

WESTERN AUSTRALIA

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VICTORIÆ REGINÆ

The Homesteads Act, 1893
(57 Vic., No. 18)

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No. 18

An Act to provide facilities for Permanent Settlement, by Free Grants of Land for Homestead Farms, and by Homestead Leases; and for other purposes.

[Assented to 13th October, 1893.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Preamble

1. This Act may be cited as 'The Homesteads Act, 1893.'

Short title

2. (1) In the interpretation of this Act, the following words within

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inverted commas shall, unless the context otherwise indicates, have the meanings set against them respectively :—

- ‘ Crown Lands ’—Crown lands as defined by the Land Regulations ;
- ‘ Governor ’—The officer for the time being administering the Government of the Colony of Western Australia, acting with the advice of the Executive Council ;
- ‘ Minister ’—The Responsible Minister of the Crown for the time being administering the Lands and Survey Department of the Colony ;
- ‘ Land Regulations ’—The Land Regulations proclaimed on the 2nd March, 1887 ;
- ‘ Prescribed ’—Prescribed by this Act or by any Regulations made under its provisions ;
- ‘ Regulations ’—The Regulations made under this Act.

(2) Any Division of the Colony, in this Act mentioned, shall mean the same Division as described in the Land Regulations.

PART I

FREE HOMESTEAD FARMS

Governor may set apart lands for homestead farms, exclusively or partly
Application for homestead farm may be made

3. [*Repealed by 58 Vic., No. 9.*]

4. Every person, not being already the owner of land within the Colony exceeding an area of one hundred acres in fee simple, or under special occupation, or conditional purchase from the Crown, who is the sole head of a family, or a male who has attained the age of eighteen years, who makes application in the form prescribed shall be entitled, subject to the approval of the Minister, to obtain a homestead farm of not more than one hundred and sixty acres from lands set apart and defined as prescribed by this Act.

Proviso

Provided that if such person be already the owner of land as aforesaid not exceeding one hundred acres, and resides upon such land, he may apply for, and subject to the approval as aforesaid may obtain such homestead farm from any Crown land adjoining his former holding, whether such land is situated within or without such defined area as aforesaid, and in that case, but not otherwise, the residence required on the homestead farm under this Act may be performed by such person upon his former holding in lieu of the homestead farm, but subject to all other the conditions imposed under this Act upon a selector.

Statutory declaration to be made by applicant

Fee of £1 to be paid

5. Every person applying for a homestead farm shall make a statutory declaration, according to the form prescribed, or with such variation as the Minister may approve, and upon leaving with or forwarding to the Minister or his agent such declaration, and on payment to him of an office fee of One pound, such person shall, so soon as his application is approved by the Minister, receive a certificate in the form prescribed, and such certificate shall, subject to the pro-

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visions of this Act, authorise the person obtaining it, hereinafter called 'the selector,' to enter upon and take possession of the land described therein, and to hold possession of, occupy, and improve such land to the exclusion of any other person or persons whomsoever. The title to the land shall remain in the Crown until the issue of the Crown grant therefor, and neither the land nor the interest of the selector therein shall be liable to be taken in execution before the issue of the Crown grant.

Effect of application

6. Every selector shall within six months from the date of the approval by the Minister take, in his own person, possession of the land and shall, subject to the provisions of this Act, reside upon it and make it his usual home, without any other habitual residence, during at least six months in each year for the first five years from the date of approval by the Minister; and if possession be not taken as aforesaid, the certificate mentioned in the last preceding section shall be cancelled, and the land shall be forfeited and open to application by another person, or to other disposition in the discretion of the Minister.

Time allowed for taking possession, condition of residence

Penalty for not taking possession

7. If the selector proves to the satisfaction of the Minister that he has been, or is prevented by illness or some other valid reason from performing or complying with the provisions of the next preceding section, or any of them, the Minister may, by writing under his hand, waive any forfeiture thereby incurred, or may grant the selector written permission to absent himself from his homestead farm for such period as the Minister may think fit, and, during the time mentioned in the permission the selector shall be deemed to be residing on his homestead farm.

