed to the firm or partners there.
- (5.) Proof of posting a notice as aforesaid shall be deemed *prima facie* evidence of the notice being served at the time at which, by the course of post, such notice should be delivered.

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Trespass.

135. EVERY person who, either by himself or by his servants, agents or workmen acting under his direction, shall be found in the unlawful or unauthorised use or occupation of any Crown lands, or lands reserved for or dedicated to any public purpose, or set apart as town or suburban or village lands, or who in any manner trespasses thereon, shall on conviction be liable to a fine not exceeding One hundred pounds. The onus of proof of authority to do the act complained of shall lie on the party accused.

Penalty for trespass.
Prima facie trespassers to prove authority.

Rents.

136. ALL land rents shall be calculated as from the first of January to the thirty-first of December, and shall be paid half-yearly in advance to the Minister, at the office of the Department of Lands and Surveys, Perth, or to any Government Resident or Resident Magistrate or other person authorised by the Minister to receive rents on or before the first of March and first of September in each year. All leases applied for during the year shall be granted as from the first day of the quarter next preceding the date of approval of the application; and rent for the current half-year shall be payable as from the date of granting. If a lessee fails to pay the rent due by him on the first day of March or first of September in any year, he shall pay the same within thirty days from the due day, together with a fine of twopence in the pound, and if he fails to pay as last aforesaid he shall pay the same within sixty days from the due day, together with a fine of sixpence in the pound, and if he fails to pay as last aforesaid he shall pay the same within ninety days from the due day, together with a fine of one shilling in the pound, and if he fails to pay for ninety days his lease and the lands comprised therein, and all improvements thereon, shall be forfeited.

Rents.

Forfeiture for non-payment.

137. THE names of all holders of land on which instalments of purchase money or rents are payable on the first of March and first day of September shall be published in the *Government Gazette* during the month of January and July respectively in each year; and as early as practicable after the first day of March and first day of September in every year the Minister shall publish in the *Government Gazette* the names of the lessees in default, with the respective amounts of rents in arrear.

Rent list to be published half-yearly.

Mortgages.

138. SUBJECT to the restrictions contained in Parts VIII. and IX. of this Act, and in the Homesteads Act, 1893, any lease or license under this Act, or under the Land Regulations of 1887 and the Homesteads Act of 1893, other than licenses to quarry

Leases and license may be mortgaged.

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and licenses under Part XI., may be mortgaged as hereinafter provided:—

Memorandum of mortgage.
Twenty-fifth Schedule.

(1.) When any such lease or license is intended to be charged with, or made security for the payment of any sum of money, the lessee or licensee shall execute a memorandum of mortgage in the form or to the effect of the Twenty-fifth Schedule.

Mortgage must be registered.

(2.) Every memorandum of mortgage must be in duplicate, and one original must be registered in the Department of Lands and Surveys; and in the case of several mortgages of the same holding they shall take effect according to priority of registration.

Fee.

(3.) A fee of five shillings shall be payable upon the registration of every such memorandum in respect of every holding comprised in or affected by it.

Mortgage may be transferred.

(4.) A mortgage may be transferred on payment of the like fee as for registration of the transfer.

Lease or license to be produced.

(5.) On the occasion of the registration of every mortgage or transfer of a mortgage, the lease or license must be produced.

Effect of mortgage.

139. A MEMORANDUM of mortgage shall have effect only as a security for the sum of money intended to be secured by it, and shall not take effect as an assignment of the lease.

Right of mortgagee.

140. IF default is made in the payment of the money secured by memorandum of mortgage according to the tenor thereof; or upon the happening of any event which, according to the terms of the memorandum, entitles the mortgagee so to do, the mortgagee may—

- (1.) Enter upon and take and retain possession of the holding for any period not exceeding twelve months;
- (2.) Sell the holding by public auction after not less than thirty days' notice of the intended sale published in the *Government Gazette* and in a local newspaper: Provided that the purchaser must be a person who is not disqualified to be the lessee of the land under the provisions of this Act.

Provided nevertheless, that the Minister may extend the time during which the mortgagee may retain possession of or sell the holding.

Transfer on sale.

141. UPON a sale of a holding under the power of sale hereby conferred upon a mortgagee, he may assign and transfer the lease to the purchaser, and the assignment shall be registered in the Department of Lands and Surveys upon payment of the prescribed fee of Twenty shillings.

*Land Act, 1898.**Transfers.*

142. SUBJECT to the restrictions contained in Parts VIII. and IX. of this Act, any holder of a lease or license under this Act, except licenses to quarry and licenses under Part XI. thereof, may transfer all his right, title, and interest in his land, provided the Minister's approval in writing is obtained, and further provided that in the case of land held under conditional purchase or timber lease the person to whom the land is transferred does not hold, together with the land to be transferred, more than the maximum area allowed under this Act. On the occasion of every transfer, the lease or license must be produced, and the transferrer and transferee shall each, on demand, receive a certificate in the form or to the effect of the Twenty-seventh Schedule.

Transfer of leases and licenses.

27th Schedule.

143. NO transfer shall be valid or operative until the approval in writing of the Minister is obtained. All transfers must be made in the form or to the effect of the Twenty-sixth Schedule. Each block or holding must be transferred on a separate form, and a fee of Twenty shillings shall be payable on each transfer.

Form of transfer fee, etc.

26th Schedule.

144. WITH the Minister's approval in writing a lessee of pastoral lands may transfer all his right, title, and interest in the whole or any portion of his land: Provided as follows:--

Transfer of pastoral leases and licenses.

- (1.) Neither the portion transferred nor the portion remaining shall be less than the minimum area prescribed for a lease in the division in which the land is situated, unless in special cases approved by the Minister:
- (2.) No transfer of a portion of a lease lodged after the first of January or first of July shall be approved until after the half-year's rent has been paid.

Improvements.

145. NO payment or valuation shall be made pursuant to this Act in respect to any improvements, nor shall any improvements be considered pursuant to this Act, unless the Minister shall be satisfied that the same were made *bona fide* for the purpose of improving the land or increasing the carrying capacity thereof, and unless the same shall consist of wells of fresh water, reservoirs, tanks, or dams of permanent character and available for the use of stock, increasing thereby the carrying capacity of the land; or of fences, sheds, and buildings erected for farm or shearing and station purposes, not being dwelling houses (except where such dwelling houses exist upon a pastoral lease, homestead farm, or working man's block); or of cultivation, subdivision fences, clearing, grubbing, draining, ring-barking (at not more than two shillings and sixpence per acre), or any improvement for maintaining or improving the agricultural or pastoral capabilities of the land.

Payment for improvements.

Definition of improvements.

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Minister to pay for improvements in certain cases.

146. ON the expiration by effluxion of time of any pastoral lease not open to renewal on the same or any other conditions to the same lessee, or upon any pastoral lessee being deprived by the Minister, acting under this Act, of the use of any land held under a pastoral lease, and comprised within an agricultural area, or reserve, the pastoral lessee shall, subject to the provisions of this Act, receive from the Minister the fair value of all improvements as aforesaid then on or appertaining to the land of which the lessee has been deprived. If a pastoral lease be renewed to a succeeding lessee the previous lessee shall be entitled to receive from the succeeding lessee the fair value of all such improvements existing on the land. The amount of compensation to be paid to a lessee by the Minister or a succeeding lessee for improvements shall in all cases be determined, as far as may be, in the manner prescribed by section one hundred and forty-eight of this Act, as if the Minister or the succeeding lessee were a selector.

Improvements on lands to be paid for by conditional purchaser.

147. THE fair value of any improvements existing upon any block applied for within an agricultural area shall be determined by the Minister, and the selector of land including any such improvements shall pay for them in ten half-yearly instalments, with interest added at the rate of five per cent. per annum; the first payment shall be made when the land is applied for, and subsequent payments on the first day of March and the first day of September in each year, and in default the selector shall be subject, in respect to such payments, to the like fines as are prescribed in respect to failure to pay rent by section one hundred and thirty-six.

Value of improvements to be determined by arbitration.

148. A PASTORAL lessee in the occupation of his lease shall be entitled to claim from any person who under this Act selects any portion of the pastoral lease the fair value of any lawful improvements existing on or appertaining to the land applied for, or which being outside such land have become valueless or lessened in value by reason of their severance from the land applied for:—

Arbitrators to be appointed.

(1.) The value of such improvements shall be ascertained by one competent person appointed by the selector, and one by the lessee; any difference of opinion between such valuers to be determined by the Resident Magistrate of the district acting as umpire.

Pastoral lessee to be notified of application.

(2.) Within sixty days from the date on which the lessee is informed by the Minister that any land has been applied for in his pastoral lease the lessee shall inform the Minister of the value of the improvements, if any, existing on or appertaining to the land applied for, and shall at the same time name a competent person as his arbitrator; the Minister shall thereupon inform the selector of the claim of the lessee, and shall require the selector to

Selector to be notified of lessee's claim.

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forward to him the amount claimed within sixty days of the date of notification.

- (3.) If the selector thinks that the improvements are rated at more than their value, he may, within the sixty days allowed, inform the Minister that he refuses to pay the amount claimed, and shall then name an arbitrator to meet the arbitrator of the lessee at the Court House of the district on a day to be fixed by the Minister, and the Minister shall notify the selector and lessee accordingly. Selector may refuse to pay.
- (4.) The arbitrators shall meet and decide upon the amount to be paid, any difference of opinion to be determined by the Resident Magistrate for the district acting as umpire, and the decision arrived at shall be final; the Resident Magistrate may adjourn such arbitration if he think fit, and in such case shall notify the parties accordingly. The amount fixed shall, within thirty days, be paid to the Resident Magistrate, who shall pay it to the lessee, forwarding the receipt of the lessee for the money to the Minister: Provided that if the amount exceeds Ten pounds the Minister shall pay the lessee and the selector shall pay the amount to the Minister by ten half-yearly instalments, with interest added, at the rate of five per cent. per annum; the first payment shall be made within thirty days after the award is given, and subsequent payments on the first day of March and first day of September in each year, and in default the selector shall be subject to the like fines as are prescribed in respect to failure to pay rent by section one hundred and thirty-six. Date of arbitration to be fixed by Minister.
- (5.) If either of the arbitrators fails to attend the case shall be heard and decided by the other arbitrator attending, and in the event of neither party attending, the claim for improvements shall be considered as withdrawn. Meeting of arbitrators.
- (6.) The arbitrators shall have power to award such costs as in their opinion shall be deemed sufficient; not, however, exceeding in any case Fifty pounds. Amount of award to be paid within thirty days.
- (7.) Provided always, that nothing herein contained shall prevent any pastoral lessee from removing, with the Minister's permission, any such improvements which, in the opinion of the Minister, are capable of removal, without permanently deteriorating the value of the land on which they are, if such removal is carried out within three months from the approval of the application to purchase. Party in default to be bound by arbitrator attending.

