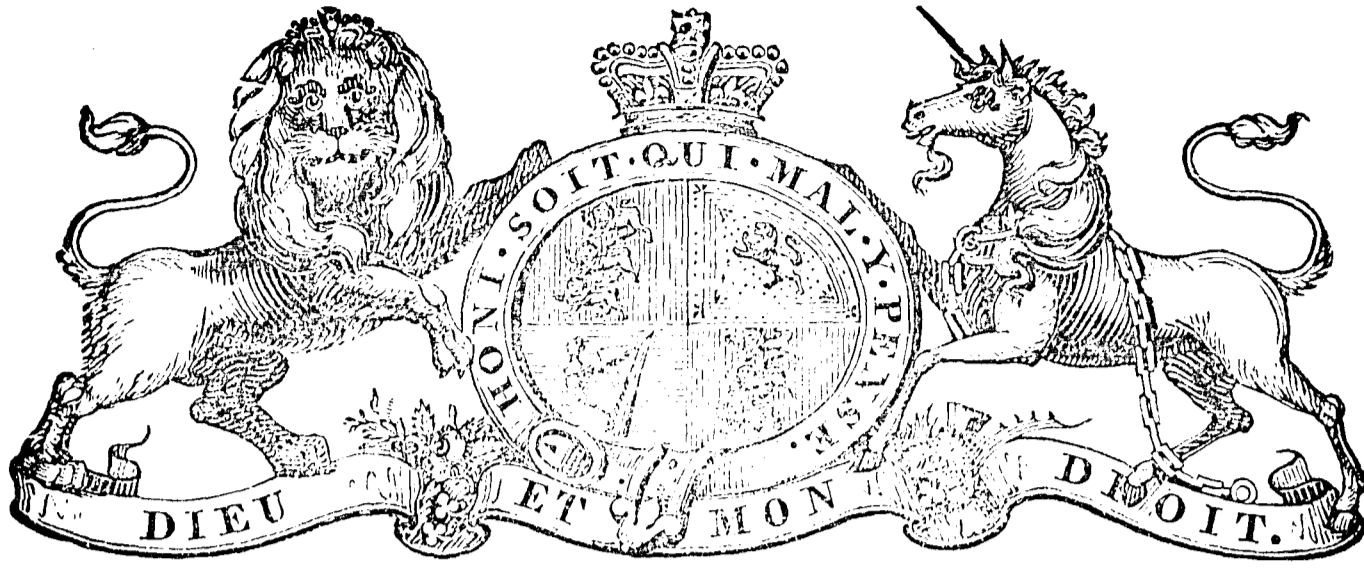


VICTORIA.



ANNO QUADRAGESIMO SECUNDO

VICTORIÆ REGINÆ.

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No. DCXXXIV.

An Act to amend "*The Land Act 1869.*"

[6th *December* 1878.]

**B**E it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. This Act shall be called and may be cited as "*The Land Act 1878.*" It shall be read and construed as part of "*The Land Act 1869,*" hereinafter called the Principal Act, and shall commence and come into operation on the first day of January, One thousand eight hundred and seventy-nine, and shall continue in force for the same time as and no longer than the Principal Act. Nothing in this Act contained shall in any manner affect any things done or to be done, rights acquired or to be acquired, liabilities and forfeitures incurred or to be incurred, under the provisions of the Principal Act, or the enforcement of any such rights, liabilities, or forfeitures respectively.

Title and commencement of Act.  
No. 360.

2. In section nineteen of the Principal Act the words "three years" and "two shillings" shall be repealed, and the words "six years" and "one shilling" shall be substituted in lieu thereof respectively.

Amendment of section 19 of Act No. 360.

3. Where prior to the passing of this Act any application for a license under the second part of the Principal Act has been made if such application be granted, and if the applicant so elect such license may be so issued as it would have been issued if this Act had not been passed.

4. In

*Published as a Supplement to the 'Victoria Government Gazette' of Friday, 6th December 1878.*

Amendment of sub-sections 3 and 4 of section 20 of Act No. 360.

4. In sub-section three of section twenty of the Principal Act the word "two" shall be repealed, and the word "six" shall be substituted in lieu thereof. And in sub-section four of the said section the words "six months" and "third year" shall be repealed, and the words "twelve months" and "sixth year" shall be substituted in lieu thereof respectively.

Sub-section 5 of section 20 of Act No. 360 repealed.

5. Sub-section five of the said section so far as the words "condition of occupation" inclusive shall be repealed, and the following words shall be substituted in lieu thereof and shall be deemed to be and may be cited as sub-section five of section twenty of the Principal Act (that is to say):—

Residence and improvements.

"(v.) A condition that if the licensee shall during the currency of the license occupy the allotment for not less than five years, and shall fence as herein provided and make the improvements of the nature and value in the previous condition mentioned on the allotment during the said period of six years, and shall prove to the satisfaction of the Board (to be certified under its seal) by such evidence as the Board may require that he has complied with the said conditions and with all other conditions of the said license, he shall be entitled at any time within twelve months after six years from the commencement of the license to demand and obtain from the Governor a Crown grant upon payment of Fourteen shillings for each acre or fractional part of an acre or otherwise he may obtain a lease of the said allotment; and every such lease shall be for a term of fourteen years at a yearly rent payable in equal parts half-yearly in advance of One shilling for each acre or fractional part of an acre so demised, and shall contain the usual covenant for the payment of rent and a condition for re-entry on non-payment thereof; and upon the payment of the last sum due on account of the rent so reserved or at any time during the term upon payment of the difference between the amount of rent actually paid and the entire sum of One pound for each acre the lessee or his representatives shall be entitled to a grant in fee of the lands leased, and every such grant shall be subject to such covenants conditions exceptions and reservations as the Governor may direct: Provided that in the case of the death of the licensee during the currency of such license it shall not be obligatory on the executors or administrators of such licensee to comply with the said condition of occupation."