In case of illness and other valid reason absence allowed

If the selector dies or is declared a lunatic before the fulfilment of the prescribed conditions of residence, fencing, and improvement, his farm may, with the approval of the Minister, be held by his legal representatives subject to the fulfilment by them of all unfulfilled conditions except the condition of residence; but in trust for, and for the benefit of the persons rightfully entitled.

Residence dispensed with on death, &c., of selector

8. The selector shall, within two years from the first day of January or the first day of July (as the case may be) next preceding the date of the approval of his application by the Minister, erect upon his homestead farm a habitable house, costing not less than Thirty pounds, or in lieu thereof shall expend Thirty pounds in clearing, or clearing and cropping, or in lieu thereof shall properly prepare and plant two acres of orchard or vineyard; and, within five years from the said date, shall fence in at least one-fourth, and shall clear and crop at least one-eighth of the land comprised in such homestead farm, and within seven years from the same date shall clear and crop at least one-fourth, and shall fence in the whole of such land with a fence of such description as may be prescribed.

Improvements required to be performed before issue of Crown grant

9. In the event of the required habitable house not being erected within two years, or if in lieu thereof Thirty pounds have not been expended in clearing, or in clearing and cropping, or if in lieu thereof two acres of orchard or vineyard have not been properly prepared and planted; and if the required fencing, clearing, and cropping is not completed within five years, and if the required further clearing, cropping, and fencing is not completed, and the improvements main-

Forfeiture of homestead farm by non-compliance with conditions

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tained, within seven years from the 1st of January or the 1st July (as the case may be) next preceding the date of the approval of the application by the Minister, or on breach of the conditions of residence, the homestead farm, together with any village allotment selected or occupied by him in connection with his homestead farm under the provisions hereinafter contained, shall be forfeited, together with all improvements existing thereon; and the selector shall not be eligible to obtain another homestead farm, except in special cases in the discretion of the Minister.

Assignments
before issue of
Crown grants
void

10. Every assignment, transfer, or mortgage of, and every agreement to assign, transfer, or mortgage any homestead farm or any part thereof or any interest therein made or entered into before the issue of the Crown grant shall be null and void, and the person so assigning, transferring, mortgaging, or making an agreement to assign, transfer, or mortgage, shall forfeit his homestead farm, and all his estate, right, title, and interest therein to the Crown, and shall not be permitted to make another application for a homestead farm. Provided that a person who has received a certificate, in the form prescribed, from the Minister, setting forth that he is entitled to the Crown grant, may legally dispose of and convey, assign, transfer, or mortgage his right and title therein. Such certificate shall have the same force and effect as and shall be deemed a permit to occupy within the meaning of 'The Transfer of Land Act, 1893.'

Provision in
case of certifi-
cate being issued

When and on
what conditions
a Crown grant
shall issue

11. At the expiration of seven years from the first day of January or the first day of July (as the case may be) preceding the date of the approval of the application by the Minister, the selector (or in case of his death, his legal representatives), upon proving to the satisfaction of the Minister that the residence and other conditions applicable to a homestead farm have been duly performed, and that the fencing, improvements, or other works have been duly effected as prescribed by this Act, shall be entitled to a Crown grant for the same upon payment of the survey, Crown grant, and registration fees. Such grant shall in all cases be issued in the name of the selector.

Crown grants
may be obtained
after twelve
months' resi-
dence, on certain
conditions

12. Every selector who proves to the satisfaction of the Minister that he has resided on his homestead farm for twelve months from the date of his taking possession, and that he has made all the improvements required by this Act to entitle him to a Crown grant, may, at any time before the expiration of the seven years mentioned in the last preceding section, obtain a Crown grant by paying five shillings an acre for the land comprised in such farm, together with the survey, Crown grant, and registration fees.