149. THE selector of any land comprised within a pastoral lease may enter into occupation of the land applied for so soon as Costs. Removal of improvements. Applicant can take possession of land on receipt of approval.

he shall have received the approval of the Minister, but shall forfeit the land, together with any portion of the purchase money already paid, if he fails to comply with all the conditions of arbitration as provided by this Act, and the Minister shall notify him accordingly.

Special Occupation and Immigrants' Lands under previous Regulations.

Special occupation lands under previous regulations.

150. ANY holder of special occupation lands under the Regulations of One thousand eight hundred and eighty-two shall be entitled to a Crown grant of the land comprised in his license or lease, provided that he has paid the full purchase money and fee for Crown grant, that the land has been properly fenced, that the fence is in good order, and that an amount equal to the full purchase money has been expended on the land in prescribed improvements, in addition to the cost of such fencing.

Immigrants' lands under previous regulations.

151. ANY immigrant to whom a free grant of land has been promised, under previous regulations, on certain conditions of fencing and improvement, shall be entitled to a Crown grant of the land comprised in his occupation certificate, provided that the land has been properly fenced, that the fence is in good order, and that an amount of ten shillings an acre has been expended on the land in prescribed improvements, in addition to the cost of such fencing.

Special Leases.

Governor may grant leases for special purposes.

28th and 29th Schedules.

152. ON receiving an application in the form or to the effect of the Twenty-eighth Schedule the Governor may grant leases of any portion of lands vested in the Crown, not exceeding twenty-five acres in any case, to any person for the erection of wharves, jetties, store-houses, slips for building or repairing vessels, quarries, baths, works for supplying water or gas to any town, market gardens, or any other special purpose. The lease shall be for such term not exceeding twenty-one years, and upon such conditions as to rent and otherwise as shall be determined by the Governor and, subject to such determination, shall be in the form or to the effect of the Twenty-ninth Schedule: Provided that the annual rent shall not at any time be less than five shillings per acre.

Town, suburban, and village lands may be leased.

153. THE Governor may lease any town, suburban, or village lands on such terms as he may think fit.

Licenses for Quarrying.

License for quarrying, etc., but not on goldfield or in mineral district. 30th Schedule.

154. THE Minister, or any person authorised by him in writing for that purpose, may grant a license in the form in the Thirtieth Schedule or to the like effect, to any person to quarry, dig for and carry away any rock, soil or other material on any lands

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vested in the Crown, not being on a goldfield or in a mining district, for building purposes and to make bricks or any other commodity. The fee to be paid for such license shall be determined by the Governor, not being, however, less than five shillings per month for each man employed. The license shall be subject to the regulations in force for the time being, and may be in the form of the Thirtieth Schedule.

Declarations and Returns.

155. PROOF of residence and improvements required by this Act may be made by Surveyors or Inspectors, to be appointed by the Governor, or by the statutory declaration of the claimant, and shall be subject to acceptance as sufficient by the Minister.

Proof of residence and improvements.

156. LESSEES and licensees under this Act shall furnish such returns respecting stock or improvements as may be required by the Minister; such returns shall be furnished at such times and in such forms as he may require, and, if necessary, be verified by statutory declaration.

Returns of stock and improvements.

157. ANY statutory declaration required under the provisions of this Act may be made before the Minister or the Under Secretary for Lands, or any agent duly appointed by the Minister, and shall have the same force and effect, and in the case of false declaration shall subject the declarant to the same pains and penalties as if such declaration had been made before a Justice of the Peace.

Statutory declarations.

Auctions.

158. ANY person authorised by the Minister may conduct sales by auction under this Act, without having an auctioneer's license or incurring on that account any liability.

Auctioneer may sell without license.

Communications to be addressed to the Under Secretary for Lands.

159. WHENEVER by this Act or any regulations made under its provisions any application, tender, document, or communication is directed to be sent or forwarded to the Minister, the same shall be addressed to the Under Secretary for Lands, or other officer duly authorised in that behalf, who shall have authority to correspond with all persons and otherwise act under the direction of the Minister.

Communications to be addressed to the Under Secretary for Lands.

Forms of Crown Grants and other Instruments.

160. THE Governor may from time to time, by notice in the *Government Gazette*, prescribe the forms of Crown grants, leases,

Form of Crown grants and other instruments.

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licenses, and other instruments requisite for carrying this Act into effect. Until otherwise notified, the forms given in the Schedules hereto for Crown grants, leases, licenses, applications, and other matters under this Act may be used, with such variations as circumstances may render necessary in any particular case.

Regulations.

Governor may make regulations. **161.** THE Governor may from time to time, by notice in the *Government Gazette*, make, repeal, and alter regulations for all or any of the matters following, that is to say:—

- (1.) Providing for the mode in which surveys under this Act shall be executed, and fixing rates of payment for such surveys ;
- (2.) Defining the survey fees which shall be payable by the selector in respect of any holding applied for, surveyed, or subdivided under this Act ;
- (3.) Defining the mode of doing and performing anything by this Act required to be done or performed ;
- (4.) Prescribing the forms of leases, licenses, and other instruments to be issued or used under or for the purposes of this Act :
- (5.) Authorising, forbidding, or regulating the cutting of timber upon, or its removal from Crown lands.
- (6.) Protecting from cutting or injury trees of any specially named class and all trees on which are survey marks.
- (7.) Prescribing the terms on which the balance of purchase money of town or suburban lots is to be paid ;
- (8.) Imposing special conditions as to improvements on any town, suburban, or village lands to be offered for sale under this Act ;
- (9.) Providing for the due carrying out of the provisions of this Act ; and
- (10.) Imposing penalties for non-observance of such regulations, not exceeding Twenty pounds for a single offence nor Two pounds a day for a continuing offence, nor more than One hundred pounds in the aggregate.

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A copy of all regulations made under the authority of this Act shall be published in the *Government Gazette*, and, after such publication, shall have the force of law and be judicially noticed. Copies of all regulations made under this Act shall be laid before both Houses of Parliament within fourteen days from the making thereof if Parliament be then in session, and if not then within fourteen days after the commencement of the next session thereof.

Copy of regulations
to be laid before Par-
liament.

In the name and on behalf of the Queen I hereby assent
to this Act.

ALEX. C. ONSLOW, Governor's Deputy.

SCHEDULES.

- 1.—Form of Application for a Crown Grant.
- 2.—Form of Crown Grant, Town or Suburban Lands.
- 3.—Form of Crown Grant, Rural Lands.
- 4.—Form of Permit to occupy Town or Suburban Lands.
- 5.—Form of Permit to occupy Rural Lands.
- 6.—Form of Application for Town or Suburban Land to be submitted to Auction.
- 7.—Form of License to occupy Town or Suburban Lands.
- 8.—Form of Application for Conditional Purchase; Sections 55 and 56
- 9.—Form of Conditional Purchase Lease; Sections 55, 56, 61, and 62.
- 10.—Form of Application for Conditional Purchase; Sections 57 and 60.
- 11.—Form of Conditional Purchase License; Sections 57 and 60.
- 12.—Form of Application for Conditional Purchase; Sections 61 and 62.
- 13.—Form of Application for a Grazing Lease; Section 68.
- 14.—Form of Grazing Lease; Section 68.
- 15.—Form of Application for a Poison Lease; Section 70.
- 16.—Form of Poison Lease; Section 70.
- 17.—Form of Application for a Homestead Farm; Sections 73 and 74.
- 18.—Form of Occupation Certificate, Homestead Farm.
- 19.—Form of Application for a Village Allotment; Section 84.
- 20.—Form of Occupation Certificate, Village Allotment.
- 21.—Form of Application for a Working Man's Block.
- 22.—Form of Lease of Working Man's Block.
- 23.—Form of Application for a Pastoral Lease.
- 24.—Form of Pastoral Lease; Sections 96 to 100.
- 25.—Form of Mortgage.
- 26.—Form of Transfer.
- 27.—Form of Transfer Certificate.
- 28.—Form of Application for a Special Lease; Section 152.
- 29.—Form of Special Lease; Section 152.
- 30.—Form of Quarry License.
- 31.—Form of Timber License.
- 32.—Form of Application for a Timber Lease.
- 33.—Form of Lease for 999 years.
- 34.—Fees of Timber Licenses.

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First Schedule.

[Sections 15, 88 (6).]

Correspondence No.

Form of Application for a Crown Grant.

DIVISION.

No.
Plan

District or County
Agricultural Area
Place and date of Application

HAVING complied with all the necessary conditions I beg to apply for a Crown Grant of the land held by me as above.

Name at full length, address, and calling of Applicant.	Location Number.	Acreage.	Survey.	
			Plan.	Diagram.

Received this application at of 18 , with deposit of	Signature of Applicant o'clock on the day Collector of Land Revenue. Application approved, as shown above, this day of 18 . Minister for Lands. I hereby certify that £ , being the full amount of purchase money and fees, has been paid. Collector of Land Revenue. Permit issued, date Crown Grant issued, date	Office References. Applicants are requested not to write in this space.
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NOTE.—In approving this application any limitation in depth must be stated.

Second Schedule.

[Section 15.]

Form of Crown Grant for Town and Suburban Lands.

