ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

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Cap. cccli.

An Act to amend an Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, for granting certain Powers and Authorities to the *Australian* Agricultural Company.

[7th *August* 1846.]

WHEREAS by an Act of Parliament passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for granting certain Powers* 5 G. 4. c. 86
and Authorities to a Company to be incorporated by Charter, to be called "The Australian *Agricultural Company," for the Cultivation and Improvement of Waste Lands in the Colony of* New South Wales, *and for other Purposes relating thereto*, it was, amongst other things, enacted, that in case His said Majesty should, within Three Years after the passing of the said Act, be pleased, by Charter under the Great Seal of *Great Britain*, to declare and grant that such and so many Persons as should be named therein, and all and every such other Person or Persons as from Time to Time should be duly admitted Members into their Corporation, should be a Body Politic and Corporate by the Name of the *Australian* Agricultural Company, and to declare that the said Corporation so to be made and created

should be established for the Purpose of cultivating Waste Lands in the said Colony of *New South Wales*, then and in that Case it should and might be lawful for the said Corporation to hold to them and their Successors such Lands, Tenements, and Hereditaments within the said Colony of *New South Wales* as should or might be granted by His said Majesty to them and their Successors within the said Colony, or as should be contracted for and purchased or acquired by them therein, and to hold, alienate, sell, and dispose of all such Lands, Tenements, and Hereditaments, upon, under, and subject to such Conditions, Provisoes, Limitations, and Restrictions as His said Majesty by such His Charter might impose, direct, or prescribe: And whereas in pursuance of the said Act His said Majesty was pleased by His Letters Patent or Charter under the Great Seal of *Great Britain* dated at *Westminster* the First Day of *November* in the Year of our Lord One thousand eight hundred and twenty-four, and in the Fifth Year of His Reign, to grant and declare that certain Persons therein named, and all and every such other Person or Persons as from Time to Time should be duly admitted as Members into their Corporation, should be a Body Politic and Corporate by the Name of the *Australian* Agricultural Company, and by that Name should have perpetual Succession and a Common Seal; and it was thereby further declared, that all such Lands, Tenements, and Hereditaments within the said Colony as should or might be granted by His Majesty to the said Corporation and their Successors within the said Colony, or as should be contracted for and purchased or acquired by them therein, should be held, alienated, sold, and disposed of upon, under, and subject to the Conditions, Provisoes, Limitations, and Restrictions set forth in the said Letters Patent or Charter; (that is to say,) firstly, that all Grants of Land in the said Colony which might be made to the said Company by His said Majesty, His Heirs and Successors, should be passed under the Great Seal of the said Colony in pursuance of such Warrants under the Royal Sign Manual of His said Majesty, His Heirs or Successors, as might for that Purpose have been issued by him or them through one of His or Their Principal Secretaries of State; secondly, that for and in respect of all such Lands as might be granted by His said Majesty, His Heirs and Successors, to the said Company in Fee Simple, to be holden by them in Free and Common Soccage, there should be reserved and paid and payable to His said Majesty, His Heirs and Successors, an annual Quit Rent, which should amount to the Sum of Thirty Shillings and no more, for each and every Parcel of the said Land of the Value of One hundred Pounds Sterling, and that each and every Acre of the said Lands should for the Purpose of calculating the Amount of such Quit Rent be taken and estimated as the Value of One Shilling and Sixpence Sterling and no more; thirdly, that no Quit Rents should accrue due or be payable by the said Company for or in respect of any such Lands as aforesaid during the Term of Five Years, to be computed from the Date and Execution of any Grant in and by which such Lands might be so granted; fourthly, that upon giving Six Months Notice in Writing under their Common Seal to the Governor of the said Colony it should be lawful for the said Company to redeem the said Quit Rent or any Part thereof upon Payment into the Treasury of His said

Letters Patent, dated 1st Nov. 1824, incorporating the Australian Agricultural Company.

