

6 EDW. VII. No. 26, 1906. *Lands for Closer Settlement Special Purchase Act*

An Act to make Provision for the Purchase of certain Lands for Closer Settlement.

[ASSENTED TO 14TH DECEMBER, 1906.]

WHEREAS it is desirable that certain lands should be acquired from the owners thereof for closer settlement, and that certain agreements which have, subject to the ratification thereof by Parliament, been entered into by the Secretary for Public Lands for the acquisition of the said lands by the Crown, should be ratified and approved by Parliament: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

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THE
LANDS FOR
CLOSER
SETTLEMENT
SPECIAL
PURCHASE
ACT OF 1906.
Preamble.

1. This Act may be cited as "*The Lands for Closer Settlement Special Purchase Act of 1906*," and shall be read as one with the Closer Settlement Acts.

Short title.

2. In this Act the expression—

"Closer Settlement Acts" means and includes "*The Agricultural Lands Purchase Acts, 1894 to 1901*,"* and any Act amending or in substitution for those Acts, providing for the selection and other disposal of lands acquired for closer settlement.

Interpretation.

3. The agreement next hereinafter set out, entered into by and between the Minister and Edward Gilbert Booker, of Brisbane, in the State of Queensland, in the Commonwealth of Australia (hereinafter called the Vendor), for the acquisition by the Crown of the lands known as the Woollooga Estate, and in the said agreement particularly described, at the price of two pounds per acre to be paid in sterling money out of the Consolidated Revenue Fund, and upon other terms and conditions in the said agreement set out, is hereby ratified and approved—

Purchase of
Woollooga
Estate.

AGREEMENT made this nineteenth day of October, one thousand nine hundred and six, between Edward Gilbert Booker, of Brisbane, in the State of Queensland, grazier (hereinafter called "the vendor"), of the one part, and the Honourable Joshua Thomas Bell, the Secretary for Public Lands of Queensland (hereinafter called "the Minister"), of the other part, witnesseth that the vendor has agreed to surrender to His

* 58 Vic. No. 27, *supra*, page 4988; 61 Vic. No. 13, *supra*, page 6223; and 1 Edw. VII. No. 9, *supra*, page 8133 (all repealed by "*The Closer Settlement Act of 1906*," 6 Edw. VII. No. 32, last preceding Act).

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Majesty King Edward the Seventh, and the Minister, with the sanction of the Governor in Council of the said State, and subject to the conditions prescribed by "*The Agricultural Lands Purchase Acts, 1894 to 1901*,"* and subject to the ratification by Parliament of this agreement, has contracted with the vendor for the acquisition of all those pieces or parcels of freehold land known as Woolooga Estate, in the Gympie Land Agent's District, consisting of the portions more particularly described in the Schedule hereto, and containing by admeasurement nineteen thousand three hundred and ninety-two acres and nine perches, be the same a little more or less, free from encumbrances, and with all improvements thereon, for the price and subject to the conditions hereinafter mentioned, that is to say,—

1. The price to be paid for the said lands so surrendered to the Crown shall be the sum of two pounds sterling per acre, and shall be paid to the vendor upon the registration of the surrender hereinafter mentioned of the said lands free from encumbrances, or on the third day of January, one thousand nine hundred and seven, if the surrender is registered before that date.

2. If any error, misstatement, or omission should be discovered in the particulars of the said land, the same shall not annul the sale, but the areas stated herein are to be accepted by the vendor and the Minister as the correct areas of the lands surrendered.

3. The Minister shall, immediately upon the execution of this agreement, be at liberty to have the lands surveyed and subdivided into areas suitable for sale and selection under the said Acts, and for such purpose all surveyors and other persons authorised by the Minister shall be permitted to enter and remain upon the said lands for so long as may be reasonably necessary, and to survey and erect and maintain thereon such pegs and other marks as may be deemed advisable by them without compensation to the vendor for disturbance or otherwise.

4. The vendor shall not be required to remove any of his stock or plant off the property for a period of four months after the date of ratification by Parliament of this agreement, during which time he shall have (subject to the preceding clause) full use of the land and improvements.

5. All improvements existing on the land shall be the property of the Crown and included in the said sale, and shall not be interfered with or removed by the vendor. The vendor shall insure and continue to insure the buildings until delivery, and the insurance policies for insurance on the said buildings shall be handed over to the Minister, and shall be transferred to him on behalf of the Government of Queensland; and the Minister shall then pay to the vendor a fair and due proportion of the insurance premiums in respect of the period between the delivery and the expiration of the terms of such insurances.

