

ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

No. I.

An Act for regulating the Alienation of Crown Lands. [18th October, 1861.]

CROWN LANDS ALIENATION.

WHEREAS it is expedient to make better provision for the Preamble. alienation of Crown Lands 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. The following terms within inverted commas shall for the Interpretation. purposes of this Act unless the context otherwise indicate bear the meanings set against them respectively—

- “ Crown Lands ”—All Lands vested in Her Majesty which have not been dedicated to any public purpose or which have not been granted or lawfully contracted to be granted in fee simple.
- “ Town Lands ”—Crown Lands in any City Town or Village or set apart as a site for the same.
- “ Suburban Lands ”—Crown Lands declared in the *Gazette* to be Suburban by the Governor and Executive Council.
- “ First Class Settled Districts ”—Lands declared to be of the Settled Class by the Queen's Orders in Council.
- “ Second Class Settled Districts ”—Lands converted into the Settled Class by the Act twenty-three Victoria number four or that may be hereafter so converted under the Crown Lands Occupation Act of 1861.
- “ Orders in Council ”—The Orders in Council and Regulations from time to time issued under the Imperial Act fifth and sixth Victoria chapter thirty-six and ninth and tenth Victoria chapter one hundred and four.
- “ Minister ”—The Minister for the time being charged with the administration of the Public Lands.
- “ Land Agent ”—Any person duly appointed to sell Crown Lands.

Crown Lands Alienation.

“Land Office Days”—Days notified in the *Gazette* upon which Land Agents shall attend at the Land Offices of their Districts respectively.

“Appraisement”—Settlement of price value or damage by appraisers appointed in manner prescribed by this Act.

“Arbitration”—Settlement of boundaries by arbitrators appointed in manner prescribed by this Act.

“Improvements”—Improvements on Crown Lands or lands conditionally sold to the value to be determined by appraisement if disputed in Town and Suburban lands of not less than twice the upset price of the allotment or portion on which the improvements may stand and in other lands of not less than the unimproved value of the lands to be in like manner determined not being less than one pound per acre.

“Frontage”—Frontage to any road river stream or watercourse which according to the practice of the Survey Department ought to form a boundary between different sections or lots of land.

Repeal of Orders in Council &c.

2. On and after the passing of this Act the Orders in Council shall be repealed Provided that nothing herein shall prejudice or affect anything already lawfully done or commenced or contracted to be done thereunder respectively or to prevent the several provisions of the said Orders in Council from being carried into effect with respect to lands under lease or promise of lease made previously to the twenty-second day of February one thousand eight hundred and fifty-eight during the currency of such leases as fully as if the same had not been hereby repealed.

Alienation of Crown Lands.

3. Any Crown Lands may lawfully be granted in fee simple or dedicated to any public purpose under and subject to the provisions of this Act but not otherwise And the Governor with the advice of the Executive Council is hereby authorized in the name and on the behalf of Her Majesty so to grant or dedicate any Crown Lands.

Publication of notice of sites of cities towns suburban lands reserves &c.

4. The Governor with the advice of the Executive Council may by notice in the *Gazette* declare what portions of Crown Lands shall be set apart as the sites of new cities towns or villages and define the limits of the suburban lands to be attached thereto and to any existing city town or village and also the portions of town lands or suburban lands to be dedicated to public purposes and what lands shall be reserved from sale until surveyed for the preservation of water supply or other public purpose And upon any such notice being published in the *Gazette* such lands shall become and be set apart attached dedicated or reserved accordingly Provided that within one month should Parliament be then in Session and otherwise within one month after the commencement of the next ensuing Session of Parliament there shall be laid before both Houses of Parliament an abstract of all such declarations.

Dedication of Crown Lands to public purposes.

5. The Governor with the advice aforesaid may by notice in the *Gazette* reserve or dedicate in such manner as may seem best for the public interest any Crown Lands for any railway or railway station—any public road canal or other internal communication—any public quay or landing-place—any public reservoir aqueduct or watercourse—or for the preservation of water supply—or for any purpose of defence—or as the site for any place of public worship any hospital asylum or infirmary any public market or slaughter-house any college school mechanics' institute public library museum or other institution for public instruction or amusement—or for any pasturage common—or for public health recreation convenience or enjoyment—or for the interment

Crown Lands Alienation.

interment of the dead—or for any other public purpose And upon any such notice being published in the *Gazette* such lands shall become and be reserved or dedicated accordingly and may at any time thereafter be granted for such purposes in fee simple Provided that an abstract of any intended reservation or dedication shall be laid before both Houses of Parliament one calendar month before such reservation or dedication is made.