Applicant for
homestead farm
may apply for
additional land
under Land
Laws in force
for the time
being

13. The applicant for a homestead farm may at the time of making his application, or at any time thereafter, apply under the Land Regulations or any regulations or law for the time being in force relating to Crown lands, for such land as he may require, in addition to his homestead farm, and in the event of his applying for land under any regulation or law requiring residence as a condition, then residence upon a homestead farm or upon a village allotment, as hereinafter provided, if within five miles of the land applied for, shall be a sufficient compliance with the residence condition for all purposes.

With the special consent of the Minister any land which has been set apart for homestead farms may, under the provisions of the

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Land Regulations, or any such law as aforesaid, be granted or let to or be occupied by any applicant for a homestead farm or selector.

14. In connection with any land set apart, either exclusively or partly for selection as homestead farms, the Governor may declare any land not more than five miles from the land so set apart a village site or sites, and such village site or sites may be subdivided into allotments not exceeding in area one acre each.

Governor may declare village sites

15. If a number of selectors, embracing at least twenty families, with a view to greater convenience in the establishment of schools and churches, and to the attainment of social advantages of like character, ask to be allowed to settle together in a village declared as aforesaid in connection with the land out of which their homestead farms are selected, the Minister may in his discretion vary or dispense with the foregoing requirements as to residence upon, but not to the improvements of each separate homestead farm.

Provision in cases of owners of homestead farms residing in a village

16. Any selector may, with the approval of the Minister, but not otherwise, select one of the allotments in such village without payment, and the provisions of this Act with respect to residence and erection of house shall then apply to such allotment instead of the homestead farm. So soon as a selector is entitled under the Act to a Crown grant of his homestead farm he may, upon payment to the Minister of the sum of One pound and the expenses of surveying the allotment and the fees for a Crown grant and registration, as provided by the Land Regulations, obtain a Crown grant of the village allotment (if any) selected by him as aforesaid.

Holder of homestead farm may select an allotment in a village

17. Section four of this Act shall remain in force for five years only, from the date of the proclamation of this Act by the Governor in Council, unless sooner repealed. Provided, nevertheless, that the Governor may, by Order in Council, at any time and from time to time suspend the operation of the said section for any period to be named in such Order, and may, by further Order, cancel and annul any such suspension, whereupon the said section shall, subject as aforesaid, again take effect.

Limitation of operation of Section 4

PART II

HOMESTEAD LEASES

18. The Governor may from time to time set apart any Crown lands in the South-Western Division of the Colony, and also any Crown lands in the Eastern or Eucla Divisions of the Colony, if situated within forty miles from a railway, as open to application for leases, to be called homestead leases, and may from time to time direct that any lands so set apart shall no longer be open to selection for homestead leases.

Governor may set apart lands for homestead leases

19. The lands so set apart shall be classified by the Minister, with the approval of the Governor, into second and third class land, and shall be duly gazetted, and shall be defined on the maps in the office of the Minister at Perth, and may be applied for and, on approval by the Minister, may be occupied as hereinafter provided.

Lands so set apart as second and third class lands

20. The area of a homestead lease shall be subject to the approval

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Area of homestead leases and term of lease

of the Minister, but shall not be less than one thousand acres nor more than three thousand acres in second class lands, nor less than one thousand acres nor more than five thousand acres in third class lands, and all leases shall be for a term of thirty years, to date from the first day of January preceding the date of application.

Rent of homestead leases

21. The rent shall be one penny per acre per annum for the first fifteen years of the term of the lease, and twopence per acre per annum for the remaining period of fifteen years for third class lands and twopence per acre per annum for the first fifteen years of the term of the lease and threepence per acre per annum for the remaining period for second class lands.

The said rents shall respectively be due and be paid in advance on the first day of March in every year. If an application for a lease is made on or after the first day of March in any year, the applicant shall pay the first year's rent at the time of making his application. The said rents may be paid to the Minister, at the Crown Lands Office in Perth, or elsewhere in the Colony to any agent of the Minister, or to any Resident Magistrate.

If a lessee fails or neglects to pay the rent due by him on the first day of March in any year, or to pay the same, with a fine of One shilling in the pound on such rent, within thirty days after the said first day of March, or with a fine of Two shillings in the pound within sixty days thereafter, or with a fine of Three shillings in the pound within ninety days thereafter, or with a fine of Four shillings in the pound on such rent within one hundred and twenty days after the said first day of March in any year, his homestead lease and the lands comprised therein and all improvements thereon shall be forfeited.