GRANT UNDER THE LAND ACT, 1898. }
Minister for Lands. }

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, &c., &c., &c. To all to whom these Presents shall come, Greeting: Know Ye that We, of Our especial Grace, certain knowledge, and mere motion, have given and granted, and We do by these Presents, for Us, Our Heirs and Successors, in consideration of _____ paid to the satisfaction of Our Governor of Our Colony of Western Australia, Give and Grant unto _____ the natural surface and so much of the land as is below the natural surface to a depth of _____ feet of ALL THAT piece or parcel of land situate and being _____ in Our said Colony, containing _____ acres, _____ roods, _____ perches, more or less, and marked and distinguished in the maps and books of the Department of Lands and Surveys of our said Colony as and as the same is delineated in the plan drawn in the margin hereof; TOGETHER with all profits, commodities, hereditaments, and appurtenances whatsoever thereunto belonging, or in anywise appertaining. To HAVE AND TO HOLD the said piece or parcel of land, to the depth aforesaid, and all and singular the Premises hereby granted, with their appurtenances, unto the said _____ Heirs and Assigns for ever; and they yielding and paying for the same to Us, Our Heirs and Successors, one pepper-corn of yearly rent on the twenty-fifth day of March in each year, or so soon thereafter as the same shall be lawfully demanded. PROVIDED, NEVERTHELESS, that it shall (at any time within twenty-one years from the date of these Presents) be lawful for Us, Our Heirs and Successors, or for any person or persons acting in that behalf by Our or their authority, to resume and enter upon possession of any part of the said piece or parcel of ground which it may at any time by Us, Our Heirs or Successors, be deemed necessary to resume for roads, tramways, railways, and railway stations, canals, bridges, towing-paths, harbour or river improvement works, drainage, or irrigation works, quarries, and generally for any other works or purposes for public use, utility or convenience, and for the purpose of exercising the power to search for minerals hereinafter reserved, and such lands so resumed to hold to Us, Our Heirs and Successors, as of Our or their former estate, without making to the said _____ Heirs and Assigns any compensation in respect thereof, so, nevertheless, that no such resumption be made without compensation of any part of the said piece or parcel of ground upon which any expenditure or improvement shall have been made by the said _____ Heirs and Assigns. And we do hereby save and reserve to Us, Our Heirs and Successors, all mines of gold, silver, copper, tin, or

Land Act, 1898.

other metals, ore, and mineral or other substances containing metals, and all gems or precious stones, and coal or mineral oil, in or under the said piece or parcel of ground hereby granted, with full liberty at all times to search and dig for, and carry away the same: and, for that purpose, to enter upon the said piece or parcel of ground, or any part thereof.

In Witness whereof We have caused our trusty and well-beloved Governor
and Commander-in-Chief of Our said Colony, to affix to these Presents the Public Seal of the said Colony.

Sealed this day of One thousand
hundred and

Scale—chains to an inch, surveyed by
Surveyor General.

[Section 15.]

Third Schedule.

Form of Crown Grant for Rural Lands.

GRANT UNDER THE LAND ACT, 1898.)
Minister for Lands.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, &c., &c., &c. To all to whom these Presents shall come, Greeting: Know Ye that We, of Our especial Grace, certain knowledge, and mere motion, have given and granted, and We do by these Presents, for Us, Our Heirs and Successors, in consideration of paid to the

satisfaction of Our Governor of Our Colony of Western Australia, Give and Grant unto feet of ALL
the natural surface and so much of the land as is below the natural surface to a depth of in Our said
THAT tract or parcel of land situate and being in the District of more or less, and marked and distinguished in the maps and
Colony containing and BOUNDED
books of the Department of Lands and Surveys of our said Colony as as the same is delineated in the plan drawn in the margin hereof: TOGETHER

with all profits, commodities, hereditaments, and appurtenances whatsoever thereunto belonging, or in anywise appertaining. To HAVE AND TO HOLD the said tract or parcel of land to the depth aforesaid, and all and singular the Premises hereby granted, with their appurtenances, unto the said Heirs and Assigns, for ever; and they yielding and paying for the same

to Us, Our Heirs and Successors, one pepper-corn of yearly rent on the twenty-fifth day of March in each year, or so soon thereafter as the same shall be lawfully demanded. PROVIDED, NEVERTHELESS, that it shall at all times be lawful for Us, Our Heirs and Successors, or for any person or persons acting in that behalf by Our or their authority, to resume and enter upon possession of any part of the said land which it may at any time by Us, Our Heirs and Successors, be deemed necessary to resume for roads, tramways, railways, railway stations, bridges, canals, towing-paths, harbour or river improvement works, drainage, or irrigation works or quarries, and generally for any other works or purposes of public use, utility, or convenience, and for the purpose of exercising the power to search for minerals hereinafter reserved, and such lands so resumed to hold to Us, Our Heirs and Successors, as of Our or their former estate, without making to the said

Heirs and Assigns, any compensation in respect thereof; so, nevertheless, that the lands so to be resumed shall not exceed one-twentieth part, in the whole, of the lands aforesaid, and that no such resumption be made of the part of any lands upon which any buildings may have been erected, or which may be in use as gardens, or otherwise, for the more convenient occupation of any such buildings, without compensation; and provided, also, that it shall be lawful, at all times, for Us, Our Heirs and Successors, or for any person or persons acting in that behalf by Our or their authority, to cut and take away any such indigenous timber, and to search, and dig for, and carry away any stones or other materials which may be required for making or keeping in repair any roads, tramways, railways, railway stations, bridges, canals, towing-paths, harbour works, breakwaters, river improvements, drainage or irrigation works, and generally for any other works or purposes of public use, utility, or convenience, without making to the said

Heirs and Assigns any compensation in respect thereof. And we do hereby save and reserve to Us, Our Heirs and Successors, all mines of gold, silver, copper, tin, or other metals, ore, and mineral or other substances containing metals, and all gems or precious stones, and coal or mineral oil in and under the said land, with full liberty at all times to search and dig for, and carry away the same; and, for that purpose, to enter upon the said lands or any part thereof.

In Witness whereof We have caused our trusty and well-beloved Governor
and Commander-in-Chief of Our said Colony, to affix to these Presents the Public Seal of the said Colony.

Sealed this day of One thousand
hundred and

Scale—chains to an inch, surveyed by
Surveyor General.

[Section 16.]

Fourth Schedule.

WESTERN AUSTRALIA.

Form of Permit to occupy Town or Suburban Lands.

[Purchasers of this land, or persons advancing money upon this permit, should register the transaction at once in the Office of Titles, under the provisions of "The Transfer of Land Act, 1893," in order to protect themselves, as otherwise such dealings are inoperative.]

WHEREAS of entitled to receive a grant from the Crown
of an estate in fee simple in all that piece or parcel of land situate and being in the Colony of Western Australia, marked No. in the authenticated map of

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Land Act, 1898.

the said _____ in the Department of Lands and Surveys in the said Colony, from the natural surface to a depth of _____ feet below the natural surface, and containing _____ or thereabouts, but the said grant has not yet been prepared; Now know all men and these presents witness that I _____ in pursuance of the powers in me vested as Minister for Lands for the said Colony, do hereby authorise, empower, and permit the said _____ his heirs, and assigns, at any time after the date hereof, to enter upon the said piece or parcel of land, and to hold and enjoy the same for his and their absolute use and benefit, subject to the provisos contained in the form of Crown grant for town and suburban lands in the Second Schedule to "The Land Act, 1898."

Given under my hand at _____, on the _____ day of _____, 18____,
Minister for Lands.

Fifth Schedule. [Section 16.]

WESTERN AUSTRALIA.

Form of Permit to occupy Rural Lands.

Purchasers of this land, or persons advancing money upon this permit, should register the transaction at once in the Office of Titles, under the provisions of "The Transfer of Land Act, 1893," in order to protect themselves, as otherwise such dealings are inoperative.

WHEREAS _____ of _____ is entitled to receive a grant from the Crown of an estate in fee simple in all that tract or parcel of land hereinafter described, that is to say
Location _____ The boundaries of which are as shown on the authenticated maps of the Department of Lands and Surveys, in the Colony of Western Australia, from the natural surface to a depth of _____ feet below the natural surface, and containing _____ or thereabouts, but the said grant has not yet been prepared; Now know all men and these Presents witness that I _____ in pursuance of the powers in me vested as Minister for Lands for the said Colony, do hereby authorise, empower, and permit the said _____ his heirs and assigns, at any time after the date hereof, to enter upon the said tract or parcel of land and to hold and enjoy the same for his and their absolute use and benefit, subject to the provisos contained in the form of Crown grant for rural lands in the Third Schedule to "The Land Act, 1898."

Given under my hand at _____, on the _____ day of _____, 18____,
Minister for Lands.

Sixth Schedule. [Section 47.]

Correspondence No.

Form of Application for Town or Suburban Land to be submitted to Auction.

No. _____ Place and date of application. _____
I HEREBY apply to have the block of land described below submitted to auction under the provisions of Section 47 of "The Land Act, 1898."

Name at full length, address, and calling of Applicant.	No.	Acreage.	Town.	Office References.

Received this application at _____ o'clock on the _____ day of _____, 18____, with deposit of £ _____ Signature of Applicant. _____

Application approved, for sale by auction at _____ on the _____ day of _____, 18____
Upset price £ _____ Collector of Land Revenue.
Minister for Lands.

Name at full length, address, and calling of person to whom Purchaser wishes Grant to issue.	Price realised.			
	£	s.	d.	

Received £ _____ the full amount of purchase money and fees. _____ Collector of Land Revenue.
Permit issued, date _____ Crown grant issued, date _____

NOTE.—In approving this application any limitation in depth must be stated.

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Land Act, 1898.

[Section 52.]

Seventh Schedule.

WESTERN AUSTRALIA.

Form of License to occupy Town or Suburban Lands.

WHEREAS of has applied to purchase from the Crown an estate in fee simple in the natural surface and so much of the natural surface as is below the natural surface to a depth of feet of all that piece or parcel of land situate in the of in the Colony of Western Australia, marked No. in the authenticated map of the said town in the Department of Lands and Surveys, and containing or thereabouts, and has paid the sum of being the instalment of purchase money prescribed by "The Land Act, 1898": Now know all men and these Presents witness that I in pursuance of the powers in me vested as Minister for Lands for the said Colony, do hereby authorise, empower, and license the said at any time after the date hereof, to enter upon the said section of land, and to hold the same subject to the conditions hereunder specified; and subject also to the terms and conditions of the said Act, and to the provisos contained in the form of Crown grant for town and suburban lands in the Second Schedule to the said Act.

CONDITIONS.

[Here print Secs. 50 and 51.]

Given under my hand, at Perth, on the day of

18
Minister of Lands.

[Section 55 (3).]

Eighth Schedule.

Form of Application for a Conditional Purchase under Sections 55 and 56.

DIVISION.

No.
Plan

District or County,
Agricultural Area,
Location No.
Place and date of application

I HEREBY apply to purchase the Crown land described below, under the provisions of Section of "The Land Act, 1898." I am 18 years of age, and otherwise duly qualified to hold land under this Section, and reside upon (if application is made under Section 55, and applicant does not intend to reside on the land applied for, he must state if he is owner or lessee of the block on which he resides, and, if the latter, give owner's name).

Position and boundaries of land applied for :

NOTE.—If the land is surveyed the number only of the block required need be given.

Name at full length, address, and calling of Applicant.	Land now held by Applicant under Conditional Purchase, exclusive of present Application.				Acreage applied for.	Annual Rent.		
	Nos.	Acreage.	Nos.	Acreage.		£	s.	d.

Received this application at of 189 , with deposit of	Signature of Applicant o'clock on the day Collector of Land Revenue.	OFFICE REFERENCES. Applicants are requested not to write in this space.
Application approved, as shown above, this of 189 . Lease to extend from to	Minister for Lands.	
Received £	Rent due, Date 189 .	
Lease signed, Date Lease issued to	Date 189 .	

