

Unauthorised Occupation of Crown Lands 8 October 1836

Government Gazette, Wednesday, October 5, 1836. Colonial Secretary's Office. Sydney, 1st October, 1836. Crown Lands. Pursuant to the Act of the Governor and Council passed in the present year, of His Majesty's reign, intituled "An Act to restrain the unauthorised occupation of Crown Lands."

1. His Excellency the Governor, with the advice of the Executive Council, directs it to be notified, that from and after the first day of January next, any Person who shall be found occupying any Crown Lands within the limits of location fixed by the Government Order of the 14th October, 1829, either by residing, or by erecting any tent, hut, or building thereon, or by clearing, enclosing, or cultivating any part thereof, without holding a lease under the Regulations of the 1st of August, 1831. And any Person who shall be found occupying any Crown Lands beyond the said limits of location, without holding a license for depasturing cattle and other animals under these Regulations, will be liable, upon the complaint of any Commissioners of Crown Lands to the penalties imposed by the said Act: that is to say, for the first offence, any sum not exceeding Ten Pounds at the discretion of the Justice before whom the complaint is heard; for the second offence, Twenty Pounds; and for the third and any subsequent offence, Fifty Pounds; Provided always, that no information shall lie for any second or subsequent offence, until one month after a conviction for the former offence.

2 Leases of vacant Crown Lands within the limits for location established by the same Government Order of the 14th October, 1829, will continue to be given in the terms and under the Regulations prescribed by the Government Order of the 1st August, 1831; the proper Officer being instructed not to permit any Person to become a Lessee of Crown Lands, unless he shall be satisfied that such Person is of honest and respectable character.

3 Licenses to depasture the vacant Crown Lands beyond the limits of location will be granted on application to the Colonial Secretary, according to the annexed form marked A, which is to be accompanied by a certificate of character from the nearest Justice of the Peace, or Commissioner of Crown Lands, in the terms therein set forth. Persons desirous of depasturing in distant parts of the Colony will be required to take a separate Licence for such District. Every such License will be chargeable with a fee of Ten Pounds, to be paid to the Colonial Treasurer, previously to its issue.

4 The Licenses will be executed by the Colonial Treasurer, or other Officer of Government acting for, and on behalf of His Majesty, and will be in the form hereunto annexed marked B.

5 The Licenses will be granted for one year, commencing on the 1st January, and renewable for the ensuing year in the months of November and December following, upon the application of the Holder, and with the approval of the Governor. Such are granted subsequently to the 1st July in any year will be chargeable with half the amount of the regulated fee, but will determine in like manner as other Licenses on the 31st of December next ensuing. Applications for the renewal of Licenses are to be made to the Colonial Secretary in the annexed form marked C, and are to be accompanied by a certificate from the nearest Commissioner of Crown Lands in the terms specified therein.

6 Any improvement effected upon Crown Land depastured under the authority of a license, will be at the risk of the party holding the same, as such land whenever it may be deemed expedient to extend the boundaries of location, will be liable to be put up to competition at public auction, in the same manner as other unalienated Crown Lands.

7 Any person who shall be convicted of any breach of law, whereby the objects of these regulations may be defeated or endangered, will be liable, on the report of a Commissioner of Crown Lands, to have his license cancelled, and will be considered disqualified from holding one in future, if the circumstances of the case appear to the Governor to require it.

8 Commissioners of Crown Lands will be required to visit their several Districts annually, or of other if necessary, in order to carry these regulations into full effect.

9 It is to be distinctly understood that the issue of Licenses to depasture Lands beyond the limits of location, gives to the holders no claim to any greater protection by the Civil or Military Force of the Colony than is now enjoyed by Persons residing in those parts. The Act of the Governor and Council above referred to has been passed, and these Regulations consequent upon it are now promulgated, as the finest mode of putting an end to the mischief arising from unauthorised occupation; and the Fee to paid for the License can only be considered as a necessary recognition of the rights of the Crown, and as the means of procuring funds for carrying these Regulations into effect.

By His Excellency's Command, Alexander M'leay.

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