



S U P P L E M E N T  
TO THE  
NEW SOUTH WALES  
GOVERNMENT GAZETTE,

OF TUESDAY, MARCH 28, 1848.

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WEDNESDAY, MARCH 29, 1848.

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*Colonial Secretary's Office,  
Sydney, 29th March, 1848.*

OCCUPATION OF CROWN LANDS,  
WITHIN THE SETTLED DISTRICTS.

In pursuance of Her Majesty's Order in Council of 9th March, 1847, His Excellency the Governor, with the advice of the Executive Council, has been pleased to establish, subject to the approval of the Right Honorable the Secretary of State for the Colonies, the following Regulations for the occupation of Crown Lands within the Settled Districts of the Colony, as they are now or may hereafter be defined.

2. The holders of purchased Lands within the settled districts, will Holders of purchased Lands may pasture stock on vacant Crown Lands free of charge. be permitted to pasture their stock free of charge, on any *vacant* Crown Lands, immediately contiguous to their respective properties, provided they do not erect any hut or building thereon, or clear, enclose, or cultivate any portion thereof: but it is to be distinctly understood, that such permission will in no way interfere with the right of the Government at any time to dispose of the lands either by Sale or by Lease.

3. The permission to pasture stock on vacant Crown Lands *free of charge*, will not carry with it any other than a *Commonage* right, to be This permission constitutes only a Commonage right. enjoyed alike by all the holders of adjacent purchased lands. Persons desiring to secure the *exclusive* right of pasturage over any particular Crown Lands, must obtain a Lease by purchase, in one or other of the modes hereinafter described.

4. Within the Settled Districts Lands will be let, for pastoral purposes only, on annual Lease, in sections of six hundred and forty acres Lands will be let on Annual Lease and for pastoral purposes only. each, as charted in the Surveyor General's Office, and at a yearly rent not lower than ten shillings per section.

- Size of lots. 5. No portion of land, consisting of less than six hundred and forty acres, or one square mile, will be let on lease, except in special cases, which may render expedient a departure from this rule; and in any case where there is a broken section, with water frontage, the section behind it will be added to the lot.
- What Lands will not be let. 6. No sections lying either in whole or in part within the distance of five miles from either of the cities of Sydney or Melbourne, or within the distance of two miles from any town shewn by the last Census for the time being to contain more than one thousand inhabitants, nor any lands set apart as the sites of towns or villages, or measured for sale as "Special Country Lots," nor any of the Lands comprised within the Church and School Estates, will be open to lease under these regulations.
- Duration of Lease. 7. The annual Leases issued under these regulations, will be for the calendar year commencing on the first day of January; and all Leases granted, whether taking effect from the first day of the Leasing year, or from any subsequent date, will alike expire on the 31st December.
- Lands demised for pastoral purposes only; but with permission to cut timber. 8. The Leases will carry with them the exclusive right of occupancy of the Land *for pastoral purposes only*, during the period they shall remain in force; but a clause will be inserted in each Lease, permitting the Lessee to cut such timber, with the exception of cedar, as may be required for domestic uses, for firebote, fencing, stockyards, or other conveniences for the use of the Land, for the purposes specified.
- Leases not to be assigned. 9. The Leases will not be assignable, nor shall any portion of the Lands held thereunder be assigned or sub-let, under penalty of absolute forfeiture of the Lease.
- No compensation for improvements. 10. Lessees of Lands under these Regulations will not be entitled to any compensation whatsoever for any improvements they may effect on the Lands.
- Lands open to sale. If sold, lease to be surrendered. 11. The Lands included in any Lease will be open to purchase under the ordinary Regulations, and in the event of their being sold, or required for any public purpose, must be surrendered, as heretofore, by the lessee, upon his receiving one month's notice; but in such case, the balance of the price of the Lease for the time it has to run will be refunded to him.
- Leases renewable annually. 12. Subject to the approval of His Excellency the Governor in each case, the Leases held under these Regulations may be renewed at the same yearly rent as that paid for the preceding year. Such renewals will be ordinarily sanctioned by the Governor, unless the Lands be required for sale, or for any public purpose, or for the satisfaction of any new claims which may arise under the pre-emptive right hereinafter conferred on purchasers of Crown Lands. It is, however, to be distinctly understood that His Excellency reserves to himself the full power of periodically revising and altering the terms on which the leases will be granted or renewed, as the public interests may from time to time appear to him to require.
- Terms subject to revision. 13. Persons desiring to renew their Leases under the preceding clause, must make application to the Colonial Secretary, at Sydney, or to the Superintendent of Port Phillip, at Melbourne, if the lands be situated in that District, not later than the 31st August, in the year preceding that for which the Leases will have effect, and if allowed to do so, must pay the rent into the Colonial Treasury, not later than the 30th day of September in the same year.
- Period for renewal of Leases. 14. All leases for the ensuing year which shall not be renewed by the 30th of September preceding, will, whether applied for or not, be put up to auction, in or about the last week in the month of November in each year, in the manner described in a subsequent part of these Regulations.
- Leases not renewed will be put up to Auction. 15. No Lease which has once been advertized for sale can be obtained by any person until it has been submitted to competition.
- Leases once advertized, obtained only by competition.