As early as practicable after the first day of March in every year the Minister shall publish in the 'Government Gazette' the names of the lessees in default with the respective amounts of rents in arrear.

Homestead leases may be increased on certain conditions

22. A lessee of a homestead lease (hereinafter called a lessee) shall be not less than eighteen years of age, and no more than one homestead lease shall be granted to or be held by one person; but in the event of a lessee having less than the maximum area in his lease he may, with the approval of the Minister, increase it to the maximum from lands adjoining, but not otherwise, and in such case the land so added to the lease shall be deemed to have been originally included therein, and shall be held subject to all the conditions of fencing and improvement, and otherwise applicable to the lease.

23. The lessee shall also perform, fulfil, and comply with the following conditions, namely:—

Conditions of lease. Lessee to pay half cost of survey

(1) He shall pay one-half of the prescribed cost of survey of his homestead lease in five yearly instalments, the first instalment being paid with the rent at the time of application, and the remaining instalments on the first day of March in each of the next four years.

To take possession of and reside on lease

(2) Within six months from the date of the approval of his application by the Minister, if the land is then surveyed, or if not surveyed then within six months from the date of survey, he shall take possession of, and, for the next

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five years for at least nine months in every year, reside upon the land comprised in his lease. Possession may be taken, and the residence condition may be performed by any agent or servant of the lessee.

- (3) Within two years from the first day of January, or the first day of July (as the case may be) next preceding the date of the Minister's approval of his application for the lease, he shall fence, with a fence of the prescribed description, at least one-half the area comprised in his lease, and within the next two years shall fence in manner aforesaid the remaining moiety. To fence
- (4) He shall during every year of the term of his lease, from the sixth to the fifteenth year, both inclusive, expend annually in improvements on the lands comprised in his lease, if of second-class lands an amount equal to eight-pence per acre, and if of third-class lands an amount equal to fivepence per acre for the whole area comprised in his lease. If in any year the moneys so expended on improvements shall exceed the sum prescribed as aforesaid, the excess may be carried forward to the credit of the sum or sums required to be expended in any succeeding year or years. To spend certain sums annually in improvements
- The following shall be deemed improvements:—Sub-division, clearing, cultivating, grubbing, draining, ring-barking, tanks, dams, wells, and any other work upon the land which increases or improves its agricultural or pastoral capabilities. What deemed improvements
- (5) After the erection of the exterior boundary fence of the lands comprised in his lease, he shall at all times keep the same in good order and repair. Exterior fence to be kept in repair
- (6) If at the time of the Minister's approval of an application for a homestead lease the land applied for is not surveyed, the time within which the fencing and improvements mentioned in this section must be performed or completed shall be computed from the day when the survey of the said land is completed. If survey not completed time extended

24. If the lessee fails or neglects to comply with, perform, or fulfil all or any of the conditions mentioned in the next preceding section, his homestead lease and the lands comprised therein, and all improvements thereon, shall be forfeited. On non-performance of conditions lease to be forfeited

25. At the expiration of the term of his lease, if the lessee has duly paid the rent reserved by his lease or hereinbefore in this part of this Act mentioned, and has also duly performed and complied with all the conditions prescribed by section twenty-three of this Act, he shall, upon payment of the Crown Lands Office fees for a Crown grant and registration thereof, be entitled to a Crown grant of the lands comprised in his lease. Crown grant at end of lease if conditions performed

26. If at any time during the continuance of his lease the lessee proves to the satisfaction of the Minister,— Lessee to be entitled to Crown grant on

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performance of conditions during term

- (a) That he has duly paid all rents then due in respect of the lease, and performed, and complied with the conditions numbered 1, 2, 3, and 5 in the twenty-third section of this Act; and
- (b) That he has expended in making prescribed improvements on the land comprised in the lease, in addition to the cost of the exterior fencing to the same, a sum equal to the aggregate rents payable in respect of the lease for the last twenty-five years of the term, and that the improvements so made or performed are in good order and condition; and
- (c) That he has paid to the Minister the difference between the aggregate amount of rents then already paid in respect of the lease and the value of all the land comprised therein, calculated at the rate of six shillings and threepence an acre if the lease is of second-class land, and three shillings and ninepence an acre if of third-class land;

the lessee shall, upon payment of the Crown Lands Office fees for a Crown grant and registration thereof, be entitled to a Crown grant of the lands comprised in his homestead lease.

