

Resumption of Lands by Crown.

No. VI.

An Act for the more effectual resumption of Lands permitted to be occupied under the Crown as well as under the Corporation for Church and School Lands.

RESUMPTION OF
LANDS BY CROWN.

WHEREAS His Excellency the Governor by a certain instrument Preamble. intituled a "Government Notice" bearing date the twenty-ninth day of August one thousand eight hundred and twenty-six and duly made and published in the *Sydney Gazette* was pleased among other things to notify that persons desirous of obtaining the temporary occupation of land for the purpose of grazing would be required to pay a rent at the rate of twenty shillings sterling per annum for every one hundred acres and further to quit the same on receiving six months' notice to that effect And whereas the Governor by a certain other instrument intituled a "Government Notice" bearing date the sixteenth day of October one thousand eight hundred and twenty-eight duly made and published in the *Sydney Gazette* was further pleased to give notice that settlers would be allowed to occupy the unlocated Crown Lands *immediately adjoining* their respective possessions at a rent after the rate of two shillings and sixpence per annum for every hundred acres but it was clearly to be understood that Government reserved to itself the right of disposing of all lands which should be occupied under that tenure and to give possession of them to any other party upon giving one month's notice to the occupant And whereas in virtue of the said several regulations and notices or of some other regulations or orders referring thereto and in faith of performing the conditions therein respectively contained divers persons have from time to time obtained possession of such lands as aforesaid and it is expedient that a summary course of proceeding should be afforded to enable the Governor of the Colony to resume possession of such lands upon failure of performing any of the conditions whereupon such possession hath been obtained Be it therefore enacted That as often as any person or persons who hath or have obtained or who shall hereafter obtain the possession of any of the lands aforesaid upon the conditions in the said several regulations or notices or any other regulations orders or notices referring thereto contained shall fail in performing and fulfilling any such conditions according to the true intent and meaning thereof such possession shall immediately become and be deemed and taken to be null and void and such lands as aforesaid shall immediately revert and be considered as in the possession and occupancy of the Crown and liable to be disposed of in like manner as any other waste and unlocated lands in the Colony.

The possession of lands temporarily held under the Crown annulled if conditions be not performed.

2. And whereas for the convenience of the public and in order to obviate the delay which would necessarily be occasioned by surveying and appraising of the waste lands of the Colony preparatory to granting the same in conformity with His Majesty's Royal Instructions His Excellency the Governor with the advice of the Executive Council hath been pleased under and by virtue of divers orders and notices from time to time made and published in such behalf to permit and suffer divers persons to select or occupy certain of the said lands with the view of becoming grantees thereof but upon the express understanding and condition that such selection or occupancy should be subject to the approval or disapproval of His Majesty be it therefore enacted That in case His Majesty shall disapprove of such

The occupation of lands held subject to the King's approval to be null on a

selections

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notification of His Majesty's disapproval.

selections or occupations as aforesaid either generally as applicable to all such selections or occupations or particularly with reference to any one or more of the same and such disapproval shall be signified by one of His Majesty's Principal Secretaries of State to the Governor and shall by the Governor be duly notified to the person or persons concerned every such selection or occupation so disapproved by His Majesty as aforesaid shall immediately become and be considered to be null and void and all and every such lands so selected or occupied as aforesaid shall revert and be considered as in the possession and occupancy of the Crown and shall be liable to be disposed of in like manner as any other waste or unlocated lands in the said Colony.

Occupiers of such lands may on refusal be summarily removed after thirty days' notice.

3. And be it further enacted That if any person or persons shall retain the possession of any such lands as aforesaid after the same shall become so revested in the Crown and shall refuse to deliver up the possession thereof for the space of thirty days after demand thereof being made in writing to them or to their respective agents such demand to be signed by the Colonial Secretary for the time-being it shall be lawful for any two or more Justices of the Peace for the Territory of New South Wales or the district wherein such lands shall be situated (upon application made by the said Colonial Secretary or any person authorized by him) by warrant under their hands and seals to order any Constable or Peace Officer with such assistance as may be necessary to enter upon and take possession of such lands and to discharge and impound the cattle found thereon and to remove and put such occupiers together with his her or their goods from and off the same and the possession thereof Provided always that no claim to any compensation in respect of any improvements or cultivation of lands so permitted to be occupied or other expenditure in respect thereof shall be allowed unless an express stipulation to that effect shall have been inserted in the original license from the Governor to such occupiers.

Provided no compensation to be made for improvements.

If interest in lands be transferred permission to occupy annulled.

4. Provided always and be it further enacted by the authority aforesaid That in case any occupier of such lands as aforesaid shall sell or transfer the same or if by any means whatever his interests in the lands so occupied by him shall become vested in any other person then and in every like case such permission to occupy shall become null and void and it shall be lawful for the Colonial Secretary for the time-being or any person duly authorized by him in that behalf to re-enter and take possession of the lands so become forfeited and if necessary to use the means before provided in case the occupiers refuse to deliver up the possession of such lands respectively.

5. And whereas by a certain notice bearing date the sixth day of March in the year of our Lord one thousand eight hundred and twenty-nine and published by order of the Trustees of Clergy and School Lands in the *Sydney Gazette* it was notified that the said Trustees would receive offers from persons desirous of occupying any of the lands which had been granted to the Corporation at a rent of two shillings and sixpence per annum per one hundred acres until some permanent arrangement was made for their disposal and that it was clearly to be understood that the Trustees reserved the right of disposing of all lands which should be occupied under that tenure and to give possession to any other party upon giving one month's notice to the occupant And whereas in virtue of the said notice and in faith of the performance of the several conditions therein contained divers persons have from time to time obtained possession of lands so granted to the said Corporation and it is expedient that the like summary course of proceeding as hereinbefore provided for the Crown should be afforded to the said Corporation be it therefore enacted That if any person or persons who hath or have obtained

Permission to occupy lands under the

General and Quarter Sessions.

obtained or who shall at any time hereafter obtain the possession of any of the lands belonging to the said Corporation upon the conditions in the said notice contained shall fail in the performance or fulfilment of any such conditions according to the true intent and meaning thereof such possession shall become null and void and such lands shall immediately revert and be considered as in the possession and occupancy of the said Corporation and liable to be disposed of in like manner as other lands of the said Corporation and if any person or persons shall retain the possession of any such lands after the same shall be so re-vested in the said Corporation and shall refuse to deliver up the possession thereof for the space of thirty days after demand thereof being made it shall be lawful for any two or more Justices of the Peace for the Territory of New South Wales or the district wherein such lands shall be situated (upon application being made by the Agent or Clerk of the said Corporation to such effect) by warrant under their respective hands and seals to order any Constable or other Peace Officer with such assistance as may be necessary to enter upon and take possession of such lands and to remove any person or persons or to impound any cattle trespassing thereon in like manner as if such persons or cattle had been found trespassing on any other lands of the said Corporation.

Church Corporation
annulled if conditions
be not performed.

Mode of ejection
on refusal to vacate.