NOTE.—In approving this application any limitation in depth must be stated.

Land Act, 1898.

Ninth Schedule.

[Section 55 (3).]

WESTERN AUSTRALIA.

Form of Conditional Purchase Lease under Sections 55, 56, 61 and 62.

No.

DIVISION.

District, Agricultural Area, or Locality

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, &c., &c., &c. To all to whom these Presents shall come, Greeting: Know Ye that, Whereas of in our Colony of Western Australia (hereinafter styled the Lessee) has made application under the provisions of Section of "The Land Act, 1898." We, of Our especial Grace, and in consideration of the rents hereinafter reserved and on the part of the Lessee, his Executors, Administrators, and Assigns to be paid, and in exercise of the powers in this behalf to Us given by "The Land Act, 1898," do by these Presents demise to the Lessee, his Executors, Administrators, and Assigns, the natural surface and so much of the land as is below the natural surface to a depth of feet of ALL THAT piece or parcel of land situate in the in the Division of Our said Colony, containing acres, more or less, and as the same is described in the Schedule hereto or delineated on the plan hereon, together with all appurtenances thereunto belonging, TO HAVE AND TO HOLD the said land hereby demised subject to the powers, reservations, and conditions contained herein and in the said Act, and subject always to the special modifications of the provisions of Section Fifty-five of the said Act contained or referred to in Section and together with all the rights, powers, and privileges conferred upon the Lessee, his Executors, Administrators, and Assigns, under or by virtue of these Presents, and of the said Act, unto the Lessee, his Executors, Administrators, and Assigns, for the term of Twenty years, to be computed from the First day of One thousand eight hundred and ; YIELDING AND PAYING for the same half-yearly in advance, on the First day of March and the First day of September during the said term, the rent of in every year unto Us, Our Heirs and Successors, without deduction, such rent to be paid to our Minister for Lands for Our said Colony: PROVIDED, nevertheless, that it shall at all times be lawful for Us, Our Heirs, and Successors, or for any person or persons acting in that behalf by Our or Their authority, to resume and enter upon possession of any part of the said land which it may at any time by Us, Our Heirs and Successors, be deemed necessary to resume for roads, tramways, railways, railway stations, bridges, canals, towing paths, harbour or river improvement works, drainage or irrigation works, quarries, and generally for any other works or purposes of public use, utility, or convenience, and for the purposes of exercising the power to search for minerals hereinafter reserved, and such land so resumed to hold to Us, Our Heirs and Successors as of Our or Their former estate, without making to the Lessee Heirs and Assigns any compensation in respect thereof: so, nevertheless, that the lands so to be resumed shall not exceed one-twentieth part in the whole of the lands aforesaid, and that no such resumption be made of any part of the said lands upon which any buildings may have been erected, or which may be enclosed and in use as gardens or otherwise for the more convenient occupation of any such buildings without compensation. PROVIDED ALSO, that it shall be lawful at all times for Us, Our Heirs and Successors, or for any person or persons acting in that behalf by Our or Their authority, to cut and take away any such indigenous timber, and to search and dig for and carry away any stones or other materials which may be required for making or keeping in repair any roads, tramways, railways, railway stations, bridges, canals, towing paths, harbour works, breakwaters, river improvements, drainage or irrigation works, and generally for any other works or purposes of public use, utility, or convenience without making to the Lessee, Heirs and Assigns any compensation in respect thereof. AND we do hereby save and reserve to Us, Our Heirs and Successors, all mines of gold, silver, copper, tin, or other metals, ore, and mineral, or other substances containing metals, and all gems and precious stones, and coal or mineral oil in and under the said land, with full liberty at all times to search and dig for and carry away the same; and for that purpose enter upon the said land or any part thereof. PROVIDED ALSO, that if the Lessee, his Executors, Administrators, or Assigns shall, during the said term, at any time make default in payment of the rent hereby reserved, or shall fail or neglect to comply with, perform, or fulfil all or any of the conditions or provisions of the said Act, and on his part to be observed and performed, or if the Lessee, his Executors, or Administrators assign or underlet the premises or any part thereof without the Minister's approval, in writing, as required by the said Act first obtained, it shall thereupon be lawful for Us, Our Heirs and Successors, into and upon the said land, or any part thereof in the name of the whole, to re-enter, and the same to have again, re-possess, and enjoy, together with all improvements thereon, without making any compensation to the Lessee, his Heirs, Executors, Administrators, or Assigns. PROVIDED FURTHER that, at the expiration of the said term of Twenty years, and upon payment of all rent hereby reserved and upon the due performance of all conditions prescribed by the said Act, and upon payment of the prescribed fee for a Crown grant, or at any time during the continuance of the said term of Twenty years, upon furnishing, after the first Five years of the said term, to the satisfaction of Our Minister for Lands for Our said Colony the proofs required by the said Act, and upon payment of the prescribed fee as aforesaid, the Lessee, his Heirs and Assigns shall be entitled to a Crown grant in fee of the lands hereby demised in the form prescribed by the said Act in the case of Rural Lands: PROVIDED LASTLY, and it is hereby agreed and declared that We, Our Heirs and Successors shall not be liable to compensate the said Lessee, his Executors, Administrators, or Assigns, for any loss or damage arising from the exercise of all or any of the powers or rights hereby reserved to Us, Our Heirs and Successors, save and except in so far as the same may be provided for by the said Act.

62° VICTORIÆ, No. 37.

Land Act, 1898.

SCHEDULE OR PLAN HEREIN REFERRED TO.

NOTE.—If the lease is issued prior to survey, boundaries and area will be subject to roads and reserves, and any necessary amendments on survey.

In witness whereof We have caused Our said Minister for Lands to affix hereto his Seal and set his hand on the day of One thousand eight hundred and ninety-
[SEAL.] Minister for Lands.

[Section 57 (3).]

Tenth Schedule.

Correspondence No.

Form of Application for a Conditional Purchase under Sections 57 and 60.

No. Plan	DIVISION. District or County, Agricultural Area, Location No. Place and date of application,
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I HEREBY apply to purchase the Crown Land described below, under the provisions of Sec. of "The Land Act, 1898." I am over eighteen years of age, and otherwise duly qualified to hold land under this section.

Position and boundaries, etc.

Name at full length, address, and calling of Applicant.	Land now held by Applicant under Conditional purchase exclusive of this application.		Acreage applied for.	Purchase Money.		
	Nos.	Acreage.		£	s.	d.

[Here follows as in the Eighth Schedule, with words "lease to extend from to " omitted, and the word "License" inserted in lieu of "Lease" in the two last lines.]

NOTE.—In approving this application any limitation in depth must be stated.

[Section 57 (3).]

Eleventh Schedule.

WESTERN AUSTRALIA.

Form of Conditional Purchase License under Sections 57 and 60.

WHEREAS of has applied to purchase from the Crown an estate in fee simple in all that piece or parcel of land hereinafter described, that is to say in the Division, delineated on the plan hereon, and containing or thereabouts, and has paid the sum of , being the instalment of purchase money prescribed by "The Land Act, 1898": Now know all men and these Presents witness that I, , in pursuance of the powers in me vested as Minister for Lands for the said Colony, do hereby authorise, empower, and license the said , at any time after the date hereof, to enter upon the said section of land, and to hold the same from the natural surface thereof to a depth of feet below the natural surface, subject to the conditions hereunder specified; and subject also to the terms and conditions of the said Act, and to the provisos contained in the form of Crown grant for rural lands in the Third Schedule to the said Act.

CONDITIONS.

(Here print Sec. 57 or 60 as case may be.)

Given under my hand at Perth, on the day of 18 .
Minister for Lands.

62" VICTORIÆ, No. 37.

Land Act, 1898.

Twelfth Schedule.

[Sections 61, 62.]

Correspondence No.

Form of Application for a Conditional Purchase under Sections 61 and 62.

DIVISION.

District, County, or Locality,

Location No.

Place and date of application.

No.
Plan

I HEREBY apply, etc. (same as Eighth Schedule).

Position and boundaries, etc.

NOTE.—If the land applied for is outside the South-West Division the application must be accompanied by a certificate as to the number of stock in the possession of the applicant in this Division.

Name at full length, address, and calling of Applicant.	Land now held under Pastoral Lease by applicant in respect of which this application is made.		Acreage applied for.	Annual Rent.		
	Nos.	Acreage.		£	s.	d.

[Here follows as in Eighth Schedule.]

NOTE.—In approving this application any limitation in depth must be stated.

Thirteenth Schedule.

[Section 68 (3).]

Form of Application for a Grazing Lease of

Class Lands.

DIVISION.

District or County,

Place and date of application,

No.
Plan

I HEREBY apply for a lease of the Crown Land described below, under the provisions of Section 68 of "The Land Act, 1898." I am over 18 years of age, and otherwise duly qualified to hold land under this section.

Position and boundaries of land applied for:

Name at full length, address, and calling of applicant.	Land now held by applicant under Grazing Lease, exclusive of present application.		Acreage applied for.	Annual Rent.			Survey Fees.		
	No.	Acreage.		£	s.	d.	£	s.	d.

[Here follows as in Eighth Schedule.]

NOTE.—In approving this application any limitation in depth must be stated.

Land Act, 1898.

[Section 68 (3).]

Fourteenth Schedule.

CLASS LANDS.
DIVISION.

WESTERN AUSTRALIA.

Form of Grazing Lease.