In case of death representatives may perform conditions

27. If the lessee dies during the continuance of the lease, the conditions prescribed by section twenty-three of this Act may be performed by his legal representatives, or their agents, or servants, but in all cases the Crown grant shall issue in the name of the lessee or his approved assigns.

Pastoral lessee in occupation to have prior right to homestead leases

28. Should any of the lands to be set apart by the Governor, as open for application as homestead leases, be in the occupation of a pastoral lessee of the Crown, the Minister shall, before declaring such lands open for application, give such pastoral lessee the first opportunity of taking a homestead lease under the provisions of this Act: Provided that no longer period than three months shall be allowed such pastoral lessee in which to make his application.

Operation of Land Regulations over areas set apart as homestead leases shall not be prejudiced

Nothing in this Act contained shall in any way prevent the operation of the Land Regulations or any regulations or law in force for the time being relating to Crown lands over any land set apart as second and third class land for homestead leases under this Act, which is not at the time leased under this part of this Act.

Lessee may transfer after five years on certain conditions Approval of Minister necessary in all cases

29. So soon as the lessee has fenced in the land comprised in his lease, and resided upon it by himself or his agent for five years from the date of taking possession, but not sooner, he may, with the approval of the Minister, in writing, transfer the whole of the said land in its entirety, but not in portions, to any person not then the holder of a homestead lease: Provided, nevertheless, that if the transfer is made *bonâ fide* as a security for money advanced or to be advanced to the transferor, and not with a view to the occupation of the land by any person other than the transferor or his agents, the transfer may be made to a person who is the holder of a homestead lease or leases.

Saving in case of transfers as security

Form of transfer and fee payable

No transfer upon any sale by the person holding such security shall be approved by the Minister to a person already holding a home-

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stead lease. Every transfer made without the approval in writing of the Minister shall be null and void. Every transfer must be made in the prescribed form, and a fee of Twenty shillings shall be payable on each transfer.

PART III

GENERAL

30. Before any land set apart and declared open to selection for homestead farms or homestead leases or both out of a pastoral lease shall be taken possession of by the Minister and withdrawn from such lease, the procedure required by clauses fifty-one or sixty-three of the Land Regulations, as the case may be, shall be complied with.

Land Regulations to be complied with
Clauses 51 and 63

31. Notwithstanding anything to the contrary contained in the Land Regulations, the Minister may with the approval of the Governor order that any Crown lands in the Eastern or Eucla Divisions of the Colony, if situated within forty miles of a railway, shall be open to selection to purchase either directly or by deferred payment, as provided by the Land Regulations in respect of lands within the South-West Division of the Colony; subject, however, to the procedure provided by clause fifty-one of the Land Regulations.

Lands within forty miles of any railway open to selection in the Eastern and Eucla divisions

32. Clauses forty-six and forty-seven of the Land Regulations are hereby repealed and the provisions contained in the two next following sections are substituted in lieu thereof, but such repeal shall not affect any rights, claims, or liabilities already acquired, accrued, or incurred under such clauses.