said Majesty, His Heirs or Successors, in *British* Sterling Money, of a Capital Sum equal to Twenty Times the Amount of the Rent so to be redeemed; provided always, that the Redemption of any Portion of the said Quit Rents should not exonerate or discharge any Part of the Lands to be granted to the said Company from the Payment of the whole or any Part of the Quit Rents remaining unredeemed; fifthly, that the said Company should employ upon the Land so to be granted to them such a Number of Convicts as should at least be equal to the Number of free Labourers employed, if the Governor for the Time being of the said Colony should be able and willing to supply a sufficient Number of Convicts for that Purpose; sixthly, that the said Company should, at their own Expence, employ fit and proper Persons, not being or having been Convicts, to act as Superintendents of the Convicts so to be employed by them in the Proportion at the least of One such Superintendent to every Fifty Convicts; seventhly, that no Land granted to the said Company by His said Majesty, His Heirs and Successors, should by the said Company be granted, bargained, sold, conveyed, demised, or alienated for and during a Period of Five Years, to be computed from the Date of the Grant in which any such Lands might be comprised; and that if any such Grant, Bargain, Sale, Conveyance, Demise, or Alienation should during any such Period as aforesaid be made or executed, the Lands therein comprised should be and become absolutely forfeited to and vested in His said Majesty, His Heirs and Successors; eighthly, that the Lands to be granted to the said Company by His said Majesty, His Heirs and Successors, should be held by them in Mortmain, and be absolutely inalienable by them, except upon the Terms and Conditions following; (that is to say,) that it should be lawful for the Governor and Legislative Council of the said Colony, and they were thereby required, upon Application to them for that Purpose made by the said Company, to direct the Surveyor General for the Time being of the said Colony to inquire and report whether the Sum of Ten thousand Pounds Sterling had been laid out and expended by the said Company in the Formation of Roads, the Erection of Buildings, the Cultivation, clearing, fencing, draining, or other Improvements of any such Lands; and that if the said Surveyor General should report to the said Governor and Council that the Sum of Ten thousand Pounds Sterling had been so expended, it should be and become competent to the said Company, without Licence from His said Majesty, His Heirs and Successors, to alienate and convey in Fee Simple, but subject to the Quit Rents aforesaid, any Part or Parts of the Lands granted to them, not exceeding Fifty thousand Acres in the whole, and that such and the same Proceedings should from Time to Time take place upon each successive Application of the said Company for the Purpose aforesaid to the said Governor and Council; and upon each successive Report so made as aforesaid of the further Expenditure upon any such Lands of any further Sum of Ten thousand Pounds, the said Company should be and become competent to alienate Fifty thousand Acres, or any smaller Quantity of the Lands to be granted to them, until One Moiety or equal Half Part of such Lands should in manner aforesaid become alienable; provided always, that every such Report as aforesaid should be enrolled in the Supreme Court

Court of Justice of *New South Wales*; provided also, that it should be lawful for the said Company to alienate any of the Lands to be granted to them upon obtaining a Special Licence for that Purpose from His said Majesty, His Heirs or Successors, through one of His or Their Principal Secretaries of State; provided further, that every Grant or Conveyance of Lands to be made by the said Company should be absolutely null and void unless the same should expressly refer to and particularize the Surveyor General's Report, or the Licence from His said Majesty, His Heirs or Successors, (as the Case might be,) under the Authority of which the same might be so granted or conveyed; provided nevertheless, that nothing therein contained should extend to or prevent any Demise of any such Lands made by the said Company for any Term not exceeding Twenty-one Years without any Covenant of Renewal, so as that not more than One Moiety of the Lands so to be granted as aforesaid should be demised within Twenty Years next succeeding the Date of any such Grant; ninthly, that the Quit Rents to accrue due upon any Lands to be granted to the said Company by His said Majesty, His Heirs and Successors, for and during the Term of Five Years, to commence and be computed from and after the Expiration of the first Five Years next following the Date of any such Grant, should not be actually collected and received until the Expiration of such Second Term of Five Years, and that at that Time all Quit Rents then due and in arrear by the said Company should be remitted if Six hundred Convicts should have been regularly employed and maintained by the said Company for and during the greater Part of such Second Term of Five Years; tenthly, that the said Quit Rents to accrue due for and during the further Term of Five Years, to commence and be computed from and after the Expiration of the Second Term of Five Years next following the Date of any such Grant, should not be actually collected and received until the Expiration of such Third Term of Five Years, and that at that Time all Quit Rents accrued due and then in arrear by the said Company in respect of such Third Term of Five Years should be remitted if One thousand Convicts should have been regularly employed and maintained by the said Company for and during the greater Part of such Third Term of Five Years; eleventhly, that the said Quit Rents to accrue due for and during the further Term of Four Years, to commence and be computed from and after the Expiration of the Third Term of Five Years next following the Date of any such Grant, should not be actually collected until the Expiration of the said Term of Four Years, and that at that Time all Quit Rents accrued due and then in arrear by the said Company in respect of the said Term of Four Years should be remitted if One thousand four hundred Convicts should have been regularly employed and maintained by the said Company for and during the greater Part of such Term of Four Years; twelfthly, that if at any Time within Twenty Years next after the Date of any such Grant it should be made to appear to the Satisfaction of His said Majesty, His Heirs or Successors, or of His or Their Governor for the Time being of the said Colony, that the said Company had by the Employment of Convicts exonerated the Treasury of His said Majesty, His Heirs or Successors, from a Charge equal in the whole to the Sum of One hundred thousand Pounds Sterling, then