Abstract to be laid before Parliament.

6. After any land shall have been temporarily reserved from sale the same shall not be sold or otherwise disposed of until such reservation shall be revoked by the Governor with the advice aforesaid and the notice of such revocation published in the *Gazette* And all lands which have hitherto been or shall hereafter be permanently reserved for any of the purposes aforesaid shall be deemed to be set apart attached and dedicated accordingly and every conveyance or alienation thereof except for the purpose for which such reservation shall have been made shall be absolutely void as well against Her Majesty as all other persons whomsoever.

Temporary reservations.

Permanent reservations.

7. Crown Lands held under lease or promise of lease issued or made previously to the twenty-second day of February one thousand eight hundred and fifty-eight shall during the currency of such lease be exempt from sale under this Act unless where such lands have been lawfully withdrawn from the holding of the lessee in accordance with the Orders in Council or may hereafter be lawfully withdrawn from such holding Provided that the lessee may be permitted to exercise a pre-emptive right of purchase over one portion and no more of an area not exceeding six hundred and forty acres out of each block of twenty-five square miles and at a value to be determined by appraisement not being less than one pound per acre Provided nevertheless that any land purchased under the Orders in Council previously to the passing of this Act shall be estimated in the six hundred and forty acres aforesaid And provided that such appraisement shall not include any value for improvements And provided that every application for the purchase of land under these conditions shall be advertised in the *Government Gazette* for the period of one calendar month before the sale is completed.

Exception from sale of certain lands.

Limitation of pre-emptive right of purchase.

8. Upon application made within twelve months after the passing of this Act by any person or his alienee who may prior thereto have made improvements on any Crown Lands or upon application within twelve mouths after the notification in the *Gazette* of any reserve from lease or promise of lease under the Orders in Council within which improvements may be situated or upon application by the holder of any lease or promise of lease of Crown Lands containing improvements made previously to the expiration of such lease or upon application by the improver or his alienee made at any period for the sale of improved lands in proclaimed Gold Fields the Governor may with the like advice sell and grant such lands to the owner of such improvements without competition in fee simple at a price to be fixed by appraisement not being less than the minimum upset price of the class of land as set forth in section twenty-three of this Act and in no case less than one pound per acre but such appraisement shall not include any value for improvements Provided that nothing herein contained shall be held to require the sale of any land which may contain auriferous deposits Provided also that such sales shall be made in accordance with the general sub-division of the land whether town suburban or other lands and shall embrace only allotments or portions on which improvements may stand and that the area shall not for each improvement exceed half an acre for town land two acres for suburban land and land on Gold Fields and three hundred and twenty acres for other lands.

Sales in consideration of improvements.

Crown Lands Alienation.

Reclamation of lands
by proprietor of
adjoining lands.

9. The Governor with the like advice may authorize any proprietor of land having frontage to any harbour or river to fill in and reclaim any land adjoining thereto and lying beyond or below high-water mark or to erect a wharf or jetty upon or over the same and on payment of an adequate money consideration to be determined by appraisalment for the unimproved value of the land such land or any land which may already have been reclaimed shall become vested in fee simple in such proprietor and may be granted to him accordingly Provided always that no such reclamation shall be authorized which shall be calculated in any way to interrupt or interfere with the navigation of such harbour or river or with the rights or interests of adjoining proprietors and Provided also that the intention to grant such land shall have been previously announced in the *Gazette* for four consecutive weeks before such land is granted in fee simple.

Not to interfere with
navigation nor with
adjoining prop-
rietors.

Closing and aliena-
tion of unnecessary
roads.

10. Whenever the owner or owners of any lands adjoining a road which has been reserved for access to such lands only and is not otherwise required for public use or convenience shall make application to the Minister to close such road or whenever any road which shall have been proclaimed through any land shall have rendered unnecessary a reserved or other road bounding or traversing such or neighbouring land it shall be lawful for the Governor with the advice aforesaid to notify in the *Gazette* and in the local newspapers if any that such reserved or boundary road will be closed and at any period not less than three months after the first publication of such notice a grant or grants of the site of the road so closed may issue to the owner or owners of adjoining lands in fair proportion or in accordance with agreement among such owners Provided that an adequate money consideration to be determined by appraisalment shall be paid for the same.