District, County, or Locality

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, &c., &c. To all to whom these presents shall come, Greeting: Know Ye that We, of Our especial Grace and in consideration of the rents hereinafter reserved and on the part of (hereinafter styled the Lessee), his Executors, Administrators and Assigns to be paid, and in exercise of the powers in this behalf to Us given by "The Land Act, 1898," do by these Presents grant and demise to the Lessee, his Executors, and Administrators, the natural surface of and so much of the land as is below the natural surface to a depth of _____ feet, of ALL THAT piece or parcel of land situate at _____ in the _____ Division of the Colony of Western Australia, and classified under the provisions of Part VI. of the said Act as _____ Class lands, containing _____ acres, more or less, and as the same is described in the Schedule hereto or delineated on the plan hereon, TOGETHER with all appurtenances thereunto belonging. To HAVE AND TO HOLD the said land hereby demised subject to the powers, reservations, and conditions contained herein, and in the said Act, together with all the rights, powers, and privileges conferred upon the Lessee, his Executors, and Administrators, under or by virtue of these Presents and of the said Act unto the Lessee, his Executors, or Administrators, for the term of Thirty years, to be computed from the First day of _____, One thousand eight hundred and _____ : YIELDING AND PAYING for the same, half-yearly in advance, on the First day of March, and the First day of September, during the said term, the rent of _____ in every year, unto Us, our Heirs and Successors, without deduction, such rent to be paid to our Minister for Lands for our said Colony. PROVIDED NEVERTHELESS, that it shall at all times be lawful for Us, Our Heirs and Successors, or for any person or persons acting in that behalf by Our or their authority, to resume and enter upon possession of any part of the said lands which it may at any time by Us, Our Heirs and Successors be deemed necessary to resume for roads, tramways, railways, railway stations, bridges, canals, towing paths, harbour or river improvement works, drainage or irrigation works, quarries, and generally for any other works or purposes of public use, utility, or convenience, and for the purposes of exercising the power to search for minerals and gems hereinafter reserved, and such land so resumed to hold to Us, Our Heirs and Successors as of Our or Their former estate, without making to the lessee _____ Heirs and Assigns any compensation in respect thereof, so nevertheless, that the lands so to be resumed shall not exceed one-twentieth part in the whole of the lands aforesaid, and that no such resumption be made of any part of the said lands upon which any buildings may have been erected, or which may be enclosed and in use as gardens or otherwise for the more convenient occupation of any such buildings without compensation; PROVIDED ALSO, that it shall be lawful at all times for Us, Our Heirs and Successors, or for any person or persons acting in that behalf by Our or Their authority, to cut and take away any such indigenous timber, and to search and dig for and carry away any stones or other materials which may be required for making or keeping in repair any roads, tramways, railways, railway stations, bridges, canals, towing paths, harbour works, breakwaters, river improvements, drainage or irrigation works, and generally for any other works or purposes of public use, utility, or convenience, without making to the Lessee, his Executors, Administrators, and Assigns any compensation in respect thereof. And We do hereby save and reserve to Us, Our Heirs and Successors all mines of gold, silver, copper, tin, or other metals, ore and mineral or other substances containing metals, and all gems and precious stones, and coal or mineral oil in and under the said land, with full liberty at all times to search and dig for and carry away the same; and for that purpose enter upon the said land or any part thereof. PROVIDED ALSO that if the Lessee, his Executors, Administrators, or Assigns shall, during the said term, at any time make default in payment of the rent hereby reserved, or shall fail or neglect to comply with, perform, or fulfil all, or any of the conditions or provisions of the said Act, and on his part to be observed and performed, or if the Lessee, his Executors, or Administrators shall assign or underlet the Premises, or any part thereof, without the Minister's approval in writing, as required by the said Act, first obtained, it shall thereupon be lawful for Us, Our Heirs and Successors into and upon the said land, or any part thereof in the name of the whole, to re-enter, and the same to have again, re-possess, and enjoy, together with all improvements thereon, without making any compensation to the Lessee, his Heirs, Executors, Administrators, or Assigns. PROVIDED FURTHER that, at the expiration of the said term of Thirty years, and upon payment of all rent hereby reserved, and upon the due performance of all conditions prescribed by the said Act, and upon payment of the prescribed fee for a Crown Grant, or at any time during the continuance of the said term of Thirty years, upon furnishing after the first five years of the said term to the satisfaction of Our Minister for Lands for our said Colony the proofs required by the said Act, and upon payment of the prescribed fee as aforesaid, the Lessee, his Heirs, and Assigns, shall be entitled to a Crown Grant in fee of the lands hereby demised in the form prescribed by this Act in the case of Rural Lands: PROVIDED, LASTLY, AND IT IS HEREBY AGREED AND DECLARED, that We, Our Heirs or Successors, shall not be liable to compensate the said Lessee, his Executors, Administrators, or Assigns for any loss or damage arising from the exercise of all or any of the powers or rights hereby reserved to Us, Our Heirs and Successors, save and except in so far as the same may be provided for by the said Act.

SCHEDULE OR PLAN HEREIN REFERRED TO.

NOTE.—If the lease is issued prior to survey, boundaries and area will be subject to roads and reserves, and any necessary amendments on survey.

In witness whereof We have caused our said Minister for Lands to affix hereto his Seal and set his hand on the _____ day of _____ One thousand eight hundred and ninety-
[SEAL.] _____ Minister for Lands.

62° VICTORIÆ, No. 37.

Land Act, 1898.

Fifteenth Schedule.

[Section 71 (3).]

Correspondence No.

Form of Application for a Poison Lease.

No.
Plan

DIVISION.
District, County, or Locality,
Place and date of application,

I HEREBY apply for a lease of the Poisoned Lands described below, under the provisions of Section 71 of "The Land Act, 1898." I am over 18 years of age, and otherwise duly qualified to hold land under this section. Position and boundaries of land applied for:

Name at full length, address, and calling of applicant.	Acreage applied for.	Annual Rent.			Survey.	
					Plan.	Diagram.
		£	s.	d.		
[Here follows as in Eighth Schedule.]						

Sixteenth Schedule.

[Section 71 (3).]

WESTERN AUSTRALIA.

Form of Poison Lease.

DIVISION.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, &c., &c., &c. To all to whom these Presents shall come, Greeting: Whereas it has been represented to Us that the piece or parcel of land described in the Schedule hereto or delineated on the plan hereon is "Poison Land" within the meaning of "The Land Act, 1898"; Now Know Ye that We, of Our especial Grace, and in consideration of to our Minister for Lands for Our Colony of Western Australia, already paid by in the said Colony, hereinafter called the Lessee, and also in consideration of the rents hereinafter reserved on the part of the said Lessee, Executors, Administrators, and Assigns, to be paid, and in exercise of the powers in this behalf to Us given by "The Land Act, 1898," do by these Presents demise and lease unto the said Lessee, ALL THAT piece or parcel of land described in the Schedule hereto or delineated on the plan hereon, with the appurtenances; EXCEPT and always reserved to Us, Our Heirs and Successors, full power and absolute authority, at any time during the continuance of this demise, to make grants, sales or resumptions of all or any part or parts of the said demised premises for public purposes; also to except from sale, and reserve to Us, Our Heirs and Successors, and to enter upon and dispose of in such other manner as for the public interest to Us, Our Heirs and Successors, may seem best, such part or parts of the said demised Premises as may be required for public roads, or other internal communications by land or water, or for the use and benefit of the Aboriginal inhabitants of the country, or for purposes of military defence, or as the sites of places of public worship, schools, or other public buildings, or as places for the interment of the dead, or places for the recreation and amusement of the inhabitants of any town or village, or as the sites of public quays or landing places on the sea-coast or shores navigable streams, or for the construction of tramways, railways, or railway stations, or for the purpose of sinking shafts, and digging for and taking away gold, silver, copper, tin, lead, or other metals, ores, and mineral, and other substances containing metals, and all gems and precious stones, coal, and mineral oils, or for any purposes of public defence, safety, utility, convenience, or enjoyment, or for otherwise facilitating the improvement and settlement of the Colony; and also permanently or for temporary use to lay out, declare open, and make public roads into, through, and out of or over any part of the said demised Premises; with liberty to Ourselves, Our servants, agents, and workmen, to enter upon the said demised Premises, and dig for, quarry, and take away any indigenous produce, rock, soil, or other material required for public purposes; and to fell, cut, and remove all or any timber, sandalwood, or other woods growing or being thereon, and to issue licenses to any person or persons, authorising him or them to cut, remove, and cart away the same, with full and free liberty to such licensed persons at all reasonable times of ingress, egress, and regress, for such purposes; also to depasture on the unenclosed or enclosed but otherwise unimproved portions of the said demised Premises any horses or cattle in the employment of the Government, while working on or passing over the said demised Premises; also for any person or persons to pass over, through, and out of any such part of the said demised Premises, while passing from one part of the country to another, with or without horses, stock, teams, or other conveyances on all necessary occasions; also full right to the Aboriginal natives of the said Colony at all times to enter upon any unenclosed or enclosed but otherwise unimproved part of the said demised Premises for the purpose of seeking their subsistence therefrom in their accustomed manner; also full right to any person or persons to enter on any part of the said demised Premises to examine the mineral capabilities thereof, and to do all things necessary for that purpose; paying, nevertheless, full compensation for any damage arising therefrom. To HAVE AND TO HOLD the Premises hereby demised except as aforesaid (and subject to the powers, reservations, and conditions herein and in the said Act contained), unto the said Lessee, Executors, and Administrators for the term of Thirty years, to be computed from the

62° VICTORIÆ, No. 37.

Land Act, 1898.

first day of _____, 18____; YIELDING AND PAYING for the same, half-yearly in advance, on the first day of March and the first day of September during the said term the rent of _____ in every year, unto Us, Our Heirs and Successors, without deduction, such rent to be paid to Our Minister for Lands. PROVIDED nevertheless, and it is hereby declared, that if the said rent be not paid in advance as prescribed by the said Act, or if the Lessee, his Executors, or Administrators shall assign or underlet the premises, or any part thereof, without the Minister's approval in writing, as required by the said Act, first obtained, then these Presents shall become void, and the term hereby granted shall be absolutely and indefeasibly forfeited, and it shall thereupon be lawful for Us, Our Heirs and Successors, into and upon the said demised Premises, or any part thereof in the name of the whole, to re-enter, and the same to have again, re-possess, and enjoy as if this deed-poll had never been executed, without making any compensation to the said Lessee, _____, Executors, Administrators, or Assigns. PROVIDED ALSO, and it is hereby declared, that the said Lessee, _____, Executors, Administrators, or allowed Assigns, may at all times, during this demise, on any part of the said Premises, fell, cut, and use any timber for his domestic and farm purposes, or for the construction of any buildings, fences, stockyards, or other improvements, and use any other material for the like purposes, but shall not sell nor remove the same off the said demised Premises. PROVIDED ALSO, and it is hereby declared, that the said Lessee, _____, Executors, Administrators, and allowed Assigns shall be entitled at any time during the continuance, or on the expiration of the term hereby granted, to have a grant made in fee simple to him or them, subject to the Act aforesaid, of and in the said Premises (not being mineral land). PROVIDED THAT the whole thereof shall be then completely fenced in with a good and substantial fence—within three years from the date hereof—and the poisonous indigenous plants entirely eradicated therefrom according to the true intent and meaning of the said Act. AND THAT We, Our Heirs and Successors, are not nor shall be liable or responsible for any error in the descriptive boundaries or quantity of land hereby demised, or in respect of any claims which may be set up by any other person or persons to any part or parts of the said demised Premises. PROVIDED, LASTLY, and it is hereby declared, that We, Our Heirs or Successors, shall not be liable to compensate the said Lessee, _____, Executors, Administrators, or Assigns, for any loss or damage arising from the exercise of all or any of the powers or rights hereby reserved to Us, Our Heirs and Successors, save and except in so far as the same may be provided for by the said Act.