then the Lands which might by His said Majesty, His Heirs and Successors, have been granted to the said Company, should be for ever discharged of and from the Quit Rents originally charged thereupon; and that in calculating the Amount of the Sums from which the said Treasury had been so exonerated it should be assumed and taken that the said Treasury had saved the Sum of Twenty Pounds Sterling for each and every Convict who should appear to have been maintained during One whole Year by the said Company; and it was in and by the said Letters Patent or Charter further declared, that in any Grants to be made to the said Company of any Lands situate in the said Colony all necessary Covenants should be made and entered into by the said Company for ensuring the due Performance on their Part of the several Conditions, Provisoes, and Restrictions upon which the said Lands were to be granted: And whereas by divers Instructions which have issued from Time to Time by Order of Their late Majesties King *George* the Fourth and King *William* the Fourth to the Governors of the said Colony of *New South Wales* the said Company have been authorized to take possession of several Portions of Land and other Hereditaments situated in the said Colony, and have, with the Assent of the Governors for the Time being of the said Colony, entered into and taken possession of the said Lands and Hereditaments, and the said Company have now been for Twenty Years and upwards in the Possession thereof, but no Grant thereof hath been made to the said Company: And whereas the said Company have from Time to Time employed and maintained upon the said Lands very large Numbers of Convicts, and the said Company have by such Employment of Convicts as aforesaid exonerated Her Majesty's Treasury from a Charge exceeding in the whole the Sum of One hundred thousand Pounds Sterling, and thereby the said Company have become entitled to have the Lands to be granted to the said Company discharged from all Quit Rents by the said Charter directed to be charged thereon; and the said Company have also laid out large Sums of Money in the Improvement of divers Parts of the said Lands and Hereditaments, but it is not now possible to procure the Amount of such Outlay to be ascertained in manner required by the said Letters Patent: And whereas the said Company have by the Means aforesaid and otherwise substantially fulfilled divers of the Conditions contained in the said Letters Patent on their Part to be observed and performed, and by reason of Lapse of Time and the Alterations of Circumstances others of the said Conditions have become immaterial, and it is just and expedient that Her Majesty should be authorized, if She shall so please, to grant to the said Company Lands and Hereditaments in the said Colony freed from the Restrictions in the said Letters Patent contained, but the same cannot be done without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for Her said Majesty and Her Successors, from Time to Time and at all Times hereafter, by Warrant under the Royal Sign Manual, to authorize and empower the Governor for the Time being of the said Colony of *New South Wales* to

Her Majesty may grant Lands to the Company freed from

the Conditions in the Charter mentioned.

to execute a Deed or Deeds under the Great Seal of the said Colony of *New South Wales* granting to the said Company any Lands, Tenements, and Hereditaments in the said Colony freed and for ever discharged of and from the Quit Rents, Conditions, Provisoes, Limitations, and Restrictions in the said Letters Patent or Charter expressed, and herein-before recited, or such of them or such Parts thereof as Her Majesty or Her Successors shall in and by the said Grant or Warrant, or Grants or Warrants, direct; and it shall be lawful for the said Company to hold, alienate, sell, and dispose of all or any Part or Parts of the said Lands so to be granted, subject only to such Conditions and Restrictions, if any, as shall be stipulated in and by the Grant or Grants thereof to the said Company, and to hold, alienate, sell, and dispose of all Lands purchased or to be purchased by the said Company freed from the Conditions and Restrictions imposed by the said Letters Patent.

Public Act.

II. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall extend to and be in force in the said Colony of *New South Wales* and its Dependencies, and shall be judicially taken notice of as such Public Act by all Judges, Justices, and others.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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