Sales without com-
petition in special
cases.

11. In cases in which no way of access to any portion of Crown Land may exist or may be attainable or in which any such portion may be insufficient in area for sale conditional or by auction or in which a portion of Crown Land may lie between land already granted and a street or road which forms or should form the way of approach to such granted land or in which buildings erected on lands already granted may have extended over Crown Land or in any other cases of a like kind the Governor may with the advice aforesaid sell and grant such lands to the holder or holders of adjacent lands without competition and at a price to be determined by appraisalment being not less than the minimum upset price per acre of the class of land as set forth in section twenty-three of this Act.

Rescission of reser-
vation of water
frontage.

12. The Governor may with the like advice rescind any reservation of water frontage on the sea coast or any bay inlet harbour or navigable river or land adjoining such frontage contained in any Crown grant either wholly or to such extent and subject to such conditions or restrictions as shall be deemed advisable and the land being the subject of such rescission shall on payment of an adequate money consideration to be determined by appraisalment being not less than the minimum upset price per acre of the class of land as set forth in section twenty-three of this Act be granted to the owner of the land conveyed in the original Crown grant accordingly Provided that nothing in this clause contained shall empower the Governor to grant any land below high-water mark or to interfere with any land used as a public thoroughfare or with any land set apart and dedicated for any public purpose Provided also that for four consecutive weeks notice shall be given in the *Gazette* previous to issuing such grant.

Conditional sale of
unimproved lands
without competition.

13. On and from the first day of January one thousand eight hundred and sixty-two Crown Lands other than town lands or suburban lands and not being within a proclaimed Gold Field nor under lease for mining purposes to any person other than the applicant for purchase

Crown Lands Alienation.

purchase and not being within areas bounded by lines bearing north east south and west and distant ten miles from the outside boundary of any city or town containing according to the then last Census ten thousand inhabitants or five miles to the outside boundary of any town containing according to the then last Census five thousand inhabitants or three miles from the outside boundary of any town containing according to the then last Census one thousand inhabitants or two miles from the outside boundary of any town or village containing according to the then last Census one hundred inhabitants and not reserved for the site any town or village or for the supply of water or from sale for any public purpose and not containing improvements and not excepted from sale under section seven of this Act shall be open for conditional sale by selection in the manner following that is to say Any person may upon any Land Office day tender to the Land Agent for the district a written application for the conditional purchase of any such lands not less than forty acres nor more than three hundred and twenty acres at the price of twenty shillings per acre and may pay to such Land Agent a deposit of twenty-five per centum of the purchase money thereof And if no other like application and deposit for the same land be tendered at the same time such person shall be declared the conditional purchaser thereof at the price aforesaid Provided that if more than one such application and deposit for the same land or any part thereof shall be tendered at the same time to such Land Agent he shall unless all such applications but one be immediately withdrawn forthwith proceed to determine by lot in such manner as may be prescribed by regulations made under this Act which of the applicants shall become the purchaser.

14. Crown Lands within proclaimed Gold Fields and not within areas excluded by special proclamation and not occupied for gold mining purposes shall be open for conditional sale subject to all the provisions applicable to sales under the thirteenth section of this Act Provided that at any period persons specially authorized by the Minister shall be at liberty to dig and search for gold within the lands selected and that should the land be found to contain auriferous deposits it shall be in the power of the Governor and Executive Council to annul the sale and thereupon the conditional purchaser shall be entitled to compensation for the value other than auriferous of the lands and improvements such value to be determined by appraisal.

Conditional sale in Gold Fields.

15. Every Land Agent shall duly enter at the time in a book to be provided for the purpose the particulars of every application for conditional purchase lodged with him under the provisions of sections thirteen and fourteen of this Act and shall transmit to the proper officer of the Government on Monday in each week a true extract therefrom shewing the particulars of all such applications for the week preceding.

Record by Land Agent.

16. If at the time of conditional purchase of any Crown Land under sections thirteen and fourteen of this Act such land shall not have been surveyed by the Government temporary boundaries thereof shall be determined by the conditional purchaser who shall within one month after such time of purchase occupy the land And any dispute between such purchaser and any other person other than a holder in fee or his alienee claiming any interest therein respecting such boundaries shall be settled by arbitration Provided that if such land shall not be surveyed by the Government within twelve months from the date of application it shall be lawful for the conditional purchaser by notice in writing to the Land Agent for the district to withdraw his application and thereupon he shall be entitled to demand and recover back any deposit paid by him or the purchaser shall have the option of having the land surveyed

Temporary boundaries of land until surveyed by Government.