SCHEDULE OR PLAN HEREIN REFERRED TO.

NOTE.—If the lease is issued prior to survey, boundaries and area will be subject to roads and reserves, and any necessary amendments on survey.

In witness whereof We have caused Our Minister for Lands to affix hereto his Seal and set his hand this day of _____ 18____.

[SEAL.]

Minister for Lands.

[Section 75.]

Seventeenth Schedule.

Form of Application for a Homestead Farm.

	DIVISION.	
No. Plan	District or County, Agricultural Area, Location No.	containing _____ acres.
	Place and date of application	
I, (full names to be inserted) of _____, hereby apply for the Crown Land described above under the provisions of Section 75 of "The Land Act, 1898," and I do solemnly and sincerely declare that I am 18 years of age; that I am not the owner of any land within the Colony for an estate of Freehold or under Special Occupation or Conditional Purchase; that this application is made for my exclusive use and benefit, with the intention of residing upon and improving the land applied for in accordance with the conditions prescribed by "The Land Act, 1898," and not directly or indirectly for the use or benefit of any other person or persons whatsoever; and that I am not at present the holder of a Homestead Farm. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Ordinance made and passed in the 18th year of the reign of Her Present Majesty, No. 12, intituled "An Ordinance for the abolition of unnecessary Oaths, and to substitute Declarations in lieu thereof."		

Declared at this _____ day of _____ 189____	}	Signature
before me (or) Agent for Minister.	J.P.	

Received this Application at _____ o'clock on the _____ day of _____ 189____ with fee of One pound Application approved, as shown above, this _____ day of _____ 189____ Term of occupation to extend from _____ to _____ Occupation Certificate signed, _____ Date Do. _____ issued to _____ Date _____ 189____	Office References. (Applicants are requested not to write in this space.)
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NOTE.— In approving this application any limitation in depth must be stated.

62° VICTORIÆ, No. 37.

Land Act, 1898.

Eighteenth Schedule.

[Section 75.]

WESTERN AUSTRALIA.

Form of Occupation Certificate, Homestead Farm.

No. _____ of _____ has paid the sum of £1,
 WHEREAS _____ of _____
 being the Office fee for a Homestead Farm :

Now know all men, and these Presents witness, that I, _____ in pursuance of the powers vested in me as Minister for Lands for the Colony of Western Australia, do hereby authorise, empower, and permit the said _____, at any time within six months after the date hereof, to take possession of and occupy all that section of land marked and distinguished in the maps and books of the Department of Lands and Surveys of the said Colony as No. _____, and as the same is delineated in the plan drawn hereunder, subject however to all the conditions prescribed by "The Land Act, 1898," and any regulations thereunder respecting Homestead Farms, and to the provisos contained in the form of Crown grant for rural lands in the third schedule to the said Act.

(Plan referred to.)

Given under my hand at Perth, on the _____ day of _____ 189 .
Minister for Lands.

Within six months from the date hereof, the Selector must notify, in writing, that he has taken possession of the land referred to failure of which will entail forfeiture of the land.

Nineteenth Schedule.

[Section 85.]

Form of Application for a Village Allotment.

DIVISION.

No.	District or County, Agricultural Area, Village,			
Plan	Section No. containing	a.	r.	p.
	Place and Date of Application,			

I, _____ (full names to be inserted) of _____ do hereby apply for the block of Land described above, under the provisions of Section 85 of "The Land Act, 1898," and I do solemnly and sincerely declare that I am _____ 18 years of age, that I do not already hold a Village Allotment, that I ("am the holder of" or "have applied for") Homestead Farm, No. _____, which is situated within five miles of the land now applied for, that this application is made for my exclusive use and benefit, and with the intention of residing upon and improving the said land in accordance with the provisions prescribed by "The Land Act, 1898," and not directly or indirectly for the use or benefit of any other person or persons whatsoever. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Ordinance made and passed in the 18th year of the reign of Her Majesty, No. 12, intituled "An Ordinance for the abolition of unnecessary Oaths, and to substitute Declarations in lieu thereof."

Declared at this _____ day of _____ 189	} Signature
before me	
J.P.	
(or) Agent for Minister.	

Received this Application at _____ o'clock on the _____ day of _____ 189 .	Office References. Applicants are requested not to write in this space.
Application approved, as shown above, this _____ day of _____ 189 .	
Term of occupation to extend from _____ to _____ Minister for Lands.	
Occupation Certificate signed, _____ Date	
Do. _____ issued to _____ Date _____ 189 .	

NOTE.—In approving this application any limitation in depth must be stated.

Twentieth Schedule.

[Section 85.]

WESTERN AUSTRALIA.

Form of Occupation Certificate, Village Allotment.

No. _____ of _____ has applied for permission to occupy a Village Allotment in connection with Homestead Farm No. _____
 WHEREAS _____ of _____
 Now know all men, and these Presents witness, that I, _____ in pursuance of the powers vested in me as Minister for Lands for the Colony of Western Australia, do hereby authorise, empower,

62° VICTORIÆ, No. 37.

Land Act, 1898.

empower, and permit the said _____, at any time within six months after the date, hereof, to take possession of and occupy all that section of land in the Village of _____ marked and distinguished in the maps and books of the Department of Lands and Surveys of the said Colony as _____ No. _____, and as the same is delineated on the plan drawn hereunder, subject, however, to all the conditions prescribed by "The Land Act, 1898," and any regulations thereunder respecting Homestead Farms and Village Allotments, and to the provisos contained in the form of Crown grant for rural lands in the third schedule to the said Act.

(Plan referred to.)

Given under my hand at Perth, on the _____

day of _____

189 _____

Minister for Lands.

Within six months from the date hereof, the Selector must notify, in writing, that he has taken possession of the land referred to, failure of which will entail forfeiture of the land.

[Section 88 (3).]

Twenty-first Schedule.

Form of Application for a Working Man's Block.

I [name and address] hereby apply for a lease of the Working Man's Block hereunder described:—

[Here describe the block by situation and number, and by acreage, if known, or state the amount of land required and how situate.]

And I solemnly and sincerely declare that:—

1. My age at last birthday was _____ years.
2. I earn my livelihood by my own work to wit by [hereby describe work, and if in any service or employ state with whom, and state wages or profits.]
3. I am not the beneficial owner of any land in the Colony for an estate of freehold.
4. I do not hold any Working Man's Block, or not more than _____ acres, one lease as a Working Man's Block, to wit [here describe land so held].

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of an Ordinance made and passed in the 18th year of the reign of Her present Majesty, No. 12, intituled "An Ordinance for the Abolition of unnecessary Oaths, and to substitute Declarations in lieu thereof."

Declared at
this _____
before me

day of _____

189 _____

} (Signature of Applicant.)

(Signature of J.P. or other authorised person.)

NOTE.—In approving this application any limitation in depth must be stated.

[Section 88 (3).]

Twenty-second Schedule.

WESTERN AUSTRALIA.

Form of Lease of Working Man's Block.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, &c., &c., &c. To all to whom these presents shall come, Greeting: Know ye that We, of our especial grace and in consideration of the rents hereinafter reserved, and on the part of _____ his executors, administrators, and assigns (hereinafter called the Lessee) to be paid, and in exercise of the powers to Us given by "The Land Act, 1898," Do by these presents Grant and Demise to the Lessee the natural surface and so much of the land as is below the natural surface to a depth of _____ feet of ALL THAT piece or parcel of land situate at _____ in the _____ Division of the Colony of Western Australia, containing _____ more or less, and as the same is delineated on the plan hereon, together with the appurtenances thereto belonging, To Have and To Hold subject to the said Act and any regulations made thereunder, and together with all rights, powers, and privileges conferred upon the Lessee by the said Act and regulations for the term of _____ years to be computed from the _____ day of _____ 189 _____, YIELDING AND PAYING for the same in advance on every first day of _____ during the said term the rent of _____ pounds unto the Minister administering the said Act for Us, our Heirs and

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Land Act, 1898.

Successors without deduction: PROVIDED nevertheless, that it shall at all times be lawful for Us, our Heirs and Successors, or for any person or persons acting in that behalf by Our or Their authority, to resume and enter upon possession of any part of the said lands which it may at any time by Us, our Heirs and Successors be deemed necessary to resume for roads, tramways, railways, railway stations, bridges, canals, towing paths, harbour or river improvement works, drainage or irrigation works, quarries, and generally for any other works or purposes of public use, utility, or convenience, and for the purposes of exercising the power to search for minerals hereinafter reserved, and such land so resumed to hold to Us, our Heirs and Successors as of Our or Their former estate, without making to the Lessee, Heirs, and Assigns any compensation in respect thereof, so nevertheless, that the lands so to be resumed shall not exceed one-twentieth part in the whole of the lands aforesaid, and that no such resumption be made of any part of the said lands upon which any buildings may have been erected, or which may be enclosed and in use as gardens or otherwise for the more convenient occupation of any such buildings without compensation: PROVIDED ALSO, that it shall be lawful at all times for Us, our Heirs and Successors, or for any person or persons acting in that behalf by Our or Their authority, to cut and take away any such indigenous timber and to search and dig for and carry away any stones or other materials which may be required for making or keeping in repair any roads, tramways, railways, railway stations, bridges, canals, towing paths, harbour works, breakwaters, river improvements, drainage, or irrigation works, and generally for any other works or purposes of public use, utility, or convenience without making to the Lessee any compensation in respect thereof: AND we do hereby save and reserve to Us, our Heirs and Successors, all mines of gold, silver, copper, tin, or other metals, ore and mineral, or other substances containing metals, and all gems and precious stones and coal or mineral oil in and under the said land, with fully liberty at all times to search and dig for and carry away the same, and for that purpose enter upon the said land or any part thereof: PROVIDED ALSO, that if the Lessee makes default in payment of the rent hereby reserved, or does not personally reside on the land hereby demised for nine months at the least during every year of the term hereby granted (residence by the wife or a member of the Lessee's family being regarded as personal residence); or does not within three years well and substantially fence the whole of the demised land except where bounded by an existing fence or by water; or transfers, assigns, underlets or parts with the possession of the demised land until after the expiration of the first five years of the term hereby created, and the approval of the said Minister has been obtained, these presents may be declared by the Minister aforesaid to be void, and thereupon the lands hereby demised shall revert to Us, Our Heirs and Successors, and no compensation shall be payable to the Lessee in respect thereof: PROVIDED ALSO that the Lessee having complied with the conditions of these presents shall be entitled at the expiration of the term hereby created to receive a grant in fee simple of the land hereby demised, paying the fees in respect thereof: AND PROVIDED further that the Lessee having complied with the conditions of these presents as to rent, fencing, and residence, may at any time after five years from the commencement of the term hereby created pay in advance all rent to the end of the term, and shall thereupon be entitled to receive a grant in fee simple of the land hereby demised paying the fees in respect thereof.