Repeal of Clauses 46 and 47 of Land Regulations

33. Every Agricultural Area shall be gazetted in the 'Government Gazette,' and may be disposed of under the following conditions:—

Conditions for disposal of land within Agricultural Areas

- (1) The price of land shall be fixed by the Governor in Council, but shall not be less than ten shillings an acre, payable in twenty yearly instalments or sooner, as prescribed.
- (2) No person under the age of eighteen years shall be eligible to obtain a lease, and the maximum quantity held by one person shall not exceed one thousand acres, and the minimum, except in special cases, approved by the Minister shall not be less than one hundred acres.
- (3) The first year's instalment, as prescribed by clause one hundred and one of the Land Regulations, shall accompany each application; and on approval of the application by the Minister, a lease shall be issued for twenty years, to date from the first day of January or the first day of July next preceding the date of the approval of the application.
- (4) The lessee shall, within six months from the date of approval by the Minister, take in his own person possession of the land, and shall reside upon it and make it his usual home without any other habitual residence, during at least six months in each year, for the first five years from the date of the commencement of his lease, and if possession be not taken as aforesaid the land shall be forfeited.

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- (5) The lessee shall, within two years from the date of the commencement of his lease, fence in at least one-tenth of the quantity contained in his lease, and within five years from the said date shall fence in the whole of the land, and within ten years from the said date shall expend upon the land upon improvements prescribed by the Land Regulations an amount equal to the full purchase money, in addition to the cost of the exterior fencing.
- (6) In the event of the required fencing not being completed at the end of two years or five years, as the case may be, or on breach of the condition of residence, or if the required improvements have not been completed within ten years, or if at any time the annual instalment is not paid as required by the Land Regulations, the lease shall be forfeited to the Crown together with any improvements existing upon it.
- (7) At the expiration of the lease, or at any time after five years from the date of the commencement of the lease, provided that all the conditions of residence, fencing, and improvement have been complied with, and the said fencing and improvement maintained, and also that the full purchase money has been paid, a Crown grant for the land shall issue.
- (8) The Minister, on the application of the lessee, may grant an exemption from fencing any part of the land which has frontage to a permanent river, creek, or other natural boundary considered by the Minister to be sufficient. The fence shall in all other cases be erected on the surveyed boundary line, or in special cases as near thereto as shall be approved of by the Minister, and shall be of the description prescribed by the Land Regulations.
- (9) Any person having obtained land of less extent than one thousand acres may make other applications for quantities not exceeding in the whole the maximum quantity of one thousand acres.
- (10) A statutory declaration, in the form prescribed by Schedule No. Sixteen of the Land Regulations, shall be furnished to the Minister on or before the 1st of March in each of the first five years of the lease, and at the end of the tenth year, and also when applying for the Crown grant, setting forth that the required conditions of residence, fencing, and improvement have been fulfilled.
- (11) If any lessee shall die or be declared a lunatic before the fulfilment of the prescribed conditions of residence, fencing, and improvement, his land may, with the approval of the Minister, be held by his representatives or their assigns subject to the fulfilment by them of all unfulfilled conditions except the condition of residence; but in trust for, and for the benefit of the persons rightfully entitled.

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34. Any person possessed of rural land in fee or special occupation land under the present or any former Land Regulations within the South-West Division, or who may be the holder of a lease of such land from the owner and resides upon a portion of such land, shall be allowed to become a conditional purchaser of land situated either within or without an Agricultural Area, subject to all the conditions, with the exception of residence (which, however, shall be on the land already held by him in fee, special occupation, or leasehold), prescribed by the next preceding section of this Act. Provided that the land applied for shall not be more than ten miles from such residence; and if the land is not surveyed, the time from which the conditions date shall be the date of survey instead of the date of the commencement of the lease.

Possessor of lands under certain conditions of previous Regulations in South-West Division may become conditional purchaser within or without Agricultural Area
Proviso

35. Any holder of land under the forty-ninth clause of the Land Regulations may, from and after the first day of January next following the passing of this Act, on condition of forfeiting one-half the total amount of rent paid, elect, in writing, to pay at the rate of sixpence per acre per annum for the remainder of the term of twenty years, instead of the sum prescribed by the Land Regulations. Provided that in such case the improvements shall be to the value of twenty shillings an acre, instead of ten shillings an acre.

Amendment of Clause 49 of Land Regulations

36. Any Crown land in the South-West Division, not being land reserved or required to be reserved for any public purpose, may be applied for under clause forty-nine of the Land Regulations, as amended by this Act, and on approval by the Minister may be sold, subject to all the conditions prescribed by section thirty-three of this Act except that of residence.