Crown Lands Alienation.

surveyed by a duly qualified licensed surveyor and the expense of such survey shall be allowed to such purchaser as part payment of his purchase money such expense to be allowed in accordance with the scale of charges fixed or to be fixed by the Surveyor General.

Form of measurement of portions selected and reservation of roads and water.

17. Crown Lands conditionally purchased under this Act shall if measured by the authority of the Government previously to such purchase be taken in portions as measured if not exceeding three hundred and twenty acres and if unmeasured and having frontage to any river creek road or intended road shall if within the First Class Settled Districts have a depth of not less than twenty chains and otherwise shall have a depth of not less than sixty chains and shall have their boundaries other than the frontages directed to the cardinal points by compass and if having no frontages as aforesaid shall be measured in square blocks and with boundaries directed to such cardinal points. Provided that should it seem to the Minister to be expedient the boundaries of portions having frontages may be made approximately at right angles with the frontage and otherwise modified and the boundaries of portions having no frontages may be modified and necessary roadways and water reserves excluded from such measurement.

Conditions of residence and improvement and payment of purchase money.

18. At the expiration of three years from the date of conditional purchase of any such land as aforesaid or within three months thereafter the balance of the purchase money shall be tendered at the office of the Colonial Treasurer together with a declaration by the conditional purchaser or his alienee or some other person in the opinion of the Minister competent in that behalf under the Act ninth Victoria number nine to the effect that improvements as hereinbefore defined have been made upon such land specifying the nature extent and value of such improvements and that such land has been from the date of occupation the *bonâ fide* residence either continuously of the original purchaser or of some alienee or successive alienees of his whole estate and interest therein and that no such alienation has been made by any holder thereof until after the *bonâ fide* residence thereon of such holder for one whole year at the least. And upon the Minister being satisfied by such declaration and the certificate of the Land Agent for the district or other proper officer of the facts aforesaid the Colonial Treasurer shall receive and acknowledge the remaining purchase money and a grant of the fee simple but with reservation of any minerals which the land may contain shall be made to the then rightful owner. Provided that should such lands have been occupied and improved as aforesaid and should interest at the rate of five per centum per annum on the balance of the purchase money be paid within the said three months to the Colonial Treasurer the payment of such balance may be deferred to a period within three months after the first day of January then next ensuing and may be so deferred from year to year by payment of such interest during the first quarter of each year. But on default of a compliance with the requirements of this section the land shall revert to Her Majesty and be liable to be sold at auction and the deposit shall be forfeited.

Purchases under mining conditions.

19. Crown Lands may be conditionally selected for the purposes of mining other than gold mining under section thirteen of this Act except that in such case the price shall be forty shillings per acre and except that in such case instead of the conditions applicable to other cases in regard to the declaration and certificate required a declaration shall be required only of the fact that not less than an average sum of two pounds per acre has been expended in mining operations other than gold mining on the land. And upon such conditions being satisfied as hereby altered and on payment of the balance of purchase money a grant in fee simple shall be made without reservation of minerals other

Crown Lands Alienation.

other than gold and the same may be made on satisfaction of such conditions and payment of such balance notwithstanding the period of three years required in other cases shall not have expired And a grant may be made in like manner of any portion (not being less than forty acres) of a larger portion originally selected for purchase upon a declaration shewing an expenditure in such mining operations as aforesaid of an average sum of not less than five pounds per acre on the land so to be granted And in that case the purchase of the remainder of the land selected shall be rescinded and any deposit paid thereon applied in or towards satisfying the balance of purchase money of the land granted Provided further that if the Minister shall be dissatisfied with any such declaration as aforesaid he may cause the fact of the expenditure required to authorize a grant to be referred to arbitration under this Act and the issue of a grant shall in that case be dependent on the award thereon.

20. Crown Lands conditionally purchased under sections thirteen and fourteen of this Act and proved to the satisfaction of the Governor and Executive Council to have been abandoned by the purchaser thereof or his legal alienee before the expiration of three years from the date of purchase shall be declared forfeited by notice in the *Government Gazette* and may then be sold at auction.

Sale by auction of lands abandoned by selectors.