In witness whereof We have caused Our Minister aforesaid to affix hereto his Seal and set his hand this day of 189 .

Twenty-third Schedule.

[Section 92.]

Correspondence No. .

Form of Application for a Pastoral Lease.

Division.

District, County, or Locality,

Place and Date of Application,

No.
Plan

HEREBY apply for a lease of the section of Pastoral Lands described below, under the provisions of Section of "The Land Act, 1898."

Position and boundaries of land applied for:

Name at full length, address, and calling of applicant.	Acreage applied for.	Annual Rent.

[Here follows as in Eighth Schedule.]

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Land Act, 1898.

[Section 92.]

Twenty-fourth Schedule.

WESTERN AUSTRALIA.

Form of Pastoral Lease.

DIVISION.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, &c., &c. To all to whom these Presents shall come, Greeting: Know Ye that We of our especial Grace, and in consideration of the sum of _____ to our Minister for Lands for our Colony of Western Australia, already paid by _____ in the said Colony, hereinafter called the Lessee, and also in consideration of the rents hereinafter reserved on the part of the said Lessee, _____ Executor, Administrators, and Assigns to be paid, and in exercise of the powers in this behalf to Us given by "The Land Act, 1898," Do by these Presents Demise and Lease unto the said Lessee, the natural surface of ALL THAT piece or parcel of land described in the Schedule hereto or delineated on the plan hereon, with the appurtenances; EXCEPT and always reserved to Us, Our Heirs and Successors, full power during the term hereby granted, from time to time to sell to any person or persons all or any unsold portion of the said demised Premises, subject to any claim for improvements that may be lawfully made in pursuance of the said Act; also full power and absolute authority, at any time during the continuance of this demise, to make grants or sales of all or any part or parts of the said demised premises for public purposes; and also to except from sale, and reserve to Us, Our Heirs and Successors, or to resume and enter upon and dispose of in such other manner as for the public interest to Us, Our Heirs and Successors, may seem best, such part or parts of the said demised Premises as may be required for public roads, or other internal communications by land or water, or for the use and benefit of the Aboriginal inhabitants of the country, or for purposes of military defence, or as the sites of places of public worship, schools, or parsonages, or other public buildings, or as places for the interment of the dead, or places for the recreation and amusement of the inhabitants of any town or village, or as the sites of public quays or landing places on the sea-coast or shore of navigable streams, or for the construction of tramways, railways, or railway stations, or for the purpose of sinking shafts and digging for and taking away gold, silver, copper, tin, lead, or other metals, ores, and minerals and other substances containing metals, all gems and precious stones, coal and mineral oil, or for any purposes of public defence, safety, utility, convenience, or enjoyment, or for otherwise facilitating the improvement and settlement of our Colony; and also permanently or for temporary use to lay out, declare open, and make public roads into, through, and out of or over any part of the said demised Premises; with the liberty to Ourselves, Our servants, agents, and workmen, to enter upon the said demised Premises, and dig for, quarry, and take away, any indigenous produce, rock, soil, or other material required for public purposes; and to fell, cut and remove all or any timber, sandalwood, or other woods growing or being thereon, and to issue licenses to any person or persons, authorising him or them to cut, remove, and cart away the same, with full and free liberty to such licensed persons, at all reasonable times of ingress, egress, and regress for such purposes; and, subject to any rights of the Lessee aforesaid, to license, to occupy, or to sell any other portion of the said Premises at any time, and with a right of immediate entry; also to depasture on the unenclosed or enclosed but otherwise unimproved portions of the said demised Premises any horses or cattle in the employment of the Government, working on or passing over the said demised Premises; also for any person or persons to enter, pass over, through, and out of any such part of the said demised Premises, while passing from one part of the country to another, with or without horses, stock, teams, or other conveyances, on all necessary occasions; and full right to the Aboriginal natives of the said Colony at all times to enter upon any unenclosed or enclosed, but otherwise unimproved part of the said demised Premises for the purpose of seeking their subsistence therefrom in their accustomed manner; and also full right to any person or persons to enter on any part of the said demised Premises to examine the mineral capabilities thereof, and to do all things necessary for the purpose of effectually making such examinations, but paying, nevertheless, full compensation for any damage arising therefrom. To HAVE AND TO HOLD the Premises hereby demised (except as aforesaid, and subject to the powers, reservations, and conditions herein and in the said Act contained, and with all the rights, powers, and privileges conferred by such of the said Act as are applicable hereto), unto the said Lessee, _____ Executors, Administrators, and Assigns, for the term of _____ years, to be computed from the first day of _____, 18____, until the 31st day of _____, 19____; YIELDING AND PAYING for the same, always half-yearly in advance, during the said term unto Us, our Heirs, and Successors, on or before the first day of March, and on or before the first day of September, in each year, the sum of _____ without deduction, except such deduction as the said Lessee, _____ Executors, Administrators, or Assigns may be entitled to under the said Act, and all of such payments to be made to our Minister for Lands. PROVIDED, nevertheless, and it is hereby declared, that if the said rent be not paid in advance as prescribed by the said Act, or if the Lessee, _____ Executors, or Administrators shall assign or underlet the premises or any part thereof without the Minister's approval, in writing, as required by the said Act first obtained; then these Presents shall become void, and the term hereby granted shall be absolutely and indefeasibly forfeited, and it shall thereupon be lawful for Us, Our Heirs and Successors, into and upon the said demised Premises, or any part thereof in the name of the whole, to re-enter, and the same to have again, repossess, and enjoy, as if this deed-poll had never been executed, without making any compensation to the said Lessee, _____ Executors, Administrators, or Assigns. PROVIDED that the said Lessee, _____ Executors, or Administrators, or allowed Assigns may at all times, during this demise, on any part of the said Premises, fell, cut, and use any timber for his domestic and farm purposes, or for the construction of any buildings, fences, stockyards, or other improvements, and use any other materials for the like purposes, but so, nevertheless, that the said Lessee, _____ Executors, Administrators, or allowed Assigns, shall

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Land Act, 1898.

not sell the said timber or material, or use the same, or suffer it to be used, except on the said demised Premises; AND THAT We, Our Heirs and Successors, are not, nor shall be liable or responsible for any error in the descriptive boundaries of the land hereby demised, which may be shown by any survey hereafter to be made of the said lands, nor for any deficiency in the quantity and acreage of the lands hereby demised caused by any such error as aforesaid, nor in respect of any claims which may be set up by any other person or persons to any part or parts of the said demised Premises. PROVIDED, LASTLY, and it is hereby declared, that We, Our Heirs or Successors, shall not be liable to compensate the said Lessee, Executors, Administrators, or allowed Assigns for any loss or damage arising from the exercise of all or any of the powers or rights hereby reserved to Us, Our Heirs and Successors, save and except in so far as the same may be provided for by the said Act.

SCHEDULE OR PLAN HEREIN REFERRED TO.

In witness whereof We have caused Our Minister for Lands to affix hereto his Seal and set his hand this day of 18

[SEAL.]

Minister for Lands.

Twenty-fifth Schedule.

[Section 138.]

Memorandum of Mortgage.

I, _____ of _____, being the registered holder of (*describe the holding and number of the lease or license*) under the provisions of Part _____ of "The Lands Act, 1898," in consideration of the sum of _____ lent to (or due by) me to _____, hereby mortgage the said holding to him. And I do hereby covenant and agree with the said _____ that I will pay him the said sum on (*here insert day appointed for payment, covenant for payment of interest, and such other covenants as may be agreed upon*). And in default of performance on my part of the above covenants or any of them, I authorise the said _____ to sell the said holding in accordance with the provisions of the said Act.

In witness whereof I have hereto signed my name this _____ day of _____ 18 _____
 Signed by the abovenamed _____ as Mortgagor this _____ day of _____ 18 _____

in my presence

J.P.

Twenty-sixth Schedule.

[Section 143.]

Form of Transfer of a Lease or License of Crown Lands.

No. _____ of the sum of _____ hereby transfer all _____ right, title, and interest in _____ No. _____ to _____ as shown below:—
(In cases where a portion of a Lease or License is transferred, the position and boundaries of such portion must be clearly shown at the foot or back of this form.)

Dated this _____ day of _____ 18 _____
 Witness _____ Signature _____

Name in full and Address of present Lessee or Licensee.	No. of Lease or License.		Acreage.		Division.	Name in full and Address of Person to whom transferred.	Name and Address of Person to whom Certificate of Transfer is to be forwarded.
	Original.	Portion transferred.	Original.	Portion transferred.			

Received this transfer at _____ o'clock _____ day of _____, 18 _____, with fee of One pound.
 Collector of Land Revenue.

I approve the said Transfer

Minister for Lands.

Date

Transfer registered _____

Certificate of Transfer issued to _____

Date

Stamp duty payable under the provisions of
 "The Stamp Act, 1882."

Transfer or assignment of a lease of any lands. { For every £5 and also for any fractional part of £5 of the amount or value of the consideration over £100 ... 6d.

Exemption.

Transfer or assignment of any lease of land issued under the Crown Land Regulations, in any case in which the amount or value of the consideration for such transfer or assignment does not exceed £100.

See section 45.

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Land Act, 1898.

[Section 142.]

Twenty-seventh Schedule.

Form of Certificate of Transfer of a Lease or License of Crown Lands.

No.

Department of Lands and Surveys,
Perth, 18 .

This is to certify that
been transferred from
Records of this Office, as shown below :—

, No. has this day
and that it now stands in the latter name in the

Name.	No.	Acres.	Division.	Annual Rent.	
				1st Term.	2nd Term.

To

Minister for Lands.

[Section 152.]

Twenty-eighth Schedule.

Correspondence No.

Application for a Special Lease.

No.
Plan

DIVISION.
District, County, or Locality,
Place and Date of Application,

I HEREBY apply for a lease of the section of Land described below, under the provisions of Section 152 of "The Land Act, 1898."

Position and boundaries of land applied for .

Name at full length, address, and calling of Applicant.	Acreage applied for.	Annual Rent.		
		1st Term.	2nd Term.	3rd Term.

[Here follows as in Eighth Schedule.]

NOTE.—In approving this application any limitation in depth must be stated.

[Section 152.]

Twenty-ninth Schedule.

WESTERN AUSTRALIA.

Special Lease.

No.

DIVISION.

