



ANNO QUADRAGESIMO SECUNDO ET QUADRAGESIMO  
TERTIO

# VICTORIÆ REGINÆ.

A.D. 1879.

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## No. 157.

An Act to amend the "Crown Lands Consolidation Act"  
and "The Crown Lands Act, 1878."

[Assented to, 25th October, 1879.]

**W**HEREAS it is expedient to amend the "Crown Lands Con- Preamble.  
solidation Act" and "The Crown Lands Act, 1878"—Be it  
therefore Enacted by the Governor of the Province of South  
Australia, with the advice and consent of the Legislative Council  
and the House of Assembly of the said province, in this present  
Parliament assembled, as follows :

**1.** This Act may be cited as "The Crown Lands Amendment Short title.  
Act, 1879."

**2.** Sections 15 and 18 of the "Crown Lands Consolidation Act," Repeal.  
and sections 4 and 5 of "The Crown Lands Act, 1878," are hereby  
repealed, save and except as to any matter or thing heretofore  
lawfully done under the said sections or either of them, and the said  
Acts shall be read and construed as if clauses 3 and 4 of this Act  
had been inserted in the "Crown Lands Consolidation Act" in lieu  
of sections 15 and 18 of that Act, and as if clauses 5 and 6 of this  
Act had been inserted in lieu of clauses 4 and 5 of "The Crown  
Lands Act, 1878."

**3.** Land open for sale upon credit as aforesaid, shall be sold at Method of purchasing  
such times and places as the Commissioner shall appoint, under and land upon credit.  
subject to the following regulations—

**1.** When the whole or any part of the land in any particular  
hundred

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hundred is first declared open for selection, or re-opened for selection upon credit, the presiding officer shall offer such land for sale by auction, at an upset price of One Pound per acre, one section at a time, in the order fixed by the Surveyor-General; the competition at such auction being confined to such persons qualified to become purchasers of land upon credit, as shall respectively declare their intention to reside personally on any land of which they may respectively become the purchasers:

- ii. The highest bidder at such auction shall forthwith select the section bid for, or a sufficient portion of such section to complete the area which he is entitled to purchase upon credit; and if the section bid for does not contain sufficient land to complete the area to which he is entitled, then he may select such further area from adjoining lands, provided that only one section is subdivided to make up such area, and that the direction of the line subdividing the same shall be subject to the approval of the Surveyor-General, and that a fee of Ten Pounds shall be paid for each subdivision:
- iii. The person so selecting shall then be declared the purchaser of the land so selected, and shall forthwith pay to the presiding officer a sum of money in the proportion of Ten Pounds per centum on the amount of his purchase-money; Provided that if such persons shall select reclaimed land, the estimated cost of reclaiming the same, as fixed by the *Government Gazette*, declaring the same open for sale upon credit, shall be added to the amount of such purchase-money, and the sum to be forthwith paid to the presiding officer shall be in the proportion of Ten Pounds per centum on the amount of such purchase-money and cost of reclamation; and provided also that if such person shall select improved land he shall, in addition to the aforesaid percentage on the purchase-money bid by him, forthwith pay to the presiding officer the full amount specified in the *Government Gazette* as the value of the improvements on such land:
- iv. When the first purchaser shall have selected, the remaining land open for sale upon credit in the same hundred shall in like manner be successively offered for sale by auction among the persons qualified as aforesaid, declaring their intention to reside personally on the land, and the highest bidder at each such auction shall and the last remaining person may successively select land in the said hundred, and pay the percentage to be determined in manner before specified, with reference to the first purchaser:
- v. When no further bid shall be made at such auction as aforesaid, the presiding officer shall, in a similar manner, offer for sale by auction, the land in the same hundred, remaining unselected and open for sale upon credit among persons not declaring their intention to reside personally on the land; and the

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the aforesaid regulations with reference to selection and purchase by persons declaring their intention so to reside, shall apply to selections and purchase by persons not declaring their intention so to reside: Provided that every purchaser not declaring his intention to reside personally on the land, shall make a declaration in the form contained in the Fourth Schedule hereto, and hand the same to the presiding officer at the time of selecting the land:

- vi. Any person who, having bid for any land aforesaid, and having been declared the purchaser thereof, shall refuse or neglect to forthwith pay to the presiding officer the sum of money payable by him, or who shall afterwards decline to sign an agreement to reside personally on the land in cases where personal residence is necessary, or in cases where personal residence is not necessary, shall refuse or neglect to make, and at the time of selecting hand to the presiding officer, the declaration required by the preceding regulations, and any person not qualified to become a purchaser of land upon credit of any section of land among the sections then being offered for sale, who shall bid at any such auction, shall, on conviction, forfeit and pay for each offence a penalty of not more than Twenty-five Pounds:
- vii. All country lands, which shall have been offered under the preceding regulations, and shall remain unselected, shall be open for sale upon credit by private contract at the price of One Pound per acre; and all reclaimed lands, and improved lands, which shall have been so offered, and which shall remain unselected, shall be open for sale upon credit by private contract at the price of such land as mentioned in the *Government Gazette*, declaring the same open for sale upon credit. In case of simultaneous applications, the person declaring his intention to reside personally on any land shall be entitled to such land; applications from two or more such persons, or from two or more persons not declaring their intention to reside personally on the land, shall be decided by lot.

4. If any person shall bid for land under the foregoing provisions for any other purpose than that of *bonâ fide* becoming the purchaser of the lands to be selected by him, all moneys paid by such person shall be absolutely forfeited; and it is hereby expressly declared that the Commissioner may declare any such forfeiture on any evidence which may appear to him sufficient; and a notice that any such forfeiture has been declared, signed by the Commissioner, and published in the *Government Gazette*, shall be conclusive evidence thereof, and shall be an effectual bar to any proceedings which may be instituted by such person, or anyone claiming through or under him, for the recovery of any money so paid by him as aforesaid.

Sums paid not *bonâ fide* to be forfeited.

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Area of land allowed  
to be purchased.

**5.** The maximum area of land which any person shall be entitled to hold under agreement for purchase upon credit shall be six hundred and forty acres of reclaimed lands, or one thousand acres of country or improved lands; but no person shall, except as hereinafter provided, be entitled to hold under agreement for purchase upon credit, both reclaimed lands and country or improved lands, nor shall any person be entitled to hold under agreement for purchase upon credit, at any one time, more than one thousand acres of land of whatever description, nor at any one time more than three separate and detached blocks of land.

Not again to select  
upon credit.

**6.** Any person who shall have selected since the passing of the "Crown Lands Consolidation Act," the maximum area of land allowed under the provisions of sections 4 and 6 of "The Crown Lands Act, 1878," shall not be entitled to make any further selection of land upon credit: Provided that land surrendered under section 30 of the "Crown Lands Consolidation Act" shall not be computed as part of such maximum area.

Incorporation.

**7.** Except as far as the same is inconsistent with this Act, the "Crown Lands Consolidation Act" and "The Crown Lands Act, 1878," shall be incorporated, and read herewith as forming one Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. F. DRUMMOND JERVOIS, Governor.