Lands may be applied for without the condition of residence

Provided that double the expenditure on improvements shall be required in lieu of residence, and that if the land is not surveyed, the time from which the conditions date shall be the date of survey instead of the date of the commencement of the lease.

37. Any person holding land under clause forty-six of the Land Regulations, or under section thirty-three of this Act, may, on application in writing to the Minister, be relieved of the condition of residence, on payment of an office fee of twenty shillings, and subject to the condition that double the expenditure on improvements shall be effected in lieu of residence.

Holders of land under Clause 46 of the Land Regulations or Section 33 of this Act may be relieved of residence on certain conditions

38. In clauses forty-eight, forty-nine, and fifty of the Land Regulations, section thirty-three of this Act is substituted for clause forty-six of the Land Regulations.

Section 33 of this Act substituted for Clause 46 of Land Regulations
Minister may appoint agents

39. The Minister may, in his discretion, appoint such agents as he may require throughout the Colony, for the purpose of receiving applications for land under this Act and under the Land Regulations, and for any other purpose that he may consider necessary. Applications for homestead farms and homestead leases shall take priority according to the time they are received by the Crown Lands Office in Perth.

40. Any land forfeited under the provisions of this Act shall, upon such forfeiture being notified by the Minister in the 'Government Gazette,' be sold by auction, as provided by clause ten of the Land Regulations, or if the Minister shall so order shall revest, together

Forfeited lands to be notified in 'Government Gazette'

The Homesteads Act, 1893

with all improvements thereon, in Her Majesty, her heirs and successors, for her former estate therein.

The Governor may waive any forfeiture incurred under this Act upon such conditions as he may think fit, or without imposing any condition.

Proof of residence and improvements

41. Proof of residence and improvements required by this Act may be made by Inspectors, to be appointed by the Minister, or by the statutory declarations of the claimant and two disinterested witnesses, resident in the vicinity of the land to which their evidence relates, and shall be subject to acceptance as sufficient by the Minister.

Returns to be given

Selectors of homestead farms and lessees of homestead leases shall, respectively, at such time or times as may be prescribed, give to the Minister returns or statements of the manner in which the conditions applicable to their respective lands are being or have been performed. Such returns shall be in the prescribed forms, and if required shall be verified by statutory declaration.

Statutory declaration may be made before Minister or his agents

42. Any statutory declaration required under the provisions of this Act may be made before the Minister or any of his agents, and shall have the same force and effect, and in the case of false declaration shall subject the declarant to the same pains and penalties, as if such declaration had been made before a Justice of the Peace.

Holders of homestead farms and homestead leases may participate in privileges of Land Laws in force

43. Nothing in this Act shall prevent the holder of a homestead farm or homestead lease from participating in all the privileges of the Land Regulations, or any regulations or law relating to Crown lands for the time being in force in the Colony.

Governor may make regulations imposing conditions of improvement on town and suburban lands

44. The Governor may lease any town, suburban, or village lands on such terms as he may think fit, and may make regulations imposing special conditions as to improvements on any town, suburban, or village lands to be offered for sale under the Land Regulations, or any regulations or law relating to Crown lands in force for the time being. Provided that any regulations made under this section shall be published in the 'Government Gazette.'

Governor may prescribe payment of purchase money for certain lands by instalments

45. Notwithstanding anything contained in the Land Regulations, the Governor may by regulations prescribe that the purchase money for town, suburban, and village lands may be paid by instalments spread over any period not exceeding five years.

Governor may make regulations for purposes of this Act

46. The Governor may from time to time make regulations for giving effect to this Act, and may prescribe the forms of Crown grants, leases, and other instruments requisite for carrying out, and the returns to be made under, this Act.

Commencement of Act.

To be read with Land Regulations

47. This Act shall not come into force until proclaimed by the Governor, and shall commence and take effect from the date of such Proclamation, and shall be read and construed with and as an amendment of the Land Regulations.

W. C. F. ROBINSON,
GOVERNOR.