Locality

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, &c., &c., &c. To all to whom these presents shall come, Greeting : Know ye that, whereas by "The Land Act, 1898," power is given to the Governor in Council to grant leases of any portion of land to any person for any special purpose upon certain terms and conditions set forth in Section 147 of the said Act; And whereas of in the said Colony, has made application for a lease of the land hereinafter described for the special purpose of ; AND whereas the Governor in Council has approved the granting of the said lease; WE, of our special Grace, and in consideration of the premises, and also in consideration of the rents hereinafter reserved and on the part of the said , Executors, Administrators,

Land Act, 1898.

and Assigns (hereinafter called the "Lessee"), to be paid, and in exercise of the powers in that behalf to us given by the said Act, do by these Presents demise and lease to the said Lessee, the natural surface and so much of the land as is below the natural surface to a depth of _____ feet of ALL THAT piece or parcel of land described in Schedule hereto, or delineated on the plan hereon, with the appurtenances: To have and to hold the Premises hereby demised subject to the powers, reservations, and conditions herein and in the said Act contained, and with all the rights, powers, and privileges conferred by such of the said Act as are applicable hereto, unto the said Lessee, for the term of _____ years, to be computed from the _____ day of _____ 18____ for the special purposes aforesaid: Yielding and paying for the same half-yearly in advance on the first day of March and the first day of September during the said term, the rent of _____ in every year unto Us, Our Heirs and Successors without deduction; such rent to be paid to our Minister for Lands of Our said Colony. Provided nevertheless, that it shall at all times be lawful for Us, our Heirs, and Successors, or for any person or persons acting in that behalf, by Our or their authority, to resume and enter upon possession of any part of the said lands which it may at any time by Us, our Heirs, and Successors, be deemed necessary to resume for roads, tramways, railways, railway stations, bridges, canals, towing paths, harbour or river improvement works, drainage, or irrigation works, quarries, and generally for any other works or purposes of public use, utility, or convenience, and for the purposes of exercising the power to search for minerals and gems hereinafter reserved, and such land so resumed to hold to Us, Our Heirs and Successors, as of Our or Their former estate, without making to the said Lessee, _____ Heirs and Assigns any compensation in respect thereof; so nevertheless, that the lands so to be resumed shall not exceed one-twentieth part in the whole of the lands aforesaid, and that no such resumption be made of any part of the said lands upon which any buildings may have been erected, or which may be enclosed and in use as gardens, or otherwise for the more convenient occupation of any such buildings without compensation. Provided also, that it shall be lawful at all times for Us, Our Heirs and Successors, or for any person or persons acting in that behalf, by Our or Their authority, to cut and take away any such indigenous timber, and to search and dig for, and carry away any stones or other materials which may be required for making or keeping in repair any roads, tramways, railways, railway stations, bridges, canals, towing paths, harbour works, breakwaters, river improvements, drainage, or irrigation works, and generally for any other works or purposes of public use, utility, or convenience, without making to the Lessee, _____ Heirs, or Assigns, any compensation in respect thereof. And we do hereby save and reserve to Us, Our Heirs, and Successors, all mines of gold, silver, copper, tin, or other metals, ore, and mineral or other substances containing metals, and all gems and precious stones, and coal or mineral oil in and under the said land, with full liberty at all times to search and dig for, and carry away the same; and for that purpose enter upon the said land or any part thereof. Provided also, that if the said Lessee shall during the term hereby created at any time make default in payment of the rent hereby reserved, or shall fail or cease to use, hold, and enjoy the said land for the said special purpose, it shall thereupon be lawful for Us, Our Heirs, and Successors, into and upon the said demised premises, or any part thereof in the name of the whole, to re-enter and the same to have again, re-possess, and enjoy, as if this deed-poll had never been executed, without making any compensation to the said Lessee.

SCHEDULE OR PLAN HEREIN REFERRED TO.

IN WITNESS whereof we have caused our said Minister for Lands to affix hereto his Seal and set his hand this _____ day of _____ 18____.

Minister for Lands.

[SEAL.]

Thirtieth Schedule.

[Section 154.]

WESTERN AUSTRALIA.

Form of License to Quarry.

No. _____
 KNOW ALL MEN that I _____ do hereby give to _____
 of _____ in consideration of the sum of _____ by him duly
 paid, full license and authority for _____ to enter upon the Crown Lands in
 the vicinity of _____ for the following purposes, that is to say: To quarry, dig for, and
 carry away any rock, soil, or other material, for building purposes, or to make bricks or any other commodity
 subject to the terms and conditions of "The Land Act, 1898." And this license shall be in force for _____ calendar
 months from the date hereof.
 Witness my hand this _____ day of _____ 189____.

62° VICTORIÆ, No. 37.

Land Act, 1898.

[Section 110 (6).]

Thirty-first Schedule.

Form of Timber License.

DIVISION.

District, County, or Locality

No.

THIS is to certify that _____ of _____ is hereby licensed for _____ calendar month from date hereof, to _____ from Crown Lands, not included in any Reserve or any Special Timber License, and subject to the terms and conditions of "The Land Act, 1898."

Minister for Lands.

Date

Amount. £ : s. d.

[Section 113.]

Thirty-second Schedule.

Form of Application for a Timber Lease.

DIVISION.

District or Country.

No.

Plan

Place and date of application.

I HEREBY apply for a lease of the Crown Lands described below, under the provisions of Section 113 of "The Land Act, 1898." I am 18 years of age, and otherwise duly qualified to hold land under this section.

Position and boundaries of land applied for:—

Name at full length, address, and calling of applicant.	Land now held by applicant under Homestead Lease, exclusive of present Application.		Acreage applied for.	Annual Rent.			Survey Fees.					
	No.	Acreage.		£	s.	d.	£	s.	d.			

<p>Received this Application at _____ o'clock of _____ 189 , with deposit of _____</p> <p>Application approved, as shown above, this _____ day of _____ 189 .</p> <p>Term of Lease to extend from _____ to _____</p> <p>Received £ _____ Rent due, _____</p> <p>Lease signed, Date _____</p> <p>Lease issued to _____ Date _____</p>	<p style="text-align: center;">Signature of Applicant.</p> <p>_____ on the _____ day</p> <p style="text-align: center;">Collector of Land Revenue.</p> <p style="text-align: center;">Minister for Lands.</p> <p style="text-align: center;">Collector of Land Revenue.</p>	<p style="text-align: center;">Office References.</p> <p>Applicants are requested not to write in this space.</p> <hr/>
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Land Act, 1898.

Thirty-third Schedule.

[Section 42.]

WESTERN AUSTRALIA.

Form of Lease for 999 Years.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, &c., &c., &c. To all to whom these presents shall come, greeting: KNOW ye that we, of our especial Grace, certain knowledge, and mere motion, do by these presents grant and demise unto and the Survivor of them, and the Executors, Administrators, and Assigns of the Survivor, the natural surface and so much of the land as is below the natural surface to a depth of feet of ALL THAT piece or parcel of land situate and being , in our Colony of Western Australia, containing acres roads perches, more or less, and marked and distinguished in the maps and books of the Department of Lands and Surveys of our said Colony as and bounded on the and as the same is delineated in the plan drawn in the margin hereof. Together with all easements and appurtenances to the said piece or parcel of land belonging or appertaining: To hold the premises hereby demised or expressed so to be unto the said and the survivor of them, and the Executors, Administrators, and Assigns of the Survivor (hereinafter called the "Lessees"), as Trustees for from the day of One thousand eight hundred and ninety- , for the term of Nine hundred and ninety-nine Years thence next ensuing; Yielding and paying therefor to Us, Our Heirs and Successors, one pepper-corn of yearly rent on the twenty-fifth day of March in each year, or so soon thereafter as the same shall be lawfully demanded. PROVIDED, ALWAYS, that the said piece or parcel of land hereby demised shall at all times during the said term be used by the Lessees and for no other purpose whatsoever, without the license in writing of Us, our Heirs and Successors first obtained; And that if the Lessees at any time during the said term shall make default in payment of the rent hereinbefore reserved, if demanded, or shall, without such license as aforesaid, use the land otherwise than for the purpose for which it has been demised, it shall, thereupon be lawful for Us, our Heirs and Successors, into and upon the said land, or any part thereof in the name of the whole to re-enter, and the same to have again, repossess, and enjoy as if this demise had never been executed. PROVIDED, ALSO, that it shall at all times be lawful for Us, our Heirs and Successors, or for any person or persons acting in that behalf by Our or Their authority, to resume and enter upon possession of any part of the said lands which it may at any time by Us, our Heirs and Successors, be deemed necessary to resume for roads, tramways, railways, railway stations, bridges, canals, towing-paths, harbour or river improvement works, drainage or irrigation works, quarries, and generally for any other works or purposes of public use, utility, or convenience, and for the purposes of exercising the power to search for minerals and gems hereinafter reserved, and such land so resumed to hold to Us, Our Heirs and Successors, as of Our or Their former estate, without making to the said Heirs and Assigns any compensation in respect thereof; so, nevertheless, that no such resumption be made of any part of the said land upon which any buildings or improvements may have been made by the Lessee without compensation; PROVIDED, ALSO, that it shall be lawful at all times for Us, Our Heirs and Successors, or for any person or persons acting in that behalf, by Our or Their authority, to cut and take away any such indigenous timber and to search and dig for and carry away any stones or other materials which may be required for making or keeping in repair any roads, tramways, railways, railway stations, bridges, canals, towing-paths, harbour works, breakwaters, river improvements, drainage or irrigation works, and generally for any other works or purposes of public use, utility, or convenience, without making to the Lessee, Heirs or Assigns any compensation in respect thereof; and we do hereby save and reserve to Us, Our Heirs and Successors, all mines of gold, silver, copper, tin, or other metals, ore, and mineral or other substances containing metals, and all gems and precious stones, and coal or mineral oil, in and under the said land, with full liberty at all times to search and dig for, and carry away the same; and, for that purpose, enter upon the said land or any part thereof.

IN WITNESS whereof We have caused Our trusty and well-beloved Governor and Commander-in-Chief of Our said Colony, to affix to these Presents the Public Seal of the said Colony.

Scaled this day of One thousand eight hundred and ninety-

Thirty-fourth Schedule.

Fees for Timber Licenses.

	£	s.	d.
1. Timber License, per month per man	0	10	0
2. Woodcutter's or Charcoal Burner's License, per month per man	0	5	0
3. Sandalwood License, do. do.	0	5	0
4. Wattle Bark License, do. do.	0	5	0
5. Bark and Gum License, do. do.	0	5	0
6. Felling and Hewing Piles, Poles, and Balks License, do. do.	3	0	0