6. Subject to clause 4 hereof, possession of the said lands shall be given by the vendor to the Minister on the third day of January, one thousand nine hundred and seven, and the vendor shall on or before such last-mentioned date execute all such surrenders and other assurances as may be necessary to effectually vest the said lands in His said Majesty, and hand to the Minister the deeds and titles and policies relating to the said lands and the buildings thereon free from encumbrances.

7. In all cases where part only of the area of land described in any Crown grant or other title is to be surrendered, the plan, description, and

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declaration required to complete the registration of the said surrender shall be furnished by the vendor to the Minister without unnecessary delay.

8. All expenses either on account of surveys, preparation of plans, descriptions, or otherwise, which may be necessary to complete the registration of the said surrender, shall be borne by the vendor; the cost of preparing and registering the surrenders by the Crown Solicitor shall be borne by the Crown; and it is hereby expressly agreed and declared that this agreement is entered into by both parties on the express condition that, if the Parliament of Queensland does not approve of or ratify the same by resolution or by an Act of Parliament during the present Session of Parliament, then the contract for sale shall be void and of no effect, and the vendor shall not be entitled to compensation for any expenses incurred or loss, if any, sustained through the agreement having been entered into by the Minister; and that, if the said agreement is ratified or approved of by Parliament in the manner and within the time aforesaid, then it shall be binding on the vendor and the Minister.

In witness whereof the parties hereto have hereunto set their hands on the day and year first above written.

THE SCHEDULE.

I. County of Lennox, parish of Miva.

Subdivisions 1, 3, 4, and 6 of portion 761, subdivisions 1 and 3 of portion 1032.

II. County of Lennox, parish of Brooyar.

Portions 9v, 590, 596, 598, resubdivision 1 of subdivision 10 of portion 610, resubdivision 3 of subdivision 10 of portion 610, subdivisions 1, 3, 4, 6, 8, and 11 of portion 610, portions 695 and 730.

Signed by the said EDWARD
GILBERT BOOKER in
the presence of

E. G. BOOKER.

E. G. GREEN.

Signed by the said The
Honourable JOSHUA
THOMAS BELL in the
presence of

JOSHUA T. BELL.

W. J. SCOTT.

4. The agreement next hereinafter set out, entered into by and between the Minister and Herbert George Hope and William Butler, each of Kilcoy, in the State of Queensland, in the Commonwealth of Australia (hereinafter called the Vendors), for the acquisition by the Crown of the lands known as the Kilcoy Estate, and in the said agreement particularly described, at the price of one pound fifteen shillings per acre to be paid in sterling money out of the Consolidated Revenue Fund, and upon other terms and conditions in the said agreement set out, is hereby ratified and approved—

Purchase of
Kilcoy
Estate.

AGREEMENT made this twenty-fourth day of October, one thousand nine hundred and six, between Herbert George Hope, of Kilcoy, and William Butler, of Kilcoy, in the State of Queensland, trustees under nomination of trustees number 416768 (hereinafter called "the

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vendors"), of the one part, and the Honourable Joshua Thomas Bell, the Secretary for Public Lands of Queensland (hereinafter called "the Minister"), of the other part, witnesseth that the vendors have agreed to surrender to His Majesty King Edward the Seventh, and the Minister, with the sanction of the Governor in Council of the said State, and subject to the conditions prescribed by "*The Agricultural Lands Purchase Acts, 1894 to 1901*,"* and subject to the ratification by Parliament of this agreement has contracted with the vendors for the acquisition of all those pieces or parcels of freehold land known as Kilcoy Estate, in the Brisbane Land Agent's District, consisting of the portions more particularly described in the Schedule hereto, and containing by admeasurement twenty-six thousand two hundred and thirty acres one rood one perch, be the same a little more or less, free from all encumbrances, and with all improvements thereon, for the price and subject to the conditions hereinafter mentioned, that is to say:—

1. The price to be paid for the said lands so surrendered to the Crown shall be the sum of one pound fifteen shillings sterling per acre, and shall be paid to the vendors upon the registration of the surrender hereinafter mentioned of the said lands free from encumbrances, or on the third day of January, one thousand nine hundred and seven, if the surrender is registered before that date.