If conditions of license complied with leases may be demanded.

Duration and covenants of lease.

Amendment of section 21.

6. In section twenty-one of the Principal Act the words "three years" shall be repealed, and the words "six years" shall be substituted in lieu thereof.

7. In

7. In section twenty-four and in the Fourth Schedule of the Principal Act the words "sixth year" shall be substituted for the words "third year" wherever they occur.

Amendment of section 24 and schedule 4.

8. Any licensee under section nineteen of the Principal Act whose license has been issued within three years of the date of the passing of this Act shall be entitled, within four months from the commencement of this Act, to surrender his license, and if in the opinion of the Board certified in writing under its seal he shall have so far fulfilled the conditions of his license as the Board shall deem reasonable and sufficient, the Governor may if he think fit accept such surrender and may issue a new license under this Act to the person so surrendering a license as if he had not previously held a license, and the Governor may if he think fit direct that the whole or any part of the license fees paid on account of the license so surrendered shall be deemed to have been paid on account of such new license. Provided always that before any such licensee shall be entitled to the benefit of this section such licensee shall have paid all fees for occupation due before the coming into operation of this Act. Provided also that every year of occupation by any such licensee shall on the surrender of the first license be deemed to be and shall count as two years in the computation of the time for which any new license shall have to issue.

Surrender of former licenses for new licenses.

Provisos.

9. It shall be lawful for any licensee under section nineteen of the Principal Act in each and every year during the continuance of his license to apply personally to a land officer acting in the district to register in a book to be kept for the purpose a notice in writing signed by the said licensee of his intention to be absent from his allotment for a period or periods not exceeding in the whole three months (specifying the dates of commencement and termination of his intended absence); and any absence between the dates thus registered shall not be deemed to be a breach or non-fulfilment of the condition of occupation contained in his license or a violation of any of the provisions of this or the Principal Act.

Three months absence from allotment not to be a breach of conditions if registered.

10. Any licensee of a residence site only who shall have so occupied same during a continuous period of not less than three years and shall have paid all license fees then due, shall at the expiration of such period or at any time within thirty days thereafter be entitled to demand and obtain from the Governor a Crown grant of such residence site provided that the same is not auriferous or required for mining purposes or for any public purposes or is not situate within any city town or borough.

Licensees of residence sites entitled to grant.

11. The Governor may if he think fit issue a license (hereinafter called "non-residence license") to improve an allotment as defined in the Principal Act for a period of six years at a fee for such license of Two shillings per annum for each and every acre or fractional part of an acre to any person who, being entitled to become a licensee of an allotment

Improvement licenses.

Fee to be Two shillings per annum.

R 62 ref

No condition as to occupation.

Improvements.

Purchase-money.

Application.

Purchase by lessee.

Limit of licenses to be issued in one year.

allotment under section 21 of the Principal Act, shall have applied for such license and shall have paid a half-year's fee in advance and every such license shall be upon the like (save as in this and the following sections provided) conditions and terms as licenses to occupy Crown lands may be issued under sections 19 and 20 of Part II. of the Principal Act as amended by this Act: Provided that no condition as to residence or occupation or as to the kind of improvements to be made by the licensee save as regards fencing shall be contained in such license: Provided also that there shall be contained in such license a condition annulling the same unless in respect of every acre or fractional part of an acre of such allotment substantial and permanent improvements be made before the end of the third year of the currency of the license of the value of One pound, and before the end of the sixth year of such currency of the value of one additional pound, and that the entire sum payable in respect of the purchase money for any such allotment shall be at the rate of Two pounds for every acre or fractional part of an acre: Provided also that the rent reserved in any lease obtained in pursuance of the conditions of any non-residence license shall be Two shillings per annum for each and every acre or fractional part of an acre.

**12.** All the provisions of the Principal Act and of this Act that are applicable to licenses and leases and to the persons who hold the same issued under Part II. of the Principal Act as amended by this Act including the rights and liabilities thereby conferred or imposed shall except as altered by this and the next preceding section apply and extend to non-residence licenses and to leases issued in pursuance of the conditions of any such licenses and to the persons who may hold such licenses or leases: Provided always that at any time after the period of the currency of the license and during the term of the lease (such substantial and permanent improvements of said value having been made to the satisfaction of the Board), and upon payment of the difference between the amount of license fees and rent reserved actually paid and the entire sum of Two pounds for each acre, the lessee or his representatives shall be entitled to a grant in fee of the lands so leased, and every such grant shall be subject to such covenants conditions exemptions and reservations as the Governor may direct.

**13.** Provided also that during any one year non-residence licenses shall not be issued under the provisions of this Act for more than two hundred thousand acres of Crown lands.



MELBOURNE:

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