21. Conditional purchasers of portions of Crown Lands under sections thirteen and fourteen of this Act not exceeding two hundred and eighty acres or their legal alienees may make additional selection of lands adjoining to the first selection or to each other but not otherwise and not exceeding in the whole three hundred and twenty acres and subject to all the conditions applicable to the original purchase except residence Provided that in the measurement of such additional selection of lands the frontage shall not exceed the extent which would be allowed to an original selection of three hundred and twenty acres Provided also that nothing herein contained shall prevent the sale of the adjoining lands to any other person before such further conditional purchase shall have been made.

Additional selection of adjoining lands.

Proviso.

22. Holders in fee simple of lands granted by the Crown in areas not exceeding two hundred and eighty acres who may reside on such lands may make conditional purchases adjoining such lands the arrears of which shall not with that of the lands held in fee simple exceed three hundred and twenty acres and which shall not be subject to the condition of residence applicable to conditional purchases in other cases Provided that nothing herein contained shall prevent the sale of the adjoining lands to any other person before such further conditional purchase shall have been made.

Additional selection of lands adjoining land already granted.

23. Crown Lands intended to be sold without conditions for residence and improvement shall be put up for public auction in lots not exceeding three hundred and twenty acres each at such places in the Police District in which the lands are situated and at such times as the Minister shall direct to be notified by advertisement in the *Gazette* not less than one month nor more than three months before the day of sale And the upset prices per acre shall not be lower than for Town Lands eight pounds—Suburban Lands two pounds—other Lands one pound Provided that the upset prices may be respectively fixed at any higher amounts.

Sale by auction of other lands.

Upset prices.

24. Town lands and suburban lands without improvements shall be sold by public auction only.

Sale by auction of town and suburban lands.

25. Any Crown Lands put up for sale by public auction and not sold may be again be put up in like manner Provided that all lands other than town or suburban so put up and not sold shall be open for sale at the upset price or in case of a higher price having been offered for the same then at such higher price less in either case the deposit

As to lands put up and not sold.

if

Crown Lands Alienation.

if any paid thereon Provided also that the Minister may withdraw any such lands from selection and again submit them to public auction.

Payment of purchase moneys.

26. A deposit of twenty-five per centum of the purchase money for all lands sold by auction under any provision of this Act shall be paid by the purchaser at the time of sale And unless the remainder of such purchase money be paid within three months thereafter the sale and contract shall be void and the deposit shall be forfeited Should the purchaser fail to pay the deposit the land shall be forthwith again put up by the Agent and who shall not accept any bid by the person so failing to pay.

Record by Land Agent.

27. Every Land Agent shall duly enter in a book to be provided for the purpose the particulars of all sales made by him under this Act.

Mode of appraisement or arbitration.

28. Whenever it shall become necessary or desirable to fix or ascertain any price value or sum of money which by this Act it is provided may be fixed or ascertained by appraisement in case of dispute as to the amount of any compensation to be made under the provisions of this Act and in case of any matter which by this Act is authorized or directed to be settled by arbitration the appraiser or appraisers arbitrator or arbitrators and umpire shall be appointed and the appraisement or arbitration shall be conducted in manner hereinafter mentioned that is to say—

Appointment of appraisers or arbitrators.

(1.) The Minister or an officer authorized by him in that behalf and the claimant in matters hereinbefore directed or authorized to be settled by appraisement or the parties interested in any dispute which by the provisions of this Act may be left to arbitration may concur in the appointment of a single appraiser or arbitrator or failing such appointment each party on the request of the other shall appoint an appraiser or arbitrator as the case may require to whom the matter shall be referred And every such appointment shall be made by the Minister or officer and the claimant or by the parties to the matter in dispute under their hands in writing or if such party be a corporation aggregate under its common seal and such appointment shall be delivered to the appraisers or arbitrators and attached to the award when made and shall be deemed a submission to appraisement or to arbitration as the case may be by the parties making the same.

Appointment not to be revoked.

(2.) After the making of any such appointment the same shall not be revoked without the consent of both parties nor shall the death of either party operate as a revocation.

Single appraiser or arbitrator to act in certain cases.

(3.) If for the space of sixty days after any such dispute or matter shall have arisen and notice in writing by one party who has himself duly appointed an appraiser or arbitrator to the other party stating the dispute or matter to be referred and accompanied by a copy of such appointment the party to whom notice is given fail to appoint an appraiser or arbitrator the appraiser or arbitrator appointed by the party giving the notice shall be deemed to be appointed by and shall act on behalf of both parties.

Award to be binding.