16. The holders in fee simple of any Lands within the Settled Districts, whether acquired by purchase or grant, will be allowed, subject to the conditions hereinafter prescribed, to obtain Leases of any vacant Crown Lands adjacent to their respective properties, without competition, at the fixed price of ten shillings per section of 640 acres, and to the extent of *three times* their own purchased or granted Lands, if there be so much vacant Crown Land available. It is, however, to be understood that the Rule above laid down, that land will not be let in portions less than six hundred and forty acres, will not be departed from, in order to make up the exact quantity which an individual may be entitled to claim under this clause; and no person will be deemed entitled to the pre-emptive right hereby conferred, who does not hold purchased or granted lands in one block to the extent of at least one section.

Pre-emptive right to holders of Land in fee simple.

Even sections only will be computed.

Less than 640 acres will not confer pre-emptive right.

17. If the holders of Land in fee simple desire to lease a greater number of sections than they are entitled to claim under the pre-emptive right conferred by the preceding clause, they can only do so by purchase at Auction.

Additional land obtained only at Auction.

18. In cases in which the same portions of Land may be claimed by more than one party under the pre-emptive right conferred by clause 16, the Government will, at the expiration of the term allowed for preferring such claims, announce to each claimant the names of his competitors, in order that he may arrange with them respecting the division of the Lands in the manner pointed out in the next clause.

As to Lands claimed by more than one party.

19. If there be more than two claimants, the division of the Lands amongst them may be settled by private arrangement; and on the result of such arrangement being communicated to the Government within the time prescribed in the following clause, in a document signed by all the contending parties, the Lands will be apportioned and let accordingly; but if there be only two claimants, the question at issue between them may be determined by arbitration in the manner following;—each party shall name an arbitrator, and the two arbitrators shall have power, if necessary, to elect an umpire, and according to the award of such arbitrators or umpire the land in dispute will be apportioned and let. In considering the respective claims of the contending parties, it is desirable that the arbitrators and umpire should be guided by the extent of purchased or granted land held by each, so as to apportion the vacant Crown land in reference to such extent,—by the previous occupation of the land in dispute according to the usage of the Colony as part of the run of either of the parties,—and the access to water for its beneficial occupation.

Where more than two claimants, claims to be settled by private arrangement.

If only two, claims to be referred to arbitrators.

20. If, at the end of one month from the date of the letter announcing to the several claimants the names of their competitors, the Government shall be uninformed of a division of the lands having been made either by agreement or by arbitration, the leases of the lands so circumstanced will be offered for sale by auction, and the public admitted as competitors for the same.

If no division agreed upon, leases will be put up to auction.

21. The holders of granted Lands within the Settled Districts, on which the quit-rent has been redeemed, will, for the purposes of these regulations, be placed on the same footing in all respects, as the holders of purchased Lands. The holders of granted Lands on which the quit-rent has not been redeemed, are not considered admissible, under the terms of the Order in Council, to the privilege of pasturing their stock on Crown Lands free of charge as above described, but they will be allowed to exercise the pre-emptive right mentioned in clause 16.

Holders of granted lands to enjoy the same privileges as holders of purchased lands.

22. Lands which have been brought by the Order in Council within the settled class, but which have been hitherto held under Squatting Licenses for pastoral purposes, will be let to the present licensed occupants

As to lands of the settled class under squatting license.

thereof, on yearly lease, at the fixed rent of One Pound per Section, so long as they shall not be required for sale or for any public purpose, or be applied for on lease by any holder of purchased lands in the immediate neighbourhood. But whenever any holder of purchased land in the immediate neighbourhood shall either put forward his claim to the number of sections which he may be entitled to rent under the pre-emptive right conferred by clause 16 of these Regulations, or shall make application for a Lease of any additional sections to be offered for sale by auction, such sections will not be relet to the previous occupant, but will be withdrawn from his holding, in order that they may be demised to the person claiming the exercise of his pre-emptive right respecting them, or be let by auction, as the case may be. In respect, however, to any sections thus taken out of the previous occupant's holding, in order that the leases of them may be offered for sale, such previous occupant will be allowed to continue to use them for pastoral purposes until the day of sale, and in the event of their not being then purchased, to renew his lease for the current year at the rate above mentioned.