2. If any error, misstatement, or omission should be discovered in the particulars of the said land, the same shall not annul the sale, but the areas stated herein are to be accepted by the vendors and the Minister as the correct areas of the lands surrendered.

3. The Minister shall, immediately upon the execution of this agreement, be at liberty to have the said lands surveyed and subdivided into areas suitable for sale and selection under the said Acts, and for such purpose all surveyors and other persons authorised by the Minister shall be permitted to enter and remain upon the said lands for so long as may be reasonably necessary, and to survey and erect and maintain thereon such pegs and other marks as may be deemed advisable by them without compensation to the vendors for disturbance or otherwise.

4. The vendors shall not be required to remove any of their stock or plant off the property for a period of four months after the date of ratification by Parliament of this agreement, during which time they shall have (subject to the preceding clause) full use of the land and improvements.

5. All improvements on the land shall be the property of the Crown and included in the said sale, and shall not be interfered with or removed by the vendors. The vendors shall insure and continue to insure the buildings until delivery, and the insurance policies for insurance on the said buildings shall be handed over to the Minister, and shall be transferred to him on behalf of the Government of Queensland; and the Minister shall then pay to the vendors a fair and due proportion of the insurance premiums in respect of the period between the delivery and the expiration of the terms of such insurance.

6. Subject to clause 4 hereof, possession of the said lands shall be given by the vendors to the Minister on the third day of January, one thousand nine hundred and seven, and the vendors shall, on or before such last-mentioned date, execute all such surrenders and other assurances as may be necessary to effectually vest the said lands in His said Majesty, and hand to the Minister the deeds and titles and policies relating to the said lands and the buildings thereon free from encumbrances.

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7. In all cases where part only of the area of land described in any Crown grant or other title is to be surrendered, the plan, description, and declaration required to complete the registration of the said surrender shall be furnished by the vendors to the Minister without unnecessary delay.

8. All expenses either on account of surveys, preparation of plans, descriptions, or otherwise shall be borne by the vendors; the cost of preparing and registering the surrenders by the Crown Solicitor shall be borne by the Crown; and it is hereby expressly agreed and declared that this agreement is entered into by both parties on the express condition that, if the Parliament of Queensland does not approve of or ratify the same by resolution or by an Act of Parliament during the present Session of Parliament, then the contract for sale shall be void and of no effect, and the vendors shall not be entitled to compensation for any expenses incurred or loss, if any, sustained through the agreement having been entered into by the Minister; and that, if the said agreement is ratified or approved of by Parliament in the manner and within the time aforesaid, then it shall be binding on the vendors and the Minister.

In witness whereof the parties hereto have set their hands on the day and year first above written.

THE SCHEDULE.

I. County of Canning, parish of Kilcoy.

Portions 1, 1, subdivision 3 of portion 1A, 3, 4, 4A, 5, 5A, 6, 6A, 7, 7, 8, 8, 9, 9, subdivisions 40 to 42 of portion 9A, resubdivision 2 of subdivision 43 of portion 9A, resubdivision 3 of subdivision 43 of portion 9A, 10, 10, 11, 11, 12, 13, 13A, 14, 14A, 19, 24, 25, 26, 27, 31, 32, 33, 49, 50, 51, 52, 53, 54, 55, 56, subdivision 2 of portion 57, 57A, 58, 59, 60, 61, 62, 63, subdivision 4 of portion 64, 77, subdivision 2 of portion 79, 80, 83, 84, 86, 91, 106v, 129, 200, 201, 202, 203, 204, 205, 206, 207, 223, 226, 269, allotment 4 of section 12.

II. County of Stanley, parish of Byron.

Portions 79, 84, 100.

Signed by the said HERBERT }
 GEORGE HOPE in the } HERBERT GEORGE HOPE.
 presence of }
 JOHN FORREST, J.P.

Signed by the said WILLIAM }
 BUTLER in the presence } WILLIAM BUTLER.
 of }
 JOHN FORREST, J.P.

Signed by the said The }
 Honourable JOSHUA }
 THOMAS BELL in the } JOSHUA T. BELL.
 presence of }

P. W. SHANNON.

5. The said lands when acquired under this Act shall be subject in all respects to the Closer Settlement Acts. Application of Closer Settlement Acts.