(4.) The award of any appraiser or appraisers arbitrator or arbitrators appointed in pursuance of this Act shall be binding final and conclusive upon all persons and to all intents and purposes whatsoever.

In case of death of or failure to act by appraiser or arbitrator.

(5.) If before the determination of any matter so referred any appraiser or arbitrator die or become incapable to act the party by whom such arbitrator was appointed may appoint in

Crown Lands Alienation.

in writing another person in his stead and if he fail so to do for the space of sixty days after notice in writing from the other party in that behalf the remaining appraiser or arbitrator may proceed *ex parte* and every appraiser or arbitrator so appointed shall have the same powers and authorities as were vested in the appraiser or arbitrator in whose stead the appointment is made.

- (6.) In case a single arbitrator die or become incapable to act before the making of his award or fail to make his award within sixty days after his appointment or within such extended time if any not exceeding thirty days as shall have been duly appointed by him for that purpose the matters referred to him shall be again referred to appraisement or arbitration under the provisions of this Act as if no former reference had been made. In case of death or failure to act by a single appraiser or arbitrator.
- (7.) In case there be more than one appraiser or arbitrator the appraisers or arbitrators shall before they enter upon the reference appoint by writing under their hands an umpire and if the person appointed to be umpire die or become incapable to act the appraisers or arbitrators shall forthwith appoint another person in his stead and in case the appraisers or arbitrators neglect or refuse to appoint an umpire within thirty days after being requested so to do by any party to the appraisement or arbitration the Minister may appoint an umpire and he is hereby empowered so to do and the award of the umpire shall be binding final and conclusive upon all persons and to all intents and purposes whatsoever. Appraisers or arbitrators to appoint an umpire.
- (8.) In case appraisers or arbitrators fail to make their award within sixty days after the day on which the last of them was appointed or within such extended time if any not exceeding thirty days as shall have been duly appointed by them for that purpose the matters referred shall be determined by the umpire and the provisions of this Act with respect to the time for making an appraisement or award and with respect to extending the same in the case of a single arbitrator shall apply to any umpirage. Determination by umpire in certain cases.
- (9.) Any appraiser arbitrator or umpire appointed by virtue of this Act may require the production of such documents in the possession or power of either party as he may think necessary for determining the matters referred and may examine the parties as witnesses on oath. Production of documents.
- (10.) All costs of and consequent upon the reference shall be in the discretion of the appraiser or appraisers arbitrator or arbitrators or of the umpire in case the matters referred are determined by an umpire. Determination of costs.
- (11.) Any submission to arbitration under the provisions of this Act may be made a rule of the Supreme Court of the said Colony on the application of any party thereto. Arbitration subject to rule of Supreme Court.
- (12.) Before any appraiser arbitrator or umpire shall enter upon the consideration of any matter referred to him as aforesaid he shall make out and subscribe a declaration in the form following before a Justice of the Peace that is to say—
I A. B. do solemnly and sincerely declare that I am not directly or indirectly interested in the matter referred to me and that I will faithfully honestly and to the best of my skill and ability hear and determine the matters referred to me under the Crown Lands Alienation Act of 1861. Declaration by appraiser arbitrator or umpire.

Crown Lands Occupation.

Declaration to be annexed to appraisal.

(13.) And such declaration shall be annexed to the appraisal or award when made and if any appraiser arbitrator or umpire shall wilfully act contrary to such declaration he shall be guilty of a misdemeanor.

Appraisement to be transmitted to Surveyor General.

(14.) Every appraisement or award shall be in writing and shall be transmitted to the Surveyor General and deposited in his office.

Instruments under Act to be evidence.

29. Any instrument of sale or conveyance made and issued under this Act may be proved in all legal proceedings by the production of a certified copy thereof signed by the officer to be authorized for that purpose under any regulation made as hereinafter enacted.

Governor in Council to make and proclaim regulations.

30. The Governor with the advice aforesaid may make regulations for carrying this Act into full effect so as to provide for all proceedings—forms of grants and other instruments—and all other matters and things arising under and consistent with this Act and not herein expressly provided for. And all such regulations shall upon being published in the *Gazette* be valid in law. Provided that a copy of every such regulation shall be laid before both Houses of Parliament within one month from the issue thereof if Parliament be then in Session or otherwise within one month after the commencement of the next ensuing Session.

Short title.

31. This Act shall be styled and may be cited as the "Crown Lands Alienation Act of 1861."