Lands not charted in sections how to be let.

23. Any lot of land within the meaning of the preceding clause, which may not have been charted in sections in the Surveyor General's Office, will be let, until so charted, to the present licensed occupant thereof in one block, the amount of rent being determined by the computed number of sections therein contained, according to an estimate to be submitted by the occupant, and approved by the Surveyor General, or the Surveyor in charge at Melbourne, accordingly as the lands may be situated in the Sydney or the Port Phillip District.

Sections containing improvements, let only to previous occupant in certain cases.

24. Of the class of Lands referred to in clause 22, no sections containing valuable improvements, nor any of the sections contiguous thereto, will, for the present, be open to Lease under these Regulations, to any other persons than the present licensed occupants thereof.

Time and mode of claiming exercise of pre-emptive right.

25. Persons desirous of exercising either of the pre-emptive rights conferred by clauses 16 and 22 of these regulations, will be required to make application accordingly, in the one or other of the forms annexed, (A or B.) as the lands may be of the one or other of the classes referred to, describing as accurately as possible the sections which they desire to rent, and also specifying the purchased or granted Lands, or the licensed Runs, in respect of which they claim to exercise the pre-emptive right. These applications must be lodged at the Surveyor General's Office in Sydney, or at the Office of the Surveyor in charge at Melbourne, on or before the 31st day of August in the year preceding that for which the desired Leases will have effect.

Leases obtained by pre-emption will be notified. If rent not paid within one month, they will be put up to auction.

26. All leases accorded by the Government under the pre-emptive rights conferred by clauses 16 and 22 of these Regulations, will be notified in the *Government Gazette*; and if, within one month from the date of such notification, the rent for the same shall not have been paid into the Treasury, the Leases will be offered for sale by auction.

Lands not taken by pre-emption will be let at auction.

27. All Lands, to the Leases of which no pre-emptive right shall have been exercised within the periods above specified, will be open to Lease, and be offered for sale by auction, on the application of any person requiring the same.

Application for sale of Leases by auction.

28. Applications for the Lease, at auction, of particular portions of Crown Lands are to be addressed as heretofore, to the Surveyor General in Sydney, or to the Surveyor in charge at Melbourne, in form annexed, marked C.

General sale in November of each year.

29. In or about the last week in the month of November in each year, there will be a general Sale, by auction, at which will be put up all Leases for the ensuing year which may have been applied for under the preceding clause, or which may have been claimed but not obtained under the pre-emptive right, or of which a right of renewal may have been granted but not exercised, as well as any leases which the Government may think it expedient to bring forward at its own instance.

30. Leases applied for under clause 28, subsequently to the general Sale, will be put up at auction as demanded,—the term of the Lease in every such case being the unexpired portion of the calendar year, as explained in clause 7. Special sales on application.

31. No sale of Leases under these Regulations will take place without one month's notice thereof having been given by advertisement in the *Government Gazette*. One month's notice of each sale.

32. The Sales will be held at the principal places of Petty Sessions of the Police Districts in which the Lands may be respectively situated. Leases sold at places of Petty Sessions.

33. The upset price of each lot will be *ten shillings* per section of six hundred and forty acres; or *five shillings*, if half of the current year shall have expired. Upset price.

34. The Government reserves to itself the right to refuse the bidding of any one, as well as to withdraw any lot from sale. But this right will never be exercised, except for a sufficient and assignable cause. Bidding may be refused, or lot withdrawn.

35. The full price bid for each lot must be paid down on the day of sale; failing which, the land will be leased on application, as described in clause 38. Full price to be paid down.

36. As early as possible after the day of sale, Leases will be issued from the Colonial Treasury, at Sydney or Melbourne, accordingly as the lands may be situated in the one or other of those Districts, to those persons who have duly paid their purchase money. Leases issued from the Treasury.

37. Any lot of land the lease of which may have been offered for sale at auction and not bid for, may be obtained on lease by any person of approved character, on payment at the Colonial Treasury, of the upset price of ten shillings per section, or of half that price, if half the current year has expired. Lots not bid for obtained at upset price.

