

No. , 1899.

A BILL

To declare and enact that the Imperial Act, 9th George the Third, chapter 16, commonly known as the Nullum Tempus Act, is not and has not been in force in New South Wales, and to authorise the sale and grant of land of the Crown in respect of which possession has been held adversely to the Crown.

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 New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. It is hereby declared and enacted that the Imperial Act commonly known as the Nullum Tempus Act, being chapter sixteen of the ninth year of the reign of King George the Third, intituled "An Act to amend and render more effectual an Act made in the twenty-first year of the reign of King James the First intituled 'An Act for the general quiet of the subjects against all pretences of concealment whatsoever,'" shall be deemed not to extend to or be in force within the Colony of New South Wales, and not to have at any time extended to or been in force within the said Colony.

The Nullum Tempus Act declared not to extend to New South Wales.

2. Where, in the opinion of the Governor, any person in possession of land of the Crown or some person through whom he claims has before or after the commencement of this Act been in possession of such land for a period of twenty years, and such possession has during such period been adverse to the Crown, it shall be lawful for the Governor to sell at a price to be appraised by the local land board of the district in which the land is situate, and to grant or otherwise assure the land for such estate and subject to such trusts and conditions as he thinks fit to any person in possession of the land.

Power to Governor to sell land which the Nullum Tempus Act would, but for the passing of this Act, apply.

Any appraisalment by a local land board under this section shall be subject to appeal to the land court on the application of the Crown or the person in possession of the land.

3. Nothing in this Act shall affect any right or title whether of the Crown or a subject which has been determined by any Court before the commencement of this Act, and nothing in this Act shall have any application in respect of any suit, action, or other proceeding in respect of any such right or title pending at the commencement of this Act, or of any rehearing thereof or appeal therefrom.

Saving of rights determined or pending.

4. This Act may be cited as the "Nullum Tempus Act Short title. Declaratory Act, 1899."