38. The foregoing rule will also apply to those Lands, the Leases of which have been bid for, but the price of which has not been paid on the day of sale. In such case, however, the sum to be paid for the Lease will be, not the upset price, or its half, but the highest price bid for the lot at the sale, or its half, if half of the year shall have expired. Lots of which price not paid obtained at that price without competition.

39. Lots open to purchase under either of the two preceding clauses, but not taken, may be put up again at auction, either on the application of individuals, or at the instance of the Government. Lots not purchased may be again put up.

40. The first Leases issued under these Regulations, will be for the year commencing on the 1st January, 1849. Leases first issued for year commencing 1st January, 1849.

41. All Licenses now held, in terms of the Regulation of the 21st August, 1841, which will expire during the present year, may be renewed for the remainder thereof, on payment of rent at the same rate as that paid for the existing Licenses, such payment to be made on taking the Licenses up at the Treasury. As to Lands held under existing Licenses.

42. It is distinctly to be understood, that as soon as these Regulations shall have been brought into effect, all persons who may be found in occupation of Crown Lands within the settled districts, contrary to the plain intent and meaning of these Regulations, will be immediately proceeded against under the provisions of the Act of Parliament, 9 and 10 Vict., cap. 104. Persons occupying Crown Lands contrary to these Regulations will be proceeded against.

43. The Regulations for the occupation of Crown Lands within the boundaries of location, dated 21st August, 1841, are hereby cancelled. Regulations of 1841 annulled.

*By His Excellency's Command,*

E. DEAS THOMSON.

## (SCHEDULE A.)

*Form of Application to be used by the holder of purchased or granted Lands in the Settled Districts, when claiming to exercise the pre-emptive right.*

Place\*

Date

SIR,

In pursuance of the Regulations of 29th March, 1848, respecting the occupation of Crown Lands within the Settled Districts, I do hereby apply to be allowed Leases of the several sections of Crown Land hereunder described, at the fixed rent of ten shillings per section.

The Land in virtue of which I claim to exercise a right of pre-emption, is situated as follows, and is now in my occupation, namely: —

County of \_\_\_\_\_ parish of \_\_\_\_\_ containing \_\_\_\_\_  
 situated † \_\_\_\_\_ acres, being the Land ‡ \_\_\_\_\_ to § \_\_\_\_\_  
 and for which a Deed of Grant has issued in favor of || \_\_\_\_\_

I have the honor to be,

Sir,

Your most obedient servant,

To ¶

*Description of the Sections applied for.*

\* State nearest Post Town.

† State general situation of the Land.

‡ "Sold" or "Granted" as the case may be.

§ State name of Purchaser or Promisee.

|| State name of Grantee.

¶ To the Surveyor General in Sydney, or to the Surveyor in charge at Melbourne.

## (SCHEDULE B.)

*Form of Application to be used by the holder of a Squatting License, in respect to portions of his Run, situated in Settled Districts.*

Place\*

Date

SIR,

In pursuance of the Regulations 29th of March, 1848, respecting the occupation of Crown Lands within the Settled Districts, I do hereby apply to be allowed leases of the several sections of Crown Land hereunder described, at the fixed rent of One pound per section.

The Run in virtue of which I claim to exercise a right of pre-emption is as follows, and is now in my Licensed Occupation, namely:—

Commissioner's District

Name of Run

General Locality

I have the honor to be,

Sir,

Your most obedient servant,

To†

State as accurately as possible the sections required according to the charting in the Survey Office.

If the lands be not charted in sections, the boundaries of the entire extent of land claimed should be given, with an Estimate of its area, in sections or square miles.

\* State nearest Post Town.

† To the Surveyor General in Sydney, or to the Surveyor in charge at Melbourne.

*Form of ordinary application for a Lease of Crown Lands within the Settled Districts.*

Place\*

Date

Sir,

In pursuance of the Regulation of 29th March, 1848, respecting the occupation of Crown Lands within the Settled Districts, I have the honor to request that the Leases of the portions of Crown Lands hereunder described may be put up to public auction.

I have the honor to be,

Sir,

Your most obedient servant,

To†

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DESCRIPTION OF THE LANDS REFERRED TO.

County of

Parish of

Situated‡

and Buonded, &c. §

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\* State nearest Post Town.

† To the Surveyor General in Sydney, or to the Surveyor in charge at Melbourne.

‡ State general locality.

§ State the boundaries as accurately as possible, with reference to section lines.